

Minutes March 20, 2008 @ 7:00pm

Town of Corinth Planning Board

Meeting called to Order 7:03pm
Pledge of Allegiance

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

Public Present:

Sigrid Koch, Arleen Springer, Edward Byrnes,
Charles Brown, Michael Crowl, Patricia Kindlon Crowl, Debbie
Kropf

***MOTION TO APPROVE MINUTES FROM JANUARY 17, 2008
AND MARCH 06, 2008 WITH THE FOLLOWING CHANGES:**

January 17, 2008- That the minutes be changed on page 3 to reflect that it was Crystal Clothier here on a Boundary Line Adjustment not Fred Clothier.

Motion~ Edwin Eggleston
Seconded~ Althea Rivette

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

March 06, 2008- That on page 2 it is included that the Town board stated that the Planning Board will be following Roberts Rules of Order.

Motion~ Edwin Eggleston
Seconded~ Joan Beckwith

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

Public Hearings:

Old Business:

New Business:

1.) Debbie Kropf- Ms. Kropf was before the Planning Board for a conceptual on a minor subdivision on Jenny Lake. The property is located within the Adirondack Park Boundary. The Planning Board did not have a letter of determination from the Adirondack Park Agency that was relevant to this application. The Planning Board explained to Ms. Kropf that there could be no action taken by this board without the letter of Determination relevant to this subdivision application from Adirondack Park. Ms. Kropf said there is (or was at the time of this application) a boathouse on this parcel of land. She is proposing to create another lot just to have access to the boathouse, so she can put the 2nd lot created on the market, and retain access to the boathouse. Board Member Rivette asked if the homes on Jenny Lake were part of a Home Owners Association. Ms. Kropf said that most of the camps are, however, her family is currently before the Home Owners Association working out the details necessary to become part of it. Attorney Pozefsky said that APA has to review this again because the original Letter of Determination that was submitted with the Subdivision application stated that the applicant was good as long as the lots were in their “entirety”. Attorney Pozefsky said that if APA approves this subdivision then Ms. Kropf would bypass the Planning Board because this board. The Planning Board generally does not get involved if the APA entertains jurisdiction. Attorney Pozefsky said that eventually Ms. Kropf would still have to come back to the Zoning Board. Attorney Pozefsky told Ms. Kropf that her Surveyor, Dave Barrass is very knowledgeable about this type of situation and recommended that she speak with him.

2.) Michael Crowl- Mr. Crowl was before the Planning Board for a Conceptual on a Special Use Permit for property located at 178 Heath Road. The property is zoned R2. Mr. Crowl is proposing to open a home business classified as a class II home occupation. Mr. Crowl said he would be doing this for family and by appointment only. Mr. Crowl said the Motor Vehicle law regulates what repairs an individual can do without legally being approved by Motor Vehicle as a DMV Repair shop. Attorney Pozefsky said that it is a permitted use under Home occupation II. The special permit rules state it is a permitted use, but because it is more intense the board is allowed to review it for health and safety reasons and put restrictions on it if deemed necessary. Attorney Pozefsky said under section

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7.6 in the Code Book the Board members could see the different options that they have to review. Board member Rivette said she was not comfortable with this application because she knows that there is a proposed development across the street. Board member Rivette made a motion to table this application. Board member Reed explained that the planning board could have a public hearing on this; the applicant would need to get out neighbor notification. Board member Reed also said a decision does not need to be made the night. Board member Beckwith said there were concerns with how oil and gas would be contained and how spills would be properly handled. Mr. Crowl said that he is very environmentally conscious and that he would be willing to address these issues at the next meeting. Mr. Crowl said that his garage floor has an epoxy seal on it to prevent seepage of any type of leaks. Chairman Butler asked Mr. Crowl if he would like to have a Public Hearing on the 17th of April. Board member Rivette said she made a motion to table this application. Attorney Pozefsky said if the motion was made and seconded before the hearing was scheduled then the board should vote on the motion, but if it was not seconded then the board needs to discuss, prior to the applicant leaving, which direction they are planning to go. Board member Rivette made the motion to keep this application at the conceptual point until she had time to review the application and read the code in order to become more familiar and have more information. No other Board members seconded this motion. Attorney Pozefsky said there would be a period of at least 30 days between now and when the Public Hearing would be scheduled. Board member Reed said she feels the public Hearing should be scheduled, it gives the people an opportunity to voice their concerns and it can be left open for 120 days. Board member Rivette withdrew her motion that was not seconded.

Board member Beckwith had questions regarding what the applicants get for a checklist to ensure that they have everything that they need. Secretary Sullivan said the checklist that the applicant gets is generic across all applications. The Town of Corinth Planning Department has no specific checklist for each Special Use Permit. Secretary Sullivan said if the applicant comes to the office, she does review the items listed in the Land use Book. Board member Beckwith requested that a checklist be done, not only for the applicant but for the Board members as well.

Board member Rivette said she would like to know from Attorney Pozefsky if she had heard information relating to an application before the Board, if

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she should recuse herself from that applicant. Attorney Pozefsky said according to the Law there are only two times that a Board member must recuse him or herself; it is when the applicant is related to the Board member or if the Board member is financially involved with the applicant. Attorney Pozefsky said the rest of the time it is discretionary but you should disclose it, but you don't have to recuse yourself. Attorney Pozefsky said if it is disclosed and the applicant asks you to recuse yourself then it is better to do that.

Other Business:

1.) Proposed Local Law Amending the Town Code Relating to Composting Facilities and Non-Conforming Structures and Uses.

Chairman Butler said that he wanted to bring to the boards' attention the Proposed Law the Planning Board received from the Town Board regarding Composting and Non-Conforming Uses. Attorney Pozefsky said he has talked with Mike Hill, the Towns Attorney on this proposed law. Attorney Hill told Attorney Pozefsky the purpose of the new composting law is to allow continued residential and agricultural composting. The concern of the Town Board was the commercial importing of animal, human waste and various types of sludge used for composting. An engineering report done by Delaware engineering outlined a number of concerns regarding safety and health issues. Existing composting facilities may be grand fathered as non-conforming uses. One exception to this would be green materials. Attorney Pozefsky said there is another part of the law that deals with non-conforming uses and structures, which is part of the Town law currently and is being rewritten in the new proposed law, in order to completely prohibit the expansion of non-conforming uses. Chairman Butler said he would like to schedule a workshop for the 26th of March @ 5:30pm for the Planning Board to review this proposed law on Composting and non-conforming uses and get a recommendation to the Town Board in a timely manner.

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

SECONDED ~ Edwin Eggleston

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

Meeting Adjourned 8:10 pm.

Respectfully Submitted
Cheri Sullivan