

Minutes 05/17/2007

Town of Corinth Planning Board

Meeting called to Order 7:04pm

Present:

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

Public Present:

Sigrid Koch, Dave Barrass, Tim Sullivan, Kevin Skinner, Donald Pidgeon, Arthur Baker, Arlene Springer, Dan Babson, David Trombley, John Staalensen, Steve Staalesen, Clark Wilkinson, P.E., Ronald Rucinski, Architect, Veronica Thomas, Matthew Kyarsgaard

***MOTION TO APPROVE MINUTES FROM April 19th, 2007 ~ Edwin Eggleston**

Seconded~ Eric Butler

All in Favor~ Edwin, Eric, Althea, and Joan

Old Business:

1.) **Matthew Kyarsgaard: Tax Map ID#' S Lot 1: 99-1-41.1 Lot#2: 99-1-41.2**

Preliminary for Major subdivision on property located on Rte 9N in South Corinth. Property is zoned R3. Public Hearing was tabled. Mr. Kyarsgaard was before the Board asking for their recommendation in regards to his subdivision. Mr. Kyarsgaard said that he had given the recommendation from DEC to the Planning Board and he was looking for direction as to where and what to proceed with next. Board member Butler asked if downsizing to three lots as DEC recommended would bring the proposed houses farther away from the wetlands or just make the lots less dense? Mr. Kyarsgaard said that it actually makes it less dense. Mr. Kyarsgaard also stated that DEC recommended that the driveway for Lot #1 be moved off Rte 9N. Mr. Kyarsgaard said that he has had difficulty getting in contact with Casey Wholsworth at DEC. Chairperson Reed said that the Public Hearing is still open for Mr. Kyarsgaard. Attorney Pozefsky said Mr. Kyarsgaard could agree to extend all time frames and then hold a public

hearing. Mr. Kyarsgaard agreed and stated that he would return to next months meeting with a revised 3-Lot subdivision map.

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

Mr. Skinner is before the Planning Board for a Public Hearing on a 2-Lot subdivision of land located at 4536 Rte 9N in South Corinth. Property is zoned SCH. There is 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. Chairperson Reed asked if there were any questions from the Board members, Attorney and Code Enforcement, there were no questions. Public notice is read and Chairperson Reed opens the Public hearing. There are no comments or questions. Chairperson Reed states that the Board has received input from the Saratoga County Planning Board and their decision was to approve, subject to DOT approval.

***MOTION TO CLOSE PUBLIC HEARING~** Edwin Eggleston

SECONDED~ Joan Beckwith

ALL IN FAVOR~ Joan, Althea, Edwin, and Eric

***MOTION FOR A NEGATIVE ENVIRONMENTAL IMPACT~** Edwin Eggleston

SECONDED~ Althea Rivette

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

***MOTION TO APPROVE PRELIMINARY & FINAL SUBDIVISION~** Althea Rivette

SECONDED~ Edwin Eggleston

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

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

Mr. Sullivan was before the Planning Board for a Public Hearing 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. Mr. Sullivan reviews with the Board where the 3-acre parcel is located. Chairperson Reed asks the board members, Code Enforcement officer and Attorney Pozefsky if they have any questions. Board member Eggleston wanted to know how much of a slope there was on this parcel. Mr. Sullivan said that it is relatively flat for being on the mountain. Board member Butler asked if there was access to that back parcel. Mr. Sullivan said that yes there was access here to the remaining parcel of land and now he would not need the right of way from the parcel that his home resides on and he would not have to worry about the tree line being cut down. Chairperson Reed questioned where the right of way was now. Mr. Sullivan said that the right of way was going to go in next to the house (on Wilton Mtn Road) but he was able to place the 3-acre lot so

that there was still 180ft of road frontage left so that the back parcel would not be landlocked. Mr. Sullivan said that it just made it less complicated, there was no need for a right of way if he was able to maintain road frontage on the Spier Falls side. Mr. Sullivan said that it might not be easy to get in from that point but that it still allows access. Chairperson Reed asks Code Enforcement officer Mann if he has any questions. Code Enforcement officer Mann said that he was reviewing the stream and with the 3 acre lot, and noticed it does not cut much into this parcel at all. Mr. Sullivan told Mr. Mann that the stream that he is referring to is classified as a class C stream by DEC and that there is no permit needed. Mr. Mann asked if Mr. Sullivan had talked to DOT about the curb cut permit and Mr. Sullivan said that he had just got the approval today. Public Notice is read.

*** MOTION TO ACCEPT PUBLIC NOTICE AS PUBLISHED IN THE POST-STAR~**

Joan Beckwith

SECONDED~ Edwin Eggleston

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

Chairperson Reed opens the public hearing.

Board member Rivette said that if the Sullivan's are looking into further dividing their property that they might consider doing it now. Mr. Sullivan said that has been considered and it is not a realistic option for them at this time. Mrs. Sullivan said that eventually she would like to move out to that back parcel and get off the road and when her children are old enough, they will probably give land to their children but at this time those are not options.

***MOTION TO CLOSE PUBLIC HEARING~** Edwin Eggleston

SECONDED~ Eric Butler

ALL IN FAVOR~ Joan, Althea, Edwin, and Eric

***MOTION FOR A NEGATIVE ENVIRONMENTAL IMPACT~** Joan Beckwith

SECONDED~ Eric Butler

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

***MOTION TO APPROVE PRELIMINARY& FINAL SUBDIVISION~** Althea Rivette

SECONDED~ Eric Butler

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

4.) **David Gurney: Tax Map # 87.-2-37.1** Mr. Pidgeon is before the Board on behalf of Mr. Gurney for a Public Hearing on a 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. Pidgeon said that he had received a non-jurisdictional letter from DEC and that DEC also notified him of another stream on the property. Mr. Pidgeon said that once DEC notified him of this other stream that he sent his crews back out to the site to relocate this stream that DEC notified him about. Mr. Pidgeon said that lot #1 is 3 acres, lot #2 is 18.17 acres, and lot #3 is 3 acres. Mr. Pidgeon said the parcels all conform to the current zoning regulations and setback requirements. Mr. Pidgeon said that the property is sloping but gentle. Mr. Pidgeon said that the maps were revised on April 30th to show this other stream and that he has sent this same map to Rich Spidel at DEC. Public Hearing notice is read. Chairperson Reed opens Public Hearing.

Tom Clothier wants to know what kind of homes are going to be put there, he does not believe that the applicant has done test pits and they won't go more than three feet. It is all ledges. Mr. Pidgeon said that he has seen all types of homes go on ledge areas it all depends on the amount of monies that are willing to be spent. Mr. Pidgeon said that however he does not know what the applicants plans are other than to just simply sell the lots as they are. Mr. Clothier also wants to know about the stream out in the back of this property and how close they will be building to that. Mr. Pidgeon said that the applicant meets all the setbacks and as far as the brook there will be no culvert or disturbing of the stream. There was further discussion of the streams, both the one in the front and the one in the back of the property, Mr. Clothier was invited up to review the maps and the streams on the applicants maps. Mr. Clothier also wanted to know where the right of way for the back part of the property and what the lot widths were. Board member Eggleston explained how the lots were divided and said that the lot widths were 200 ft. Chairperson Reed asked the board members, Code enforcement officer Mann, Attorney Pozefsky and all members of the audience if there were any more questions. All board members and no other members of the audience had any other questions on this proposed subdivision.

***MOTION TO CLOSE PUBLIC HEARING~** Eric Butler

SECONDED~ Edwin Eggleston

ALL IN FAVOR~ Joan, Althea, Edwin, and Eric

***MOTION FOR A NEGATIVE ENVIRONMENTAL IMPACT~** Joan Beckwith

SECONDED~ Althea Rivette

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

***MOTION TO APPROVE PRELIMINARY & FINAL SUBDIVISION~** Eric Butler

SECONDED~ Edwin Eggleston

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

5.) **Dan Babson (Babson Homes): Tax Map ID#86-2 -**

8,9,10,11,12,55

Mr. Babson is before the Planning Board tonight for a Preliminary Hearing on a Major subdivision of property on a parcel of property located at 181 Heath Road. Property is zoned R-2. Mr. Babson has submitted his long EAF form along with a Storm Water Management Engineering report. Secretary Sullivan states that she needs the return receipts and certified letter receipts. Clark Wilkinson, Engineer for Mr. Babson, reviewed the proposed subdivision, along with proposed sewers and houses with the board. Attorney Pozefsky and Code enforcement Officer Mann said that they were concerned with lot # 10 and if there was enough room to meet all the setbacks. Mr. Wilkinson said that they could meet all the setbacks for the properties. Attorney Pozefsky said that his recommendation to the planning Board would be to have the town's Engineer review this subdivision along with the long EAF form and any other reports. Mr. Wilkinson said that he has already forwarded to Bob Lockwood all this information. There was some discussion with Attorney Pozefsky and Mr. Wilkinson in regards to recreation fees on this project. Attorney Pozefsky directed Mr. Wilkinson to speak with the Town Board in regards to this issue. Board member Butler had questions regarding the setback lines on the cul de sac. Mr. Wilkinson said that there is a minimum of 100ft at the setback lines with the cul de sac.

Public Hearing notice is read. Chairperson Reed opens the Public Hearing. Dave Trombley, adjacent property owner had two questions that he wanted answered. First question was how is the developer planning to remove and dispose of the stumps on the property, because he does not want to see them buried out in the back. Code Enforcement Officer Mann said that there is Town code relating to this issue and that stumps can be chipped but not buried. Board member Rivette wanted to know if there were any specifications in relation to the size of the chips. Code Enforcement Officer Mann said that there were none but that the chippers do eliminate most of the stumpage. The other issue that Mr. Trombley had was on behalf of his neighbor Mr. Benware, in regards to a pin that had come up missing on the corner of Mr. Benware's lot at the time the property was logged. Dave Barrass, the surveyor said that would not be an issue that the pin would be replaced when the houses are placed on the lots.

There were issues brought up regarding perk tests by board member Rivette. Clark Wilkinson said that the perk tests would be done when he has preliminary approval. Board member Rivette also said that she had concerns with there being an under ground lake in the vicinity of this property.

Chairperson Reed stated that she would like to leave this Public Hearing open and get this

information to the Town Engineer for his review prior to making any decisions. All of the Board members agreed to this. Mr. Wilkinson requested that the Planning Board deem themselves lead Agency on this project for coordinated review. Attorney Pozefsky said the planning board could declare themselves lead agency and to notify the other agency's involved.

***MOTION TO BE LEAD AGENCY ON PROPOSED (BABSON HOMES) 10-LOT SUBDIVISION PROJECT~ Althea Rivette
SECONDED~ Joan Beckwith
ALL IN FAVOR~ Edwin, Althea, Joan, and Eric**

New Business:

Veronica Thomas: Tax Map# 87.-2-72 Veronica Thomas was before the Board for a conceptual on a 3-lot subdivision located at 58 Hollister Road. Property is zoned RR and there is 13.064 acres of land. Lot #1 having 5.815 acres, Lot#2 having 3.249 acres and Lot #3 having 4.000 acres. There is an existing house with garage and pool on lot #1. Dave Barrass spoke on behalf of Veronica Thomas. Mr. Barrass said this proposed subdivision conforms to zoning. There were questions in regards to driveways for the lots involved. Mr. Barrass said that there were not any driveways on the maps because there were no further plans at this time other than to just subdivide the property. Board member Eggleston said that the applicant would still need to get approval from the Town Highway Department for the driveways. There were no other questions at this time from the Board members and Code enforcement Officer Mann said that he did not have any at this time but that he may have some in the future. This application was placed on the agenda for June 21st and preliminary a public hearing was to be scheduled.

Rose Marie Amendolia: Tax Map ID# 86.2-1-31. Applicant was before the Planning Board for a Boundary Line Adjustment on Fuller Drive (Woodland Lake) in the Town of Corinth. The property is zoned R2. There is approximately .34 acres of land. Mr. Barrass spoke on behalf of the applicant and explained to the board where there lines were and where they would be moved. Chairperson Reed wanted to know if both parties were in agreement with this Boundary line adjustment. Mr. Barrass said that both parties were. Code Enforcement Officer Mann said that he had been to this location for septic problems and believed this is what the boundary line adjustment was for. Mr. Barrass agreed it was the purpose of the adjustment.

***MOTION TO APPROVE BOUNDARY LINE ADJUSTMENT~ Joan Beckwith**

SECONDED~ Edwin Eggleston

ALL IN FAVOR~ Edwin, Althea, Joan, and Eric

Art Baker: Tax Map# 99.-2-47 Mr. Baker was before the Board for a conceptual on a 2-lot subdivision of property located at 17 Holmes Road Greenfield Center. Mr. Baker is within 500ft of the Greenfield Town line. Property is zoned R2. Mr. Pidgeon, Surveyor spoke on behalf of Mr. Baker. Mr. Pidgeon said that the stream is a fairly large channel. Mr. Pidgeon said that Mr. Baker has told him that he has talked to DEC about crossing the stream that is on the property, however Mr. Pidgeon said that he would pursue this issue to get something in writing for the planning Board in regards to the regulations on the stream. Chairperson Reed asked Mr. Baker if, when he put the culvert in, he had a permit from DEC. Mr. Baker said that he did not and that DEC told him that there was no permit needed. Mr. Pidgeon said that his office surveyed the wetland edge that shows on the map and he is not qualified as a wetland specialist. Chairperson Reed wanted to know if where Mr. Pidgeon had the wetlands marked at if it was 100ft from the proposed house. Mr. Pidgeon said that the house itself is not, but the septic system is. Code Enforcement Officer said that DEC would have to be notified of this. Mr. Pidgeon said that there were no regulatory wetlands on this property. Board member Beckwith also felt that the planning Board should have something in writing from DEC before the board should make any decisions. Mr. Baker was to be tentatively placed on agenda for June 21st with a public hearing to be held on a minor subdivision.

Ron Ruzinski: (Pace Builders) Tax Map# 73.-2-13.1 Mr. Ruzinski is before the board for conceptual on a Major 30- lot subdivision on Dayton Drive off Eggleston Street. Property is zoned R1. There is approximately 14.70 acres of land. Mr. Ruzinski said that this original parcel was subdivided into two lots in 1990 and that the other half of this parcel is where the elementary school now stands. Mr. Ruzinski said that the Town and the APA approved that subdivision in 1990. Mr. Ruzinski said that the maps presented tonight are derived from the maps that were presented to the Town in 1990 with the sewage disposal systems. Mr. Ruzinski said that Adirondack Park Agency required in 1990 that there be a 200ft setback from the wetlands for sewage disposal along the northerly edge of the development (indicated by a darkened line on the maps). Mr. Ruzinski said that all homes proposed for this development have 100ft of frontage at the housing lines. Mr. Ruzinski said that they have done more perks on this property and the results have come out better than the ones done by C.T. Malle in the 90's because they are slower.

Ron Ruzinski: (Pace Builders) Tax Map# 73.-2-13.1 cont:

Mr. Ruzinski said that Pace Builders intends to do site by site test for this development. Mr. Ruzinski also said that he has not talked to code Enforcement Officer Mann, the highway department or DEC in regards to this project and that these are things that he would have to do next prior to preliminary approval.

Attorney Pozefsky wanted to know if APA issued a letter with a permit or restrictions on it. Mr. Ruzinski said not that he has found, there is nothing but this drawing. Mr. Ruzinski said that he has been negotiating with the APA since last fall to get them to agree that their 1990 approval was valid. Mr. Ruzinski said that the APA was planning to get us for an illegal subdivision of the property including the lot on Dayton Drive. This issue has been resolved according to Mr. Ruzinski. Board member Eggleston asked about the shaded area on the map being shown, and if it was the lot that is the school. Mr. Ruzinski said that the shaded area is the lot that the school currently sits on and that these maps were taken from the subdivision drawing that was done to create the lot for the school. Board member Rivette questioned the 30 homes on 14.70 acres. Mr. Ruzinski said that what is required by the Town is 30,000 sq. ft. however, it can be reduced to 20,000 sq. ft. if there is public water. Mr. Ruzinski said that the development is in the water district according to the subdivision map. Board member Rivette asked if Mr. Ruzinski has approval for this water district yet. Mr. Ruzinski said that he has not made any formal applications at this time, but the school has water. There was some discussion about having metered water and Code Enforcement Officer Mann said that there is no metered water as of yet, only that there had been some discussion about it. Board member Beckwith wanted to know if Mr. Ruzinski had to have this Okayed by the village. The answer was yes. Board member Beckwith said that she was asking because if it were not okay then the lots allowed would change. Mr. Ruzinski said that he has talked with the village and they have indicated that they would not have a problem supplying the water; the documentation on this water district is a little sketchy to the point that it is non-existent.

There was some discussion about the water districts. Code Enforcement Officer Mann said that he had just talked with the Town Clerk Rose Farr about this and it is not a water district but a part of the village on Dayton Drive. Code Enforcement Officer Mann said that he always checks with Rose before he gives a CO to ensure that the water is okay.

Code Enforcement Officer Mann said that Barbara Macdonald drive is a water district. Board member Beckwith said that if this was Town property that the Town would have to create the water district. Board member Rivette mentioned possible issues with traffic and buses. Board member Beckwith wanted to know if these would all be private septic. Mr. Ruzinski said that they would be. Chairperson Reed asked all board members, Attorney Pozefsky and Code Enforcement Officer Mann if there were any questions. All present said that they had no more questions. Conceptually Attorney Pozefsky said that this was fine and that Mr. Ruzinski knew

what he would have to do to make it all work. There was further discussions about APA and what was approved by them and what they would not approve and what is considered a subdivision or not. Mr. Ruzinski said that he is not sure if he would or would not need a permit from APA. Chairperson Reed said that the planning board was comfortable with this subdivision as long as Mr. Ruzinski ironed out the following issues:

1. Something in writing from APA that they have no issues with this subdivision
2. Something in writing in regards to having village water available for this subdivision.

Planning Board:

Chairperson Reed said she had a letter from Towne Construction & Paving Co. in regards to Morgan Estates that the Planning Board needed to review so that it will get passed on to the Town Board. Chairperson Reed informed the planning board that this estimate has been reviewed by the Towns Engineer @ Clough Harbour and it had bob Lockwood's approval. Chairperson Reed reviewed the paperwork from Towne Construction & Paving Co. and explained to the planning board that she needed to ask the planning board. Chairperson Reed said this would go towards the letter of credit. Board member Beckwith asked if Bob Lockwood's recommendation was okay to approve the \$ 101,000.00 mark that she feels that she could go along with it. Chairperson Reed stated that if the Town Board or the Highway department did not like something in this estimate that it is their right to change it as they see fit. Board member Butler said that he was assuming that Morgan Estates is a project this board worked on prior to him, however he believed that Harry Plummer would have an opportunity to review this estimate at the Town Board meeting. Board member Butler said he would like some clarification as to why this estimate was before the planning Board. Attorney Pozefsky said the Town code says that the letter of credit has to be approved by the planning board and the town attorney and then referred to the Town Board for final approval. The practice here has been to have the town Engineer look at it. As long as he is fine with it, the planning board is generally fine with it. The Planning Board will refer it to the Town Board and at that point Harry will be able to review it. Attorney Pozefsky said that the Town would set the letter of credit amount based on the estimate provided by this developer and as long as the Town sets the letter of credit, if the developer does not follow through the Town can cash in the letter of credit and finish the work. So essentially all the Town is doing is setting aside a letter of credit in case the developer does not do the job.

***MOTION TO APPROVE THE ESTIMATE FROM TOWNE CONSTRUCTION AND**

PAVING FOR THE LETTER OF CREDIT TO BE REFERED TO THE TOWN BOARD~

Eric Butler

SECONDED~ Althea Rivette

ALL IN FAVOR~ Edwin, Althea, Joan and Eric

Chairperson Reed also mentioned that at next months meeting the following issues would be before the planning board for discussion. The drain fields that run along side the road at Tranquility Estates do not work right. Chairperson Reed said that this has been sent to Bob Lockwood at Cough Harbour for their review. This issue has also been discussed with Harry Plummer and he is in agreement that to properly correct the problem, the best fix would be to put in dry wells because every one knows that they work. There was other discussion about what types of flooding was taking place and where.

Board member Eggleston had a question for Attorney Pozefsky regarding wording in the Town Law. Attorney Pozefsky clarified the issue.

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

SECONDED ~ Eric Butler

ALL IN FAVOR~ Edwin, Althea, Joan and Eric

Respectfully Submitted

Cheri Sullivan