

Minutes July 19, 2007

Town of Corinth Planning Board

Meeting called to Order 7:09pm

Present:

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

Public Present:

Sigrid Koch, Dave Barrass, Joseph Morbidelli, Dan Babson, Bob Benware, Mary Baugh, Clark Wilkinson, Barbara Weatherwax

***MOTION TO APPROVE MINUTES FROM June 21, 2007 ~ Edwin Eggleston**

Seconded~ Joan Beckwith

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

Old Business:

1.) Dan Babson(Babson Homes)- Tax Map ID#86-2-8,9,10,11,12,55

Property is zoned R-2. Mr. Babson is before the Planning Board on a major subdivision of property. The parcel of property is located at 181 Heath Road. The preliminary Public Hearing was posted in the May 3rd publication of the Post Star and the Public Hearing has been left open. Clark Wilkinson spoke on behalf of Dan Babson of Babson Homes. Mr. Wilkinson said the Towns Engineers have reviewed this proposed subdivision twice because of revisions to this application. Mr. Wilkinson said he has reduced this subdivision by one lot. Mr. Wilkinson said he has combined lots one and two and with the left over property he has enlarged the rest of the lots by approximately ten to fifteen feet in width. Mr. Wilkinson said the small triangular piece that was once part of lot #2. They would like to offer to the town if they were in favor of it. Mr. Wilkinson said the Storm water management area was moved to the very

lowest point on the topography. Mr. Wilkinson said all the septic tanks and houses have been pulled out of the wetland buffers, and all the wells except for lot one, which is 10 feet into the buffer, have been removed from the wetland buffer. Mr. Wilkinson said according to DEC the well on lot one is an acceptable practice within the buffer. Mr. Wilkinson said the footprints of the houses shown on this plan are approximately 1500 sq ft (4-5 Bedrooms), however Mr. Babson is likely to be building 2-4 bedroom homes on these lots.

Chairperson Reed informed the Planning Board members of the July 10, 2007 letter that was in their folders from Clough Harbour. Mr. Wilkinson asked to reply to those letters. Mr. Wilkinson said he would first like to comment on Clough Harbour's letter from July 10, 2007 and item #1 is virtually the same as item # 2 on their original letter in June. Mr. Wilkinson said the letter talks about net property however; he would like to point out that the zoning regulations only have stipulations in them for frontage, area, and all the setbacks accordingly from those lines. Mr. Wilkinson said his client meets all those setbacks that are in the Zoning, and he agrees that the lots are a little smaller than the average lot for this zone based on the fact that there are wetlands and buffers to adhere to, but the subdivision as shown meets all those setbacks.

Chairperson Reed said it does meet the setbacks but what Mr. Babson is actually going to be selling is wetlands. Mr. Wilkinson said that was correct and it is done frequently with subdivisions. Mr. Wilkinson reiterated that the zoning requirements specifically state lot, width, and area and this subdivision as presented meets those requirements. Chairperson Reed wanted to know about the proposed wells on lots 6 & 7 because they looked to be within 25 feet of the Cull de Sac. Mr. Wilkinson said that was correct and the setback requirements for wells are 15 feet according to the DOH. There was discussion among board members and Code Enforcement Officer Mann in regards to whether the town had regulations regarding the placement of the wells next to roads. Chairperson Reed said that she would not want her well to be that close to the road. Mr. Wilkinson said the well is within 25 feet of the front setback and the road is still an additional 15 feet from that right of way line. Mr. Wilkinson said with the design, as open sessions there are ditches along the side edge of the road that will carry the drainage down to the storm water management area.

Board member Eggleston wanted to know what the distance requirement was between the house and the wells. Mr. Wilkinson said that there were none but the wetland buffers and the distances required between the well and septic restrict him. Mr. Wilkinson said that he could reverse it but the flow direction would change and then he would need 200 ft of separation because the well would be downhill from the septic.

Board member Rivette had concerns regarding the fact that only 12% of the land was useable on some of the lots. Board member Rivette did not feel that there was enough land there to

absorb what Mr. Wilkinson was proposing with this subdivision. Mr. Wilkinson said the design for septic is based on flow downward. Mr. Wilkinson said he feels this project meets all the requirements set forth by the State, DEC and the Town as presented. Board member Rivette wanted to know if there was any clay at this site location. Mr. Wilkinson said there was not. Mr. Wilkinson said there were perk tests and test pits that needed to be done to meet the Department of Health requirements but unfortunately he is unable to do those tests without preliminary approval from the Planning Board.

Board member Beckwith wanted to know if the wetlands that are unusable could be placed in the deeds of these lots as such, so that people don't go on these lots unknowingly and destroy or do damage to these wetlands. Mr. Wilkinson said it is marked on the present maps. Chairperson Reed agreed, but felt that the buyers should know in advance and that it also should be stated in the deed. Chairperson Reed wanted to know if the wetlands were flagged. Mr. Wilkinson said that they were flagged and all the locations (the dark spots on the map) had been surveyed by Mr. Barrass.

Code Enforcement Officer Fred Mann said at this time looking at the map he has no questions. Attorney Pozefsky said that the letter from Bob Lockwood from Clough Harbour dated July 10, 2007 Mr. Lockwood states that prior to any approval being considered that the ground water testing and investigation should be completed. Mr. Wilkinson said the letter was only a recommendation to the Planning Board. Mr. Wilkinson said his applicant has to go through the approval process with DOH anyways. Mr. Wilkinson said he is trying to incorporate both at the same time, and the couple of tests pits they have done they and found nothing but sand. Mr. Wilkinson said the water he found originally was at the lowest point of the property. Mr. Pozefsky asked if Mr. Wilkinson had spoke with the Town Board formally yet as to whether the Town would be willing to accept that parcel of land as park space. Mr. Wilkinson said he had not yet, but that he was waiting to hear any recommendations from the Planning Board first.

Board member Rivette wanted to know how the Planning Board would control placement of the homes on the lots. Mr. Wilkinson said that what his client is proposing to this board, he has shown, that they can meet all the setbacks required by the Town. Mr. Wilkinson said that the building inspector would look at the footprints again prior to issuing a permit. Mr. Wilkinson said he would also suggest to this planning board, which as part of the approval process from this board, that each individual lot has site plan approval requirement. Code Enforcement Officer Mann said he felt that if Bob Lockwood from Clough Harbour felt the water should be investigated prior to any approval, that that is what the Planning Board should do. Chairperson Reed said that she agreed because of the impact on the wetlands. Mr. Wilkinson addressed item #4 in the letter from Clough Harbour and said there were issues with acceptable sight distances and he is in agreement with this. Mr. Wilkinson said he will request from the

Highway Department that warning signs be installed. Board member Eggleston asked if Mr. Wilkinson's intent was to turn the road over to the Town. Mr. Wilkinson said it was. Chairperson Reed said he would have to get in touch with Highway Superintendent Harry Plummer. Chairperson Reed said the public Hearing was still open and asked if there was any one in the audience with any questions. There was no reply from the audience. Chairperson Reed asked Code Enforcement Officer Mann if the wetland Buffers should be marked with stakes on these lots. Code Enforcement Officer Mann said he did not feel that they needed to be marked at this time, but that the board should handle this applicant the same way they did with Morgan Estates. Code Enforcement Officer Mann wanted to reiterate to Mr. Wilkinson about the removal of stumps and stumpage on this property. Code Enforcement Officer Mann said he has had residents surrounding this parcel voicing concerns over the stump removal. Attorney Pozefsky said he would recommend following the Planning Boards Engineers advice and having the groundwater testing done prior to any approvals. Attorney Pozefsky said the board could leave the Public Hearing open and ask the applicant to address this issue first.

***MOTION TO LEAVE PUBLIC HEARING OPEN AND FOLLOW ENGINEER'S INSTRUCTIONS TO INVESTIGATE GROUNDWATER FURTHER PRIOR TO ANY APPROVALS~ Althea Rivette**

SECONDED~ Joan Beckwith

ALL IN FAVOR~ Louise, Edwin, Althea, Joan

Mr. Wilkinson wanted to know if there was a maximum coverage allowed on the lots. Code Enforcement Officer Mann said for a single family home it does not specify. Chairperson Reed said she had spoke with the Town Supervisor and the Town did not want that parcel of land. Board member Rivette asked what Mr. Wilkinson was going to do with the parcel "b" of Lot #2. Mr. Wilkinson said they would try to attach it to lot # 10, if that did not work he would offer it to the adjoining neighbors. There was further discussion about the number of houses with this development. Board members Eggleston and Beckwith were satisfied and Board member Rivette said that as long as everything went where the homes are suppose to go that she felt the planning Board could leave this open until Mr. Wilkinson returned with the testing results. Mr. Wilkinson also asked the planning board if he should get together with counsel to discuss the proper wording used to cover both the Town and future owners of the properties involved. Mr. Wilkinson said he would also be able to distinguish the wetlands on these properties by shading the area in which the wetlands exist on the maps.

Mr. Wilkinson said he has spoke with Rich Spiedel from DEC about this particular case and the well being in the buffer and it is acceptable. Mr. Wilkinson asked if he could recap what the Planning Board is expecting from him and the following was established that Mr. Wilkinson

needed to address the Clough Harbour comment with respect to the wells and septic on 6,7, 8, 9. Mr. Wilkinson said he was also going to need to address the soil investigation, pursue the Town Highway in regards to signs and sight distances, and shade the wetlands in on the final maps. Chairperson Reed asked if Mr. Wilkinson could have this done prior to the next meeting on August 16, 2007. Mr. Wilkinson said he could and would return at that time.

2.) Morbidelli/Sweeney: Mr. Morbidelli is before the Planning Board tonight for a Boundary Line Adjustment. Property is located at 117 Hunt Lake Road. Property is zoned LI (Low Intensity) It is in APA. The Town of Corinth Planning Board has received the letter of non-jurisdiction from the APA. The Boundary Line Adjustment is needed because his neighbor's home is on Morbidelli's property. Mr. Morbidelli was at last months meeting and was adjourned to wait for counsel to be present. Attorney Pozefsky and Chairperson Reed both agreed this was a substandard lot however; it was created prior to zoning therefore there were no issues Mr. Morbidelli explained family members originally owned the lots when the original camp was placed on the property. Mr. Morbidelli said currently his neighbor's house, driveway and well were on his property and the Boundary line Adjustment was needed for this purpose. There were no further questions and Attorney Pozefsky said that both parties should make sure that it is in writing.

***MOTION TO APPROVE BOUNDARY LINE ADJUSTMENT** ~ Althea Rivette

SECONDED~ Joan Beckwith

ALL IN FAVOR~ Louise, Edwin, Althea, Joan,

Chairperson Reed polled the Board and responses were as follows:

Louise Reed- yes

Edwin Eggleston-yes

Althea Rivette-yes

Joan Beckwith-yes

3.) Kevin Skinner: Tax Map# 99. -1-35.1 Surveyor Dave Barrass was before the Planning Board tonight for a conceptual for site plan review application. Property is located at 4536 Rte 9n in South Corinth. The property is zoned SCH. Mr. Barrass is before the Planning Board on behalf of Mr. Skinner for a proposed workshop with a storefront. Mr. Barrass said his client would like to sell furniture made from the workshop, some plants, and in the summer month's fruits and vegetables. Mr. Barrass said it was going to be similar to the Adirondack Furniture store in town. Board member Eggleston said that it would fall under light industry, being manufacturing. There was some discussion as to how this should be defined. Attorney Pozefsky said it is more like what Board member Eggleston was

stating, but ultimately it is the Zoning Board that needs to interpret this. Attorney Pozefsky felt this was some type of light manufacturing, it was for the zoning board to decide and it could end up being a use variance. Attorney Pozefsky said if there were any questions about what's being done versus the definition then it has to go to the Zoning Board. Attorney Pozefsky said that the planning board could refer this application to the zoning board for its interpretation, and depending on that interpretation, it would either come back to the planning board or stay with the zoning board. Attorney Pozefsky said that the planning board could keep Mr. Skinner on the agenda and still schedule a public hearing. Mr. Barrass wanted to know if the neighbor notification was just abutting owners or all neighbors within 500ft.

4.) **Carey Mann: Tax Map# 74.3-1-9** Dave Barrass was representing Carey Mann for a Boundary Line Adjustment on property located at 24 Fuller Road and a Conceptual for a Minor subdivision. Property is zoned R2. Mr. Barrass said Mr. Mann has two residences on one piece of property and is proposing to move a boundary line for the purpose of adding enough property to a parcel that he would like to subdivide. The newly created parcel would not be a sub standard lot and would adhere to the current zoning laws. Mr. Barrass said there would be a permanent easement to the back parcel with the existing driveway. Chairperson Reed asked if there were any questions. Attorney Pozefsky had none and Code Enforcement Officer Mann said he felt that he needed to recuse himself due to the fact that Mr. Mann was his nephew. Mr. Mann said he felt that Mr. Barrass had everything covered. There were no other board members with questions. Mr. Mann was placed on the August agenda for a public hearing on a 2-lot subdivision.

5.) **Peter Watts: Tax Map # 87. -2-69.1 & 87. -2-69.2** Mr. Barrass represented Mr. Watts for a conceptual for a Boundary Line Adjustment for property located at 23 Hack Road. Mr. Barrass said Mr. Watts owns two parcels and he is trying to square up the lots. There is a triangular piece that Mr. Watts would like to get rid of. This boundary line adjustment is making one lot bigger and one lot smaller and both meet the zoning requirements. Code Enforcement Officer Mann had questions as to where the wells were going to be after the boundary line adjustment.

***MOTION TO APPROVE BOUNDARY LINE ADJUSTMENT ~ Althea Rivette**
SECONDED~ Edwin Eggleston
ALL IN FAVOR~ Louise, Edwin, Althea, Joan,

Chairperson Reed polled the Board and responses were as follows:

Louise Reed- yes
Edwin Eggleston-yes
Althea Rivette-yes
Joan Beckwith-yes

Zoning Change on County Route 24 previously known as Trimline Industries now owned by Vimag Properties. The property is currently zoned R1 and it is proposed to be changed to Industrial. The property next to this parcel is zoned industrial. Chairperson Reed explained to the Board members where the Trimline property is located. Chairperson Reed said what the applicant is proposing to do is move the Industrial zone over. Chairperson Reed said the gentleman that wants to purchase this parcel wants to modify vans and buses to make them handicap accessible. Chairperson Reed said that the Town Board is looking for a recommendation on this matter from the Planning Board. Board member Beckwith wanted to know if the water lines were still coming across the other properties to get to the building. Board member Beckwith wanted to know if the industrial zoning comes to the edge of the Trimline property. Board member Rivette said it has always been some kind of working garage. Board member Beckwith wondered why it was not zoned Industrial to begin with. Chairperson Reed said that she honestly thinks that it was a mistake when the zoning was put in. Board member Beckwith wanted to make sure that the planning board was just dealing with the one parcel of property. Board member Beckwith wanted to make sure because at one point in time these properties were connected. Board member Beckwith said she did not have a problem changing the zoning for this particular piece of property. Board member Eggleston wanted to know if this zoning change needed to go to the zoning board. Board member Rivette said she thinks it should be changed but with some possible noise restrictions even though the building is off the road. Board member Beckwith said if the zoning is changed to industrial the restrictions should be in place already for the Industrial zoning. Board member Beckwith asked Code Enforcement Officer Mann if there were any noise restrictions currently. Code Enforcement Officer Mann said that the town really does not have anything in the way of noise restrictions other than snowmobiles and a few other things like that in the back of the book. Board member Rivette said the planning board needed to think of the local residents that neighbor this parcel of property. Board member Rivette said there should at least be something added for the Town Board to look at, and to know that the planning board is bright enough to protect the people in that area and consider the maintenance and the looks of the building. Board member Rivette asked Attorney Pozefsky if that made sense. Attorney Pozefsky said he thinks that since the applicant would require a special permit, the planning board would then be able to require noise restrictions, aesthetics and lighting, etc. Board member Rivette said most people are very willing to add shrubs, flowers or keep the property mowed. Board member Rivette said the only way to guarantee this is to recommend it. It is the only way to build up the looks of Corinth and the surrounding areas is to start by saying to applicants that this is what we

would like to see.

Attorney Pozefsky said if the planning board was to recommend noise restrictions to the Town Board along with the zoning change, they could; however, it would still come back to the planning board for site plan approval. There was further discussion with the planning board as to hours of operation and possible restrictions since it is so close to a residential neighborhood. Chairperson Reed said the application states bus repairs and sales. Board member Eggleston said he felt most of this type of work would take place during daylight hours. Board member Eggleston read the part of the applicant's application that describes exactly what the applicant is proposing to do.

Mary Baugh asked to speak to the planning Board. Mary Baugh said she would appreciate it if the Planning Board did recommend to the Town Board the noise control and the aesthetics, because this is one of the main roads into town and the town should make sure that it looks nice. Board member Beckwith said she approved the zoning change however, she feels there should be some restrictions made in the future as far as noise, and is concerned because the Industrial zoning is so close to the residential neighborhood. Board member Beckwith said in any area where Industrial zoning is close to residential, she agrees with Board member Rivette, and feels there should be some type of noise restrictions to protect the residential neighborhood. Board member Eggleston said this wasn't the type of business that would be working all hours of the night. Board member Rivette said there was no way to guarantee that. Attorney Pozefsky said if the planning board looks in their books under site plan approval, there is a long list of things that can be required and includes everything the board has been discussing.

***MOTION TO APPROVE RECOMMENDATION OF ZONING CHANGE FOR PROPERTY PREVIOUSLY KNOWN AS "TRIMLINE" ON COUNTY ROUTE 24 ~ Joan**

Beckwith

SECONDED~ Edwin Eggleston

ALL IN FAVOR~ Louise, Edwin, Althea, Joan,

Chairperson Reed polled the Board and responses were as follows:

Louise Reed- yes

Edwin Eggleston-yes

Althea Rivette-yes

Joan Beckwith-yes

Planning Board:

Chairperson Reed said at last months' meeting the board was talking about school. Chairperson Reed said she has tentatively scheduled classes for the end of September. Chairperson Reed said at last months' meeting someone was looking for a class on discussing the old property lines. The Board members felt that it was Mr. Butler who was looking for information on that topic. Chairperson Reed said that Mike Valentine of Saratoga County planning needed clarification on it. Board member Rivette said that she would like classes on when the Planning Board is to forward applications to the zoning board. Secretary Sullivan said she had compiled a list of classes that the board can use as a reference to see what types of classes are available.

MOTION TO ADJOURN MEETING ~ Edwin Eggleston

SECONDED ~ Joan Beckwith

ALL IN FAVOR~ Edwin, Althea, Joan

Meeting Adjourned at 8:45pm

Respectfully Submitted
Cheri Sullivan