

# *Minutes*

## *Town of Corinth Planning Board 05/18/2006*

Meeting called to Order 7:09pm

Present: Louise Reed Althea Rivette Alex Pellizzi  
Joan Beckwith Attorney Pozefsky Fred Mann, Building  
Inspector

Excused: Edwin Eggleston

Public Present: Siegrid Koch, Arlene Springer, Mitch Saunders, Shelli Everts, Mary Baugh, Donald Streed, Leif Sandwick, Yvonne Melville, Russell Melville, Edward Byrnes, Barbara Weatherwax, Charles Weatherwax, Carroll Odgen, Ginny Ogden, Roger Hightower, Tammy Kimmerly, Louise Kirkpatrick, Ralph Petruzzo, Charlie Brown

*\*Motion to table approval of minutes from 04/20/2006 until June 15th, 2006~ Joan Beckwith*

*Seconded~ Althea Rivette*

*All in Favor~ yes*

### Old Business:

~Kevin Hastings ( Morgan Estates)

Mr. Hastings is before the planning Board this evening for a public hearing on a special use permit. He needs the Special use permit because the property is zoned industrial and he is putting in a residential 20 lot subdivision. Attorney Pozefsky said that the land use laws have only been in effect for about 4 years and the code says that if an individual wants to have residential in an industrial zone then that individual has to come before the planning Board for a special use permit. There was some discussion about the traffic issues that could arise and Chairperson Reed opens the public hearing.

Barbara Weatherwax wants to know if Mr. Hastings is building residential in an industrial zone why would the zoning be left as industrial and she can foresee problems with homeowners in the future if the zoning is left the way that it currently is. Mr. Hastings said that the entire property is zoned industrial and that he has been before the Town Board and it was not their desire to change the zoning. Attorney Pozefsky said that the question should be asked to the Town Board and that what Mr. Hastings is in front of the Board for now is a permissible use.

Lief Sandwick wanted to know if the planning board could ask for deed restrictions on these lots and make this a stipulation on granting the special use permit. Chairperson Reed said that would work and the Board would make this a condition of the special use permit.

Gary Williams said that he had issues with the distances from the road to his property line. Fred Mann said that the minimum distance is 10 feet off Mr. Williams property line. Discussion ensued and it was decided that another condition on this special use permit would be for Mr. Hastings to have the surveyor Dave Barrass to stake out the edge of the pavement going back along Mr. Williams property.

*\*MOTION TO CLOSE PUBLIC HEARING~ Joan Beckwith  
SECONDED~ Althea Rivette  
ALL IN FAVOR~ YES*

*\*MOTION TO APPROVE SPECIAL USE PERMIT WITH THE  
FOLLOWING CONDITIONS~ Alex Pellizzi  
SECONDED~ Althea Rivette  
ALL IN FAVOR~ Yes*

*CONDITIONS ARE AS FOLLOWS-*

*1.) TO HAVE SURVEYOR STAKE OUT EDGE OF ROAD ALONG  
Mr. Williams PROPERTY TO ENSURE THAT THERE IS NO  
INFRINGEMENT.*

*2.) THAT THE DEED RESTRICTIONS ON EACH PARCEL STATE*

*THERE WILL ONLY BE RESIDENTIAL USE ON EACH LOT NOT WITHSTANDING ANY OTHER PERMISSIBLE ZONING.*

NEW BUSINESS:

1.) Donald Streed-

Conceptual for subdivision on Loughran Drive. There was discussion about the subdivision and Mr. Streed was advised to contact the surveyor Dave Barrass if subdivision is in compliance. The board did not feel that the property would be able to be grand fathered in because Mr. Boggs( previous owner) never submitted the maps to the county. The Board told Mr. Streed that he may not be able to do anything with this board and possibly he would have to go before the Zoning Board, however his first step should be to get in touch with Dave Barrass.

2.) Ralph Petruzzo-

Conceptual for subdivision of property at his Main Street address. There were issues discussed with the subdivision of this 5 acre lot such as right of way and intentions of use. Althea Rivette said that she wanted to make a motion to table this discussion until the Board could do more research into it and looked to Attorney Pozefsky for direction. Attorney Pozefsky said that Mr. Petruzzo is simply asking for a subdivision of his property without any regard to the use. Mr. Petruzzo said that this subdivision of 5 acres had nothing to do with the other site or property at all, and asked if he was guilty by association. Mr. Pellizzi replied that he could be.

There was further discussion about the use of this parcel by Althea Rivette. Attorney Pozefsky said that if the subdivision was approved any use for the property would have to adhere to any new laws and all the present laws. Althea Rivette said that she felt that because the Town Board did not get back to the Planning Board with a reply to the Resolution # 1, that was passed by the Planning Board at last months meeting that she does not want to move forward with this.

A couple members of the audience felt that this conceptual of Mr. Petruzzo's was involved with the project that is currently not to be discussed under the moratorium. Chairperson Reed had to point out

that it was a subdivision of property and that the board could not discuss any project that was under the moratorium. Althea said the resolution is still in the air and has not been addressed by the Town Board. Joan Beckwith said the gentleman has a right to subdivide his property. Althea said the planning board should have a workshop on this and if Mr. Petruzzo is entitled to it then the planning board will give it to Mr. Petruzzo. Alex Pellizzi said that he feels that the planning board should postpone any decision until after the project that is under the moratorium is settled. Attorney Pozefsky said that this is only a conceptual that is in front of the Planning Board at this time but that he will check with the Towns Attorney Bob Hafner to see if it will fall under the moratorium. Chairperson Reed said that Mr. Petruzzo had been in front of the Town Board today at the town board meeting to discuss this subdivision. Althea Rivette asked Ed Byrnes if he saw any problems with this. Mr. Byrnes said that he was not an attorney and he agreed that Attorney Pozefsky should consult with the Town Attorney.

### 3.) Shelli Everts-

Conceptual for special use permit for horse boarding , training and breeding opportunities. The property is located at 45 Atwell Road and issues were discussed such as creeks and run off and disposal of manure. Mrs. Everts gave a very detailed presentation on what her plans were for this barn that she would like to put up for the business she plans to start. There were some issues in regard to the fact that Mrs. Everts wants to use this as a working farm. Attorney Pozefsky said that the issue was that Agriculture is not defined in the land use book. Althea said that there would have to be a public hearing on this and that Mrs. Everts would have to notify her neighbors and that the public would have to be assured that there would be no smell. Attorney Pozefsky said that it may fall under home occupation and this would have to be looked into and that he would be willing to discuss this with her lawyer. It was decided that Mrs. Everts should come back to next months meeting in June because there may be different ways to go about this project and time is needed for research.

## PLANNING BOARD-

Chairperson Reed said that there was going to be a public hearing on June 7th on Elder cottages and that the Town Board is proposing to do away with them. The Town Board is looking for input from the Planning board on what their feelings are on Elder cottages and that the Planning Board members should write a letter to the Town Board expressing their feelings. Althea Rivette, Joan Beckwith and Chairperson Reed all felt pretty much the same way in that Elder cottages should be kept in the land use book, there was a need for elder cottages, and that this was not a community of lawyers and doctors.

Althea Rivette said that at last months meeting she had made a motion to send the letter/resolution to the Town Board and she does not know if there was a misunderstanding or not , however, she wants to make the motion again to ensure that every Town Board member receives it and that they read it because that is their job to do so. Chairperson Reed said that she thought that Althea had filed it with the Town Clerks office. Althea said that she had but according to Article 12 of the Land use book the Town Board did not follow the proper procedure, therefore she wants to submit it again. Mrs. Rivette asks Attorney Pozefsky to read the Motion as presented.

Alex Pellizzi said that the Planning Board has a right to come up with amendments to the law. Mr. Pellizzi recites numbers 1,2, and 3 from Article 12 of the Land use laws and states that the Planning Board did all that was required of them and that the Town Board should have set up a time and place to have a public hearing. Mr. Pellizzi said that this resolution was not a suggestion and that the Town Board was in violation. Mr. Pellizzi said the resolution along with Article 12 of the Land use laws, was a powerful instrument to the Planning Board. Althea Rivette said that she felt that the Planning Board was being ignored and she wanted a motion for a new resolution to go in front of the Town Board and be considered. Chairperson Reed said that the Planning Board does not write the laws and that it is up to the Town Board whether they accept it or not. Althea said that the Town Board is advertising in the Pennysaver that they are looking for help with the laws that have to be written for the moratorium. Alex Pellizzi told Chairperson Reed to read Article 12 of the Land use laws, and that the Planning Board has made a resolution to change the laws of Corinth.

Attorney Pozefsky said that Mr. Pellizzi was right in that the Planning Board can file a resolution with the Town Clerk, however he doesn't think the

Planning Board has the power to change the laws. Mr. Pellizzi said that the Town Board can come up with a resolution to change the laws and asks Attorney Pozefsky what the difference is between the Town Board and the Planning Board initiating a resolution. Attorney Pozefsky states that the Town Board may approve any such amendments that come before them. Althea Rivette said that she feels that the Town Board should have acknowledged the resolution that the Planning Board presented to them from last months meeting. Joan Beckwith said that the Town Board should have acknowledged that they received it and also said that in order to change the code there has to be a public hearing. Attorney Pozefsky said that it was up to the Town Board to decide to make the change. Mrs. Beckwith said that she would like some kind of written response from the Town Board. Mr. Pellizzi said that he does not want a written response. Mr. Pellizzi said that the Town Board has to adopt it at a meeting, and the Town Board never had that meeting, and the resolution was not a suggestion and Lucia has violated the law. Althea Rivette said that if the Town Does not want people to respond, then they should not have ads in the Pennysaver.

**\*MOTION TO FILE RESOLUTION # 2 WITH THE TOWN CLERKS  
OFFICE ~ Althea  
SECONDED~ Joan  
ALL IN FAVOR~ Yes**

**\*MOTION TO ADJOURN MEETING ~ Joan  
SECONDED ~ Althea  
ALL IN FAVOR~ Yes**