

Minutes 04/19/2007

Town of Corinth Planning Board

Meeting called to Order 6:07pm

Present:

Louise Reed Edwin Eggleston Eric Butler
Attorney Pozefsky Fred Mann, Building Inspector
Cheri Sullivan, Secretary
Joan Beckwith- Excused
Althea Rivette- Excused

Public Present:

Cindy Baker, Sigrid Koch, Dave Barrass, Mary L. Emery, Tim Sullivan, Ross Thew, Joan Thew, Gary Thew, Robert Madison, Kevin Skinner, Donald Pidgeon, David Morby, Cindy Morby, Stuart Thomas

***MOTION TO APPROVE MINUTES FROM March 15th, 2007**

~ Edwin Eggleston
Seconded~ Eric Butler
All in Favor~ Edwin, Eric

***MOTION TO APPROVE MINUTES FROM March 30th workshop minutes, 2007**

~ Edwin Eggleston
Seconded~ Eric Butler
All in Favor~ Edwin, Eric

Old Business:

- 1) Wayne & Cynthia Baker: Tax Map ID# 87.1-1-17.111

Cynthia Baker was before the Planning Board for a Public Hearing on a 3-lot subdivision of property located at 65 Fuller Road. Mrs. Baker said she

had submitted the new revised maps, with the wetland information the board had requested to be on the maps. Attorney Pozefsky requested to read into record the documents that were just hand delivered to the Planning Board as the meeting began.

The documentation submitted by Judy Schkrioba was in regards to litigation that stated the other children of Helen B. Straight are challenging the ownership of this property, which is part of the subdivision before the Planning Board.

Attorney Pozefsky said that this is the first that the Planning Board has seen this document. Attorney Pozefsky explained that if the Planning Board takes any action on this subdivision it would be subject to challenge. This Lis Pendens that was submitted to the Board tonight legally puts the world on notice that this claim is pending and anything done after notice of this claim can be challenged.

Cynthia Baker explained to the board what the circumstances were when Helen Straight signed the deed and stated to the Board that it was not signed under duress and, was totally capable of signing the document.

Attorney Pozefsky said that his recommendation to the Planning Board would be to not grant the subdivision approval until the legal issues are resolved. Attorney Pozefsky said that he recommend that the Public Hearing on this subdivision be left open until Mrs. Baker has an opportunity to get in touch with her lawyer and come back and advise the Planning Board of what her intentions will be in the future. Attorney Pozefsky said that there are time frame issues regarding this and that Mrs. Baker should state on record that she agrees to extend the time frame with this subdivision, Mrs. Baker said that she did agree to the time frame extension.

New Business:

2.) Ross & Joan Thew: Tax Map # 99. -2-26

The Thews are before the Planning Board tonight for a Boundary Line Adjustment. The property is located at 16 Holmes Road, Greenfield Center. It is zoned R-2. They are **Not** within 500 ft of the Greenfield line. They have approximately 7.69 acres. Chairperson Reed asked if the other lots on the map presented were for their family Exemption, which the Planning Board has no jurisdiction over. The Thews said that Chairperson Reed was correct. The Thews wish to do the Boundary Line Adjustment because their neighbors' shed was placed on their land and they want to move the line so

that it will be on the neighbors land. The Thews said that they don't have a problem with their neighbor Robert Madison and that the property has been like this for years, however their concerns are that they are getting older and as their children assume their properties that there could be issues in the future. Board member Eggleston said that both the parties involved would have to change their deeds. Mr. Madison said that he was also in agreement to this boundary line adjustment. Attorney Pozefsky suggested to the involved parties that they should have this boundary line agreement in writing.

***MOTION TO APPROVE Boundary Line Adjustment~**

~ Edwin Eggleston

Seconded~ Eric Butler

All in Favor~ Edwin, Eric

1.) Kevin Skinner: Tax Map# 99. -1-35.1

Mr. Skinner is before the Planning Board for a conceptual for a 2-Lot subdivision of land located at 4536 Rte 9N in South Corinth. Property is zoned SCH. There are approximately 3.45 acres of land. Surveyor Dave Barrass spoke on Mr. Skinner's behalf. Lot#1 is approximately 1.377 acres and Lot#2 is approximately 1.898 acres. There was some discussion regarding road frontage and Mr. Barrass said that the Town Code states that it is lot width not road frontage. Board member Butler wanted to know if there were road frontage requirements for state and county roads. Code Enforcement Officer said that the 200ft did not apply to the types of roads but to the zoning. There was some discussion about the location of the house in lot #2 and Mr. Barrass said it has to sit back that far in order to comply with zoning. Code Enforcement Officer told the applicant that the septic and wells would need to be 100ft apart at the minimum. The application will need to be referred to Saratoga County Planning. There were no other questions and Mr. Skinner was placed on the agenda for May 17th, 2007 and a Public Hearing will be scheduled.

2.) Tim Sullivan: Tax Map #88. -1-32.12

Mr. Sullivan was before the Planning Board for a conceptual 2-lot subdivision on Spier Falls road (County Rte 24). Property is zoned RR. There is approximately 660ft of road frontage. There is approximately 25

acres of land on this parcel of property. There were discussions regarding having a right of way to the remaining 22 acre parcel. Attorney Pozefsky wanted to know if there were any wetlands on the property. Mr. Sullivan replied that there were not, however there is a runoff stream on the property that DEC referred to as a class C stream. There were no other questions from the Board at this time. Application will need to be referred to Saratoga County Planning. Mr. Sullivan was placed on the agenda for May 17th, 2007 and a Public Hearing will be scheduled.

3.) **David Gurney: Tax Map # 87.-2-37.1** Conceptual for minor 3-lot subdivision on Hollister road in Corinth. The Property has 24.2 acres with 604 ft of road frontage. Property is zoned RR. Property is **not** within 500 ft of the Greenfield Town Line. Mr. Gurney was placed on the agenda for May 17th, 2007 and a Public Hearing will be scheduled.

4.) **Stuart Thomas:** Mr. Thomas was not on the Planning Board agenda and asked to speak tonight on behalf of Mr. Eagle and stated that he was with Reality Realty. Mr. Thomas said that he was trying to put together a subdivision on Mr. Eagle property and he has went to the Town Board because there are issues with a culvert on Howe Road where this property is located. Mr. Thomas said that the Town Board told him that he needed to come to the Planning Board. Mr. Thomas felt that there are problems with the culvert that may create safety issues. Chairperson Reed asked Mr. Thomas if he had permission from Scott Eagle to be discussing this property. Mr. Thomas said that he did however; it was only a realtor's agreement. Board member Eggleston said that the Planning Board does not deal with culverts; it is the highway departments' job. Mr. Thomas said that he had a problem with that and he has requested the Town Board hire an engineer to examine the culvert. Chairperson Reed emphasized again that the Planning Board does not deal with culverts and that Mr. Thomas needs to address this issue with the Highway Department. Mr. Thomas told Chairperson Reed that she has been blessed by the Town Board to have the authority on this culvert.

Attorney Pozefsky said that on the January 26th Town Board meeting the Highway Superintendent inspected this culvert as well as his assistant and both of these individuals felt that this culvert was fine. It was stated in the January 26th minutes of the Town Board that there had always been an issue

of flooding there, and that it was not the Town's job to change the direction of a culvert to benefit a single property owner. The Town Board indicated that DEC should flag the wetlands first then the applicant should go to the Planning Board. The Town Board also said that the Town Engineers would not look at the culvert. Attorney Pozefsky said that his recommendation to the Planning Board is to advise the applicant to pay for his own engineer to do the work and report back to the board. Chairperson Reed said that the Planning Board was going to follow the Attorney's recommendation. Board member Eggleston said that he is aware of this situation and that DEC has surveyed this parcel of land and DEC said that there are no wetlands on Mr. Eagle's property because it is a flowing stream. Board member Eggleston said that he has told Mr. Eagle that unless the Town Board writes it into our authority, the Planning Board has no right to make a decision on this at all. Mr. Thomas said that the problem was with having the highway department look at the culvert because they are not qualified as engineers to make these types of decisions. Board member Eggleston suggested that if Mr. Thomas has issues with the Highway department that litigation might be his best recourse. Mr. Thomas had a brief hypothetical discussion with Attorney Pozefsky. Attorney Pozefsky again stated his recommendation to the Planning Board as to what they should do with Mr. Thomas. Mr. Thomas asked the Planning Board if he got his own engineer would the Planning Board at that point act on this issue. Board member Eggleston said that the Planning Board could not act on this until they had written notice from the Town Board. There was further discussion about the liability to the Town and again Mr. Thomas was directed to take this issue up with the Highway Department.

Mr. Thomas had one more issue to address, which was that of zoning, because he has an application for a subdivision that he needs to submit and wanted to confirm that what the map he had in front of him was correct as it reads the property is R2. Attorney Pozefsky recommended that Mr. Thomas go to the building department for this information, because they have it and can answer any other questions that he may have. Attorney Pozefsky said that Mr. Thomas does not need an interpretation of the map if it states that it is R2 and that further more Planning does not do interpretations that Zoning Board of Appeals does. Attorney Pozefsky said that he has no further recommendations for the applicant. Mr. Thomas continued to badger the Code enforcement Officer and the Planning Board Attorney for confirmation of what he was zoned. Secretary Sullivan spoke and told Mr. Thomas that he was on the agenda last month and never showed and there

was no phone call but that if he had shown up then or called and requested to be on this evenings agenda that she would have a folder out here with that information in it; however neither Mr. Thomas nor Mr. Eagle called to state that they would be here; therefore the folder with the information that Mr. Thomas is requesting is not available at this time. Secretary Sullivan stated that Mr. Thomas should come to the Planning Board office tomorrow.

***MOTION TO ADJOURN MEETING** ~ Edwin Eggleston

SECONDED ~ Eric Butler

ALL IN FAVOR~ Edwin, Eric

The following applications were placed on hold by request of the applicants until the May 17th, 2007 meeting.

- 1) Dan Babson (Babson Homes): Tax Map ID#86-2-8,9,10,11,12,55 Property is zoned R2.
- 2) Earl Taylor: Tax Map#98.-1-12.21

Respectfully Submitted

Cheri Sullivan