

**Minutes of the Public Hearing on the Following Proposed Local Laws:
Local Law #1 (Subdivision Control Law), Local Law #2 (Zoning Law),
Local Law #3 (On-Site Waste Water Treatment Local Law) and Local Law #4
(Junk Storage Law) held on Thursday, January 11, 2007 at 6:00 p.m., at Tannery
Pond Community Center, North Creek, N.Y.**

Supervisor Thomas called the Public Hearing on the proposed Local Laws #1 through 4 of 2006, which together will create the Town of Johnsbury Land Use Plan, to order at 6:00 p.m. The Secretary to the Supervisor read the news item as it appeared in the North Creek News-Enterprise on January 6, 2007.

Roll call showed the following persons present: Sup. William H. Thomas; Town Councilpersons Arnold Stevens, Eugene Arsenault, Sterling Goodspeed and Alyce VanKeuren; Secretary Cherie Ferguson. Town Clerk William Rawson was excused.

Present at the request of the Town Board were Town Attorney J. Anthony Jordan, Professor Richard Lamb (Advisor to the Planning Board), and Mr. Mark Bergman (Chairman of the Planning Committee).

Guests: On attached sheet. (26 in attendance but not all signed in)

Sup. Thomas explained that this hearing was a continuation of the last hearing held on December 13, 2006 and would be a repeat of information for the benefit of those who were not able to attend the first meeting. The comment period for these hearings will remain open until January 31, 2007. As of this meeting, no written comments had been received.

Sup. Thomas introduced Mr. Mark Bergman who gave a brief overview of the intentions and procedures for this meeting. Mr. Bergman restated that this hearing does not deal with the proposed map amendments. These will be a separate process with hearings to be handled by the Adirondack Park Agency (APA).

In addition to Mr. Bergman, the Planning Committee consists of Mrs. Dottie Osterhout, Mr. Al Combs, Sup. William Thomas and Councilman Eugene Arsenault. The Committee has been working the past 1 ½ years to update the Land Use Plan with the goal of creating a comprehensive plan that will keep up with growth, protect resources and land owner rights. Mr. Bergman reiterated that the current laws, which are over 20 years old, are outdated and difficult to read thus necessitating the update. Mr. Bergman continued to explain that APA certification of the Land Use Plan is designed for the Town to take Class B projects to the Planning Board; a process transferred from the APA, thus removing a "layer of bureaucracy".

Mr. Berman introduced Dr. Lamb who gave brief highlights of the proposed laws, noting that this program is designed to give town's people more control. Though there are not many changes to the current zoning laws, the proposed items were to strengthen enforceability.

Dr. Lamb gave examples of Main Street; that new construction must comply with architectural design for commercial and non-residential projects, extension of the Scenic

Corridor from Rt. 28 along Peaceful Valley Road to the Gore Mt. access road where any new construction would also be bound to keeping the “Adirondack flavor”.

Dr. Lamb briefly explained the Industrial Floating Zone, which could be placed as an overlay on the map to facilitate provisions for individual development without knowing exactly where such area would be at this time. If there were a need to make such a designation later, this could be done by map amendment.

Dr. Lamb referred to Schedule A and explained the references and symbols, and briefly explained the definitions of the proposed local laws and how they would come into play on the Towns Land Use Plan.

Sup. Thomas opened the floor for comments in order in which the guests who wished signed up to speak. First speaker, Mr. Pat Cunningham, asked for clarification in contention of not changing density within the hamlets, for what he thought was now 1/3 acre zoning in hamlets was being proposed as approximately 2/3 acre. Dr. Lamb responded that they were not changing any hamlet boundaries in this action and though he was not aware of such changes, that they would be looked into and addressed at a separate hearing.

Attorney Jordan stated that the Town of Johnsburg defaulted to the APA for Land Use Densities. New subdivision proposed under our Land Use Plan is intended to track APA requirements. Mr. Cunningham sited discrepancies in the map shown for presentation to a map he had showing boundary line changes. Atty. Jordan explained that these sketch maps are not designed to be exact but that the committee will look into any possible discrepancies.

Mr. Cunningham also commented on the junk storage law; stating that one vehicle on a lot was not too many and that three, for this area, was modest. He also contended that the laws we have are not currently enforced and questioned the necessity to make the law stricter.

Councilman Sterling Goodspeed commented to clarify that where density laws overlay the way land is subdivided will change, creating a process now that wasn't there before for any subdivision not just those considered to be a major project (5 lots or more). Mr. Bergman stated that current review for minor subdivision only required the Chairperson of the Planning Board to sign off on the map and that now the same project would require the approval of the entire board; a process he classifies as a simple 15-minute review.

Sup. Thomas recognized Mr. Robert Nettle as the next speaker from the floor. Mr. Nettle was concerned that not all Planning Committee members were present at this meeting and felt remarks should be made to them, not the Town Board. Mr. Bergman stated that of the five-member committee, only two were absent (one due to illness and the other due to prior commitments). Mr. Nettle also questioned whether the Board had record of the first hearing with recommendation for amendments. Sup. Thomas help up his copy of the minutes from the meeting on December 13, 2006 and reiterated that the Town Board would wait until the Public Hearing is closed on January 31st before they make any recommendations. He also stated that there might be more hearings if necessary. Atty. Jordan reminded the group that though the Land Use Plan was at APA

for formal review, the APA would not take action until our hearings were closed and they received comments from the Town Board. Mr. Nessel felt if not all comments get consideration then people will wonder if this process is worth the effort. Sup. Thomas asked that the Board be given a chance to succeed before being condemned. Mr. Nessel also asked if he could assume that any of his comments had been reviewed and passed to the Planning Committee. Sup. Thomas assured him that the Board and the Committee would review all comments.

Mr. Nessel cited Schedule B from the Land Use Plan under the proposed Subdivision Law. He commented that we have an opportunity to put language into "this blue book" to prevent "sprawl". He proposed a separate column in Schedule B for maximum square footage in the commercial HB1 zone. He also hopes for municipal septic in the future stating it would have a substantial impact on surface area in the zone that could be built on. His proposal includes a 0-foot sideline set back in HB1 to maximize use of land. He stated he would be looking very closely after January 31st at how this process has been handled. He also commented that this plan is better now than before but there are weaknesses. Mr. Nessel also asked that if a building burned on Main Street, could they rebuild under the new plan, or would the new laws prevent them. Sup. Thomas directed the question to Dr. Lamb and Atty. Jordan who agreed there would be a limit of 3 years for a re-build of a previous non-conforming project, though it then needs to comply with Fire and Building codes, as it would now.

Super. Thomas acknowledged Mr. Scott Robertson as the next speaker. Mr. Robertson echoed Mr. Nessel's hopes that the Town Board would listen to all comments. He voiced his concern over Boards that come and go, and that newcomers to the community will not be on the same page. He stated he did not want to see our town turn into another Lake Placid or the Pocono's. He would like to see development when it comes, concentrated into areas already developed and keep the outlying areas of Adirondack wilderness untouched. Mr. Robertson also cited environmental issues as his primary concern.

Mr. Robertson also asked for clarification of the floating industrial zone. Dr. Lamb stated there was no maximum size limits that could be assigned to this zone. Mr. Robertson feels there should be limits. He also asked how many houses per lot could be built on an 8.5 acre zoned parcel. The response from Atty. Jordan was one house with no exceptions, though there may be some provisions for "gifting" land to direct family for pre-existing, non-conforming parcels but they must meet the minimum lot size requirements. He further explained that the zoning rules were established by density per mile. He referred Mr. Robertson to Brian Ford and Rita Quinn at APA citing the same rules apply for all size lots. Sup. Thomas asked if Mr. Robertson could forward his written list of concerns to the Board so they could all be addressed. Mr. Robertson gave his list Secretary Ferguson.

Sup. Thomas opened the floor to comments to anyone else not on the speakers list. Hearing none, he reminded everyone that the Board would receive comments/questions at the Town Hall until January 31, 2007. Sup. Thomas again acknowledged Mr. Nessel who commented that if there would be another meeting, the entire Planning Committee should attend. Mr. Nessel also asked if the public could attend the meetings at APA and make comments there. Sup. Thomas restated that the APA intended for the Town to

collect comments and forward the information to them and that the Agency was not the place for debate.

Mr. Alan Hasselwander asked if there was a “Shepard” at the APA for our project. Atty. Jordan referred him to Jim Connelly, who is the Deputy Director. Mr. Hasselwander also asked if comments about permitted uses in 8.5 zones had been reviewed or amended. Atty. Jordan reiterated the permitted use chart must be consistent with APA for approval, but the Town may be more restrictive. We can limit some uses that the APA allows, though all uses must be allowed somewhere or they can set precedence to a location of choice and probably win in court.

Mr. Doug Cole commented on a case in Albany where a 3-story building was erected on a parcel thus blocking the neighboring resident’s solar power supply. He cited a need for increased set backs to avoid such conflicts here.

Mr. Cunningham argued that set backs don’t work in hamlet, citing the TPCC 3-4 feet off his property line next door. He also cited, what he considered to be a major problem in the classification of intensity, Gore Mt., Pete Gay Mt., etc., stating it was designated for recreation in 1947 by the NYS Constitution and was violated by the APA. He feels the APA should be formally challenged in this matter to restore the “9 Peaks” for recreation.

Mr. Marco Schmale commented that “fear drives feelings”. He asked if there could be some examples drawn up by the Committee for clarification purposes to help alleviate fears of the unknown. He asked that these processes be explained more clearly, as to what is or is not allowable. Dr. Lamb said samples could be presented in future discussions. Councilman Goodspeed agreed with Mr. Schmale, suggesting that perhaps the Committee could hold workshops for scenario projects and run it through to see how it goes. He further voiced his own fear of an increased burden on small subdivision, and though this is a real effort to protect property owner rights, we need to find middle ground.

Comment was also heard from an unidentified man citing his concern of recent development on East Holcomb Street in North Creek. He did not feel it was fair that a huge home could be built so close to the property line, thus blocking the view once had by the neighboring property, which now has a view into the windows of the new home.

A motion was made by Councilman Goodspeed with a second by Councilman Stevens to adjourn the Public Hearing Meeting on Local Laws #1 through 4 while leaving open the written comment period through January 31, 2007. With five members voting in favor the resolution is declared passed. Ayes-5 (Thomas, Stevens, Arsenault, Goodspeed and VanKeuren) Nays-0. The Public Hearing Meeting was adjourned at 7:40 p.m.

Prepared by Cherie L. Ferguson
Secretary