

**TOWN OF CORINTH
PLANNING BOARD
600 PALMER AVENUE
CORINTH, NEW YORK
LOUISE REED
CHAIRMAN**

Meeting called to order: 7:03 pm

August 17, 2006

Present:

Louise Reed, Edwin Eggleston, Althea Rivette, Alex Pellizzi, Joan Beckwith, Attorney Pozefsky, Fred Mann, Code Enforcement Officer, Cheri Sullivan, Planning Board Secretary

Public Present: Michael O' Conner representing Ralph Petruzzo & Petruzzo Products, Mary Baugh, Leif Sandwick, Louis Kirkpatrick, Arleen Springer, Sigrid Koch, Russ & Yvonne Melville, Barbara & Charles Weatherwax, Carroll Ogden, Ginny Ogden, Edward Byrnes, Mitch Saunders, Diana Jordan, Ted Jordan, Gayle Swinburne, Ralph Petruzzo, George Melville, Ruth Syrop, Herb Syrop, Joyce Day, Maureen Duffy, Rose Bovee, Dawn Mohan, David McCane, William Knox, Bob Eggleston, William & Suzanne Malesky, Jim Hamm

Motion to approve minutes from July 20, 2006

*Edwin Eggleston
Seconded: Rivette
All in favor: Yes*

Old Business:

Board member Alex Pellizzi read to the board members and public present his letter retracting his recusal pertaining to the application of Ralph Petruzzo's subdivision. Following the retraction of his recusal Mr.

Pellizzi proceeded to read a poem.

Attorney O'Connor said that he will continue with his objection but will continue on with the meeting. Attorney O'Connor said that the 4 acre lot will not be used in conjunction with the other application that is pending and that this can be written as a condition of approval if necessary. Attorney O'Connor said that his client still does not have a better map at this time.

Attorney Pozefsky clarified that this was not a boundary line adjustment and as per Code it was considered a subdivision. There were questions raised in regards to the proposed driveway and what the necessary requirements would be Code Enforcement officer Fred Mann said that he would have to look into it and give Bob Lockwood a call because the property is zoned Industrial.

There were issues raised about distances of commercial buildings from neighboring properties. However it was decided to wait until current maps were submitted.

Board member Alex Pellizzi requested that an Environmental impact statement be done prior to next months public hearing. Attorney O'Connor said that only the short form was filled out for this application but that his applicant would be willing to fill out the long Environmental Assessment form. Mr. Pellizzi said that he would like the long environmental assessment form filled out and an Environmental impact statement prior to next months meeting. Attorney O'Connor stated that they would not voluntarily file an environmental impact statement on a 2 lot subdivision. Attorney O'Connor explain that they would file the long environmental assessment form then the board reviews it and finds whether or not there is a positive declaration or a negative declaration. Mr. Pellizzi said that according to the SEQR process if there is going to be an environmental impact statement that it has to be done prior to the close of the public hearing or else it can't be done.

Attorney Pozefsky said that the planning board members are automatically Lead Agency by law on this application, as there are no other interested or involved agencies. The next step is to make a determination as to whether there are going to be any significant environmental impacts, if there are none then that it is as far as it goes, if it is decided that there are, then it is a positive declaration and if you have a long form then you go through that to see if any of the impacts can be mitigated or you can ask for an EIS

(Environmental impact statement), however the EIS is only typically requested for commercial developments. Mr. Pellizzi said that he still wanted to see an EIS done. Attorney Pozefsky said that the board would still have to review the Long EAF and decide first whether or not there is any significant impact.

Attorney O'Connor said that the planning board is not approving uses on the property it does not fall under site plan review it is a minor subdivision of property that closely resembles a boundary line adjustment. Alex Pellizzi wanted to know what the purpose of the boundary line change was for. Attorney O'Connor said it was so that the applicant could treat the property differently in the future, such as leasing and mortgaging it as a separate parcel.

Public comment period opened

Douglas Ward Attorney for the safe and responsible citizens group. Mr. Ward requested that the public hearing be left open for discussion and the proper procedure be followed. He also referred to the letter that was submitted at last months meeting that was requesting information. Mr. Ward discussed segmentation of review under SEQOR, what type of subdivision is this , if it is commercial what type of use and what type of future uses are planned for this. Mr. Ward also felt that it may be necessary to sent the proper application forward on to the county for county review. He mentioned that at the workshop it was stated that the documents required be supported Ten days in advance of the meeting and said that it would be helpful so that the public has a chance to review the documents submitted prior to the meeting.

Attorney O'Connor said that there was nothing new that has been submitted tonight. He addressed the issue of future plans of this subdivision and stated that there are no plans beyond creating the subdivision as to activities on these lines. Attorney O'Connor said that there is another application before the planning board that they have which is on hold due to the moratorium, however this 4 acre lot will have nothing to do with that lot once the moratorium is lifted on the other application. Attorney O'Connor said that they are not doing things in steps. He feels that the applications request information on the proposed use of the property and his applicant has stated what the proposed use of the property is going to be, warehousing and manufacturing, he also believes that is what its present

use is.

Herbert Syrop discussed to the Board members how he felt that the application of Mr. Petruzzo's was not answered properly, he specifically addressed item's #11, 13, 15 that are related in terms of use. Mr. Syrop felt that there was going to be an impact on the surface water because Mr. Petruzzo's land is on a higher elevation than the ponds on the surrounding property.

Mr. Syrop also wanted to know how it happened that a comment made on a petition by one of the board members to DEC got into Mr. Petruzzo's Lawyer Mr. O'Connors hands. He asked "if this was some kind of collusion or does he not understand the process".

Attorney O'Connor said that Mr. Petruzzo foils DEC on a regular basis for any and all correspondence that DEC receives in regards to that application. Mr. O'Connor further explained how the foil process works and that is how a copy of that particular petition was obtained.

Herbert Syrop asked if Mr. O'Connor could produce a receipt for paying for the foil. Attorney O'Connor said that he was not sure if he could produce a receipt that sometimes an applicant is given a copy upon request and that applicants are treated differently in regards to obtaining information from DEC.

Attorney O'Connor said that the applicant will file the EAF. Attorney Pozefsky said that he would like the Town Engineer to look at the long form once it is handed in to the Planning Department.

Board member Edwin Eggleston asked Attorney Pozefsky if whenever the Boundary lines are changed that it has nothing to do with anything else? Attorney Pozefsky said that any issuing of permits for uses comes from the building Department and code enforcement officer Fred Mann. Attorney Pozefsky said that the planning board is allowed to look at use and allowed to ask questions about future use and this Board has and after that it is a permitting process that goes before Fred Mann.

Chairperson Reed said that she would like to table this until next month so that the long EAF could be filled out and submitted. She also felt that Code Enforcement Officer Fred Mann would need the time to find out about the

required footage on the driveway being that the property is zoned Industrial. Chairperson Reed also reminded the applicant that an updated map is a requirement for the next meeting Attorney O'Connor said that Mr. Ward had raised the issue of a form 239 that is submitted to the county, be submitted, and wanted to know if that is standard procedure for a subdivision. Attorney O'Connor said that he did not feel that his applicant meet any of the requirements needed for that form to be filled out and sent to the County. Attorney Pozefsky agreed that it did not need to be submitted to the County Planning Board.

**MOTION TO TABLE PUBLIC HEARING- Louise Reed
SECONDED-Edwin
ALL IN FAVOR- YES*

NEW BUSINESS:

James Hamm was before the Board for a conceptual for property located at 179 Howe Road. Mr. Hamm was before the board on behalf of his son who owns the property. His son is looking to subdivided the property into two equal lots pending on whether or not they can make the wetland setbacks and provisions. The property is currently being surveyed and the wetlands are being flagged. Mr. Hamm said that there would be a 20ft right of way put in to get to the back parcel. There is approximately 9.39 acres and there is currently a home on the front portion of the land. The property is zoned R2 in which the Town only requires there to be 1 one acre. The right of way would be on the South side of the property.

Chairperson Reed asked if there were any other questions from any of the board members? Board members Joan, Edwin, Althea, and Alex all stated No. Mr. Hamm was told to come back when the survey is done and to let the Board know when he is ready to come back.

William and Sue Malesky were before the Board for a conceptual for site plan use on Farr Farm Road, Greenfield. Mr. Malesky would like to erect an arena on his property to further enhance their present business. Proposed arena falls under site plan use because is currently an agribusiness. There is approximately 50 acres at this location and part of the property is in the Town of Greenfield. However, the location of the

proposed arena is in the Town of Corinth. The Property is already drained and has been functioning the last few years in its present capacity, all they would like to do is put a roof over where they are already working. Mr. Malesky said that they have been told that their riding academy is an agricultural operation but all also commercial operation.

Attorney Pozefsky said that this is a site plan review and that it is a permitted use. It is a more intensive use, therefore the board has to review it . Attorney Pozefsky said that if the Board looks in their book the procedure is under Article 6 on page 12.

There was some discussion on the limits on height of the roof. Mr. Mann said that if it was going to be on a slab there was a limit, if it wasn't on a slab there were no limits. Mr. Malesky said that the plans were being drawn currently. It would be a pole barn style and it would not be more than 14 ft at the eaves of the building. There was some discussion on the closest neighbors.

Attorney Pozefsky said that this is usually a two step process a preliminary and a final approval and that a public hearing is optional and if the preliminary has very changes that a preliminary and final can be done all at once.

Chairperson Reed polled the Board members to see if they felt there was a need for a public hearing for this site plan application.

Alex-No, Althea- No, Edwin-No, Joan-No there was not a need for a public hearing.

The Malesky's were advised to come back to next months meeting and have their short EAF form filled out .The Board would review and consider doing the Preliminary and final at the same time.

***MOTION TO ADJOURN-Edwin**

SECONDED- Joan

ALL IN FAVOR- Yes *Meeting Adjourned @ 9:43pm