

**MINUTES OF THE VILLAGE OF JOHNSBURG  
JUNE 26, 2024 MEETING OF THE  
PLANNING AND ZONING COMMISSION**

**CALL TO ORDER** – Chairman Larsen called the meeting to order at 7:00 p.m.

**Commission Members Present**

James Barrett  
Steve Dixon  
Daniel Loud  
Roger Block  
Ken Calhoun  
Tom Benck – Absent

**Staff Present:**

Village Administrator Claudett Sofiakis  
Assistant Administrator Vinny Lamontagna

**R & J LAND CORPORATION** – Chairman Larson opened the hearing and read the request into the record. He stated that the Petitioner is requesting an amendment to the E-1 planned development zoning granted for Dutch Creek Estates Phases 3,4 and 5 to allow for a single accessory building with a floor space not to exceed 3% of the lot area on any single lot measuring 1.5 acres or more with conditions. It was confirmed that all fee and notice requirements had been met. Chairman Larson then swore in the Petitioner, Jack Pease.

Mr. Pease provided a summary of events to date related to the development and discussed the low number of lots currently built out in phases of 3,4,5, and 6. He remarked that the types of homes now being pursued have changed and therefore he needs to look into other approaches geared towards what the new buyer desires when building a custom home. He explained that services are currently being provided to those phases with no tax base to support them. Mr. Pease stated that he is regularly approached by people that are interested in buying a lot but they want to be able to build a larger accessory structure. He reviewed examples built in other areas and explained that the structure should complement the home but not become a mirror image of it. Family members would be able live in the accessory structure such as a mother in law or adult child, but they could not otherwise be rented. He is proposing a 100 feet front yard and 50 feet rear and side yard setbacks. Heavy landscaping will be required and garage doors will be required to face the side of the lot, not towards the front of the property. Overhead garage doors may be larger to accommodate recreational vehicles and boats and the maximum square footage is proposed to be 9500 square feet which would require approximately 7.5 acres of land.

**QUESTIONS FROM BOARD** - Commission Member Barrett questioned the allowance for kitchens. Jack explained that in his unit he has a substantial kitchen connected to a large dining area that is used for holiday and family gatherings. Commission Member Barrett questioned if the idea is to leave the lot formation as is and allow people to buy multiple lots to accommodate the larger accessory structure; and if so, is there a concern about leaving isolated small lots between the larger lots. Mr. Pease stated that he anticipates the neighboring property owners will likely purchase the remaining lot to expand their property. He explained that he is trying to encourage purchases that do not leave smaller lots isolated. Commission Member Barrett questioned if a separate drive access to the accessory structure will be permitted. Mr. Pease stated it will not as Village ordinance does not allow multiple driveways. He added that the lots will be required to be combined and only one drive will be allowed.

Commission Member Barrett questioned if there are any combination of the lots that would not support larger accessory structures because the setbacks could not be met. Mr. Pease stated that all of the lots can accommodate the required setbacks. Commission Member Barrett questioned the

allowance for business activity. Mr. Pease stated that the allowance is no different than what is allocated by the Village's home occupation regulations.

Commission Member Block stated that he visited Mr. Pease's property to see an example of what is being proposed and he complemented the design and layout of the structure on the property. He encouraged people to see it as an example.

Commission Member Calhoun questioned if a landscape plan will be in place for everything. Mr. Pease stated that the subdivision's architectural review committee will oversee the landscape planning and requirements. He pointed out the natural separation and screening already in place between Phases 2 and Phases 3 and 4. Commission Member Calhoun questioned if outside storage will be allowed. Mr. Pease stated that no outside storage will be permitted. Commission Member Calhoun questioned how short term rentals will be prohibited. Mr. Pease stated that both the subdivision's CCRs and Village ordinances prohibited them. Commission Member Calhoun questioned if Mr. Pease plans to expand the concept to Phase 6. Mr. Pease stated that he not planning the use in Phase 6 as he is planning to build 5-6 spec homes in Phase 6 and aggressively market them.

Commission Dixon questioned if a buyer acquires 4 lots will they only be able to build one accessory structure for all four lots. Mr. Pease stated that when the lots are bought, if only the home is being built, they will not be required to merge them immediately, but once they pursue the accessory structure, they will be required to merge the lots. Commission Member Dixon asked for confirmation that a minimum of 1.5 acres will be required to accommodate the larger accessory structure and the structure cannot be more than 3% of lot area. Mr. Pease confirmed that to be correct.

Commission Member Loud questioned if a home must be on the property first or at the same time as the accessory structure is being built. Mr. Pease stated yes. Commission Member Calhoun questioned if an HOA is in place. Mr. Pease stated that the HOA for Phases 1 and 2 were turned over to the homeowners and the HOA for Phases 3,4,5 and 6 are still controlled by R & J Landholdings because 80% of the lots have not been sold yet.

## **PUBLIC INPUT**

Greg Nemec of 4111 Farmington Lane attended to speak on behalf of the homeowners in Phases 1 and 2. He expressed that the homeowners have concerns because they do not believe that what is being proposed is in concert with what was intended for the neighborhood. He submitted a petition signed by 30 homeowners expressing that they object to the requested change in the planned development as they believe the change will have a negative impact on the quality of life in the neighborhood. Mr. Pease urged the residents to come see his home as an example of what he is trying to do. Mr. Nemec expressed that he is surprised that the commission would support a 9500 square foot accessory structure with a home as small as 2700 square feet. Commission Member Barrett explained that as proposed, a 9500 square foot accessory structure would require approximately 8 acres. Mr. Nemec stated that there is nothing that would prevent the storage of commercial vehicles. Mr. Pease stated that the proposed conditions prohibit that activity. Mr. Nemec expressed concern that a home built in Phase 5 does not have any masonry on it as required. Mr. Pease stated that the homeowner does not have the funds for the masonry at this time and he is working with her to get it done.

Gary Foley of 3913 Farmington Lane questioned if the residents on Farmington, when looking west, would be looking at the back end of the accessory structure. Mr. Pease stated that there are only two areas where that could occur and the HOA's architectural review committee will require additional features and landscaping to insure it is aesthetically pleasing. He added that he is willing to require notification to those property owners to get input before proceeding. Mr. Pease explained that there will likely be a separate association for Phases 3,4,5 and 6 unless the HOA for Phases 1 and 2 are interested in having them merge together and the other phases are interested in merging. Mr. Foley stated that he heard that Phase 6 is going to be built in partnership with KLM. Mr. Pease stated that he cannot comment on that matter. Mr. Foley added that he heard the Village will acquire a lot in the upper phases which will that be taken over by the future HOA. Mr. Pease stated that the Village already owns the land and if the Village decides they do not wish to develop it for park use it will be up to the Village to decide if they want to turn it over to the HOA. Mr. Foley questioned the use of metal roofs. Mr. Pease explained that it is becoming a common practice.

George Jihlavec of 2812 Sweetwater Lane stated that he is not a fan of accessory structures larger than the home. Mr. Pease stated that in the case of his home, you cannot tell a big difference in the size of the structures. Mr. Jihlavec expressed his dislike for metal roofs.

Deborah Masura of 2816 Sweetwater Lane expressed concern with the home that was built in Phase 6 as she finds the materials used to be substandard. She stated that when she inquired about it she was told that the newer phases are not held to the same standards as those in Phases I and II. She added that a home now has been constructed in the Wilderness using similar substandard materials. She questioned what the development will look like because of the changes in permitted materials. Mr. Pease stated that the only change was to the cedar siding requirements. The new material is designed to look the same but function better. Ms. Masura questioned if someone with a home in Phase II could buy a lot in Phases 3 or 4 and only build an outbuilding on it by connecting to their lot in Phase II. Commission Member Barrett pointed out that the larger accessory structure is not an option to homes in Phase II. Ms. Sofiakis concurred that the requested amendment was only noticed up for Phases 3, 4 and 5. Ms. Masura questioned why Jack is allowing for homes that are not estate type of homes. Mr. Pease stated that they are estate homes. Ms. Masura expressed concern with what the homes on Farmington will see. Mr. Pease stated that likely only one lot will back up to one of the properties with a larger accessory structure and due to the distance between homes and additional landscaping requirements, it will not be noticeable. Ms. Masura stated that Mr. Pease's property is nice but she does not believe the larger accessory structures are appropriate in Dutch Creek Estates.

With no further questions or comments, the public hearing was closed at 8:20 p.m.

Commission Member Calhoun moved to table the matter for further consideration to July 10, 2024 at 7:00 p.m. in the David G. Dominquez Municipal Center, 1515 Channel Beach Avenue, Johnsbury. Commission Member Block seconded the motion. All Commission Members voted aye on the roll. The meeting recessed at 8:21 p.m.

Respectfully Submitted,

*Claudett Sofiakis*  
*Village Administrator*