

**MINUTES OF THE VILLAGE OF JOHNSBURG
JANUARY 8, 2025 RECONVENED MEETING OF THE
PLANNING AND ZONING COMMISSION**

CALL TO ORDER – Chairman Larsen called the meeting to order at 7:01 p.m.

Commission Members Present

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

Staff Present:

Village Administrator Claudett Sofiakis
Assistant Administrator Vinny Lamontagna

PUBLIC INPUT – Laurene Ives of 3713 Buchanan Road stated that many people are concerned with traffic impacts on the adjacent neighborhood and how water could be affected. She also remarked about the increase in taxes everyone is experiencing.

Cindy Jacob of 3718 Hamlin Drive stated that she is a local realtor. She remarked about traffic impacts associated with the new apartments and persons making improper left turns out of the development. She stated that travel in and out of her neighborhood is already difficult and asked that the Commission consider the impacts of petroleum on children's health. Ms. Jacobs stated that a resident in an adjacent neighborhood had her property on the market a year ago and was offered much less for her home because of the impacts of the new apartments and the potential new gas station. She expressed that she feels another location would be more suitable.

Ken Klean of 3718 Hamlin stated that he contacted Senator Wilcox who could not attend the meeting but asked him to share his concerns regarding safety, 24 hour operations, retail thefts, and contamination issues associated with tank leaks which could impact wells. Mr. Klean questioned if the Village has an interest in the property and if Kelley's Market owns it.

Norma Riley of 3812 Buchanan expressed concerns regarding traffic impacts and residents from the new housing development making improper left turns onto Johnsburg Road. She stated that when an accident occurs at Johnsburg Road and Route 31, motorists use her subdivision roads to get around the accident site.

Laura Moysey of 3615 Garfield Road asked that the Commission not approve the change in zoning. She stated that she understands the desire to bring in business for more taxes to support the Village and is aware that the Village designated Route 31 as a commercial corridor. She questioned if Kelley's Market already purchased the land and what development's impact will be on the water tower. She further questioned the source of water for the car wash and where the used water from car wash operations goes. She stated that there will be a lot of noise and light associated with the development and expressed concerns regarding the impacts from delivery trucks, 24-hour operations and liquor sales. She questioned if the Commission members looked at the intersection of Hamlin and Johnsburg Road.

Scott Rodgers of 3815 Buchanan Road stated that he agrees with the concerns shared by others and questioned if there is a need for another gas station in Johnsburg. He expressed that he does not see the value the development will bring and opined that it will not increase property values or decrease taxes. He stated that a better investment would be to not build new but rather renovate the existing gas station. He questioned the impact he will experience if he sells his house in the future and expressed that he does not see the need for 24 hour operations.

Sally Beake of 3718 Claremont stated that the proposed development is in a bad location and asked the commission members to experience the current traffic in the area.

Joseph Ratajczsak of 3725 Garfield stated that the development has more negative impacts than positive. He expressed concern with the alcohol component in close proximity to the school and that the development will harm the day care center. He remarked regarding high benzene levels in the air around gas stations and articles associated with their negative impacts to children's health. He questioned the plans for gasoline vapor recovery and how noise will be addressed.

Ronald Zimmerman of 3612 Grant Drive stated concerns with air pollution and lights negatively impacting neighbors. He expressed that this is the first time he's regretted being a part of Johnsbury and added that if the gas station goes in, it means the town does not care about the neighborhood. He opined that there will be an increase in accidents if the development proceeds and stated that once a gas station goes in, it is hard to get rid of.

A resident in attendance stated that when the apartment development was constructed the construction traffic destroyed the roads in her subdivision. She questioned if the same will occur with this development.

No additional persons expressed an interest in speaking and the petitioner was given an opportunity to respond.

KELLEY'S MARKET - Ryan Swanson of Arc Designs was in attendance on behalf of Kelley Williamson Company. Mr. Swanson responded to comments by pointing out the benefit of having 24-hour operations as Walmart is not open 24 hours nor does it appear that any other station in Johnsbury is open 24 hours, therefore residents need to travel to neighboring towns if in need of something late at night. He added that the traffic study conducted took into consideration all of the surrounding traffic impacts, including the new housing development. Mr. Swanson reviewed an exhibit depicting the proposed access on Hamlin with both a left and turn lane exits from Hamlin onto Johnsbury Road. He explained that the exhibit depicts how many vehicles could stack at the intersection and emphasized that it does not necessarily reflect actual backups that may occur. The exhibit also depicted the amount of vehicles that could stack in the left turn lane on Johnsbury Road at Hamlin. He added that they are also looking at the right decel lane in an effort to enable more traffic to flow around persons cueing to turn south onto Route 31.

Mr. Swanson addressed the environmental concerns raised explaining that the industry is heavily regulated. He stated that the proposed tanks meet regulations regarding distance from public and private wells and explained that tanks are designed with dual walls and the space between the walls is constantly monitored for both water leaking in a petroleum leaking out. The system is equipped with automatic shut offs and the fill tanks and pumps are contained. Mr. Swanson stated that the hoses are double walled and there are additional safety controls at the dispensers. He explained that the system is monitored 24/7 and both the store managers and owners of the company are automatically alerted of any issues. Mr. Swanson commented regarding the daily, weekly, and monthly reporting that is required by the State and explained that stage one vapor recovery systems, associated with recovering vapors during fuel refilling of the tanks, are in place. He further explained stage 2 vapor recovery systems, which are related to recovering vapors at the dispensing stations, are no longer required due to today's vehicle designs. Mr. Swanson stated that many studies have been conducted and reports are readily available that show that systems today do not produce benzene levels that have the negative effects referenced by residents at the meeting.

Mr. Swanson reviewed additional exhibits depicting site lines from the neighboring properties to the north. He identified the fencing, a retaining wall and additional landscaping that was added in response to concerns raised at the previous meeting. He pointed out the manner in which the improvements will create a screening to buffer the site from the adjacent properties and remarked that due to the elevation difference, the adjacent residential property owner would only see the fence and nothing on the site itself.

QUESTIONS FROM THE COMMISSION – Commission Member Loud had no additional questions. Commission Member Dixon asked for clarification that the 24 hour operations do not include the sale of alcohol. Mr. Swanson confirmed that alcohol sales are regulated by ordinance and not permitted 24 hours. Commission Member Dixon questioned if the landscaping and fence were implemented to help protect the children from the daycare center. Mr. Swanson stated that they provide multiple benefits, both a visual buffer and security. Commission Member Calhoun and Block had no additional questions. Commission Member Barrett asked the petitioners to elaborate on why the County did not allow access directly onto Johnsburg Road. Mr. Swanson explained that it was due to the turn lanes at Route 31. Commission Member Barrett questioned if water is being supplied by the Village's water system. Mr. Swanson confirmed that it is. Commission Member Barrett questioned if the current owners have any affiliation with the Village. Mr. Swanson stated that the Village has no interest in the land and that Kelley Williamson has not yet purchased the property.

Commission Member Benck expressed concern regarding the impact of headlights on the neighboring property to the east from cars leaving the store. He questioned if there is a plan to insure that the landscaping is sustained and maintained. Mr. Swanson stated that headlights from vehicles leaving the site via Hamlin will project downward because of the grade of the property and the building and fence blocks headlights from the properties to the north. He confirmed that landscaping will be sustained and maintained. He added that lighting is LED, shielded, and cast downward, unlike lighting utilized under canopies in the past. He explained that the majority of any noise coming from the development is blocked by the building and that typically ambient noise from adjacent roadways is louder than that which occurs on the property. Commission Member Benck questioned the type of fence proposed. Mr. Swanson stated that it is a 6-foot privacy fence constructed of low maintenance PVC. Commission Member Benck questioned how the discharged water from the car wash is managed. Mr. Swanson discussed that discharge system which includes a separate catch basin for solids. Commission Member Benck questioned the amount of noise associated with the car wash. President for Kelly Williamson Company, Clif Morris stated that very little noise is experienced as the doors are always closed when the car wash is in operation and the noise is contained within the building. Commission Member Benck questioned typical delivery times. Operations Manager for Kelley Williamson Company, Suzanne Dorsey Sterling, stated that deliveries typically occur between 6:00 am to 3:00 p.m. She explained that most deliveries are handled by the company's transport service.

MOTION - Commission Member Loud moved to adopt the Findings of Fact and recommend that the Village Board grant the request to rezone the property commonly known as 3614 W. Johnsburg Road from Village of Johnsburg B-1 Business District to B-2 Business District and that both parcels be granted a special use permit for Planned Development to accommodate a convenience store featuring a restaurant, car wash, and fuel sales, and that the following be incorporated into the Special Use Permit for a Planned Development: a) a minimum rear yard setback of 6 feet; b) a minimum front yard setback of 29 feet; c) a total of 28 parking spaces shall be provided (exclusive of those provided at the fueling position) with a minimum parking lot depth of eighteen (18') feet; d) a driveway width of 36 feet at Hamlin Drive; e) a conditional use to permit the sale and consumption of alcoholic beverages on premises; f) multiple signs on the property as identified in the proposed development plan; and g) a six feet high privacy fence along the north property line and that the Village Board approve the Final Plat/Development Plan. Commission Member Block seconded the motion. Commission Member Block, Calhoun, Benck, Loud and Dixon voted aye. Commission Member Barrett voted no. Motion carried. Commission Member Barrett stated that he is sensitive to the traffic challenges at Hamlin and asked suggested that deliveries and construction traffic access from Route 31 and questioned if something could be done to help buffer the impact of headlights on the residential property east of the development on Hamlin. All Commission Members concurred with incorporating those considerations into the recommendation.

ADJOURNMENT – Commission Member Calhoun moved to adjourn the meeting and any public hearing. Commission Member Barrett seconded the motion. All Commission Members voted aye on the roll. Motion carried at 8:10 p.m.

Respectfully Submitted,

Claudett Sofiakis
Village Administrator