

**TOWN OF JOHNSTOWN PLANNING BOARD
MAY 14, 2019
6:00 P.M.
TOWN HALL**

MEETING NOTES

PRESENT:

**ERIC VANALSTYNE, CHAIRMAN
RICHARD LYNAUGH,
ERNEST NIFOROS
MIKE MCGRAIL
GARTH BRUCE
TONY AMBROSINO, ALTERNATE**

**TODD UNISLAWSKI, CODE ENFORCEMENT OFFICER
SEAN M. GERAGHTY, SR. PLANNER**

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION: To approve the minutes to the April 9, 2019 meeting.

MADE BY: Garth Bruce

SECONDED: Eric VanAlstyne

VOTE: 5 in favor, 0 opposed

III. LOUIS AND DEBORAH FAGANT – PUBLIC HEARING ON SPECIAL USE PERMIT FOR REPAIR GARAGE AT THE INTERSECTION OF HARRISON STREET AND NYS ROUTE 29:

A. Background:

Louis and Deborah Fagant own two (2) pieces of property at the intersection of Harrison Street and NYS Route 29 which make up the project site. One parcel is located in the City of Gloversville and the other in the Town of Johnstown. The City of Gloversville parcel is approximately

.4+/- acres in size and was originally part of Tax Map Parcel No. 163.1-2-10.1. This parcel was created as part of a subdivision approval from the City of Gloversville Planning Board on March 5, 2019. Mr. Fagant's other parcel, which is located in the Town of Johnstown, is approximately .69 acres in size (Tax Map Parcel No. 163.-1-82). The combined project site will be approximately 1.1+/- acres in size. Mr. Fagant is proposing to construct a 4,200 sq. ft. building that will be partially in the City of Gloversville and partially in the Town of Johnstown and will be used as a repair garage. Access to the building will be off of Harrison Street in the Town of Johnstown. The parking lot serving the business will also be located in the Town of Johnstown. An existing house on the Town of Johnstown parcel will be removed as part of this project. The property located in the City of Gloversville is in an M-Manufacturing zone, while the parcel in the Town of Johnstown is located in a C-1 Commercial District. The project in the City of Gloversville is subject to a Site Plan review, while the portion of the project in the Town of Johnstown is subject to a Special Use Permit.

B. April 9, 2019 Meeting:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Louis and Deborah Fagant's Special Permit for the repair garage on the corner of Harrison Street and NYS Route 29. At that time, the Planning Board asked that the following information be provided on a final Site Plan drawing prior to the public hearing:

1. Topographic features depicting how the property will drain towards the intended stormwater infrastructure on the site must be shown.

STATUS: Topographic features for the site have been identified. There is also a notation on the drawing indicating that all runoff from paved areas and rooftop will be directed to the southeast corner of the property into a rain garden.

DISCUSSION: The Planning Board had no further questions regarding the stormwater plans for the site.

2. Parking spaces must be clearly delineated on the property.

STATUS: Parking spaces are delineated on the property for both display and customer parking.

DISCUSSION: The Planning Board recognized that the applicant is requesting seven (7) customer parking spaces along with 26 display spaces.

(NOTE: Planning Board Member Mike McGrail arrived at the meeting.)

3. A specification for the chain link fence to be provided around the dumpster location must be provided.

STATUS: A notation has been included on the drawing indicating that a chain link fence with slats and sliding gate will be installed around the dumpster and outdoor storage area.

DISCUSSION: The Planning Board had no comments concerning the fence specification.

4. If there is going to be an area where parts, tires and cars are stored, that area must be depicted on the final Site Plan and some type of screening must be provided around that area.

STATUS: An enclosed outdoor storage area has been shown which includes the dumpster location. A notation on the drawing indicates that the gravel storage area is for autos, parts and tires.

DISCUSSION: The Planning Board was comfortable with the proposal to enclose both the dumpster location and the outdoor storage area within the same area.

5. The size and design of all signage on the property must be identified.

STATUS: Two (2) signage locations have been identified on the property along with sizes and a picture of the signs.

DISCUSSION: The Planning Board had no comments regarding the proposed signage. Town Code Enforcement Officer Todd Unislowski pointed out that Mr. Fagant does comply with the Town's sign standards.

6. The size of the waterline tap to the building must be identified.

STATUS: A 1" waterline tap is noted on the drawing.

7. If a gas line will be installed as part of this project, the size and location must be identified. If, on the other hand, the applicant intends to heat the new building with a used oil furnace, a notation to that effect should be included on the final drawing.

STATUS: A 2" gas line has been noted on the revised drawing.

DISCUSSION: Mr. Fagant pointed out that he still may attempt to use a used oil furnace, but has yet to make that determination.

8. An estimated project construction schedule should be noted on the drawing.

STATUS: Provided.

DISCUSSION: The Planning Board had no comments regarding the proposed project construction schedule.

9. A notation should be included on the drawing indicating that if the new building has a drain, an oil separator will be provided.

STATUS: Provided.

C. County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law, Louis and Deborah Fagant's Special Permit application was forwarded to the County Planning Board for its review. On April 16, 2019, the Fulton County Planning Board reviewed Louis and Deborah Fagant's Special Permit application. At that time, the County Planning Board recognized no regional implications that could occur from this proposed action and decided to send no recommendation to the Town of Johnstown Planning Board regarding the Special Permit application.

D. State Environmental Quality Review:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board concurred with the City of Gloversville Planning Board's proposal to serve as Lead Agency and, at that time, offered no comments to the City of Gloversville Planning Board regarding any potential environmental impacts of the project.

On April 30, 2019, the City of Gloversville Planning Board reviewed the comments it received from other Involved Agencies, as well as the revised Site Plan drawing submitted by the applicants and decided that the project would have no significant adverse environmental impacts and authorized the filing of a negative declaration under SEQR for this proposed action.

DISCUSSION: Mr. Geraghty pointed out that the City of Gloversville Planning Board received comments from the NYSDEC, as well as the NYSDOT. Of note, Mr. Geraghty pointed out was the NYSDOT's comments regarding the need for stormwater calculations on the site. Mr. Geraghty stated that NYSDOT will not issue a commercial driveway permit along Harrison Street until stormwater calculations for the site have been prepared and approved by that agency.

E. Public Hearing:

1. The public hearing was opened at 6:08 P.M.
2. Speakers:

Town Supervisor Jack Wilson indicated that he was very much in favor of the Fagant's Special Permit application. He indicated that they are wonderful neighbors and he was positive they would keep the property in good condition.

Planning Board Member Mike McGrail asked if the property tax split between the Town of Johnstown and City of Gloversville has been calculated?

Mr. Geraghty told Mr. McGrail that he would have to check with the Assessor's office to see if that has yet to be determined.

3. The public hearing was closed at 6:11 P.M.

F. Planning Board Action:

In accordance with Section 84-54(B)(9)(a) of the Town of Johnstown Zoning Regulations, the Planning Board shall grant, deny or grant subject to conditions the application for Special Use Permit with sixty-two (62) days after the hearing.

MOTION: To approve Louis and Deborah Fagant's Special Permit application for a repair garage on the corner of Harrison Street and NYS Route 29.

MADE BY: Eric VanAlstyne
SECONDED: Richard Lynaugh
VOTE: 6 in favor, 0 opposed

III. LOUIS AND DEBORAH FAGANT - PUBLIC HEARING ON TEMPORARY SPECIAL USE PERMIT FOR AUTO SALES, REPAIR AND INSPECTIONS GARAGE ALONG COUNTY HIGHWAY 107:

A. Background:

Louis and Deborah Fagant would like to temporarily operate an auto sales, repair and inspections garage from their residential property on County Highway 107 in the Town of Johnstown (Tax Map Parcel No. 163.-1-75.21). The applicants are requesting the temporary permit for six (6) months so that their NYS Department of Motor Vehicle license does not expire while their new

building is being constructed on the corner of Harrison Street and NYS Route 29.

B. April 9, 2019 Meeting:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Louis and Deborah Fagant's Temporary Special Use Permit application for an auto repair garage along County Highway 107. At that time, the Planning Board asked that the following information be provided on the final Site Plan drawing prior to the public hearing:

1. The distances between the wood-framed pole barn structure that will be used for the temporary motor vehicle repair shop and all adjacent residences must be identified on the drawing.

STATUS: Provided.

DISCUSSION: The Planning Board had no comments regarding the separation distances.

2. Parking and any outdoor storage areas for the temporary business operation must be clearly identified.

STATUS: Five (5) temporary parking spaces have been identified on the drawing. There are no outdoor storage locations shown.

DISCUSSION: Mr. Fagant confirmed that he will have no outdoor storage on the property.

3. Specifications for the proposed sign to be placed along County Highway 107 must be provided.

STATUS: A notation has been made on the drawing indicating that a 4' x 5' sign will be displayed along County Highway 107. A picture of that sign has also been included on the drawing.

DISCUSSION: The Planning Board had no questions concerning the sign to be placed at the entrance to Mr. Fagant's driveway.

4. The hours of operation for the proposed business should be identified.

STATUS: Provided.

DISCUSSION: Mr. Fagant noted that he will not have Saturday or Sunday hours.

C. County Planning Board Referral:

In accordance with Section 239-m of the General Municipal Law, the Fagant's Temporary Special Use Permit application was forwarded to the County Planning Board for its review. On April 16, 2019, the County Planning Board reviewed the Fagant's Temporary Special Permit application and recognized no regional implications that could occur from the proposed action and decided to send no recommendation to the Town of Johnstown Planning Board regarding the Temporary Special Permit.

D. State Environmental Quality Review:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board authorized the filing of a negative declaration under SEQR for this proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

E. Public Hearing:

1. The public hearing was opened at 6:13 P.M.

2. Speakers:

Steve Hladik
County Highway 107

Mr. Hladik indicated that he was acting as the spokesman for the neighborhood and just wanted to find out exactly what Mr. Fagant was proposing for his property. He pointed out that Mr. Fagant does not keep a dumpy looking property and he was convinced that the temporary Special Permit would not adversely impact neighboring property owners.

Planning Board Chairman Eric VanAlstyne asked if the sign to be located at the end of Mr. Fagant's driveway will be moved to the new business location?

Mr. Fagant indicated that he does intend to move the sign to his new location once the building is finished.

Planning Board Member Dick Lynaugh asked Mr. Fagant if he has hired a contractor to construct his new repair shop on Harrison Street and identified a timeline for the work?

Mr. Fagant indicated that the timeline will be dependent upon on the final sale of his existing building.

Mr. Geraghty pointed out that the timeline identifies an October 20, 2019 finish date. He pointed out that a 6-month temporary permit would expire in November 2019.

A letter of support for the Fagant's application was submitted to the Planning Board by Jonathan and Stacy Laird, 255 County Highway 107.

3. The public hearing was closed at 6:18 P.M.

F. Planning Board Action:

In accordance with Section 84-54(B)(9)(a) of the Town of Johnstown Zoning Regulations, the Planning Board shall grant, deny or grant subject to conditions the application for Special Use Permit with sixty-two (62) days after the hearing.

MOTION: To approve Louis and Deborah Fagant's Temporary Special Permit for a repair garage along County Highway 107 for a six(6) month period.

MADE BY: Mike McGrail
SECONDED: Ernest Niforos
VOTE: 6 in favor, 0 opposed

IV. THERESA WESTOVER AND KIMBERLY LIVINGSTONE – PUBLIC HEARING ON SUBDIVISION ALONG NEW TURNPIKE ROAD:

A. Background:

Theresa Westover and Kimberly Livingstone own a parcel along the south side of New Turnpike Road. The existing parcel (Tax Map Parcel No. 172.-2-76) is approximately 41.826 acres in size. There are currently two (2) residences on the property. The applicants would like to create a lot around each of the homes. Lot #1 will be 14.55 acres, while Lot #2 will be 27.26 acres in size.

B. April 9, 2019 Meeting:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Theresa Westover and Kimberly Livingstone's subdivision application for a piece of property along New Turnpike Road. At that time, the Planning Board asked that the following information be provided on the final subdivision plat prior to the public hearing:

1. A location map must be included on the final plat.

STATUS: Provided.

C. State Environmental Quality Review:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board authorized the filing of a negative declaration under SEQR for this proposed action. Consequently, unless new additional information has been provided, no further SEQR action is necessary.

D. Public Hearing:

1. The public hearing was opened at 6:19 P.M.

2. Speakers:

There was no one to speak regarding Theresa Westover and Kimberly Livingstone's subdivision application.

3. The public hearing was closed at 6:20 P.M.

E. Planning Board Action:

In accordance with Section 276 of the Town Law of New York State, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such subdivision plat within sixty-two (62) days after the public hearing. Consequently, does the Planning Board wish to issue its final decision on Theresa Westover and Kimberly Livingstone's subdivision application for a piece of property along New Turnpike Road at this time?

MOTION: To approve Theresa Westover and Kimberly Livingstone's subdivision application for a piece of property along New Turnpike Road.

MADE BY: Ernest Niforos
SECONDED: Garth Bruce
VOTE: 6 in favor, 0 opposed

V. NICHOLAS IOZZO AND SUSAN EMPIE-IOZZO - PUBLIC HEARING ON SUBDIVISION ALONG RED SCHOOLHOUSE ROAD:

A. Background:

Nicholas Iozzo and Susan Empie-Iozzo own two (2) parcels along Red Schoolhouse Road that extend all the way to NYS Route 29 and Stock Road (Tax Map Parcel Nos. 147.-4-1 and 147.-1-72.2). The applicant's combined property holding is approximately 31+/- acres in size. The applicants would like to create five (5) building lots on the property ranging in size from 3.127 acres to 6.689 acres in size respectively. An additional 5.312 acre portion of the lot, in the northeast corner of the subdivision, will be deeded to adjacent Tax Map Parcel 147.-4-6 owned by Laura Empie.

B. April 9, 2019 Meeting:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board began reviewing Nicholas Iozzo and Susan Empie-Iozzo's subdivision application for a piece of property along Red Schoolhouse Road. At that time, the Planning Board asked for several additional pieces of information. Unfortunately, at this point in time, the applicants have not resubmitted a revised subdivision plat.

The County Planning Department searched on the United States Fish and Wildlife Service's Wetlands Mapper for potential wetland locations in the vicinity of the applicants' project. Based on that search, the County Planning Department found that there are at least three (3) separate federally-regulated wetlands on the property. The applicants' surveyor, Christopher Foss, has been notified of this situation. Mr. Foss has indicated that he is working with his clients to revise the subdivision layout.

DISCUSSION: Mr. Foss confirmed that he is working with his clients to revise the layout of the subdivision. He indicated that he had a wetlands expert on the property to identify the location of all federal wetlands. He indicated that, as soon as he has a new layout, he will resubmit the subdivision plat to the Planning Board.

C. State Environmental Quality Review:

During its April 9, 2019 meeting, the Town of Johnstown Planning Board proposed that it serve as the Lead Agency for the purpose of issuing a determination of significance under SEQR. The Planning Board forwarded copies of the preliminary subdivision plat and the Full Environmental Assessment Form to other Involved Agencies and asked those agencies to comment on the Planning Board's proposal to act as Lead Agency or on the project itself by Monday, May 13, 2019.

To date, the Planning Board has received the following comments:

NYSDEC:

In a letter dated April 25, 2019, the NYSDEC concurred with the Town of Johnstown Planning Board's proposal to serve as the Lead Agency for the SEQR process. The NYSDEC noted that if more than 1 acre of land will be disturbed on the property, a SPEDES General Permit for Stormwater Discharges from Construction Activities will be required.

NYSDOT:

In a letter dated April 22, 2019, the NYSDOT has concurred with the Town of Johnstown Planning Board's proposal to serve as the Lead Agency. NYSDOT noted that if future development of the parcel requires the need for an additional or a modified access to the State highway, then a NYSDOT Highway Work Permit will be required.

DISCUSSION: Mr. Foss pointed out that his client may wish to get two (2) driveway access points off of NYSDOT.

D. Public Hearing:

1. The public hearing was opened at 6:24 P.M.
2. Speakers:

The Planning Board recognized that there was no one in attendance to speak regarding the subdivision application. However, since a revised subdivision plat is not yet available, the Planning Board decided to leave the public hearing open.

E. Planning Board Action:

Given the fact that the applicants have not submitted a revised subdivision plat, there is no further action the Planning Board can take this evening.

MOTION: To table further action on Nicholas Iozzo and Susan Empie-Iozzo's subdivision application for a piece of property along Red Schoolhouse Road pending receipt of a revised subdivision plat.

MADE BY: Tony Ambrosino
SECONDED: Mike McGrail
VOTE: 6 in favor, 0 opposed

VI. OTHER BUSINESS:

A. Code Enforcement Update:

Mr. Unislowski noted that he will be meeting with a representative of the 19th Hole Solar Farm along NYS Route 67 to walk the site and discuss what needs to be done to comply with the approved Landscaping Plan for the project. He indicated that he would report back to the Planning Board on what transpires.

VII. CLOSE OF THE MEETING:

MOTION: To close the meeting at 6:29 p.m.

MADE BY: Mike McGrail

SECONDED: Richard Lynaugh

VOTE: 6 in favor, 0 opposed