

**TOWN OF JOHNSTOWN  
PLANNING BOARD  
2753 STATE HIGHWAY 29  
JOHNSTOWN, NY 12095**

**TO : TOWN OF JOHNSTOWN PLANNING BOARD MEMBERS**  
**FROM : AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**  
**DATE : APRIL 5, 2023**  
**RE : MEETING NOTICE**



A meeting of the Town of Johnstown Planning Board has been scheduled for:

**TUESDAY  
APRIL 18, 2023  
\*\*\*\*\* 6:00 P.M. \*\*\*\*\*  
TOWN OF JOHNSTOWN TOWN HALL  
2753 STATE HIGHWAY 29 | JOHNSTOWN, NY 12095**

Agenda items are as follows:

1. Call Meeting to Order.
2. Approve minutes of the regular meeting.
3. Public Hearing:
  - a. James Retersdorf – Subdivision at 169 McGregor Road.
  - b. Richard Lynaugh and Barbara Lynaugh – Minor Subdivision along Earl Road
  - c. Herbert Green – Site Plan for an Existing Auto Service Business Expansion at 997 State Route 29A.
  - d. Dawn Birdsall – Site Plan for an Accessory Dwelling House Addition at 1274 McGregor Drive.
4. Old Business:
  - a. Town of Johnstown Planning Board – Amending Zoning Ordinance to allow for e-delivery of projects.
5. New Business: None

Please contact the Fulton County Planning Department at 518-736-5660 if you have any questions.

**TOWN OF JOHNSTOWN PLANNING BOARD  
MARCH 21, 2023  
6:00 P.M.  
TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**JES BEARDEN (CHAIRMAN)  
AMY WARD (VICE CHAIRMAN)  
JEAN-PAUL COURTENS  
MIKE MCGRIL  
ROSEMARIE PEREZ JAQUITH  
ALBERT PECK III**

**PATTI MAY (ALTERNATE)**

**JACK WILSON, SUPERVISOR  
TODD UNISLAWSKI, CODE ENFORCEMENT OFFICER  
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

**I. CALL MEETING TO ORDER:**

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

**II. APPROVE MINUTES OF THE LAST REGULAR MEETING:**

MOTION:	To approve the minutes to the January 10, 2022 meeting.
MADE BY:	Mike McGrail
SECONDED:	Amy Ward
VOTE:	7 in favor, 0 opposed

**III. ELECTION OF OFFICERS:**

**A. Background**

In accordance with Section 271 of the Town Law of New York State, the Chairperson of the Planning Board is appointed by the Town Board. However, in the absence of this appointment, the Planning Board is authorized to designate a member to serve as the Chairperson. In the recent past, the Town Board has authorized the Planning Board to select its own Chairman and Vice-Chairman.

**DISCUSSION:**

Town of Johnstown Supervisor Jack Wilson stated that the Town Board had a history of the Planning Board deciding who should serve as Chairman and Vice Chairman. The Town Board wishes to continue this tradition.

Planning Board Member Mike McGrail indicated that he would like to give the current Chairman and Vice Chairman a year serving the Town of Johnstown. He reminded Planning Board members they stepped up to serve when Garth Bruce and Dick Lynaugh resigned last year. Subsequently, he indicated how pleased he was to have the Town of Johnstown have both the Chairman and Vice Chairman as females.

MOTION: To nominate Jes Bearden as the Chairman and Amy Ward as Vice Chairman serving the Town of Johnstown Planning Board.

MADE BY: Mike McGrail  
SECONDED: Rosemarie Perez-Jacquith  
VOTE: 7 in favor, 0 opposed

#### **IV. TWIN BRIDGES – PUBLIC HEARING – SITE PLAN FOR A BUSINESS SERVICE AT 993 ROUTE 29A:**

##### **A. Background:**

Twin Bridges is proposing to construct a Business Service at 993 Route 29 in the Town of Johnstown (Tax Map Parcel No. 149.8-24-3). The parcel is approximately 1.04+/- acres in size. Twin Bridges would like to build a 3,600 sq. ft. building for an office and equipment / vehicle garage and intends to have a small office for operations and coordination as well as a garage area for parking of vehicles. Parking will be provided for employees as well as Twin Bridges trucks. Additionally, a landscaped berm is proposed along the eastern and southern sides of the facility and landscaping is also proposed for the western side of the site. The open curb cut to Route 29A is also proposed to be improved with a potentially landscaped island. The property is zoned C2 and Business Services is an allowed use under Site Plan Review.

Article 15 of the Town of Johnstown Zoning Ordinance defines Business Service as “establishments primarily engaged in rendering services to business establishments on a fee or contract basis; such as advertising and mailing, building maintenance, employment service, management and consulting services, protective services, equipment and rental and leasing, commercial research development and testing, photo fishing and person supply services.”

##### **B. January 10, 2023 Meeting:**

During its January 10, 2023 meeting, the Town of Johnstown Planning Board started its review of Twin Bridges’ application for a Site Plan for a Business Service at 993 NYS Route 29A. As a follow-up to that review, the Planning Board has asked that the following information be provided on a final subdivision plat prior to the public hearing:

1. The name and address of the applicant will need to be provided

STATUS: Provided

2. North arrow will need to be provided.

STATUS: Provided

3. Area for septic systems as well as perc. and pit test.

STATUS: Provided.

4. Landscaping Plan will need to be provided.

STATUS: Provided. The applicant will be planting thirty (30) trees along the perimeter of the property. Tree species include White Pine (15); Honey Locust (4); Colorado Spruce (6); and Douglas Fir (5).

C. Fulton County 239-m Review:

During the January 17, 2023 meeting, the Fulton County Planning Board reviewed Twin Bridges' Site Plan application for a Business Service at 993 NYS Route 29A in accordance with New York State General Municipal Law Section 239-m. At that time, the Planning Board recognized that no regional implications could occur from the application and offered no recommendation to the Town of Johnstown Planning Board.

D. State Environmental Quality Review:

During the January 10, 2023 meeting, the Town of Johnstown Planning Board classified the Twin Bridges' application for a Site Plan for a Business Service at 993 NYS Route 29A as an Unlisted Action and offered other agencies twenty-five (25) calendar days to comment on the proposed Site Plan. To date, the following agencies have submitted comments:

***NYS Department of Environmental Conservation***

In a letter dated January 12, 2023, the New York State Department of Environmental Conservation (NYSDEC) agreed that the Town of Johnstown Planning Board serves as the lead agency. NYSDEC also made the following observations about this project:

1. Disturbance of one or more acres of total land will require a SPDES General Permit for Storm Water Discharges.

***NYS Department of Transportation***

In an email dated February 7, 2023, the New York State Department of Transportation (NYSDOT) concurred that the Town of Johnstown Planning Board serve as the lead agency in determining SEQR. NYSDOT also made the following comments:

1. A NYSDOT Highway Work Permit will be required for any work performed within the highway right-of-way. This permit is required prior to the start of work.
2. Any improvements or modifications to the existing access of the subject property will require that the entrance conforms to NYSDOT standards for a Minor Commercial Driveway.
3. The property will be permitted with 1 entrance unless there is a compelling engineering or operational need for 2.
4. A Stormwater report and a stamped set of plans by a licensed engineer showing all work to NYSDOT standards will be required for a Highway Work Permit.
5. A separate NYSDOT Utility Permit will be required for any utility connections within the highway right-of-way.
6. No equipment or materials shall be staged in the NYSDOT right-of-way.
7. All signage, utility poles, advertising and parking will need to be located on private property and not on NYSDOT right-of-way.
8. Any re-grading work in DOT right-of-way will need to be re-seeded and stabilized.

DISCUSSION:

Mr. McGrail expressed his concern on traffic coming out of the property, stating that the nearby Dunkin Donuts has had a lot of traffic issues.

Fulton County Senior Planner Aaron Enfield stated that the traffic of this project will be minimal compared to Dunkin Donuts. He mentioned that Dunkin Donuts is a Retail Service serving food, which generates their traffic, and Twin Bridges will have a couple of trips a day but will be for the two trucks they have on site going to the municipalities they have contracts with.

Code Enforcement Officer Todd Unislawski reminded Mr. McGrail there were two (2) public hearings on that project and no one spoke out about it.

Jason Dell, Lansing Engineering, indicated that he will be meeting with NYSDOT on the space and will talk about where the entrance will be. Subsequently, he stated the current footprint along NYS Route 29 is wide open, and the applicant is looking to change it so it is more aesthetically pleasing. Mr. Dell stated that the meeting with DOT will allow for the applicant not to disrupt current drainage patterns.

Planning Board members agreed that the Town of Johnstown Planning Board should serve as the Lead Agency for issuing a determination of significance on SEQR for this project.

MOTION:                      Declaring the Town of Johnstown Planning Board the Lead Agency for the purpose of issuing a determination of significance for Twin Bridges' application for a Site Plan for a Business Service at 993 NYS Route 29A.

MADE BY:                      Rosemarie Perez Jaquith

SECONDED:                      Jean-Paul Courtens

VOTE:                              7 in favor, opposed

*POST MEETING NOTE: In an email dated March 22, 2023, NYSDOT mentioned to Lansing Engineering that Twin Bridges' project will have a grass island that will reduce the driveway width.*

E. Public Hearing

The Public Hearing was opened at 6:09 PM.

Speakers: There was no one to speak on Twin Bridges application.

The Public Hearing was closed at 6:10 PM.

F. State Environmental Quality Review (Continued):

Following the public hearing, does the Town of Johnstown Planning Board have any concern that have resulted from the public hearing? Subsequently, are there any environmental impacts that the Planning Board sees as a concern that would negate a Negative Declaration?

DISCUSSION:

Planning Board members felt that, as a result of NYSDOT and NYSDEC's responses, and the fact no one spoke at the Public Hearing, the Town of Johnstown Planning Board should issue the filing of a Negative Declaration on this project.

PLANNING BOARD ACTION:

MOTION: Authorizing the filing of a Negative Declaration under SEQR for Twin Bridges' application for a Site Plan for a Business Service at 993 NYS Route 29A within the Town of Johnstown since:

1. SEQR Coordination has been done between the New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), and the New York State Department of Health (NYSDOH).
2. There will be no traffic implications resulting from the proposed action.
3. Public utilities are readily available to service a new lot.

MADE BY: Rosemarie Perez-Jaquith

SECONDED: Jes Bearden

VOTE: 7 in favor, 0 opposed.

G. Planning Board Action:

In accordance with Article 11 of the Town of Johnstown Zoning Ordinance, the Planning Board must grant, deny or grant subject to conditions the Site Plan application within sixty-two (62) days after a public hearing.

DISCUSSION:

Mr. McGrail inquired if the applicant's work with NYSDOT will be done over the next 62 days?

Mr. Enfield indicated that the applicant's coordination with NYSDOT will not deter any approval with the Town of Johnstown Planning Board.

Mr. McGrail again discussed the traffic issues with Dunkin Donuts on the other side of NYS Route 30.

Mr. Dell indicated that the Site Plan will be modified once it is finalized from NYSDOT.

Mr. Unislawski reminded Mr. McGrail that the traffic implications with Twin Bridges' will be a fraction of what is currently done at Dunkin Donuts.

Mr. Enfield inquired if doing a conditional approval would suffice, and if there are any changes, the applicant would submit to the Fulton County Planning Department and Town of Johnstown Code Enforcement.

After a back and forth conversation, the Planning Board agreed that was the best method in approving the project.

Mr. McGrail discussed concerns regarding sales tax with the Town of Johnstown.

Town of Johnstown Supervisor Jack Wilson clarified Mr. McGrail's concerns and educated the Planning Board on the disbursement to the Town.

PLANNING BOARD ACTION:

MOTION: To approve Twin Bridges' Site Plan application for a Business Service at 993 NYS Route 29A with the stipulation that any changes to the NYSDOT right-of-

way will be sent to the Fulton County Planning Department and Town of Johnstown Code Enforcement Officer.

MADE BY: Mike McGrail  
SECONDED: Jean-Paul Courtens  
VOTE: 7 in favor, 0 opposed.

**V. JOHN BOLEBRUCH & TERRI PAYNE – PROPERTY TRANSACTION WITH SHELLY VAN NOSTRAND AT 228 HILLVIEW ROAD:**

**A. Background**

John Bolebruch & Terri Payne own a parcel at 228 Hill View Road (Tax Map Parcel No. 118.-1-12.5) that is approximately 36.326+/- acres. They wish to convey 1.264+/- acres to the adjacent property owner, Shelley Van Nostrand, who own 4.607+/- acres (Tax Map Parcel No. 118.-1-11).

**PLANNING BOARD ACTION:**

MOTION: Recognizing that the property transaction between John Bolebruch & Terri Payne with Shelley Van Nostrand is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

MADE BY: Patti May  
SECONDED: Jes Bearden  
VOTE: 7 in favor, 0 opposed

**VI. CHAD & MEREDITH FANCHER – PROPERTY TRANSACTION WITH MICHAEL & CATHY NICOSIA AT 107 FANCHER ROAD:**

**A. Background**

Chad & Meredith Fancher own a parcel at 107 Fancher Road (Tax Map Parcel No. 116.-2-26.112) that is approximately .97 +/- acres. They wish to convey a 9,578 sq. ft. strip (.213 +/- acres) to the adjacent property owners, Michael & Cathy Nicosia, who own a .953 acre parcel at 115 Fancher Road (Tax Map Parcel No. 116.-2-26.12). Both parcels are within the RA (Rural Agricultural) Zoning District and the minimum parcel size is 1 acre.

**PLANNING BOARD ACTION:**

MOTION: Recognizing that the property transaction between Chad & Meredith Fancher and Michael & Cathy Nicosia is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

MADE BY: Jes Bearden  
SECONDED: Rosemarie Perez-Jacquith  
VOTE: 7 in favor, 0 opposed

**VII. JEFFREY & SHELLEY ANN MILLER – PROPERTY TRANSACTION WITH WILLIAM MILLER AT BLANCHARD ROAD NSD:**

**A. Background**

William Miller owns a parcel at Blanchard Road Nsd (Tax Map Parcel No. 135.-2-32) that is approximately 16+/- acres. He wishes to convey 4.036+/- acres to the adjacent property owners, Jeffrey & Shelley Ann Miller, who own 10.849+/- acres (Tax Map Parcel No. 135.-2-1.11).

**PLANNING BOARD ACTION:**

**MOTION:** Recognizing that the property transaction between Jeffrey & Shelley Ann Miller and William Miller is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

**MADE BY:** Mike McGrail  
**SECONDED:** Jean-Paul Courtens  
**VOTE:** 7 in favor, 0 opposed

**VIII. JAMES MCMILLAN – PROPERTY TRANSACTION AT 138 SWEET RD & 128 SWEET RD :**

**A. Background:**

James McMillan owns two adjoining parcels along Sweet Road within the Town of Johnstown; 138 Sweet Road (Tax Map Parcel No. 146.2-2-1) that is approximately 1.509+/- acres in size, and 128 Sweet Road (Tax Map Parcel No. 146.2-2-2) that is approximately 2.475+/- acres in size. Mr. McMillan would like to convey 0.496+/- acres (21,605.76 feet) from 128 Sweet Road to 138 Sweet Road to make sure that the garage is completely on the parcel. The new acreage for 138 Sweet Road will be 2.005+/- acres, and for 128 Sweet Road the lot size will be 1.981+/- acres in size.

**PLANNING BOARD ACTION:**

**MOTION:** Recognizing that the property transaction of James McMillan's properties along Sweet Road is not subject to the Town's Subdivision Regulations and can be approved as a lot line adjustment.

**MADE BY:** Jean-Paul Courtens  
**SECONDED:** Amy Ward  
**VOTE:** 7 in favor, 0 opposed

**IX. KEITH HANCHER AND KAREN MCCREA – SITE PLAN FOR AN ACCESSORY DWELLING – NEW CONSTRUCTION AT 546 WEST FULTON STREET EXTENSION:**

**A. Background:**

Keith Hancher and Karen McCrea own a parcel at 546 West Fulton Street (Tax Map Parcel No. 148.-1-11) that is approximately 12.3+/- acres in size. The applicants are looking to construct a new dwelling unit on the rear of the property. The house will be 76' x 64' in size and will be the primary residence on the parcel. The applicant would like the existing dwelling to become an accessory dwelling. The parcel is located within the R-2 (Residential) Zoning District and is an allowed use under Site Plan Review.

**B. November 8, 2022 Planning Board Meeting:**

During the November 8, 2022 meeting, the Town of Johnstown Planning Board started its review on Keith Hancher and Karen McCrea's Site Plan application for an accessory dwelling at 546 West Fulton Street



Extension. At that time, it was determined that an Area Variance would be necessary and the applicant would need to go before the Zoning Board of Appeals for approval before any further review could take place.

C. January 26, 2023 Zoning Board of Appeals Meeting:

During the January 26, 2023 meeting, the Town of Johnstown Zoning Board of Appeals held a public hearing on Keith Hancher and Karen McCrea's request for an Area Variance for the construction of a new primary residence and to consider the existing home an Accessory Dwelling. At the conclusion of the public hearing, the Zoning Board of Appeals unanimously approved the Area Variance.

DISCUSSION:

Mr. Enfield reminded Planning Board members that the Site Plan review on Mr. Hancher and Ms McCrea's application is essentially a residential dwelling and there are provisions within the review process to waive items that might not be initially provided. Subsequently, he stated that residential dwellings are reviewed by Town of Johnstown Code Enforcement Officer Todd Unislawski and items not on the plans will be reviewed and will be asked for by Mr. Unislawski.

D. Fulton County Planning Department Review:

The Fulton County Planning Department has reviewed Keith Hancher's Site Plan for an Accessory Dwelling at 546 West Fulton Street Extension in accordance with Article 11 Section 84-55 of the Town of Johnstown's Zoning Ordinance. Given the nature of the project, the following issues need to be addressed:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

STATUS: Provided.

2. North arrow, scale and date.

STATUS: Provided.

3. Boundaries of the property plotted to scale of one inch to 50 feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).

STATUS: Scale is 1" to 150'.

4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).

STATUS: Not provided.

DISCUSSION: The Planning Board decided to waive existing contours of the Site Plan.

5. Existing watercourses and wetlands.

STATUS: No wetlands have been identified per the NYS Department of Environmental Conservation (NYSDEC) Environmental Mapper.

6. Grading and drainage plan, showing existing and proposed final contours.

STATUS: Not Provided.

DISCUSSION: The Planning Board decided to waive grading and drainage plan from the Site Plan.

7. Location, design, type of construction, proposed use and exterior dimensions of all buildings.

STATUS: ?

DISCUSSION: The Planning Board decided to waive the design and construction from the Site Plan.

8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to nearest intersection of public roads to be provided.

STATUS: Width of the driveways has not been provided.

DISCUSSION: The Planning Board waived the width of the driveway on the Site Plan.

9. Location, design and type of construction of all parking and truck loading areas, showing access and egress.

STATUS: N/A

10. Provision for pedestrian access if applicable.

STATUS: N/A

11. Location of outdoor storage, if any.

STATUS: N/A

12. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.

STATUS: ?

DISCUSSION: The Planning Board waived all existing or proposed site improvements on the Site Plan.

13. Description of the method of sewage disposal and location, design and construction materials of such facilities.

STATUS: Provided.

14. Description of the method of securing potable water and location, design and construction materials of such facilities.

STATUS: Location for the well has not been provided.

DISCUSSION:

Mr. Unislawski reminded the Planning Board that City of Gloversville water is available at this location as a result of the closure of the City of Johnstown dump.

15. Location of fire and other emergency zones, including the location of fire hydrants.

STATUS: N/A

16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.

STATUS: N/A

17. Location, size and design and type of construction of all proposed signs.

STATUS: N/A

18. The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.

STATUS: N/A

19. Location and design of outdoor lighting facilities.

STATUS: N/A

20. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.

STATUS: N/A

21. General landscaping plan and planting schedule.

STATUS: N/A

22. An estimated project construction schedule.

STATUS: Not provided.

DISCUSSION: Planning Board members waived an estimated project construction schedule.

23. Record of application for and approval status of all necessary permits from federal, state and county officials.

STATUS: N/A

24. Identification of any federal, state or county permits required for the project's execution.

STATUS: N/A

25. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.

STATUS: N/A

26. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1-acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1-acre and which are not otherwise subject to such regulations.

STATUS: Not provided.

DISCUSSION: Planning Board members waived the need for a SWPPP.

27. Environmental Assessment Form with Part 1 completed.

STATUS: Provided.

28. Other elements or information integral to the proposed development as considered necessary by the Planning Board.

DISCUSSION: Planning Board members did not feel any information was necessary.

E. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form (EAF), provided by the applicant, has been completed adequately?

DISCUSSION: Planning Board members felt that the EAF was completed adequately.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: Planning Board members felt that additionally information was not necessary.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II Action is categorically excluded from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

4. It is recommended that the project be classified as a Type II Action, per Section 617.5(11) as this proposed project is essentially the construction of a single-family residence on an approved lot including provision of necessary utility connections.

DISCUSSION:

Planning Board members agreed that this project should be classified as a Type II Action and that no further environmental review is necessary.

MOTION: To classify Keith Hancher and Karen McCrea's Site Plan for an Accessory Dwelling – New Construction at 546 West Fulton Street Extension as a Type II Action.

MADE BY: Amy Ward  
SECONDED: Patti May  
VOTE: 7 in favor, 0 opposed.

F. Fulton County 239-m Review:

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is location), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations which the Board may issue under zoning provisions.

MOTION: To forward Keith Hancher and Karen McCrea's Site Plan for an Accessory Dwelling – New Construction at 546 West Fulton Street Extension to the Fulton County Planning Board 239-m review on April 18, 2023.

MADE BY: Rosemarie Perez-Jaquith  
SECONDED: Jean-Paul Courtens  
VOTE: 7 in favor, 0 opposed.

G. Planning Board Action

In accordance with Article 11 Section 84-55 of the Town of Johnstown Zoning Ordinance, the Planning Board shall schedule and hold a public hearing on the Site Plan application within sixty-two (62) days after the application is deemed completed by the Planning Board. However, Article 11 Section 44-55 also states that, should the Planning Board wish not to hold a Public Hearing, the Planning Board shall render their decision within 62 days of acceptance of a completed application.

DISCUSSION:

Mr. Enfield reminded Planning Board members that, as a result of this being a residential construction, and the fact a Public Hearing was already held, there is a provision in the Zoning Ordinance to forgo a public hearing.

Planning Board Member Patti May, who was a Zoning Board of Appeal Alternate during the Public Hearing, mentioned that no one showed up to speak on the Variance.

Planning Board members were generally in agreement to waiving a Public Hearing.

Mr. McGrail indicated that he felt a Public Hearing is necessary as the project is a Site Plan that had to come before the Planning Board

PLANNING BOARD ACTION:

MOTION: To waive a Public Hearing on Keith Hancher and Karen McCrea's Site Plan for an Accessory Dwelling – New Construction at 546 West Fulton Street Extension

MADE BY: Amy Ward  
SECONDED: Jean-Paul Courtens  
VOTE: 6 in favor, 1 opposed (Mike McGrail)

FURTHER DISCUSSION:

Planning Board members felt that, as a result of waiving the Public Hearing, the project application should be approved.

Mr. McGrail indicated that he did not feel comfortable approving the project as it needed to go before the Fulton County Planning Board.

Mr. Enfield indicated that the Planning Board could issue a conditional approval, and should any regional impacts be found, the Town of Johnstown could review them.

MOTION: To conditionally approve Keith Hancher and Karen McCrea's Site Plan for an Accessory Dwelling – New Construction at 546 West Fulton Street Extension, with the stipulation that regional concerns from the Fulton County Planning Board would need to be reviewed by the Town of Johnstown Planning Board.

MADE BY: Amy Ward  
SECONDED: Jean-Paul Courtens  
VOTE: 6 in favor, 1 opposed (Mike McGrail)

*POST MEETING NOTE: Upon further research, the applicant was more than 500' from a County Road, and did not need to come to the Fulton County Planning Board.*

**X. DAWN BIRDSALL – SITE PLAN FOR AN ACCESSORY DWELLING HOUSE ADDITION AT 1274 MCGREGOR DRIVE:**

**A. Background:**

Dawn Birdsall & Jessie Delorenzo own a parcel at 1274 McGregor Drive (Tax Map Parcel No. 173.-1-12.5) that is approximately 2.3 +/- acres in size. The applicants are looking to construct a 2,300 sq. ft. accessory dwelling unit and attached garage, of which only 1,403 sq. ft. would be livable. The parcel is located within the AUZ Agricultural Zoning District and is an allowed use under Site Plan Review.

**B. January 26, 2023 Zoning Board of Appeals Meeting:**

During the January 26, 2023 meeting, the Town of Johnstown Zoning Board of Appeals held a public hearing on Dawn Birdsall's request for an Area Variance for the construction of an Accessory Dwelling to be increased from 750 sq. ft. to 2,300 sq. ft., of which only 1,403 sq. ft. would be livable. The remaining would be an attached garage. At the conclusion of the public hearing, the Zoning Board of Appeals unanimously approved the Area Variance.

DISCUSSION:

Mr. Enfield reminded Planning Board members that, as a result, this Site Plan is essentially a residential dwelling, this review falls under the purview of Code Enforcement, not the Planning Board. Subsequently, he indicated while there is information that may be left off the Site Plan, the Planning Board may waive items, that will be reviewed at a later date by Town of Johnstown Code Enforcement Officer Todd Unislawski.

Fulton County Planning Department Review:

The Fulton County Planning Department has reviewed Dawn Birdsall's Site Plan for an Accessory Dwelling House Addition at 1274 McGregor Drive in accordance with Article 11 Section 84-55 of the Town of Johnstown's Zoning Ordinance. Given the nature of project, the following issues need to be addressed:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

STATUS: Provided.

2. North arrow, scale and date.

STATUS: Provided.

3. Boundaries of the property plotted to scale of one inch to 50 feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).

STATUS: Scale is 1/128' = 1'

4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).

STATUS: Not Provided.

DISCUSSION: Planning Board members decided to waive existing contours on the Site Plan.

5. Existing watercourses and wetlands.

STATUS: N/A

6. Grading and drainage plan, showing existing and proposed final contours.

STATUS: Not Provided.

DISCUSSION: Planning Board members waived a grading and drainage plan on the Site Plan.

7. Location, design, type of construction, proposed use and exterior dimensions of all buildings.

STATUS: Provided.

8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to nearest intersection of public roads to be provided.

STATUS: Provided.

9. Location, design and type of construction of all parking and truck loading areas, showing access and egress.

STATUS: N/A

10. Provision for pedestrian access if applicable.

STATUS: N/A

11. Location of outdoor storage, if any.

STATUS: N/A

12. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.

STATUS: Provided.

13. Description of the method of sewage disposal and location, design and construction materials of such facilities.

STATUS: Provided

14. Description of the method of securing potable water and location, design and construction materials of such facilities.

STATUS: Provided.

15. Location of fire and other emergency zones, including the location of fire hydrants.

STATUS: N/A

16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.

STATUS: N/A

17. Location, size and design and type of construction of all proposed signs.

STATUS: N/A

18. Location, design, type, and uses of exterior lighting and signs.

STATUS: N/A

19. The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.

STATUS: N/A

20. Location and design of outdoor lighting facilities.

STATUS: N/A

21. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.

STATUS: N/A

22. General landscaping plan and planting schedule.

STATUS: N/A

23. An estimated project construction schedule.



STATUS: ?

DISCUSSION: Planning Board waived the timeline for construction on the Site Plan.

24. Record of application for and approval status of all necessary permits from federal, state and county officials.

STATUS: N/A

25. Identification of any federal, state or county permits required for the project's execution.

STATUS: N/A

26. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.

STATUS: N/A

27. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1 acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1 acre and which are not otherwise subject to such regulations.

STATUS: N/A unless requested by New York State Department of Environmental Conservation (NYSDEC).

28. Environmental Assessment Form with Part 1 completed.

STATUS: Provided.

29. Other elements or information integral to the proposed development as considered necessary by the Planning Board.

DISCUSSION: Planning Board members felt no additional information was necessary.

C. Fulton County 239-m Review:

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is location), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations which the Board may issue under zoning provisions.

DISCUSSION:

Planning Board members were in agreement that the project should go the County Planning Board as it is off State Highway 67.

PLANNING BOARD ACTION:

MOTION: To forward Dawn Birdsall's Site Planning application for an Accessory Dwelling House Addition at 1274 McGregor Drive to the Fulton County Planning Board 239-m review on April 18, 2023.

MADE BY: Mike McGrail  
SECONDED: Rosemarie Perez-Jaquith  
VOTE: 7 in favor, 0 opposed  
DISCUSSION:

H. Fulton County Agricultural District #1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Site Plan application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must include an Agricultural Data Statement. All Agricultural District property owners within 500' of the project site must receive notice of the proposed action.

It has been identified that property owner John Kennedy is within 500' of the applicant's parcel.

DISCUSSION:

Mr. Unislawksi indicated that Robert McVean should also be included as an active farmer.

Mr. Enfield indicated that he would update the Agricultural Data Statement to include Mr. McVean.

D. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form (EAF), provided by the applicant, has been completed adequately?

DISCUSSION: Planning Board members felt that the EAF was completed adequately.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: Planning Board members felt that no additional information should be provided.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency

must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II Action are categorically exclusion from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once action is determined to be Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

4. It is recommended that the project be classified as a Type II Action; per Section 617.5(12) as this proposed project is essentially the construction of a minor accessory residential structure not changing the land use or density.

DISCUSSION:

Planning Board members were in agreement that the project should be classified as a Type II Action.

PLANNING BOARD ACTION:

MOTION: To classify Dawn Birdsall's Site Planning application for an Accessory Dwelling House Addition at 1274 McGregor Drive as a Type II Action.

MADE BY: Jean-Paul Courtens  
SECONDED: Amy Ward  
VOTE: 7 in favor, 0 opposed

E. Planning Board Action:

In accordance with Article 11 Section 84-55 of the Town of Johnstown Zoning Ordinance, the Planning Board shall schedule and hold a public hearing on the Site Plan application within sixty-two (62) days after the application is deemed completed by the Planning Board. However, Article 11 Section 44-55 also states that should the Planning Board wish not to hold a Public Hearing, the Planning Board shall render their decision with 62 days of acceptance of a completed application.

DISCUSSION:

Mr. Enfield reminded Planning Board members that, as a result of this being a residential construction, and the fact a Public Hearing was already held, there is a provision in the Zoning Ordinance to forgo a public hearing.

Planning Board Vice Chairman Amy Ward inquired if anybody spoke at the Public Hearing?

Mr. Unislawski stated that no one spoke at the Public Hearing. Subsequently, he stated that the public hearing notice was sent to individuals 250' away from the boundary line, and not 500' which is what the Ag. Data Statement will do.

The Planning Board agreed that they should schedule a Public Hearing for the April Meeting.

PLANNING BOARD ACTION:

MOTION: To schedule a Public Hearing on Dawn Birdsall's Site Plan application for an Accessory Dwelling House Addition at 1274 McGregor Drive for 6:00 pm, Tuesday, April 18, 2023.

MADE BY: Mike McGrail  
SECONDED: Rosemarie Perez-Jaquith  
VOTE: 7 in favor, 0 opposed

**XI. JAMES RETERSDORF – SUBDIVISION AT 169 MCGREGOR ROAD:**

**A. Background:**

James Retersdorf owns a piece of property at 169 McGregor Road in the Town of Johnstown (Tax Map Parcel No. 133.-3-67.1). The existing property is approximately 15.394+/- acres. The applicant would like to subdivide the parcel into four (4) lots with the following acreages:

- Lot 1 4.23+/- acres
- Lot 2 3.62+/- acres
- Lot 3 3.42+/- acres
- Lot 4 4.69+/- acres

**B. Fulton County Planning Department Review:**

The Fulton County Planning Department has reviewed the Subdivision application in accordance with the Town of Johnstown's Subdivision Regulations (Section 63-7.) As a result of that review, the following issues need to be addressed:

1. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances showing the location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

STATUS: Provided.

2. The proposed subdivision name and the name of the Town and County in which it is located must be identified along with the date, north arrow, map scale, name and address of record owner and subdivider.

STATUS: Provided.

3. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.

STATUS: Partially provided. NYS Department of Environmental Conservation (NYSDEC) wetlands have been provided.

DISCUSSION:

Mr. Enfield stated he did not identify Federal wetlands on the property.

4. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: Provided

5. The tax map sheet, block and lot number, if available.

STATUS: Provided

6. All available utilities on all existing streets.

STATUS: Provided

7. The proposed pattern of lots including lot width and depth, street layout, recreation areas, systems of drainage, sewer, and water supply within the subdivided area.

STATUS: Provided.

8. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.

STATUS: There are no easements or covenants shown.

DISCUSSION:

Shayna Foss, of Ferguson and Foss, stated there were no easements or covenants on the property.

9. A Short Environmental Assessment Form with Part I completed by the applicant. The Planning Board may require a Full Environmental Assessment Form if circumstances are warranted.

STATUS: Provided

C. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form (EAF), provided by the applicant, has been completed adequately?

DISCUSSION: The Planning Board felt that the EAF had been completed adequately.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: The Planning Board felt that the SEQR form did not need additional information.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment

Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II Action is categorically excluded from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

4. It is recommended that the Town of Johnstown Planning Board classify this project as an Unlisted Action and coordinate with the New State Department of Environmental Conservation (NYSDEC) and the NYS Department of Health (NYSDOH). Does the Planning Board feel additional agencies could be included in the SEQR process?

DISCUSSION:

Planning Board members concurred that a coordinated review should be done with the above agencies. Subsequently, the Board did not feel as additional agencies should be coordinated with.

PLANNING BOARD ACTION:

MOTION: To classify James Retersdorf's Subdivision at 169 McGregor Road as an Unlisted Action and to do a coordinated review with the New York State Department of Environmental Conservation (NYSDEC), as well as the New York State Department of Health and to give said agencies 30 calendar days to comment on the project.

MADE BY: Amy Ward  
SECONDED: Mike McGrail  
VOTE: 7 in favor, 0 opposed.

B. Planning Board Action:

In accordance with Section 63-10 of the Town of Johnstown Subdivision Regulations, the Planning Board shall schedule and hold a public hearing on the preliminary plat within sixty-two (62) days after the plat is determined to be complete by the Planning Board.

PLANNING BOARD ACTION:

MOTION: To schedule a public hearing on James Retersdorf's subdivision application at 168 McGregor Road for Tuesday, April 18, 2023 at 6:00 p.m. at Town Hall, 2753 State Highway 29, Johnstown, NY 12095.

MADE BY: Patti May  
SECONDED: Jes Bearden  
VOTE: 7 in favor, 0 opposed.

**XII. RICHARD LYNAUGH AND BARBARA LYNAUGH – MINOR SUBDIVISION ALONG EARL ROAD:**

**A. Background:**

Richard Lynaugh and Barbara Lynaugh own a parcel along Earl Road (162.-1-51.1) that is approximately 7.422+/- acres in size within the Town of Johnstown. The applicants seek to subdivide the parcel creating two (2) lots that are both 3.711+/- acres in size. While Earl Road is a private road it is maintained by the Town of Johnstown. No wetlands (state or federal) have been identified on the parcel.

**B. Fulton County Planning Department Review:**

The Fulton County Planning Department has reviewed the Subdivision application in accordance with the Town of Johnstown's Subdivision Regulations (Section 63-7.) As a result of that review, the following issues need to be addressed:

1. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances showing the location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

STATUS: Provided.

2. The proposed subdivision name and the name of the Town and County in which it is located must be identified along with the date, north arrow, map scale, name and address of record owner and subdivider.

STATUS: Provided.

3. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.

STATUS: Not Provided.

DISCUSSION: Planning Board members opted to waive any topographic features on the subdivision plat.

4. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.

STATUS: Provided.

5. The tax map sheet, block and lot number, if available.

STATUS: Provided.

6. All available utilities on all existing streets.

STATUS: Provided.

7. The proposed pattern of lots including lot width and depth, street layout, recreation areas, systems of drainage, sewer, and water supply within the subdivided area.

STATUS: Not Provided. The applicant will need to provide the location where a proposed well and septic system will be located. Subsequently, a perc. and pit test will need to be provided for both parcels.

DISCUSSION: Planning Board members discussed about waiving this item on the Subdivision.

Planning Board Member Jean-Paul Courtens inquired why this is being waived as previous Subdivision applications have required this.

Ms. Foss stated that the property is currently used for agricultural purposes and will continue to do so.

After a back and forth conversation, Planning Board members waived perc. and pit test as well as where a proposed well and septic could be.

8. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.

STATUS: Not Provided.

DISCUSSION: Ms. Foss indicated there were no easements or covenants on the property.

9. A Short Environmental Assessment Form with Part I completed by the applicant. The Planning Board may require a Full Environmental Assessment Form if circumstances are warranted.

STATUS: Provided.

10. A Homeowners Association will be necessary if both parcels have residences on the property.

Section 63.2 of the Town of Johnstown Subdivision Regulations states that "A privately-owned and maintained road that does not require a turnaround and is governed by a shared maintenance agreement among all owners. A private road may serve up to three (3) residences without a private Homeowners Association or more than three (3) residences with a private homeowner's Association which shall maintain the road. For purposes of this law, a shared driveway is a private road."

DISCUSSION:

After a discussion with the Town Supervisors, Code Enforcement Officer, and Planning Board members, it was recognized that the road is maintained by the Town and is not a private road, which would not result in the need to establish an HOA.

C. Fulton County Agricultural District #1:

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Site Plan subdivision application for a piece of property within an Agricultural District containing a farm operation or on property within 500' of a farm operation located in an Agricultural District must include an Agricultural Data Statement. All Agricultural District property owners within 500' of the project site must receive notice of the proposed action.

It has been identified that property owner Roberta Healy (3418 State Highway 29) is within 500' of the Lynaugh's parcel.

DISCUSSION:

Mr. Enfield stated he would have the Fulton County Planning Office send over an Ag. Data Statement to Ms. Healy.



D. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form (EAF), provided by the applicant, has been completed adequately?

DISCUSSION: Planning Board members felt that the EAF form was completed adequately.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: Planning Board members did not feel additional information should be provided as part of the SEQR Process.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II Action is categorically excluded from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

4. It is recommended that the Town of Johnstown Planning Board classify this project as an Unlisted Action and do an Uncoordinated Review of Richard and Barbara Lynaugh's subdivision application.

DISCUSSION:

Mr. Enfield stated that this project would not need coordination agencies; however, the Planning Board would still need to classify the project as an Unlisted Action.

PLANNING BOARD ACTION:

MOTION: Classifying that Richard and Barbara Lynaugh's application for a Minor Subdivision along Earl Road within the Town of Johnstown as an Unlisted Action and to do an Uncoordinated Review. As a result of the Uncoordinated Review, the Town of Johnstown Planning Board will serve in the capacity as Lead Agency for the purpose of issuing a determination of significance under SEQR.

MADE BY: Jean-Paul Courtens  
SECONDED: Mike McGrail

VOTE: 7 in favor, 0 opposed

**E. Planning Board Action:**

In accordance with Section 63-10 of the Town of Johnstown Subdivision Regulations, the Planning Board shall schedule and hold a public hearing on the preliminary plat within sixty-two (62) days after the plat is determined to be complete by the Planning Board.

**DISCUSSION:**

Planning Board Members agreed to hold a Public Hearing during the April meeting.

**PLANNING BOARD ACTION**

**MOTION:** To schedule a Public Hearing on Richard and Barbara Lynaugh's application for a Minor Subdivision along Earl Road within the Town of Johnstown for 6:00 pm, Tuesday, April 18, 2023.

**MADE BY:** Rosemarie Perez-Jaquith

**SECONDED:** Patti May

**VOTE:** 7 in favor, 0 opposed

**XIII. HERBERT GREEN – SITE PLAN FOR AN EXPANSION ON AN EXISTING AUTOBODY & PAINT SHOP AND AUTO SERVICE REPAIR GARAGE AT 977 STATE ROUTE 29A:**

**A. Background:**

Hebert Green is proposing to construct an addition to an existing Auto Service Business at 977 State Highway 29A within the Town of Johnstown (Tax Map Parcel No. 149.8-28-1). The parcel is approximately .467 acres in size. The applicant would like to build a 1,600 sq. ft. (40' x 40') one-story masonry addition with two (2) additional bays. The property will be paved gravel and offer 16 parking spaces. The property is zoned C-2 and is an existing nonconforming use that would be subject to a Site Plan Review.

Article 15 of the Town of Johnstown Zoning Ordinance defines Autobody & Paint Shop as a "facility which provides repair services for collision and other repairs to the auto body including body frame straightening, replacement of damaged parts, undercoating, and painting. Such repairs does not include mechanical engine or power train repair."

**DISCUSSION:**

Herb Green, applicant, gave an overview on his project and the increased business he has as a result of the closure of a similar business in the area.

**B. Fulton County Planning Department Review:**

The Fulton County Planning Department has reviewed Herbert Green's application on a Site Plan for an Expansion on an existing Autobody and Paint Shop and Auto Service Repair Garage at 977 State Route 29A in accordance with Article 11 Section 84-55 of the Town of Johnstown's Zoning Ordinance. Given the nature of project, the following issues need to be addressed:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

STATUS: Provided

2. North arrow, scale and date.

STATUS: Provided

3. Boundaries of the property plotted to scale of one inch to 50 feet (if the property is located in more than one zoning district, the boundaries of the districts shall also be shown).

STATUS: The scale is one inch to 30 feet.

4. Existing contours (unless otherwise indicated by the Planning Board, two-foot contours shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas).

STATUS: Not Provided.

DISCUSSION: Planning Board members agreed that the property was extremely flat and waived any contour lines and topography of the project site.

5. Existing watercourses and wetlands.

STATUS: N/A

6. Grading and drainage plan, showing existing and proposed final contours.

STATUS: Not Provided.

DISCUSSION: Planning Board members opted to waive a grading and drainage plan.

7. Location, design, type of construction, proposed use and exterior dimensions of all buildings.

STATUS: Partially Provided. The applicant has provided the type of construction, but not the exterior dimension of the proposed expansion.

DISCUSSION:

Mr. Enfield indicated that elevations will need to be provided.

8. Location and widths of existing and proposed driveways for the site and access to existing roads and highways. Location to nearest intersection of public roads to be provided.

STATUS: Provided.

Mr. McGrail expressed concern about the openness of the area where parking will be located along NYS Route 29A. Subsequently, he inquired on the entrance and exit of the property.

Mr. Ackerbauer indicated that the Site Plan specified an entrance and exit for the Site. .

Mr. McGrail, again, expressed issues with traffic along the NYS Route and mentioned Dunkin Donuts.

The Planning Board had a back and forth conversation regarding fencing.

Mr. Enfield reminded the Planning Board that New York State Department of Transportation will be reviewing this project and will most likely give comments on if fencing or bollards will be necessary.

9. Location, design and type of construction of all parking and truck loading areas, showing access and egress.

STATUS: Provided.

10. Provision for pedestrian access if applicable.

STATUS: N/A

11. Location of outdoor storage, if any.

STATUS: N/A

12. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.

STATUS: Partially Provided. The applicant has indicated the location, design and construction material, as well as location of a dumpster. However, the type of screening for a dumpster will need to be provided.

DISCUSSION:

Mr. Enfield stated that screening for the dumpster will be necessary, and the Site Plan will need to indicate what type is being used.

13. Description of the method of sewage disposal and location, design and construction materials of such facilities.

STATUS: N/A

14. Description of the method of securing potable water and location, design and construction materials of such facilities.

STATUS: N/A

15. Location of fire and other emergency zones, including the location of fire hydrants.

STATUS: N/A

16. Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy.

STATUS: N/A

17. Location, size and design and type of construction of all proposed signs.

STATUS: Not Provided.

DISCUSSION: Charles Ackerbauer P.E. pointed out on the Site Plan where the sign will be located.

Mr. Enfield asked that a rendering of the sign should be provided to the Planning Board to review.

18. Location, design, type, and uses of exterior lighting and signs.

STATUS: Not Provided.

DISCUSSION: Mr. Enfield inquired if there were going to be wall packs on the building?

Mr. Ackerbauer stated there would be some lighting on the building.

Mr. Enfield stated that the lighting will need to be provided on the Site Plan.

19. The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern.

STATUS: N/A

20. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.

STATUS: Provided.

21. General landscaping plan and planting schedule.

STATUS: Not Provided.

DISCUSSION: Planning Board members felt that a Landscaping Plan will not be necessary for this project.

22. An estimated project construction schedule.

STATUS: Provided.

23. Record of application for and approval status of all necessary permits from federal, state and county officials.

STATUS: N/A

24. Identification of any federal, state or county permits required for the project's execution.

STATUS: N/A

25. Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.

STATUS: Not Provided.

DISCUSSION: Mr. Green indicated that the hours of operation are Monday – Friday, 8am – 5pm.

26. Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1-acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than 1-acre and which are not otherwise subject to such regulations.

STATUS: N/A

27. Environmental Assessment Form with Part 1 completed.

STATUS: Provided.

28. Other elements or information integral to the proposed development as considered necessary by the Planning Board.

DISCUSSION: Planning Board members felt that additional information was not necessary.

C. Fulton County 239-m Review:

In accordance with NYS General Municipal Law section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, county or state existing or proposed road, a county or state existing or proposed park or recreation area, a county or a state-owned property (existing or proposed, on which a public building or institution is location), or a farm operation located within an agricultural district. Project refers include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations which the board may issue under zoning provisions.

DISCUSSION:

Mr. Enfield stated that as the project is along NYS Route 29, it will need to come before the Fulton County Planning Board.

MOTION: To forward Herbert Green's Site Plan application to the Fulton County Planning Board for a 239-m for the April 18, 2023 meeting.

MADE BY: Patti May  
SECONDED: Rosemarie Perez-Jaquith  
VOTE: 7 in favor, 0 opposed

D. State Environmental Quality Review

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a Site Plan application is subject to SEQR. Therefore, the following issues must be addressed:

1. Does the Planning Board feel that the Short Environmental Assessment Form, provided by the applicant, has been completed adequately?

DISCUSSION: Planning Board members felt that the EAF has been completed adequately.

2. Does the Planning Board feel that any additional information should be provided as part of the SEQR process?

DISCUSSION: Planning Board members felt that additional information was not necessary.

3. Type I or an Unlisted Action: Section 617.6 (b)(3) of 6 NYCRR states that, when an agency proposes to directly undertake, fund or approve a Type I or Unlisted Action undergoing a Coordinated Review with other Involved Agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form, completed by the Project Sponsor, or a Draft Environmental Impact Statement (DEIS) and a copy of any application that has been received to all Involved Agencies and notify them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date the Environmental Assessment Form or DEIS was transmitted to them.

Type II Action: A Type II Action is categorically excluded from SEQR. These actions have been determined not to have significant adverse impact on the environment. Once action is determined to be a Type II, no further environmental review is required. Section 617.5(c) provides the following actions that are not subject for a Type II Action.

4. It is recommended that The Town of Johnstown classify this project as an Unlisted Action and coordinate with the with New State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT) and the NYS Department of Health (NYSDOH). Does the Planning Board feel additional agencies could be included in the SEQR process?

#### DISCUSSION:

Planning Board felt that coordination with NYSDEC, NYSDOT, and NYSDOH would be necessary for this project and did not feel as though additional agencies should be included

MOTION: To classify Herbert Green's project application for a Site Plan Expansion on an Existing Autobody and Paint Shop and Auto Service Repair Garage at 977 State Route 29A as an Unlisted Action and to do a Coordinated Review with NYSDEC, NYSDOH and NYSDOT, giving agencies 30 calendar days.

MADE BY: Amy Ward  
SECONDED: Jes Bearden  
VOTE: 7 in favor, 0 opposed

#### E. Planning Board Action

In accordance with Article 11 Section 84-55 of the Town of Johnstown Zoning Ordinance, the Planning Board shall schedule and hold a public hearing on the Site Plan application within sixty-two (62) days after the application is deemed completed by the Planning Board. Does the Planning Board wish to schedule a public hearing at this time?

#### DISCUSSION:

Planning Board members felt there was enough information on the Site Plan to schedule a public hearing for April.

MOTION: To schedule a Public Hearing for Herbert Green's project application for a Site Plan Expansion on an Existing Autobody and Paint Shop and Auto Service Repair Garage at 977 State Route 29A for 6:00 pm on April 18, 2023.

MADE BY: Mike McGrail  
SECONDED: Rosemarie Perez-Jaquith  
VOTE: 7 in favor, 0 opposed

#### **XIV. TOWN OF JOHNSTOWN PLANNING BOARD – AMENDING ZONING ORDINANCE TO ALLOW FOR ELECTRONIC DELIVERY OF AGENDA ITEMS WHEN APPLICABLE:**

##### **A. Background:**

Currently, the Town of Johnstown Zoning Ordinance allows for the mailing of agenda items only. In 2022, there have been issues with Planning Board members receiving agenda items in a timely manner from the United States Postal Service (USPS). Additionally, some applications that come before the Planning Board may not necessitate a physical copy. The Town of Johnstown Planning Board is looking to amend the current zoning and to recommend that the Town Board allow for electronic delivery of agenda items, as determined by the Code Enforcement Officer. Additionally, should any Planning Board member(s) request a printed version, a full packet will be mailed to them via USPS.

##### **B. Town of Johnstown Zoning Ordinance Article 10 Section 84-54(C):**

**Required Plans and Submittals.** Because the impact of Special Use Permit uses varies greatly, the information required to be submitted for a Special Use Permit may vary depending upon the scale, intensity, nature of the proposed use and its proposed location. An applicant for a Special Use Permit shall submit at least ~~and 10 copies~~, *one (1) electronic copy, and at least 3 (three) copies (should more be necessary, Code Enforcement Officer has the discretion to request more)* of the following together with whatever other information the Planning Board deems appropriate:

1. A Town of Johnstown Special Use Permit application form.
2. A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision, and an agricultural data statement as defined below.
3. A narrative describing the proposed use and operation.

#### **DISCUSSION:**

Planning Board Member Rosemarie Perez-Jaquith stated that the words “shall have” should come after Code Enforcement Officer.

Planning Board Member Patti May expressed she would continue to receive a physical copy in addition to Albert Peck III.

Mr. Enfield stated he would work on the changes and increase the amount of physical copies for the board to review at the next meeting.

#### **XV. UPDATES:**

##### **A. Code Enforcement Officer:**

Mr. Unislawski stated that he received a letter from Young/Sommer following up from the Concept review that was done in February by Planning Board members during the February meeting when no quorum was held. He stated that the law firm would like the Town to consider a project for a Battery Storage Facility along Johnson Avenue Extension. Mr. Unislawski stated he is speaking with Town Attorney Leah Everhart on the matter.



B. Fulton County Planning Department:

**FMCC Training March 23, 2023**

Mr. Enfield reminded Planning Board members that training at FMCC will occur on Thursday, March 23, 2023 in the RAO Theatre from 4pm – 8pm.

C. Other:

**Subject Headers in Emails**

Planning Board members expressed the needs to have correct subject matters in emails sent by the Fulton County Planning Department, currently they say “Attached Image.”

Mr. Enfield indicated he would speak with the office to amend the change.

**XVI. CLOSE OF MEETING:**

MOTION: To close the meeting at 7:52 P.M.

MADE BY: Rosemarie Perez-Jaquith

SECONDED: Mike McGrail

VOTE: 7 in favor, 0 opposed