

# Minutes July 17, 2008

## *Town of Corinth Planning Board*

Meeting called to Order 7:02pm  
Pledge of Allegiance

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

### Public Present:

Sigrid Koch, Arleen Springer, Palette Stone Co, Wade DeMarsh,  
Dave Barrass, Lorraine DiMartino, Gregory DiMartino, Lisa Savard, Gene Ellis,  
Scott Eagle

After Roll Call and the Pledge of Allegiance the following business was conducted:

### **\*MOTION TO APPROVE MINUTES FROM JUNE 19, 2008 WITH CORRECTION TO PAGE 5.**

Motion~ Louise Reed  
Seconded~ Edwin Eggleston  
Polled as follows:  
Butler- Yes, Reed-Yes, Eggleston-Yes

**Public Hearings:** None

### **New Business:**

1. **Lorraine DiMartino:** Conceptual for minor subdivision located at 86 Fuller Road. Tax Map # 87.1-1-5 Property is zoned R2 along Fuller Road and RR on the back half of the property. Applicant owns 39 acres+/- and is proposing to subdivide 1 Five-acre lot. Board member Reed asked if there were any wetlands on the property. Ms. DiMartino said there were and that is why she moved the five-acre parcel to

the other side of her property. Board member Reed also asked if this was the old Eggleston farm and if Ms. DiMartino was intending to sell this lot for someone to build on. Ms. DiMartino said she was giving the land to her nephew to build on. Chairman Butler explained to the board that this property has two different Zoning Classifications; the property along the road front is zoned R2 and the back half of the property is zoned RR and in either case there is sufficient land to meet the zoning requirements.

Chairman Butler asked Attorney Pozefsky if there would be issues with the wetlands on the property with either DEC or the Army Corps of Engineers because the stream does run all the way to the river. Attorney Pozefsky said that normally the wetlands are shown on the maps and suggested that the board request that they be shown on the applicants maps. Ms. DiMartino said that DEC had been at her property years before regarding the wetlands and she has a letter from them. It was decided that Ms. DiMartino should get a copy of that letter to the planning board secretary and get in contact with DEC to have the wetlands flagged, and that the wetlands location be shown on her maps. DiMartino was placed on the August 21 agenda for a public hearing.

**2. Keith Wells:** Conceptual for minor 3-Lot subdivision on Spotswood Drive. Tax Map # 99-3-15.11 Property is zoned R3. Dave Barrass spoke on behalf of Keith Wells regarding this subdivision. Mr. Barrass said that the wetlands are shown on this subdivision. There was some discussion regarding the width of the driveway on lot # 2 and if there was enough road width for a driveway. Code Enforcement officer Mann said that 20 ft is what is required for a driveway. Dave Barrass said Mr. Wells would need a permit from DEC for the driveway on lot # 3. Mr. Barrass said there was sufficient room for emergency vehicles to turn around on lot# 2. Code Enforcement Officer Mann said he was very familiar with the land; there are a lot of wetlands and Mr. Wells would need permits from DEC. Chairman Butler wanted to know if the wetlands would be noted in the deed for future buyers. Mr. Barrass said the wetlands are noted on the subdivision map and are present for future buyers to see. Attorney Pozefsky asked Mr. Barrass if there were any encroachment issues regarding the old wire fence and the iron pipes found on the lower section of the map. Mr. Barrass said there were not.

Mr. Wells was placed on the August 21 agenda and scheduled for a public hearing.

**Old Business:**

1. Palette Stone- Wade DeMarsh, Project Manager for Palette Stone was present and asked to address the planning board in regards to the old homestead located at 36 Minor Road. Mr. DeMarsh told the board at the last meeting, that there were residents in the public present that were concerned with the historical value of the old homestead. Mr. DeMarsh explained that there had been a squatter residing at the old homestead and this individual has been removed from the residence. Currently there are young kids that have broken into the home and are building fires under the carport and this is a liability issue for Palette Stone. Board member Eggleston said that essentially all Mr. DeMarsh is looking to do is clean up the property. Mr. DeMarsh said he was there asking for permission to take down the house. Attorney Pozefsky said he believed Mr. DeMarsh would need a demolition permit. Code Enforcement Officer Mann said Attorney Pozefsky was correct, but at the last meeting a member of the public present inquired about the historical value of the home. Mr. Mann said that was why he instructed Mr. DeMarsh to come back to the planning board prior to any demolition permits being granted. Code Enforcement officer Mann said Mr. DeMarsh meets all the standards for a demolition permit. Mr. Mann also said that the vandalism that is currently taking place is why he went back to the old homestead at 36 Minor Road and took more pictures. Board member Reed asked if there was a deed on file for this home. Code Enforcement officer Mann said the Assessors office should have one. Board member Reed asked if anyone had contacted Rachael Clothier. Board member Eggleston said he did not believe that this would fall under historical. Chairman Butler said he does not think that there is historical value, but he is not qualified to make that decision. Secretary Sullivan said she could get in contact with Rachael Clothier tomorrow. Code Enforcement Officer Mann said he would check with the Assessors' office.

2. Arthur Baker Family Exemption application. Chairman Butler briefly explained that this applicant had been before the Planning Board over one year ago and there had been an issue with the County response. Chairman Butler said the applicant has returned with the same application but as a Family Exemption. Chairman Butler asked Attorney Pozefsky if the board should discuss this at all as the applicant was not present. Attorney Pozefsky said if it is truly a family exemption and the paperwork has been filled out then truly that would be the end of it. Attorney Pozefsky said that in reviewing the town Code, it stated a public hearing

could be held open only for 120 days. Attorney Pozefsky said he believes it is too late to open the old application because the public hearing has been held open past its time frame allowed by law. Attorney Pozefsky said as long as the paperwork is signed and filled out properly there is no issue with the Family Exemption. Chairman Butler asked Code Enforcement Officer Mann if he had been down on the property. Mr. Mann said he had been on the property and DEC had been there and flagged the wetlands. Mr. Mann said he felt there was enough room for a home in there. Chairman Butler explained that this application was only on the agenda for informational purposes as some of the planning board members had previously requested that they be informed of all non-jurisdictional activities.

**Other Business:**

1. Philmet application that was submitted to the Village Planning Board. Board member Eggleston said what they were intending to do was get the power plant operation up and running. Mr. Eggleston said they were intending to do this by using wood chips. Board member Eggleston said that Philmet intended to store the wood chips on site in silos. Board member Eggleston informed the board that the original mill would be divided into sections. One of these sections will contain the plastic ware facility. Mr. Eggleston said the plastic pellets for this facility would be shipped in. Chairman Butler asked if there was a tentative timeline on this project. Board member Eggleston said they figured that they would be in the power plant this coming year.

2. Chairman Butler reminded the board that there was training available to attend next week on July 23, 2008 at the Queensbury Town Hall from 8:45 –3:45 and if any board members were interested in attending they should probably register by tomorrow.

The motion to adjourn the meeting was made by Board member Eggleston and seconded by Board member Reed, prior to doing the roll call vote a member of the public present asked if he could address the board.

3. Scott Eagle took the floor and stated the following: Mr. Eagle said it has been brought to his attention that the issue of changing the zoning for 9 parcels has either been in front of the planning board or might be in front of the planning board in the future. Mr. Eagle also said it is

common knowledge that anyone who is in violation is not allowed an application. Mr. eagle said he believes that certain units and people are part of a violation. Mr. Eagle said if they haven't been in front of the planning board, then it would seem to him, that they should not be allowed to present an application if they are in fact part of a violation.

Mr. Eagle said the next thing he wanted to discuss was... Chairman Butler interjected and asked how many issues Mr. Eagle was going to address this evening. Mr. Eagle said it was all in regards to the same thing "manufactured housing". Mr. Eagle said the Town of Corinth made a law that states that manufactured homes have to be registered; yet New York State does not allow them to be registered. Mr. Eagle said if the Town says that there can be no placement of manufactured housing without registration, that is something that comes before this board quite often, where there is placement of manufactured housing. Mr. Eagle wanted to know what we do about this in the future and asked if our designated people could take action and try to change this law and make it correct. Mr. Eagle said the Town does not have the authority to designate something to be a motor vehicle; only federal authorities and state designated officials have the authority to designate something to be a motor vehicle.

Chairman Butler told Mr. Eagle he was getting into an area that the planning board could not help him with. Chairman Butler said Mr. Eagle should be addressing these issues and concerns with the Town Board. Chairman Butler said originally tonight, Mr. Eagle stated that he had an issue about whether the rezoning of the 9 parcels had been in front of the planning board yet. Mr. Eagle said that he had heard it had already been before the planning board at the June 26 Town Board meeting, and that the zoning change had already been in front of this board and been approved. Mr. Eagle said he had also heard at that meeting that there was more than one applicant.

Chairman Butler said he would explain the process to Mr. Eagle. Chairman Butler explained that the application went to the Town Board. The Town Board gave to the new law to the Planning Board to review the changes the Town Board had made. Chairman Butler explained the planning board looked at the law and came up with suggestions and revisions that the planning board might have had and then send it back to the Town Board. Mr. Eagle asked what if one of those persons or part of that application or something was to be in violation, if in fact it has already been. Chairman

Butler said if that was the case, the people and lawyers handling the issue before it got to the planning board should have caught it. Chairman Butler explained again the local laws that the Town Board creates or changes are given to the planning Board for their review only. The planning Board can make suggestions and recommendations but that is simply what they are. Chairman Butler explained that the Town Board is not obligated to act on the planning boards suggestions. Mr. Eagle said so it should have been the Town Boards job or procedure to deny the application if any part of it was in violation. Chairman Butler asked Mr. Eagle if he was present at the public hearing the Town board had regarding this zoning change. Mr. Eagle said that he was. Chairman Butler asked Mr. Eagle if he addressed these issues at that public hearing. Mr. Eagle said that he did. Attorney Pozefsky said that once the planning Board reviewed the proposed law and sent it back to the Town Board and they voted on it. It is considered a done deal.

Board member Eggleston said that the zoning law change is a done deal but what he would like to see is for us to help you out, we'd like to see some zoning changes. Mr. Eagle said that would depend on if there were licenses available or can be made available. Mr. Eagle said that there are a few manufacturing criteria or companies that have manufacturing in the township. Mr. Eagle said it has to be decided if the town is going to require a license for manufacturing or if not. Mr. Eagle said that he does not see where someone should be pushed into another classification because there is no license for manufacturing. Mr. Eagle said that he has pointed out different companies that have been in this town for less time than him, that don't have a license for manufacturing and they actually fall into the junkyard criteria more than he would. Mr. Eagle said that they don't have a junkyard license; they don't have a manufacturing license. Mr. Eagle said that he did bring these issues up at the Town Board meeting. Mr. Eagle said if the town board is going to change zoning, it was his request to go across the board and make some other obvious changes with it. Mr. Eagle said that he applied for a manufacturing license over a year ago and then again just a month ago and nothing has ever been done. Mr. Eagle said that he has made it known to the group that establishes zoning what his criteria exactly was and nothing was made in the provisions for me. Mr. Eagle said that there was no provisions made for manufacturing and he was here in the town before zoning. Mr. Eagle said that in fact, there were no provisions made for the east side of Howe Road. Mr. Eagle said to the planning board that they are appointed people and maybe they could look into it and what can be done.

Chairman Butler said that there was a proper way to have stuff like this to be done. Chairman Butler said to Mr. Eagle that the place to start with this is not at the planning board, but with the town board. Board member Eggleston said that it has to start with a petition from Mr. Eagle. It has to be a legal petition. Mr. Eagle said that it would seem to him that either the town does or does not require a license. Chairman Butler said that the planning board is not the group of people to say whether there are laws or there are not. Mr. Eagle said he understood that but they are part of planning and this is the future and something must be done about it as far as the whole mobile home issue and manufactured housing. Board member Eggleston that the planning board does not plan these things, the planning board goes by the laws put out by the town board. Board member Eggleston said that the planning board has to either approve the laws or disapprove them. Board member Eggleston said that if the planning board approves the laws and the Town Board makes them a law, then it is a law and we go by it, otherwise we have to look for ways to get around it, and when there isn't any we just have to go back to them. Board member Eggleston said that is what we tried to tell you years ago. Chairman Butler thanked Mr. Eagle for bringing this to the boards' attention. Board member Eggleston told Mr. Eagle that if he needed any help writing up a petition that he could find people in this town that would help him.

**\*MOTION TO ADJOURN MEETING** ~ Eggleston

SECONDED ~ Reed

ALL IN FAVOR~ Eric, Edwin, Louise

Meeting Adjourned 7:56 pm.

Respectfully Submitted



Cheri Sullivan