

MINUTES OF MEETING ~ DECEMBER 17, 2007

ATTENDANCE: Rick Bump, Paul Little, Eugene Dutcher, Harold Ellsworth, George Hilton, Chairman Ken Raisner, and Secretary Pat Smith. Also in attendance was Zoning Administrator Walt Tennyson. Absent were Suzanne Robbins and Bob Thurling.

CORRESPONDENCE: Zoning Administrator's Activity report for November 2007; copy of previous Planning Board Minutes re: Redmond projects on State Route 9, and, (handed out at meeting) : Jurisdictional determination for Ernie Clark, acting agent for Terry Clark in a proposed 2-lot subdivision.

MINUTES: On a motion by Mr. Bump, seconded by Mr. Hilton, Minutes of the November 19, 2007 meeting were accepted, as presented. Motion carried 6/0.

PUBLIC HEARINGS: Having been duly advertised, the Public Hearings were opened at 7:00 p.m. by Chairman Raisner.

#SD2007-05 ~ Larry Warner, acting as agent for Steve Howell, proposed 14-lot subdivision.

The property being proposed for subdivision consists of 80+/- acres on Friends Lake Road, located south of Hill Park Road. One lot along Friends Lake Road would be used as an access road into the subdivision, having 200+ feet of frontage on the road, and crossing a brook that is highly rated by the DEC, with a bottomless culvert as a bridge being proposed, that will not interfere with the flow of water or the aquatic life. The road will lead into a Cul de Sac to the east with a turn around large enough to accommodate emergency vehicles, and any plow trucks or equipment, with another road leading to a second Cul de Sac to the south. There will be a vegetative buffer of about 30 feet along Friends Lake Road, to afford residents of the community their privacy, as well as to maintain a natural façade along the roadway. There will also be a 30 to 50 foot common area along the brook in order to eliminate or prevent any development along the brook. APA has flagged all wetlands, and with a 14-lot subdivision, all septic's will be setback at least 100 feet from the brook, all impervious material at least 10 feet away. The lots will vary in size, but are all over 2+ acres. There are two large lots, one in the back of the property, 25+ acres that contains the majority of the wetlands, and another at 13+ acres that contains a lot of ledge. Mr. Warner stated that they are looking for Planning Board approval prior to filing with the Adirondack Park Agency. Engineer Jim Hutchins has drawn up plans for the road grades, the stone ditches, storm water controls, etc. as well as septic designs. He stated that five test pits had been dug, and shallow absorption trench systems were being recommended based on the existing soil conditions, with each lot having its own drilled well. The roads will be private, deeded to the HOA, to be constructed with Item 4 gravel, at 16 foot width with 2 foot shoulders on both sides. DEC, APA and DOH permits are

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still needed for this project, following preliminary approval from this board. The Board would like to impose the condition that no further subdivision occur on these parcels. Applicant would like to retain one additional building right on Lots #9 (at 13.40+/- acres), and #11 (at 25.58+/- acres), with no further subdivision allowed beyond that. With no further discussion, on a motion by Mr. Bump, seconded by Mr. Ellsworth, the public hearing on this project was closed

at 7:19 p.m. Following discussion by the Board, motion was made by Mr. Bump, seconded by Mr. Ellsworth, to grant preliminary approval to #SD2007-05 for a 14-lot subdivision, as proposed, being subject to granting of permits, as required, from DEC, DOH, and APA, with the condition that no further subdivision may occur on this parcel with the exception of the retention of one additional building right each on both parcel #9 and parcel #11.

#SPR2007-17 ~ Charles Redmond proposed second business in addition to existing storage units. Public hearing on this project opened at 7:25 p.m. Applicant is owner of Mt. Storage, storage unit rentals, and has constructed an office on one of the storage unit buildings wherein he proposes operating his Red Mtn. Real Estate business. Member of the audience, June Maxam, questioned whether property needed to be in compliance with zoning before something else could be done on a parcel. She stated that the property had not been in compliance since the original Site Plan Review for the parcel had taken place. Chairman asked Zoning Administrator whether that was true, to which he replied "not to my knowledge. "She referenced issues with regard to lot size, drainage, snow removal, and signage. She further stated that she believed that the lot size for the storage units had been changed from .7 acres, as determined at the original subdivision of the parcel, to approximately .8 acres, due to the moving of the fence another 10-15 feet onto the "structures" lot, also owned by Redmond. Chairman Raisner did not feel that this issue was a matter for the planning board to be dealing with. Mike Stafford, Esq., a member of the audience in attendance on another matter, stated that it was the Zoning Administrator's job to deal with non-compliance issues. Ms. Maxam raised the issue of non-compliant signs, and zoning administrator Tennyson stated that he had issued 2 violation notices with regard to the signage. Ms. Penny Redmond stated that the Red Mt. Real Estate sign had been in violation, but he had taken it down, and then propped up on the north end of the building on top of the air conditioner, so, basically, it was still on display. Mr. Hilton stated that as long as the zoning administrator felt there was no non-compliance, he did not have a problem with the project. On a motion by Mr. Ellsworth, seconded by Mr. Bump, the public hearing was closed at 7:50 p.m. Board discussion followed, with Mr. Hilton asking for screening between the rear of the commercial property and the residential area that lies on Foster Flats Road and beyond. Mr. Redmond stated that planting of trees along that fence line would interfere with water lines, which are 2 feet off property lines. He also stated that he had moved the fence from what he said was originally 19 feet from the storage units, to 34 feet from the storage units, onto the "structures" lot, which he also owns, in order to have parking for the Real Estate business. Questions from Mr. Little with regard to snow removal and the very high piles of snow on the Route 9 side of the storage unit lot. Redmond explained that he plows the snow south onto the "structures" lot, and only piles the snow out front on the Route 9 side that the Town has put onto his lot. Mr. Ellsworth then made a motion to approve application #SPR2007-17 for the Red Mountain Real Estate business to be conducted on the Mt. Storage lot, with the proviso that any lighting on the lot would be downcast. Motion was seconded by Mr. Bump, and motion carried 6/0.

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OLD BUSINESS:

*******Tabled*******

1. #SD2005-14 ~ Adirondack Retreats proposed 25 lot subdivision.*****
2. #SD2007-17 ~ Sharon Hyde proposed 2-lot subdivision.*****
3. #SD2007-08 ~ Beatrice Eggleston proposed 2-lot subdivision.*****

NEW BUSINESS:

#SD2007-09 ~ Clark proposed 2-lot subdivision. Applicant Terry Clark, represented by his brother, Ernest Clark. Applicant is owner of 159.58+/- acres of land on Igera Road, and proposes subdividing off 4.741+/- acres to be conveyed to his nephew, Adam Clark. Applicant/Owner will retain balance of land. Applicant has filed a JIF with the Park Agency, and there was some indication that the original subdivision of land formerly owned by Robert Clark, should have had an Agency Permit. However, agent Ernie Clark produced a copy of the deed which had been made for conveyance of the original subdivision dated June 17th, 1972, before the Park Agency was in existence, and therefore no prior permit had been needed. He will supply proof of this to the Agency, and has already spoken with them on the phone. APA has determined that the proposed subdivision as described above does not need an agency permit. A revision from the Agency should be forthcoming following their receipt of a copy of the deed. Following brief discussion, Mr. Little made a motion to schedule a public hearing for the 4th Monday in January. (The 3rd Monday is a holiday). Motion was seconded by Mr. Dutcher, and carried 6/0. It is anticipated that Park Agency paperwork will have been received by then.

Michael & Debra Giovanone proposed lot line adjustment. Applicants were represented by Attorney Michael Stafford, of Stafford, Carr & McNally. Mrs. Giovanone owns parcel #120.15-1-26 (hereafter referred to as Lot #8) on Atateka Drive. Applicant is under contract to purchase the adjoining lot from Frank Denis and proposes a boundary line adjustment from Lot #8 of .196+/- acres to add to the newly purchased lot for a total of a 1.502 +/- acre lot, with the remaining acreage on Giovanone's lot amounting to .694 acres. Applicant's lot is improved by one single family dwelling, and the new lot is improved by one single family dwelling, one garage, one garage apartment, and a shed and shorefront deck. Project was tabled until a variance could be obtained to cover the sideline setback from the garage on the larger parcel. (There was some confusion as to which lot is being enlarged, but Atty. Stafford called the zoning office the day following the meeting to explain that the larger lot would be receiving the .196 +/- acre addition, which would actually increase the distance between the existing garage and the applicant's original Lot #8. Therefore, no variance would be required, as originally thought. Mr. Stafford will return to the Planning Board at the January 28, 2008 meeting for approval on the lot line adjustment, providing these facts are true).**

PUBLIC PRIVILEGE: No discussion.

BOARD PRIVILEGE: No discussion.

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ADJOURNMENT: On a motion by Mr. Dutcher, seconded by Mr. Ellsworth, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary

** Statement in parenthesis () are comments from Secretary. pms.