

Minutes

Town of Corinth Planning Board 09/21/2006

Meeting called to Order 7:09pm

Present: Louise Reed Althea Rivette
Alex Pellizzi (late) Joan Beckwith Edwin Eggleston
Attorney Pozefsky Fred Mann, Building Inspector Bob
Lockwood, Town Engineer(CHA)

Public Present: Sigrid Koch, Arlene Springer, Mitch Saunders, Mary Baugh, Leif Sandwick, Yvonne Melville, Russell Melville, Edward Byrnes, Barbara Weatherwax, Louise Kirkpatrick, Ralph Petruzzo, Gary Shumway, Gail Robbins, Attorney Mike O'Connor, Gayle Swinburne, Patricia Goldberg, Stanley Goldberg, Wendy Aronson, M.D., Claude Jean, Herbert Syrop, Attorney Jeff Baker, Tim Hanchett, William & Sue Malesky

**Motion to approve minutes from August 17th, 2006~ Joan Beckwith
Seconded~ Edwin Eggleston
All in Favor~ Edwin, Althea, Joan
No Reply~ Alex*

Old Business:

~Ralph Petruzzo- Subdivision of property at 603 Main Street, Corinth N.Y.

Public Hearing was left open from August for a preliminary application for a minor subdivision located at 603 Main Street. Mr. Petruzzo and his Attorney Mike O'Connor were present with the new and updated maps that the Planning Board had requested at last Months meeting, however these maps were not submitted to the planning board secretary 10 days prior to the meeting. Mr. Petruzzo said that he has

maps that are to scale at both 1/50 and 1/100. The Planning Board was not able to make any decisions on this proposal due to information not being submitted in the required time frame.

Prior to opening the public hearing the following was discussed :

The applicant Ralph Petruzzo said the proposed right of way width was at 50ft which is regulation for being in the Industrial zone, however he has changed that width to 60 ft.

Planning Board member Joan Beckwith asked Planning Board Attorney Pozefsky what he thought of the maps presented. Attorney Pozefsky asked Mr. Petruzzo if when he moves the Boundary line the buildings are also being moved from one side of the line to the other. Mr. Petruzzo replied yes and stated that was the whole reason for doing this, to separate that particular building onto the 5 acre parcel.

Planning Board member Althea Rivette said that the applicant is required to state the purpose of the Boundary line adjustment and she does not see a required Key Map before her. Attorney O'Connor wanted to know what Althea Rivette wanted on the Key map. Althea Rivette said she was asking for what is required such as waterlines, electric, drainage and such. Althea said that she would ask Attorney Pozefsky at a later date what should be on it. Attorney Pozefsky said that the required information can be found right in the Town code.

Attorney O'Connor said Mr. Petruzzo would ask for a waiver to that, as allowed, because basically what they are doing is adjusting two lot lines. They are not creating a new line. The impact of this project is insignificant. Attorney O'Connor said they are not creating a new lot and there are no new sources of traffic. His understanding is that key maps are to see an overview of road systems and such, to see if there is going to be an impact. Attorney O'Connor said there are the same number of lots now that they will have and that there are the same number of buildings now that they will have.

Attorney Pozefsky said that the planning Board can waive the requirement as per section 112. 14 of the code, but it is generally only if there are unusual circumstances, or because of the nature of the

adjacent development it creates extraordinary hardships. The Planning Board would have to find that in order to waive any of the requirements.

Attorney O'Connor said the unusual circumstances is, it really is only a lot line adjustment not a true subdivision in the sense of subdivisions. Attorney Pozefsky said for clarification purposes he believes that the code describes a lot line adjustment to apply if there are only small amounts of lands to be conveyed. The Planning Board would decide whether or not this is a small amount of land. There are buildings involved with this line adjustment and it would be up to the board to decide if it is a boundary line or subdivision.

Chairperson Reed agrees with Attorney Pozefsky in what the Town Code reads. The code states a small amount of land and Mr. Petruzzo is proposing to move an acre of land with this application. Mr. Petruzzo said yes, but it is an acre out of 80 acres and he feels the problem is with defining small amount.

Planning Board members Edwin Eggleston and Joan Beckwith felt that what Ralph Petruzzo, the applicant, had before the board was a Boundary line Adjustment and not a subdivision. There was further discussion about moving property lines and the definition of a small amount of land. Chairperson Reed states that an acre of land is enough property to build a house on in some areas of our Zoning. Therefore, an acre of land should not be considered a small amount and should be considered a minor subdivision. Attorney Pozefsky also pointed out that the applicant filled out the application for a minor subdivision. Attorney O'Connor for the applicant said that a boundary line adjustment is permitted by code without Planning Board intervention, however, his applicant did not want it to appear as being a back room deal so he went with the minor subdivision application.

Attorney O'Connor said that there is no new construction proposed in the nature of land, such as driveways. Planning Board member Edwin Eggleston said that in other words you are just getting this vacant land that is there presently, more valuable to yourself at present, so that at a later date you would be able to rent or sell it. Attorney O'Connor said that the original configuration was put together for the purpose of a mortgage that was obtained when the building that was on the 4 acre

piece was constructed. Edwin Eggleston said so now all you have to do is redefine the land around that building. Attorney O'Connor said that yes that was all.

Planning Board member Edwin Eggleston said he feels that this is a lot line adjustment. The applicant is only rearranging the property into a more advantageous form. Mr. Eggleston said it is not the Planning Boards job to find out what potential uses there may or may not be for this property, that is the job of the Zoning Board.

Planning Board member Joan Beckwith said to her, this application would be the same as if Leif Sandwick came before the Planning Board and requested to move his driveway 50 ft in the other direction. Joan Beckwith stated that she feels that the applicant before them is doing essentially the same thing. Joan Beckwith said so therefore, she does not understand the need for the SEQR paperwork and was looking for clarification from the Town Engineer and the Town Attorney.

Town Engineer, Bob Lockwood said it is his understanding of the action before the board in that it is an unlisted action and all that is required is the short form EAF which the Planning Board already has. A Lot Line adjustment is not going to create any environmental impacts such as noise, traffic, etc. Town Attorney Pozefsky said even though the Planning Board members do have a long form in front of them, if they don't see any environmental issues on part one that are significant then there is no need to go to part two.

Planning Board member Alex Pellizzi had issues with the Long Environmental assessment form that the Planning board had requested from Mr. Petruzzo at last Months meeting not being in his folder. Secretary Sullivan explained it was in error that it was not in the Board members folders, but it had been submitted on August 30th. Chairperson Reed gave the original to Mr. Pellizzi to look over. Mr. Pellizzi wanted to know when the planning board was going to fill out their part of the form. Town Engineer, Bob Lockwood from Clough Harbour informed Mr. Pellizzi that according to SEQR this application was an unlisted action and all that was required was the Short Environmental assessment form. Mr. Lockwood stated as far as preparing part 2 or part 3, part 2 only needs to be addressed if there is a

significant impact.

Alex Pellizzi said the Planning Board does have a Long Form and they do need part 2 and part 3 and according to SEQR they have to fill out part 2 and part 3. Mr. Pellizzi said part 1 is filled out by the applicant and all the answers are no. He wants to know how the Planning Board is suppose to know if any of those answers should be yes, and feels this is why the Planning Board needs to have the Part 2 and part 3 filled out. Town Engineer, Bob Lockwood said the need for a part 2 comes out of Part 1.

Alex Pellizzi said at the last meeting the Planning Board requested the long form and Mr. Petruzzo agreed to submit the long Form and this is in the minutes. Attorney O'Connor said that he said he would submit the long form, however, he did not feel that it was necessary. The Planning Board requested the Long Form, so he submitted it.

Mr. Lockwood said according to SEQR in the action that is before the Planning Board, it is an unlisted action, it isn't a type 1 action, it certainly isn't a type 2 action, and if it was we would not be here tonight. Bob Lockwood said it is an unlisted action and it only requires a short form EAF. Mr. Lockwood said there are no environmental ramifications on a lot line adjustment to mitigate any environmental impacts. Therefore, it is very difficult to address the long Environmental Assessment form. Town Attorney Pozefsky stated that he was in agreement with Mr. Lockwood.

Public Hearing on the application is opened.

Herbert Syrop:

Mr. Syrop said Mr. Petruzzo has competent Legal Advice and the rules established by the Planning Board require an applicant to state the purpose of their subdivision. Mr. Syrop said Mr. Petruzzo did not state the purpose but said "I would like", no purpose was mentioned on the application. Mr. Syrop felt it was vital in this discussion to know what the purpose is. Because, according to Mr. O'Connor who used the words "total impact" and the planning Board does not know the purpose, then how does one judge what the total impact will be. Mr. Syrop submits photos and a quadrangle contour map that he feels shows that there will be impact due to the elevations.

Mr. Petruzzo's property is 650 ft above sea level and Fuller Swamp is only 600 ft above sea level. Mr. Syrop feels this has consequences. Mr. Syrop shows the possible impact, he refers to Fuller Swamp and how it drains into Heath Brook.

Attorney O'Connor asks for a point of order. Mr. O'Connor said he understands the research that Mr. Syrop has done in regards to the elevation and such, but what Mr. Petruzzo has before the board at this time is a lot line adjustment/ subdivision and has nothing to do with the drainage. Attorney O'Connor said they are not talking about new construction or changing the grade of the property or any new use that is different at this piece of property. Mr. O'Connor said he feels the information being presented by Mr. Syrop at this public hearing is irrelevant to the action being considered by this planning Board.

Attorney Jeff Baker who represents the Safe and responsible citizen committee of Corinth said the action being considered is a subdivision and part of the subdivision regulations include considering drainage and he is sure that Mr. Pozefsky the Town's Attorney and the Town Engineer will agree that it is entirely appropriate that Mr. Syrop make comment on this as it is one of the legal issues that is before the Planning Board.

Mr. Syrop feels a vital part of this application has been deliberately ignored and "I would like" is not what Mr. Petruzzo is suppose to be telling the Planning Board. Mr. Syrop said Mr. Petruzzo also states on the application that "there is no Environmental impact" this is what he is trying to show the Planning Board. Mr. Syrop shows the photos he has presented to the Planning Board, of the Heath Brook after a weekend of heavy rains. He asked the Planning Board since this Brook drains into the Hudson river, does it not add some environmental impact, due to the fact the Mr. Petruzzos property is at a higher elevation. Mr. Syrop said there is no impact on what there is there now, but on what Mr. Petruzzo proposes do with it. Mr. Syrop feels there is an environmental impact after looking at the contour map and these photos of the Heath Brook. Mr. Syrop apologizes for being "a little hot under the collar" and states, but that is the way that things have been working here.

Planning Board member Joan Beckwith asks Mr. Syrop what he means

by that comment. Mr. Syrop said he means confusion. In fact, it has been mentioned, that some of the Board members have said that they are confused. He has been working on this application to the best of his ability and he feels that everyone is confused because this is how Mr. Petruzzo wants us to be.

Chairperson Reed asks Mr. Syrop if he would listen to the Planning Board for a moment. Mr. Syrop said he has been listening. Chairperson Reed said you are worried that this is going to drain into the Hudson River. Mr. Syrop said he is worried that there is an incomplete application in front of the Planning Board

Planning Board member Edwin Eggleston asks Mr. Syrop if he is a geologist and if he has lived here most of his life. Mr. Syrop replied that neither were true. Mr. Eggleston said that it was relevant because he has lived here his whole life and this whole area is known to be an aquifer.

Attorney Jeff Baker for the Safe and Responsible citizens of Corinth states his first point is a point of order, and states he objects to the fact that this hearing was even held tonight since the applicant has violated the rules set forth by the Town Board in the subdivision code. By not submitting tonight a subdivision map and we are on a third session of the public hearing. Attorney Baker makes note of the deadline time frame of ten days and states, therefore, he objects to this hearing and is formally demanding that at a minimum this hearing be continued to the next month so that his clients have ample time to review the required materials that were not submitted within the required time frame. Attorney Baker said although he will give some comments tonight, he will not be limited to it, and he has not had the opportunity to study everything and his client is being prejudiced from the opportunity to adequately comment on what is before the Planning Board tonight.

Mr. Baker said that Mrs. Weatherwax did come ten days prior to the meeting to pick up copies of the paperwork that had been submitted by the applicant. Attorney Baker said there are details here that are important and do make a difference. With all due respect to some of the Planning Board members, if this was a simple lot line adjustment there would not be any issues. This is not a simple lot line adjustment, besides the fact that they applied for a subdivision, it is a subdivision. Attorney Baker stated the Towns Code specifically defines and calls

lot line adjustments, conveyances of small amounts of land to correct the boundary or lots, so long as sub conveyance does not create additional lots. Attorney Baker said this is not correcting the Boundary, it is not simply moving the line 50 ft in one direction or another. Mr. Petruzzo is effectively creating a new lot because he is carving out buildings and putting them onto to another lot for reasons that are beyond us and he seems to have an ulterior motive, which brings us to the issue of the SEQR questions. Attorney Baker said frankly it does not make much difference if Mr. Petruzzo uses the short or long form EAF. It is an unlisted action under SEQR. Attorney Baker said the purpose of it is to give the Planning Board the necessary information to make their determination of significance, of whether or not, the Planning Board needs to do an Environmental impact Statement. Attorney Baker said he is not telling the board they need to do an Environmental Impact Statement in and of itself and, said that this is the trick here. Attorney Baker believes this is a classic case of segmentation of the environmental impact of an overriding project, and probably violates the Moratorium that covers solid waste materials and facilities that all these holdings by Mr. Petruzzo are involved in. Attorney Baker said he can't say that for a fact because he does not know what is going on on these parcels, but that the applicant is not telling us. The purpose of it has been stated, that it is to satisfy a mortgage and that makes no sense. Attorney Baker said that they have only heard this orally and that no one has seen a paper stating that is what it is for. Attorney Baker said he has seen nothing in writing saying what the purpose of this subdivision is and that Town Code requires the purpose to be stated. It is being subdivided, the presumption is, is that there is going to be another industrial use of it of some value. Attorney Baker brought up specific issues in regard to the maps that were submitted and how they continue to give the Planning Board inadequate information and violate the Zoning Code. Attorney Baker holds up Exhibit A. It is the first map that was submitted by the applicant back in July. It is designated ; map a survey of the portion of lands of Petruzzo Nursery and Plantery and was done by Mr. Dickinson, it has a last revised date of July 11th, 2006 to show a Four acre parcel.

Attorney Baker said today what has been presented, upon first blush, looks to be the resubmission of the same map. It is Titled map survey of Petruzzo Nursery and plantery and has a last revised date, again, of July 11, 2006. There is no separate revision date but, there are a variety of

changes to this map which show that somebody revised this, and it apparently wasn't the surveyor. Attorney Baker states it has a surveyors stamp but the revision date was never changed. The new maps now have a new four acre parcel, with what appears to be the garage. There is also, for the first time, it now shows where the original parcel was, on the new map, referred to as Exhibit B.

Attorney Baker said the applicant now has what is called a detail map, and again this map does not meet the Towns subdivision codes. The subdivision requires that the maps be at 1:50 and this one is 1:100 and the maps should both be at 1:100 and again it does not have the detailed information that the planning board needs such as topographical lines. Attorney Baker said the Town Code classifies subdivisions as two types, Minor and Major subdivisions, that major subdivisions are defined by the number of lots that are created and include non-residential subdivisions. Non-residential subdivisions are considered a major subdivision and therefore this application is considered a major subdivision. Therefore it requires two foot contours and the applicant does not have that on his map, therefore you can't tell what the drainage is going to do because the board has no information on that. The Planning Board also does not have any of the information that is required such as septic, water or other utilities. Attorney Baker said the Planning Board would be creating a new lot, and there is a garage, and does it have a Certificate of occupancy, and what can be put there, and does it have a bathroom, does it have a septic and does it have water. How do you get a Certificate of occupancy on a building that doesn't have those things when your code requires it. Attorney Baker states to the Planning Board, that they are also required under the Town code, that an applicant is not suppose to have more than one principle building in use on a lot, as you can see the applicant is moving the buildings for some undetermined purpose and combining them with the other lot, where as he understands, there is a house and a variety of other out buildings. The applicant is combining principle buildings and uses without demonstrating that he has met any setback lines or even whether it is appropriate to do so. Attorney Baker stated to the Planning Board that they are engaging in blind Planning and that is not why the Planning Board is here, and that is not why the Town has a subdivision code and that is not why the Town has a Zoning Code.

Attorney Baker said they have a right to know what the purpose of this is, who it is going to be sold to, what the use is designed to be, what the build out is going to be, what the drainage plan is going to be, what the

impacts are going to be, what the other buildings are going to be used for, and what the setbacks are between the other buildings and the principle buildings, where the septic are, where the wells are, and where all the things are to make sure that this Planning Board is not making a segmented Environmental review. The purpose of the environmental review is to take into account all aspects of the action, and not cut it up in a way that elements individually avoid environmental review.

Board Member Althea Rivette said that she was also at the Town Board 4:00pm meeting and she has just laid eyes on this map now, she herself, has not had an opportunity to review these maps. Althea said even though Edwin is not taking this into consideration, she feels that this should be tabled and that the Planning Board does ask for the correct information.

Attorney Jeff Baker said if this application is tied in any manor towards the promotion and development of the solid waste industry, then it is covered by the moratorium and is therefore relevant. The issue is, how do you know that this is not covered by the moratorium if you don't know what you're doing. Attorney Baker said this is a waste of all of our time, to appear to each hearing, where we don't have a full application and materials. We have raised this objection when this was scheduled for the first public hearing that we had in July, because there was not a resolution of this planning board setting it for a public hearing, the planning board does not have a complete application, it is both a disservice to the Town of Corinth and to the citizens. Attorney Baker states that his position is, that if the applicant continues to refuse to supply the planning board with the proper information, that he is tired of coming back to these meetings. At a minimum this board needs to have a new submission of a map, in the proper form with the proper information including a narrative of the issues that he has raised. Attorney Baker submits that unless that information that is required is submitted to the planning board clerk 10 days prior to the meeting date.

Board member Edwin Eggleston asked Attorney Pozefsky if it would be better for the applicant to withdraw his present application and come back before the board with his proposed lot line adjustment.

Attorney Pozefsky said it would be up to the applicant to do that. Attorney Pozefsky said unless there is other public comment that Attorney O'Connor should have an opportunity to address some of the

issues presented by Attorney Baker.

Attorney O'Connor said if his applicant, Mr. Petruzzo was going to follow that course that he would not have to come before the planning Board for their approval. A lot line adjustment is permitted by code without planning board oversight or intervention. Attorney O'Connor said Mr. Petruzzo tried not to do that, so it would not appear as a back room deal.

Attorney O'Connor said he apologizes to Attorney Baker, if he said that his applicant was making this lot line adjustment for the purpose of satisfying a mortgage. Attorney O'Connor said his applicant made the original 5 acre configuration to satisfy mortgage requirements. The people that were giving Mr. Petruzzo the mortgage when that building was built wanted to have a stand alone parcel and he wanted a stand alone parcel, they did not want to have a mortgage with a building on the whole 80 acres.

Attorney O'Connor said the purpose right now is to free that parcel so that Mr. Petruzzo has a right to sell it. He said Mr. Petruzzo does not have a buyer for this parcel. Attorney O'Connor said under this approval the property will remain as it is and he does not know how to guarantee this. However, if Mr. Petruzzo does find a buyer all the issues that have been raised will come before the Planning Board again under site plan review. The buyer will not use the property the same way as Mr. Petruzzo does, and if he understands the Town of Corinth's zoning laws, the laws state that the applicant has to come in with a site plan review. At that point whatever changes that are going to be made to the property would be considered by the planning board. Whatever the impacts, are to be considered by the planning board, and that application is to be considered on its own.

Attorney O'Connor said he does not understand where Attorney Baker is going with the drainage. Attorney O'Connor said Mr. Petruzzo is not changing drainage. If the planning board approves this as submitted, the drainage is as it is today, if the Board disapproves the drainage still stays the same. If his client was changing the drainage by what he was doing then it would be an environmental impact, but Mr. Petruzzo is not changing the drainage, there is no potential for a negative environmental impact, which then would give the Planning board the stepping stone to go into a further environmental study on that issue. Attorney O'Connor said the same thing stands for all the other items that are raised. Attorney O'Connor said he can not explain why Mr.

Dickinson (Surveyor) did not put a new revision date on the new map that was presented.

Chairperson Reed told Mr. O'Connor that it was in the minutes that the planning board had requested that new updated map be submitted.

Attorney O'Connor said if Mr. Petruzzo is following through with the subdivision application, there are two approvals that Mr. Petruzzo is looking for, one is preliminary approval and the other is final approval . Attorney O'Connor believes Mr. Petruzzo has enough information before the planning board for a preliminary approval and the planning board could condition their preliminary approval upon any of those other issues that the board felt would need to be shone on the map. All of those issues are not material as to impact, but if the board thinks that there is something missing as far as completeness, that it certainly can be taken care of in time for submission of final approval.

Attorney O'Connor said at the beginning Mr. Petruzzo did have a map that showed, by dotted line, the original configuration of the parcels. Attorney O'Connor felt the original was confusing because there were so many different lines on the map. Attorney O'Connor addressed the issue of septic on the 4 acre parcel, there is no septic, it is a warehouse building and that is what it is used for.

Attorney Baker said he thinks that what the public needs is just for the details to be laid out and the things be present that regulations require since this is a subdivision. Attorney O'Connor said he has no objection to do that, and he is asking for preliminary approval conditioned upon his client doing that to the planning boards satisfaction. Attorney O'Connor said the planning board has a right to set a public hearing at the final application. This is to ensure that the public does not get excluded from commenting if the public feels that there is appropriate need. Attorney Baker said the original 5 acre parcel was carved out as a security for the original mortgage, and what he does not understand is if that mortgage has been satisfied. Attorney O'Connor said that it will be. Attorney O'Connor said his client has been in discussions with the mortgage people about modifying the mortgage if he has to, however, he has never heard of anyone asking a question in regards to a mortgage for a subdivision. Attorney O'Connor asked Attorney Baker if he could explain how that relates to this subdivision. Attorney Baker said it is germane and it is because the Town Board said that it is. Attorney O'Connor said that he felt that this question should go in front of the Town Attorney as to whether or not he feels that mortgage information is pertinent to a subdivision application.

Attorney Pozefsky said that this is a question at a public hearing and Attorney O'Connor has the right to answer it or not. Attorney O'Connor asks if it is pertinent. Attorney Baker said that the mortgage in and of itself is a silly question, that is not what is pertinent. It's the question of what is the purpose of the subdivision and what is going to be done. Attorney O'Connor said the purpose of the subdivision is set this 4 acre parcel up so that it can be sold as a stand alone parcel. Attorney baker wants to know what the other buildings involved here are going to be used for. Attorney O'Connor said that whatever they are being used for is going to continue. Attorney Baker wants to know the specific uses of the buildings. Attorney O'Connor said they are currently being used for storage for the business of equipment. Attorney O'Connor said they are not proposing any change and he has stated that on record. Attorney O'Connor asked the planning board to keep the public hearing open and to advertise for both a preliminary and final public hearing for next months meeting, so that if his client satisfies all that the planning board requests. Chairperson Reed asks if Attorney Pozefsky has any objection to that. Attorney Pozefsky said the planning board can advertise for it.

*MOTION TO TABLE PUBLIC HEARING UNTIL OCTOBER 19, 2006 ~
Joan
SECONDED ~ Althea
ALL IN FAVOR~ Yes

NEW BUSINESS:

1.) William and Sue Malesky-Conceptual for site plan use on Farr Farm Road, Greenfield. The Malesky's are before the board to propose the construction of an outdoor arena on his property. The property is zoned R2 and it falls under site plan use because the property is currently an agribusiness. The Town of Greenfield has been notified. Mr. Malesky said the proposed structure is 120 ft long by 60 ft wide and it is an open building. Mr. Malesky had his maps and plans for the building to present to the planning board. Mr. Malesky said that the proposed site for this building is presently being used as an outdoor riding area.

Chairperson Reed asks the Code Enforcement Officer, Fred Mann if he has

any questions on this application. Code Enforcement Officer Mann said he does not as far this application goes, however, he is going to need to go over some things with Mr. Malesky as far as the construction of the building. There were issues discussed such as the pitch of the roof and it was stated by Mr. Malesky that the pitch of the roof would be 5/12 with 14ft eaves and a roof height of between 12 and 16ft. Chairperson Reed asks Attorney Pozefsky if he has any comments on this application. Attorney Pozefsky said, only that because it is site plan, a public hearing is optional. Chairperson Reed stated it is in the minutes where whether or not to hold a public hearing was voted upon. Attorney Pozefsky said that the planning board could do a preliminary and final all at once, if there is no significant changes. Chairperson Reed asks if any other Board member has any questions. Board member Joan Beckwith wanted to know what the age group was that would be using the arena. Mr. Malesky said the age group is 4- 14 with horse back lessons, and the boarders that they currently have, which are older individuals. Board member Althea Rivette said that, just to be fair, are they looking at a map to scale. Attorney Pozefsky said if she looked in her book on page 13, it states that the scale is suppose to be on the map, but that the planning board has the authority to waive it.

***MOTION TO WAIVE THE SCALE NOT BEING ON THE MAP~ Alex
SECONDED~ Althea
ALL IN FAVOR~ YES**

Attorney Pozefsky points out to the planning board members there needs to be a SEQR motion for no environmental impact.

***MOTION FOR NEGATIVE ENVIRONMENTAL IMPACT ON SEQR
MOTION.~ Alex Pellizzi
SECONDED~ Edwin Eggleston
ALL IN FAVOR~ YES**

***MOTION TO APPROVE SITE PLAN USE APPLICATION FOR BOTH
PRELIMINARY AND FINAL APPLICATION.~ Joan Beckwith
SECONDED~ Edwin Eggleston
ALL IN FAVOR~ YES**

2.) Gary Shumway- Conceptual for 3 lot subdivision at 99 Tannery Hill Road, Greenfield Center. There is some discussion in regards to whether or not this

is a boundary line adjustment. However, even though Mr. Shumway is proposing to move one property line he is also asking to subdivide the large remaining parcel remaining.

Chairperson Reed said the problem with the boundary line adjustment is that the Code says a small amount of land. Chairperson Reed said small is not 2 acres, 2 acres is enough property to build a house on.

Dave Barrass asks if in context of the total amount of property, if two acres is considered small. Attorney Pozefsky said this is a question that needs to be taken to the Town Board. There are two ways in which to look at this one, the amount of property in relation to the whole, or traditionally a boundary line adjustments is to correct or even off the property lines in which a building may encroach, or something modest where one is actually talking about small amounts of land.

Joan Beckwith said so this is actually a small subdivision.

Attorney Pozefsky said this question can also be brought in front of the Zoning Board, to define a small amount of land and what it means. The Zoning Board has the power to interpret.

The Planning Board decided to put Mr. Shumway on for next months meeting and the applicant wishes to do a preliminary and final at the same time for this subdivision.

***MOTION TO ADJOURN MEETING ~ Alex Pellizzi**

SECONDED ~ Joan Beckwith

ALL IN FAVOR~ Yes