

Minutes December 20, 2007

Town of Corinth Planning Board

Meeting called to Order 7:01pm

Present:

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

Public Present:

Sigrid Koch, Gladys Mann, Clark Wilkinson, Matt Petteys, Jim Rivette

***MOTION TO APPROVE MINUTES FROM NOVEMBER 15 & 29, 2007 ~ Edwin Eggleston**

Seconded~ Eric Butler

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 Final Public Hearing was posted in the December 13th publication of the Post Star. The Public Hearing has been scheduled for this evening.

The Public Hearing was read into record and Chairperson Reed opened the meeting. Clark Wilkinson spoke on behalf of Dan Babson of Babson Homes. Mr. Wilkinson with Paragon

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Engineering said that his applicant has already received preliminary approval from this board. At that time he was awaiting approval from DOH and the wetland permit from DEC, which is required because of the encroaching on the wetlands for lots 1,2, and 3. Mr. Wilkinson said currently he has written approval from Mike Shaw at DOH and he has forwarded this information to the Planning Board and to Bob Lockwood at Clough Harbour. Mr. Wilkinson explained that the DEC permit required a public notification period, which ended on December 14, 2007. There was no public comment received by DEC and they will be issuing a permit tomorrow morning.

Mr. Wilkinson said he needed to point out that DEC required the following in order for the permit to be issued:

- 1.) That signs must be posted to notify property owners at approximately 150ft apart with at least one sign on each individual lot, and it is a regulated wetland buffer area and it is to remain undisturbed and that any activity within this area is a permitted activity.
- 2.) Is not a requirement from DEC but a request from this board that a Declaration of Covenants and Restrictions will be filed right after this subdivision map is filed so that all the property owners of lots 1-8 will be required to be notified at the time of sale that there is regulated activity on this subdivision map. The Covenants and Restrictions also give the Town the authority to enforce any disturbances that may be taking place in these wetlands. The Covenant and Restrictions will be read during the closing of the sale as part of the disclosure statement.

Mr. Wilkinson said that he had also met with Highway Supervisor Shawn Eggleston at the subdivision site to see whether Mr. Eggleston desired Dry Wells along the road or whether he would prefer him to maintain this surface storm water area as is presented on the maps. Mr. Eggleston felt it would be easier for the town to maintain and in the long run be more cost effective to leave the storm water surface area and the retention pond as designed. Mr. Eggleston also discussed the 12-inch culverts both at the entrance and the low point and requested that they be changed to 15-inch culverts. Board member Beckwith asked if Mr. Wilkinson had temporary approval from DEC. Mr. Wilkinson said the permit has been approved and he would pick it up tomorrow.

Attorney Pozefsky said there were a few points and questions in regards to the Covenants and Restrictions. Attorney Pozefsky asked Mr. Wilkinson to put in the enforcement section that "the Town has the right but not the obligation to enforce these said provisions". Attorney Pozefsky

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said at the bottom of the form it says probate that needs to be removed, and over declare, you may want to put Babson Homes LLC. Attorney Pozefsky said that in the acknowledgment section the language as is may not be acceptable with the County Clerk and if Mr. Wilkinson would like, he has the form language, which the County prefers. Attorney Pozefsky asked Mr. Wilkinson about the “Schedule A” and the legal description and if Mr. Wilkinson was going to have the Meets & Bounds of everything, and then state as set forth on the filed map. Mr. Wilkinson said that the “Schedule A” was the legal description on the whole property because it refers back to this subdivision, which has all the original lots. Mr. Wilkinson said that it would say lots 1-8 as shown on the subdivision maps.

Board member Rivette asked if previously didn't the board discuss that there was not a sufficient amount of land on lot#1. Mr. Wilkinson said the applicant reduced the number of lots initially from 10 to 9, since that time they have modified the homes to different locations, pulled all of the septic systems out of the buffer area; and what remains in the buffer area only is the grading for Lot #1 and the well for Lot# 1 and the Storm Water Management area. Mr. Wilkinson explained that the wetland buffer permit was relatively easy to get because of the ridge that exists and that water does not naturally flow towards the wetlands.

Code Enforcement Officer Mann wanted to know if the wetland buffer was marked because it would be easier for him to watch the buffer zone if it was adequately marked prior to any construction taking place on the site. Mr. Wilkinson said he did not believe that it was marked presently but that was one of the conditions of DEC; that there be signs posted one foot to 15 inches in height and approximately 6-8 inches in width. Chairperson Reed said she has a letter from Clough Harbour dated December 13th suggesting that it be condition of approval that the wetlands be clearly marked in the field during construction. Mr. Wilkinson said he felt that the Towns Engineer had discussed this with DEC and that when he spoke to DEC he mentioned to them that it was a concern to the Town of Corinth Planning Board also.

Chairperson Reed said that she also has provisions dated December 8th from the DOH and wanted to know if those provisions had been addressed. Mr. Wilkinson said they had been. Chairperson Reed asked Mr. Wilkinson if on the preliminary map that the Planning Board approved if there were dry wells. Mr. Wilkinson said that there were not and that Chairperson Reed had asked him to get together with the Highway Superintendent and make sure it was what he wanted for the final maps. Chairperson Reed asked Highway Superintendent Eggleston if he was happy with the plans submitted.

Highway Superintendent Eggleston said actually he prefers surface drainage because drywells

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are more costly. Highway Superintendent Eggleston said it is easier to clean surface runoff and in regards to the retention pond, he is going to accept the Engineers word. The only question he had was in regards to the winter when the ground freezes and whether the pond would be able to hold the water in the spring.

Chairperson Reed asked Mr. Wilkinson to explain the retention pond to the board. Mr. Wilkinson said it was going to be an excavated pond, approximately 6 inches to one foot into the granular soil. The pond is sized to hold with percolation, a 100-year storm with no outfall. Mr. Wilkinson explained that if during construction, it is noticed that the steeper portion off the road is rivulating (meaning that it is steep enough that the water gains some velocity) then he is proposing to put riffraff in this section. Mr. Wilkinson said based on the soils they found and a percolation rate of 1-40 seconds that the pond will handle any water that comes into it. Mr. Wilkinson said for the first five years of this retentions pond life there would most likely not be any water in it until it starts to accumulate sediment. Mr. Wilkinson said it has been designed according to DEC Requirements and Regulations and meets all the separation requirements. Chairperson Reed asked Mr. Wilkinson if he was going to have a good drain off on this retention pond so that it will not hold a lot of water. Mr. Wilkinson said it will hold water temporarily but the computations show that even with a 100-year storm the water will only be there for about 24 hours.

Code Enforcement Officer Mann said on page 2 of the 6th sheet it states “Greenfield Planning Board” and it should be Corinth Planning Board. Board Member Eggleston wanted to know where the retention basin was located. Mr. Wilkinson said it was between lots #1 and #2. Mr. Wilkinson said it was observable on sheet #4 (the graded Plan). Mr. Wilkinson said there was an easement over it so that the Town will be able to maintain it. Chairperson Reed said that to help clarify this subdivision, it has four knolls that come down and join together into this basin.

Chairperson Reed explained to Mr. Wilkinson that the name of the road must be on them in order to submit them at the County. Mr. Wilkinson said he would need approval through the Town and also the 911 through the County. Chairperson Reed said that it cannot be named after another roadway in this Town and she feels that it should include the Village roads also. Mr. Wilkinson said they would figure this out and have it on the maps prior to being submitted.

Chairperson Reed said there were two conditions from the preliminary approval that needed to be addressed one was that all prospective buyers be notified of the wetlands on the property and two, that parcel “D” of lot #9 is noted on the map with the owners name. Mr. Wilkinson said that the Covenants and Restrictions cover condition number 1, and that condition number

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two with parcel "D" is actually going to be part of lot #9. Mr. Wilkinson explained to the board the Covenants and Restrictions are being offered to be filed as part of the subdivision, once the maps is filed, it is issued a filing number which can be referenced on the Covenants and Restrictions. Each Deed also is referenced back to the Covenants and Restrictions that alert the prospective buyers. Attorney Pozefsky said that he agrees except, that Bob Lockwood said that that note needed to be made, but also a copy of that should go to all prospective buyers. Mr. Wilkinson said he could ensure that a copy of the map is given to the original buyers of the parcels, however it is not possible to ensure that owners thereafter are aware.

Chairperson Reed asked Highway Superintendent Eggleston if he had any more questions. Highway Superintendent Eggleston said only that he wanted to reiterate that he only wanted the binder on the road until all construction is done, then they could go back and put the blacktop on. Mr. Wilkinson said he thought he had submitted to the board the cost estimate of the road and he had not heard any comments back on that. Chairperson Reed said she didn't know if she had even got one. Mr. Wilkinson said he was waiting and hoping to hear from Bob Lockwood with a reply on this also. Chairperson Reed said that it is for \$200,000 dollars. Mr. Wilkinson said it was for all work within the Towns right of way and sewer management area, it did not include any work on the lots themselves. Attorney Pozefsky said that Town Code requires that it be subject to approval from the Town Engineer. Attorney Pozefsky said he recommends the Board have Bob Lockwood's approval. Chairperson Reed said the Town Engineer has the final say with the Town Roads. Mr. Wilkinson asked if Bob Lockwood had any comment or if the bid was acceptable. Chairperson Reed said the bid was acceptable. Chairperson Reed asked Highway Superintendent Eggleston to repeat what he didn't want again and she would let him know if he could have it or not. Highway Superintendent Eggleston said that the binder coarse will be down and that gives a base for the blacktop surface to grade to and when all construction is complete then they come back and put down a 1-1/2 top.

Chairperson Reed asked if there were any members of the public present that would like to speak for or against this proposed subdivision. There were no members of the public present that spoke for against said proposed subdivision.

***MOTION TO CLOSE THE PUBLIC HEARING** ~ Joan Beckwith
Seconded~ Edwin Eggleston
All in Favor~ Louise, Edwin, Althea, Joan and Eric

Chairperson Reed asked Attorney Pozefsky to review what the board presently had for

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conditions. Attorney Pozefsky said that the board wants a receipt of a signed plan, written confirmation of approval from DOH and DEC, the Covenants and Restrictions will be changed to reflect what was discussed earlier in the evening, in the fields prior to construction the wetlands will be marked so that they can be monitored. Mr. Wilkinson said there is a 100ft wetland buffer that is delineated by Deb Roberts; he would like to ask the board input as to whether they have any preference on color of the signs that need to be posted. Board member Beckwith asked Highway Superintendent Eggleston if he had any sign requirements on street signs. Highway Superintendent Eggleston said that in a book that he has, any off road signs are usually Brown with a Yellow print, so that it is not obnoxious to look at. Mr. Wilkinson said he also was looking for input as to the size of the signs also, and he was proposing maybe 8 1/2 x 11 but because of the way they will be posted at a height of 4 feet, so that it catches the eye, he did not want to go any larger. Board member Eggleston said they should probably be the size of the Towns building Permit Sign. Code Enforcement Officer Mann said either that or the size equivalent to a “posted sign”. Chairperson Reed asked if there was any preference for the colors. The Board felt that any colors of an earthy tone would be sufficient. Mr. Wilkinson said the purpose of these signs are to be a reminder to the homeowner when they step out their back door that there are wetlands here that are regulated and they will need a permit prior to doing anything with in that area. Mr. Wilkinson also explained to the board that non-regulated activities such as hiking, hunting, and things that are done that are unobtrusive to the land, are acceptable providing that there is no damage being done to the wetlands. Board member Butler asked to see where the signs are going to be posted, because it is not shown on the maps presented to the board.

Chairperson Reed and Attorney Pozefsky reviewed the conditions again and Attorney Pozefsky said that he was content with the Covenant and Restrictions as presented with the corrections previously discussed. Chairperson Reed asked Mr. Babson when he intended on breaking ground with this subdivision. Mr. Babson said in the spring.

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

SECONDED~ Edwin Eggleston

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

***MOTION TO APPROVE FINAL ON MAJOR SUBDIVISION WITH THE FOLLOWING CONDITIONS~** Althea Rivette

SECONDED~ Joan Beckwith

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

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Conditions are as follows:

- 1.) Enlarge Culverts at entrance and low point from 12-inch to 15-inch
- 2) Change wording in Covenants and Restriction in enforcement section to”
The Town of Corinth has the right but not the obligation to enforce
said provisions.”
- 3) That on page 2 of sheet 6, under Wells & Septics item #5 is changed from
Greenfield Planning Board to Corinth Planning Board.
- 4) Written Confirmation of Approval from DOH
- 5) Written Confirmation of Approval from DEC
- 6) The wetland buffer area is to be clearly marked in the field and monitored
by Town Code Enforcement Officer during Construction period.
- 7) A note regarding the wetlands be added to the subdivision plans
- 8) A copy of the plan should be provided to all prospective buyers and a
Receipt of the signed Plan should be forwarded to the Town of
Corinth Planning Board.

Chairperson Reed said she has spoke with the Supervisor and can have Mr. Wilkinson on the Town Boards Agenda for the January 17, 2007 meeting at 4pm if he wanted. Chairperson Reed asked Mr. Wilkinson to let her know if he was not going to be able to attend this meeting. Mr. Wilkinson said that they would wait until February, that would give them time to make sure that he has the required permits in hand and it would also give him time to file the necessary paper work. Chairperson Reed explained that getting approval for the letter of credit is a time consuming process and reiterated that he would need to let her know when he was intending to go to the Town Board. Chairperson Reed asked the Planning board if there were any issues with this proposed Letter of Credit.

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***MOTION TO ACCEPT THE COST ESTIMATE FOR THE LETTER OF CREDIT FOR \$200,000 FOR PROPOSED ROADWAY FOR BABSON HOMES SUBDIVISION~**

Edwin Eggleston

SECONDED~ Eric Butler

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

Chairperson Reed said that Kevin Skinner has submitted his map for Site-Plan review with the conditions on it that the board had requested at last months meeting. Chairperson Reed asked Code Enforcement Officer Mann if he had already issued a building permit. Board member Eggleston asked if everything was on the maps. Chairperson Reed said that it was all there.

Chairperson Reed asked who wanted to go to the planning school in January. Board member Butler and secretary Sullivan both said that they would like to attend. Chairperson Reed said to make sure the paperwork was submitted in December because it was less expensive for the class then.

***MOTION TO ADJOURN MEETING** ~ Joan Beckwith

SECONDED ~ Eric Butler

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

Meeting Adjourned at 8:07pm

Respectfully Submitted

Cheri Sullivan