

# Minutes August 16, 2007

## *Town of Corinth Planning Board*

Meeting called to Order 7:07pm

### 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, Dan Babson, Clark Wilkinson, David Avigdor, Maynard Persons, Kevin Skinner, Karen Kirk, Arlene Springer, Fred Koch, Michael Kingsley

\*MOTION TO APPROVE MINUTES FROM July 19, 2007 ~ Edwin Eggleston

Seconded~ Althea Rivette

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

### 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 3<sup>rd</sup> 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 that the last time he met with the board they discussed the fact that they did not have full test pits and the board wanted more clear delineations on the wetlands and where the buffer was. Mr. Wilkinson explained where all this is, on the new maps, that have been submitted. Mr. Wilkinson explained to the board that Louise and Fred were at the site when

he went out to do the test pits. Mr. Wilkinson said that the two test holes located at the lowest point of the site, were the only two test holes, that he noticed had watering or modeling in them. Mr. Wilkinson said those two pits measured 69" and 67" for modeling. The seasonal high ground water is deeper than 5ft at its lowest point, the design that he has proposed for storm water management, only takes about 2 1/2 ft out of there. Mr. Wilkinson said that he had talked briefly with Louise about the possibility of putting dry wells along the roads at intervals instead of putting in one large basin. Mr. Wilkinson said that he did not follow through with this because one of the pits, that were recorded by the soil scientist, who was there, indicated that up on top of the hill there was seasonal high water. Mr. Wilkinson said that he did not see the water, however, if after doing his own tests he finds that there is no water he will get in contact with the Highway Superintendent, who may want dry wells and Mr. Wilkinson, said he would be willing to do that instead of the large basin. Mr. Wilkinson said that his personal opinion is that long term the dry wells will clog. Mr. Wilkinson said that they are here tonight to get preliminary approval from the board so that they can move forward with their application to the DOH.

Board member Rivette wanted to know who was going to own the road and be responsible for the repairs. Mr. Wilkinson said the intentions are to turn the road over to the town and the road is being built to town specifications. Board member Rivette also wanted to know if an adjoining owner had assumed that odd piece of land yet. Chairperson Reed said that was a request from Town Engineer, Bob Lockwood, is that that piece be noted on the map with the owners' name. Mr. Wilkinson said that it was not yet included with any lot, but for all purposes now it will be included with lot # 9. Code Enforcement Officer Mann said that he did not see any high ground water either except for at the lowest point. Attorney Pozefsky asked Chairperson Reed when she spoke to Bob Lockwood yesterday, if he was familiar with the ground water testing that had been performed. Chairperson Reed said that he was and that Mr. Lockwood said there were a few conditions, one was that small piece of land, the other is the wetland in the area where the houses will be placed. Mr. Wilkinson said that was correct and they are willing to put notes on the maps and make sure that this area is clearly delineated and that each owner knows the wetlands and the buffers and where they exist.

Chairperson Reed asked if Mr. Wilkinson had been in touch with DEC today. Mr. Wilkinson said that he did get in touch with Rich Spiedel, however Mr. Spiedel was not able to comment on the case because it was not his. Mr. Spiedel did say that Casey Wholsworth had been in training classes for the past two days, but Mr. Spiedel said that if everything was in place and addressed then there should be no problems. Mr. Wilkinson said the well on lot #1 and the storm water easement are the only two things that are affecting the wetland buffer. Mr. Wilkinson that there is a ridge along (at the top right hand

corner of the development) where the wetlands are flagged that actually causes the water to fall away from the wetlands, so that where the storm water management area and the well that is proposed within the buffer drain away from the wetlands anyway. Mr. Spiedel said that both of those uses are permitted uses and Mr. Wilkinson will have to apply for permits. Board member Rivette asked if Mr. Wilkinson had had any contact with Harry at all. Mr. Wilkinson said no, he wanted to make sure that he was going to get preliminary approval first and he knew that the roads would be built to specs.

Attorney Pozefsky asked about the language for the back yard restrictions and when Mr. Wilkinson would be getting that to Attorney Pozefsky. Mr. Wilkinson said that if they get the preliminary tonight that he could get that language to Attorney Pozefsky prior to the final approval. Attorney Pozefsky asked if Mr. Wilkinson had spoke to the Town Board about the small parcel of land. Mr. Wilkinson said that he had not; he got the feeling from the planning board that the Town board was not going to be interested in that parcel. Chairperson Reed said that she spoke with Supervisor Lucia and he said that the town was not interested with it and to go with the parkland fees. Attorney Pozefsky asked Mr. Wilkinson how long he thought it was going to take before he came back for the final approval. Mr. Wilkinson said that the DOH takes approximately 3-5 months. Board member Butler said that he did not have any comment other than his personnel opinion, which was that he did not like to see all these houses so close to the wetlands, other than that everything was in order.

Chairperson Reed asked if there was any member of the public that would like to question or comment on this proposed subdivision. There was no reply from the public present. Attorney Pozefsky and Chairperson Reed agreed that they should place the conditions on the preliminary approval. Chairperson Reed said that the conditions were 1.that the buyers of the homes are told about the wetlands and the restrictions that are on it prior to purchasing the property 2. That parcel D of lot # 9 is noted on the map with the owners name. Chairperson Reed asked about the issues with DEC. Attorney Pozefsky said that would be okay to take care of at the Final. Mr. Wilkinson said that was his question for the board, he wanted to know how comfortable the board was with putting conditions on final approval, or if the board wanted all permits in place prior to final approval. Attorney said that the applicant has 6 months after approval to extend his time, if needed to get necessary permits. Chairperson Reed said that at some point in time she might request Mr. Wilkinson to have the 100ft buffer flagged, so that Mr. Wilkinson is exactly 100 ft away from the wetlands. Mr. Wilkinson asked if he should remove all the flags. Mr. Wilkinson said that some of the other flags that are out there are from the previous 5- lot subdivision that was approved by the planning board.

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

Seconded~ Joan Beckwith

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

**\*MOTION FOR A NEGATIVE ENVIRONMENTAL IMPACT~ Althea Rivette**

SECONDED~ Eric Butler

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

**\*MOTION TO APPROVE THE PRELIMINARY WITH THE FOLLOWING CONDITIONS ~ Joan Beckwith**

Seconded~ Edwin Eggleston

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

**Conditions:**

1.that the buyers of the homes are told about the wetlands and the restrictions that are on it prior to purchasing the property

2. That parcel D of lot 9 is noted on the map with the owners name.

**2.) Kevin Skinner: Tax Map# 99. -1-35.1** Attorney Pozefsky said that he would bring the board up to date with what has transpired with Mr. Skinner's application. Attorney Pozefsky said that last month Mr. Skinner was here for an application for site plan and that has part of that application there was discussions to whether or not building furniture on site was permitted within the zone. Attorney Pozefsky said that there were other provisions with in this zone that might of encompassed it, one was convenience store and the other was personnel service shop. Attorney Pozefsky said that it was further discussed and that he had said it was up to the zoning board to interpret. Attorney Pozefsky said that it went to the zoning board, he was not there, but it is his understanding that after a lengthy discussion with the Attorney present, they decided and interpreted that the proposed use that Mr. Skinner has, does not fall under those two or three definitions that are permitted. Attorney Pozefsky said that his understanding is that Mr. Skinner would not be able to make those products on site and asked Mr. Skinner if that was correct. Mr. Skinner said that it was however the code gives three examples but it says, "such as" it does not say, "Limited to". Mr. Skinner said that the zoning board did not broaden out the definition. Attorney Pozefsky said that the Vice-Chairmen of the zoning Board, Sigrid Koch is in the public present. Attorney Pozefsky asked Mrs. Koch if she could elaborate more.

Mrs. Koch said that the zoning board did discuss it and they tried to expand as much as possible but, they were in agreement that the way that it is defined, as personal service, eliminated the idea of manufacturing on site, and the fact that Mr. Skinner had sold the parcel of property next to him, did not allow him to have it under home industry. Mrs. Koch said that at this point and time the zoning board did not want to redefine the definition that was there because the Town was currently looking at the land use. Attorney Pozefsky said that he spoke with Attorney Cathi Radner after the meeting and she had stated to him that there had been conversation with the Zoning Board members that possibly the Town Board could change the code to include craftsman or some other kind of definition to cover this use. Attorney Pozefsky said to Mr. Skinner that if he was living at this proposed site he could do this under home occupation. Attorney Pozefsky said that maybe the Town Board is going to look at this. Mrs. Koch said that another factor was that the property is located on 9N. Mrs. Koch said that the zoning Board did not realize that this parcel was part of the SCH hamlet; they did not realize that it extended onto 9N. Mr. Skinner said that he just went to the Internet and typed in personal service shop and it gave almost 40,000 examples and there was a definition of services. Attorney Pozefsky said that just for clarification purposes, the zoning board decided that this proposed use did not fall under the definition of personal services. Attorney Pozefsky said that the planning board has no power to review this at this time because the zoning Board has already decided it.

Attorney Pozefsky said that if Mr. Skinner really wants to do what he has proposed, Mr. Skinner will either need to get a use variance from the zoning board or ask the Town Board to consider changing the definition to include that. Attorney Pozefsky said what is before the planning board tonight with Mr. Skinner is if he would like to continue with his application for site plan, which would not include any manufacturing on site. Chairperson Reed said that the Town Board would either have to change the wording or the zoning. Attorney Pozefsky said that that particular part does not fit into the approved zoning. Chairperson Reed asked Secretary Sullivan, that as Deputy Clerk who had the applications for Mr. Skinner for a zoning change. Chairperson Reed asked Code Enforcement Officer Mann if it was the building department or the Town Clerks office. Mr. Mann said that it would be the building department. Chairperson Reed said that Mr. Skinner could get the application from Linda, the zoning secretary and take it to the Town Board and ask them to change the wording or change the zone. Mr. Skinner said, so if he were to have a dressmaking shop with three employees at this site it would be okay. Attorney Pozefsky asked Mrs. Koch if this was discussed at the zoning board meeting. Mrs. Koch said yes, and because it was considered a personal item it would be allowed. Attorney Pozefsky asked what the zoning board said. Mrs. Koch said that yes dressmaking would be okay, however the board felt that the making of furniture was detached, the board had to stick with the level of the law until decisions are made otherwise. Attorney Pozefsky asked Mr. Skinner if he wanted to proceed for site plan approval for the

uses that are clearly allowed, and wait to see if Mr. Skinner could get a zone change. Mr. Skinner asked such as what. Attorney Pozefsky said at the last meeting Mr. Skinner mentioned a few other uses he had for this building such as fruits and vegetables. Attorney Pozefsky said that these uses are allowed; the only use not allowed is the manufacturing of furniture. Mr. Skinner said, the hang up is the actual workshop and everything else is permitted. Attorney Pozefsky said that is correct. Board member Rivette asked if all Mr. Skinner needed was for it to be written up different. Attorney Pozefsky said that he couldn't write it up different. Mrs. Koch said the zoning Board would've had to define manufacturing and the question was, was that definition one person working, two people working or 30 people working, and that is why the zoning board stayed within the confines of the law as it is written. That is really how the decision was made. Board member Eggleston asked if that meant that the Town Board had to come up with the definition of light industry. Attorney Pozefsky said that light industry is not permitted within this zone.

Chairperson Reed said that Mr. Skinner said he was going to sell furniture there also, and she doesn't believe that there is anything in the code that says that he can do this. Attorney Pozefsky said that it states personal service shop, the difference being that you are selling a service and not goods. Board member Butler asked Attorney Pozefsky if he looked at some of the definitions that were on the list that Mr. Skinner gave the planning board tonight. Attorney Pozefsky said and read from the land use book the following definition "Personal Service Establishment- a commercial operation, store, or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, dressmaker, or tailor." Mr. Skinner said that the key word is such as. Attorney Pozefsky said that was correct and the Zoning Board interpreted that to mean not manufacturing furniture. Attorney Pozefsky said that if Mr. Skinner wanted to move forward with the site plan for the other uses he proposed, he could tonight. Mr. Skinner wanted to know if that would halt him from going to the Town Board. Attorney Pozefsky said no that Mr. Skinner could move forward with everything else tonight, the board can review it, there is a public hearing scheduled, and then Mr. Skinner could take that one use to the Town Board. Chairperson Reed said there was no neighbor notifications sent out. Attorney Pozefsky asked if there was a reason why they were not notified. Chairperson Reed said it was because they had decided against it. Attorney Pozefsky said that the planning board has the power to decide what additional notifications it wants and it has the power to waive those if it does want them. Attorney Pozefsky said as he recalls, the notification requirements are not actually in the code, it was an additional thing that this board has always looked for. Board member Eggleston said that Mr. Skinner has the house on one side and the church on the other. Board member Rivette asked about other examples that were on the list of personal service shops that Mr. Skinner presented to the board.

Mr. Skinner asked if what the board was saying was that he could ask for approval of a portion of it tonight. Attorney Pozefsky said that he could and Attorney Pozefsky told Chairperson Reed that the certified mailings are only required on subdivisions. Attorney Pozefsky said that Mr. Skinner could ask for site plan approval for the other uses he had for the property tonight. Mr. Skinner asked if he would still be able to sell furniture there. Attorney Pozefsky went to the permitted uses section in the land use book on page 12 and read the permitted uses and site plan uses. Attorney Pozefsky said it does not look like the sale of furniture would fall under personal service shop. Attorney Pozefsky looked up the definition of convenience store and it read as follow” a commercial facility selling basic foods and household items.” Board members Rivette and Eggleston said that would work. Attorney Pozefsky continues on with the definition as follows” the intent of such a facility is to address transient or last minute needs, not supply a full compliment of groceries or household supplies.” Attorney Pozefsky said it does say household items and the question is what does household items include. The planning board members said chairs, tables, beds, lamps, etc... Attorney Pozefsky said actually it would have to go back to the zoning board to interpret because it is not defined in the code. Attorney Pozefsky said that if the planning board felt that it was clear enough on its face that it would encompass furniture. Board member Beckwith said that it was left open to interpretation then. Board member Eggleston asked about a coffee bar. Attorney Pozefsky said that if one has to ask that question, then the interpretation is not defined in the code and only the zoning board can interpret.

Mr. Skinner said that he was looking for guidance here; he feels that the planning board needs to shoot him down, he feels that that is what Mr. Lucia wants, is for the planning board to deny him, so that he can go to the Town Board. Chairperson Reed said that the planning board is not shooting him down but they do need clarification on this. Mr. Skinner said that he has already spoke to the Town Board members and from what he gathers the members of the Town Board feel that he fits into the definition of a personal service establishment. Attorney Pozefsky said that if the Town Board does not agree with what the zoning board interpreted, the Town Board could rewrite the definitions. Board member Butler said that he did not feel that furniture really falls under household items. Board member Butler told Mr. Skinner that he needed to go to the Town Board on this. Mr. Skinner said that he did not feel that he fit under the household definition but did feel that he did fit under personal services. Mr. Skinner said that personal services allows you to use up to 60% of the lot use and he does not feel that you are going to find a beautician, dressmaker or tailor that is going to use a 12,00sq ft building. Attorney Pozefsky said he felt that the Town Board was looking at clarifying some of the sections of the code, and felt that if the planning board made a recommendation to the Town Board to review some of the definitions in the code, because there is a gap. Mr. Skinner said that is what he would like the planning board to do is write a letter of recommendation. Surveyor Dave Barrass said the way that the Town law is written, a

few things initiate a zone change, and one is for the planning board to write a letter of recommendation to the Town Board. Board member Eggleston said he feels that there needs to be more leniencies on 9N as far as the main road is concerned, and it would not change the atmosphere of the neighborhood. Board member Eggleston said that if you go back through the history of the settlement there was manufacturing in that area. Board member Rivette also said that there used to be a chair factory down there. Board member Eggleston feels that this is something that the Town board should take into consideration. The planning board members continued to further discuss other business that had been in this area in the past.

**\*MOTION TO FORWARD LETTER TO TOWN BOARD RECOMMENDING REVIEW AND CHANGE OF THE DEFINITION OF QUESTION~** Joan Beckwith

Seconded~ Edwin Eggleston

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

3. **Carey Mann: Tax Map# 74.3-1-9** Dave Barrass was representing Carey Mann for a preliminary 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 the boundary line for the purpose of adding enough property to a parcel that he is proposing 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. Board member Beckwith asked if this was going to be a shared driveway. Mr. Barrass said that they are going to share one common driveway and there would be an easement in the deed. Code Enforcement Officer said that this applicant is his nephew, however he does not see a problem with this as long as the driveway is deeded. Attorney Pozefsky did not see any problems with this.

**\*MOTION TO APPROVE BOUNDARY LINE ADJUSTMENT~** Edwin Eggleston

Seconded~ Althea Rivette

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

Chairperson Reed polled the board and the vote is as follows:

Eggleston-yes

Rivette- yes

Beckwith- yes

Butler- yes

Public Hearing is read into record. There was no comment offered from the public present for or against.

**\*MOTION TO CLOSE THE PUBLIC HEARING ~ Joan Beckwith**

Seconded~ Edwin Eggleston

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

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

SECONDED~ Edwin Eggleston

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

**\*MOTION TO APPROVE PRELIMINARY AND FINAL MINOR SUBDIVISION~**

Althea Rivette

Seconded~ Eric Butler

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

**New Business:**

1.) **Bill Persons: Tax Map# 100. -1-41.2 & 100. -1-41.3** Mr. Persons is before the board for a conceptual on a 3-lot subdivision on Hollister Road. Mr. Persons also would like to put a road in from Hollister Road to a back parcel of land that is in the Town of Wilton where Mr. Persons intends to propose a major subdivision with the Town of Wilton. The lot that is in Wilton has 46.40 acres. Parcel # 100.-1-41.2 in the Town of Corinth has 7.65 acres and parcel # 100.-1-41.3 has 2.01 acres in the Town of Corinth. The property is zoned RR.

The Planning Board directed Mr. Persons to go to the Town of Wilton, the Town of Corinth Town Board and with the Town of Corinth Highway Department. The Planning Board also told him that he would have to get permission from the Town Board to put a road in there and it would be up to the Town Board if they wanted to take over the Road. The Board explained to Mr. Persons that the Wilton Planning Board and Town Board would also need to be involved with this project since the majority of property is in Wilton. Chairperson Reed explained that the Town of Corinth Planning Board would not be able to help him with the 46 acres that are in Wilton. Chairperson Reed explained that the problem with the road is that it starts in Corinth but What Mr. Persons is intending to do is put it around the property of Todd Minehardt, of which the majority of the road would be in the Town of Wilton. Chairperson Reed said a road would need to be 60ft wide at minimum. Chairperson Reed said that there will be issues that will need to be addressed, because this proposed road starts in the Town of Corinth and goes through Wilton, and who would take care of the road for example. Chairperson Reed said that Hollister is a country road and the impact of traffic would also need to be looked at.

**1.) Lena VanAuken ( Karen Kirk): Tax Map# 74.37-1-23 Karen**

Kirk is before the board for a conceptual on a special use permit for property located at 69 Wall Street. This property is zoned R1. This parcel of property is within 500ft of the Village line and it is also within 500ft of Adirondack Park Agency. This application will need to be forwarded to Saratoga County Planning Board for these two reasons. Karen Kirk is proposing to turn a shop already on this property into a second hand store. A public hearing will be needed, as this is a special use permit. Karen Kirk said that what she is proposing to do is open a new/ used second hand shop in the shop building that is already on the premises. Karen Kirk said there would be no food sold just knick-knacks, clothing, and toys. Karen Kirk said there would be no bathroom available however; she would be able to use her mothers in the house. Chairperson Reed asked if there was going to be room for parking. Karen Kirk said that it is a double driveway and there is plenty of room for parking. Chairperson Reed asked if there were any questions. Board member Butler asked if there were any zoning issues with this because the applicant does not live at the premises. Attorney Pozefsky said that Karen Kirk is in business with her mother Lena VanAuken who is the owner of the property and she lives in the house on the property. Attorney Pozefsky said that this is in a residential zone, therefore it is listed as class 11 under Home occupations that require a Special Permit, and it is an allowed use in this area. Chairperson said that a public hearing is also required. Chairperson Reed said that Karen Kirk wanted to know if the board would accept the maps as presented so that she does not to go through the expense of hiring a surveyor. Board member Butler asked if there was anyone on the board that was familiar with the property. Board member Beckwith said that she was very familiar with the property and explained it in detail to the board members. Chairperson Reed asked Attorney Pozefsky if the planning board was within their right to waive the maps. Attorney Pozefsky said that under section 7. 4 the planning board has the authority. Attorney Pozefsky said that there does not need to be a motion, the board just needs to be satisfied with the maps. Chairperson Reed asked all Board members if they were satisfied and the results were as follows:

Eggleston- Yes

Rivette- Yes

Beckwith- Yes

Butler- Yes

Karen Kirk asked what she would have to do between now and then. Secretary Sullivan asked if Karen Kirk needed to send out neighbor notifications being that it is a Special Use permit. Chairperson Reed and Board member Eggleston said yes. Attorney Pozefsky said that as far as he understands it has only been done with subdivisions, it is not in the code to do it that way. Attorney Pozefsky said that if the board would like to require applicants to do that, they could make a resolution that states that neighbor notification is needed whenever there is a public

hearing. Attorney Pozefsky read from the subdivision regulations and said it states that the board may require other notification than just the public hearing notice, and Attorney Pozefsky said for years it has been done with the certified mail. Board member Eggleston said that the applicant is not changing the property; they are just changing the use. Board member Butler said that he personally feels that the neighbors should at least receive some type of letter regarding the proposed use. Board member Butler said that if he were a neighbor he would like to know. Board member Beckwith said that her neighbors are her family, brothers and sisters. Attorney Pozefsky said that in other towns, the town itself sends the letter to the neighbors of the property as to what's being proposed. Chairperson Reed said that if the code doesn't require it, then it's a waste of money. Board member Beckwith agreed because it is all family surrounding her property. Board member Eggleston also felt that it is a waste of time. Board member Rivette felt that there could be issues with brothers and sisters if they don't get along. Chairperson Reed said that registered letters have been sent out with other special use applications and said that they should just run with that. Karen Kirk asked whom she had to send them to. Chairperson Reed said any property owners that touch your land.

### 3.) **David Avigdor-**

Mr. Avigdor is an Attorney practicing law in Lake Luzerne. Attorney Avigdor said that he sent a fax today but somehow it was not received. Attorney Avigdor said he was before the planning board tonight representing the estate of Ralph Montello also known as "Chubber Montello". Attorney Avigdor said that Mr. Montello owned two parcels of land. Attorney Avigdor said that his question for the planning board was, if this board considers these two parcels as two, or if this board is going to require a subdivision.

Attorney Avigdor explained the first parcel was purchased in 1923, which is the parcel with the house and the pond. Ralph Montello purchased the piece that is vacant, with a fresh stone drive, in 1963. The purchases of these two parcels were Forty years apart. Attorney Avigdor said that he misspoke and the parcels were actually purchased by Frank Montello. Attorney Avigdor said that when Frank died, his wife Mary conveyed all the pieces of land to their son Ralph into a single deed. Attorney Avigdor said that these parcels do not even touch one another. Attorney Avigdor said what Mary did in 1979 was deed a deed from herself to Ralph. Attorney Avigdor passed the deed to the board members and stated that it reads, that Mary was conveying to Ralph, all the land, described as follows deeds 1-6. Attorney Avigdor said that the two deeds that he is before the board with tonight are the only two deeds of the six mentioned that are actually touching. Attorney Avigdor said that in 1979 there were no subdivision laws and there was no zoning, and he could only assume that to save costs it was all placed on one deed. Attorney Avigdor said it is very atypical to put separate properties on one deed, but he

feels that it was done to get ownership of these deeds to her son. Board member Beckwith asked if it states in the deed that they are separate deeds. Attorney Avigdor said that it does not list them separately however; it states deed at book and page for each of the parcels. Board member Beckwith said that indicates that they are all separate. Attorney Avigdor said that it does. Chairperson Reed asked if these were the same two parcels that they had discussed on the phone. Attorney Avigdor said that they were and the Tax mapping people combined these two into a single tax parcel in the 70's and he does not know why. Attorney Avigdor said that presently there are different rules, and they get the assessor involved when mapping. Attorney Avigdor said back then the tax mapping was not uniform or precise because it was not seen as affecting ownership for subdivisions or such but just seen as for taxation purposes. Now there are star exemptions and subdivisions and it is much more formal. Attorney Avigdor said that he does not feel that, the way the way the tax maps were combined should affect this boards decision, the deeds are what should affect this boards decision. Chairperson Reed said according to the assessor's office in Corinth they are separate tax parcels. Attorney Avigdor said that they had discussed this on the phone and said, the other parcel that Corinth's assessor was referring to is in the village and stated that there is still another tax piece in the village. Attorney Avigdor said that Dave Barrass has a tax map reference here where he has shown that it is a single tax parcel. Board member Rivette asked what the bank wants to do, does it want them separate or combined. Attorney Avigdor said that the family wants to sell them separately, his office has a contract prepared for the buyer, but can not move forward without confirmation from this board that they are separate lots. Board member Beckwith wanted to make sure that there was a deed that outlined that there were separate parcels, which outlines the dimensions. Attorney Avigdor said not only does he have that deed, but also that is what Dave Barrass used to outline the parcels.

Attorney Pozefsky said that he had spoke with David Avigdor about this. Attorney Pozefsky said he thinks where the confusion lies is that the assessor views these two parcels as one. Attorney Pozefsky said it is also because all six parcels appear on one deed. Attorney Pozefsky said he agrees with Attorney Avigdor that what the assessor says is not legally binding. Attorney Pozefsky said that even though these parcels are on one deed they still retained their separate identities and separate deeds and they are only referred to in one deed. Chairperson Reed said actually each of these parcels has a separate deed. Attorney Pozefsky said he does not see any problem with this at all.

Chairperson Reed asked all the board members if they agreed that these were two separate parcels and the board responded as follows:

Eggleston- agrees

Rivette- agrees as long there is no one disputing it

Beckwith- agrees

Butler- agrees

**\*MOTION THAT THE TWO PARCELS OF LAND RELATING TO THE MONTEBELLO ESTATE ARE TWO SEPARATE LOTS AND THERE IS NO FURTHER SUBDIVISION REQUIRED~ Althea Rivette**

Seconded~ Eric Eggleston

All in Favor~ Edwin, Althea, Joan and Eric

**Planning Board:**

Chairperson Reed said September 26, 2007 is going to be the date of our training school. Chairperson Reed said that Cheri and Eric were both members on the comprehensive planning Committee. Chairperson Reed said that storm water management was part of the classes. Chairperson Reed also said that they should invite the members of the comprehensive planning committee. Board member Butler said that he would like to see something like growth management in the community as a class.

**MOTION TO ADJOURN MEETING ~ Edwin Eggleston**

SECONDED ~ Eric Butler

ALL IN FAVOR~ Edwin, Althea, Joan and Eric

Meeting Adjourned at 8:45pm

Respectfully Submitted  
Cheri Sullivan