

# Minutes

January 29, 2009

## *Town of Corinth Planning Board Workshop*

Meeting called to Order 6:33pm

Eric Butler, Chairman  
Althea Rivette  
Louise Reed  
Joan Beckwith 6:37pm  
Philip Giordano  
Mark Montanye, Alternate  
Attorney Pozefsky  
Fred Mann, Building Inspector  
Cheri Sullivan, Secretary

### Public Present:

Edwin Eggleston, Cathy Reed

### Public Hearings: None

### Old Business:

Chairman Butler asked Attorney Pozefsky if he would touch base with the negative Declaration determination from DEC regarding Pallette Stone Mining Permit. Attorney Pozefsky said DEC has declared themselves Lead Agency for Environmental purposes and had notified the Town and its residents of the thirty days they had in which to respond. Attorney Pozefsky said this is the first step in the process and Pallette Stone will now apply for the actual mining permit. Attorney Pozefsky said with DEC acting as Lead agency that DEC has done all the deep research, and now that DEC has finished their Negative Declaration, they will schedule a public hearing at the Town hall on the mining permit. After that Pallette Stone will return to the planning board for a special use permit. DEC will actually give the Planning Board a copy of the mining permit and Pallette Stone will have to meet any and all of the conditions placed on that permit by DEC. Chairman Butler asked if there were any other questions on this. There were no questions asked from the Board members present.

### New Business:

Chairman Butler introduced two new members to the planning Board. Philip Giordano who replaced Edwin Eggleston and has been appointed to a 5-year term and Mark Montanye who will be the Alternate member. Chairman Butler asked both new members

to introduce themselves to the board. Chairman Butler discussed the flexibility that boards have with alternates. Chairman Butler said he felt it was in the best interest of the planning board to have the alternate member present at all meetings.

Chairman Butler stated to the Board members that it was time to appoint a new Vice Chairman. Chairman Butler asked Althea Rivette if she was still interested, as she had expressed interest last year. Board member Rivette said she was but Board member Reed was also qualified for the position. No other board members expressed interest in the position of Vice Chairman.

**\*Motion to Appoint Althea Rivette as Vice Chairman~** Butler

Seconded ~ Giordano

Polled as follows:

Butler-Yes, Rivette-Abstain, Reed-Yes, Beckwith-Yes, Giordano-Yes

There was discussion about seating arrangements and the use of the Microphone system. Chairman Butler said board member Rivette was the hardest to hear and he wanted to if he moved her to his left, closer to the recorder, and see if that was an improvement prior to going to the microphone system. Board member Reed requested that ROW be spelled out and not abbreviated.

**\*Motion to Approve Minutes from November 20, 2008 with the following request to change the abbreviation ROW to Right of Way on pages 3 & 4. ~** Reed

SECONDED ~ Beckwith

Polled as follows:

Butler-Yes, Rivette-Yes, Reed-Yes, Beckwith-Yes, Giordano-Abstain

Chairman Butler briefly touched on the current terms and appointments that secretary Sullivan put in the board member folders. Chairman Butler requested that the board members look it over and if there were any discrepancies, members' should bring it to the table now. There was no comment from the board members present.

Chairman Butler also mentioned the sheet that secretary Sullivan distributed, with the board members contact information and asked if there was anything that needed to be added or corrected. Board member Reed said that her address was incorrect; it should be 843 County Route 25.

Chairman Butler briefly reviewed the letter received from Adirondack Park. Attorney Pozefsky said it was just a list of changes that have been made by Adirondack Park and they only apply to Adirondack Park.

Chairman Butler asked Attorney Pozefsky if he would walk through the Resolutions and the proposed Local Laws that the Town Board is preparing to have a public hearing on. Attorney Pozefsky said the first two pages is the proposed Resolution regarding

Acceptable Training for Planning and Zoning Board members.

The Planning Board recommended the following two changes to this Resolution:

1. **On page 2 of the Resolution for Acceptable Training for Planning Board and Zoning Board members in the second “Resolved” paragraph “the last three months” be changed to “the last 6 months”.**

Chairman Butler said he felt three months was not sufficient time to allow for a new board member to obtain the required amount of Training (4hrs), as the verbiage reads, the new member could be removed. Board member Rivette asked if the new members had been sworn it yet. Chairman Butler said they had been sworn in.

2. **On page 2 of the Resolution for Acceptable Training for Planning Board and Zoning Board members in the third “Resolved” paragraph that “succeeding years” be changed to “succeeding year”.**

Chairman Butler stated he believed that the Town board was already looking at changing the wording here, to year and not years because an individual could get 12 hours in one year, then not keep current with training for his/her remaining years.

Attorney Pozefsky said all this Resolution did was formalize the procedures so if a board member did not attend the required training, they could be removed from the board. Attorney Pozefsky said the Town Clerk will be keeping track of this training and will be reporting to the Town Board. Chairman Butler said secretary Sullivan would also have this information on file in the planning office.

There were no recommendations made to the

3. **Proposed Local Law Amending the Corinth Town Code Provisions Relating to Training Requirements for Zoning Board of Appeals and Planning Board members.**

There were no recommendations made to the **Resolution revising Fee Schedule.**

On the next proposed Local Law “**Amending the Corinth Town Code Zoning and Subdivision Provisions**”

The Planning Board recommended the following changes to this proposed Local Law:

4. **On page one of A Local Law Amending The Corinth Town Code Zoning And Subdivision Provisions the Planning Board recommends that under Article 2 A section 112-1B (i) Boundary Line Adjustment the Planning Board recommend removing “which does not change a filed map” or**

changing the verbiage to read as “ or to leave to planning Board discretion”.

5. **On page one of A Local Law Amending The Corinth Town Code Zoning And Subdivision Provisions under Article 2 A section 112-1B (iii) minor subdivision that “two lots” be changed to “three lots”.**
6. **On page two of A Local Law Amending The Corinth Town Code Zoning And Subdivision Provisions under Article 2 A section 112-1B (iii) minor subdivision that lines 9,10,11 & 12 be stricken.**
7. **All copies of Sketch Plans/maps and Applications submitted to the Planning Board should be changed from seven copies to eight, now that the Planning Board has an alternate member.**
8. **On page three of A Local Law Amending The Corinth Town Code Zoning And Subdivision Provisions under section J Appendix 1 Fee Schedule, Professional Fees B Major Subdivision the dollar amount be \$2,000.00 not \$2,0000.**

The planning Board discussed that a lot of this information came from the joint meetings held last year with the Town Board. The Board members discussed the following pertaining to the above-mentioned Resolutions and proposed laws:

Board member Rivette felt that 10 years was a long time to have \$25.00 fees and felt that it was time to increase the fees. The Board members agreed that they were good with the fee schedule.

Board member Reed said she disagreed with Article 1A of the proposed law “Amending the Corinth Town Code Zoning and Subdivision Provisions,” relating to the requirement of the applicant to sign the agreement to pay professional fees.

Attorney Pozefsky explained to the board members that these fees are non-refundable. Chairman Butler said that was a good issue because what happens if the all of the funds in the escrow account are not used. Attorney Pozefsky said that the proposed law only states that the fees are non-refundable not the escrow.

Board member Beckwith stated the Town Engineer has to give the applicant an estimate first. Board member Beckwith did not agree that the applicant should have to pay professional fees for this service when the Town Engineer is already on retainer. Attorney Pozefsky said he feels that the Town Board is tired of paying for applicants engineering fees, even though the Town Engineer is on retainer he still bills on an hourly basis. Board member Rivette felt it was appropriate to charge the applicant for the engineering fees because the Town has previously been stuck with these fees with a certain applicant. Board member Beckwith said these fees are budgeted for and Board member Reed agreed

and elaborated that the monies are in the Planning Board budget, but that the retainer fees, if there is one is out of the Town Board budget, not the planning board. Board member Reed said her issue was that when the planning board uses an engineer (not that they pay the bill) that on some of these subdivisions and some of the problems that are run into on these projects, she would feel more comfortable with the planning board paying for it than the applicant. Board member Reed said she feels this way because at the meeting the planning board had with the Town board the Town board said that the applicant could use their own engineer. Board member Reed said that is their engineer and she would feel more comfortable if the planning board had to use the Towns Engineer. Board member Reed said if the Town is paying the fee, then the town is getting the service that they want. Board member Rivette said she was under the impression that the Towns Engineer would do it, but the applicant would pay for it. Chairman Butler said that the money that Board member Reed was referring to in the Planning Board budget does come from all of the taxpayers, so the taxpayer ends up paying these engineers fees rather than the applicant the way it is set up currently. Chairman Butler said if the applicant is the one who wants the subdivision then he should be responsible for his own fees. Board member Beckwith said that it would be the planning board that is insisting on the engineer. Chairman Butler explained that the applicant would still have his own engineer but to protect the Town he should be responsible for the cost to the town to have our own Engineer review his plans. Board member Beckwith did not feel that it was right to have an applicant pay for his own engineer and then turn around and pay to have the Towns Engineer review the plans also. Chairman Butler said that it is being done in the best interest of the town.

Board member Giordano asked Attorney Pozefsky what takes place in other towns. Attorney Pozefsky said there is a Town Engineer in Milton who reviews the projects and does bill it out separately to the applicants, even though the applicants do pay the Town engineer, the Town Engineer still gets paid by the Town for representing the Towns interest. Attorney Pozefsky explained that there are engineers for the applicant and the Town and the applicant usually pay for both. Attorney Pozefsky said that what is happening is that these fees are being passed on to the applicant and not the taxpayers.

Board member Reed said that generally an Engineer is used on major subdivisions and there can be some hefty bills that come in on these and engineers are usually not used on minor subdivisions. Chairman Butler said that is probably why the Town Board left the engineers' fees for minor subdivision to the planning boards discretion.

Attorney Pozefsky moved on to Article A section 112-1(B) regarding Boundary line adjustments. There was much discussion relating to not being able to make a boundary line adjustment on already filed maps. Board member Beckwith said essentially then most people wouldn't be able to make any adjustments if their maps have been previously filed. Secretary Sullivan asked if two neighbors wanted to make a lot line adjustment and they and previously filed maps at the County then this means that they would not be able to do it anymore. Attorney Pozefsky said previously the board has been allowed to change a lot line on a previously filed map and under this new law they would not be able to do

it. Attorney Pozefsky said this could be changing because the county may not want it done. Board member Reed said the planning board has had maps that are stamped Boundary Line Adjustment and are sent to the County with a paper map so that the County is aware of the change. Board member Giordano said that it probably has to do with GIS issues and the Counties database; the County is probably not able to keep up with the map adjustments. Board member Reed questioned what happens when there are two neighbors who get their property surveyed and their lines are wrong. Attorney Pozefsky said there were no previously filed maps then there is not an issue, its only when there has been a previously filed map. Board member Reed said she believes the planning board should question the part, which states, “ Which does not change a filed map”. Chairman Butler asked if this ties into the discussion that was had last year pertaining to a small amount of land, in that, if the planning board was going to review the boundary line adjustment that the fee should be raised. Board member Reed said applicants have always come before the board for a boundary line adjustment. Board member Rivette felt that that particular phrase should be crossed out and it should be left to the discretion of the planning board. The Board was in consensus that they did not care for the line “ Which does not change a filed map” and felt it should be removed from the proposed law.

Attorney Pozefsky said the next topic was “Family Subdivision” the proposed law now states that all family subdivisions come before the planning board for review and the fees will still be waived. Board member Beckwith said the only issue she has with this is that the applicant should have something in writing from Cheri that they meet all the criteria. Secretary Sullivan explained that she gives each applicant a copy of the Zoning specs for the area they are zoned for and the applicant gets a subdivision application with all the subdivision requirements attached. Alternate Montayne asked if the planning board had a checklist for both the board and the applicants. Alternate Montanye said that Mike Valentine had checklists at the County. It was suggested that Secretary Sullivan get in contact with Mike Valentine. Board member Beckwith suggested that the same checklist that the applicant gets, the planning board should get the same.

Attorney Pozefsky stated that under the minor subdivision of this proposed law there is wording on page 2 that refers to the family subdivision. Attorney Pozefsky said he spoke with the Town Attorney about this and brought it to his attention that this was unclear. Attorney Pozefsky said the planning board needed to know if their intention is to waive the fee or not waive the fee. Board member Beckwith asked if a family subdivision was a major or a minor subdivision. Attorney Pozefsky said that it did not matter the issues was that regardless the fees would be waived. Board member Rivette felt the way it was written allows for too many loopholes. Board member Reed said when family exemptions were added to the law it was so the people of this Town could give land to their kids without having to come in front of the planning board, there never were fees charged, then they had to have maps stamped as required by the County. Board member Reed said there is no way that this board is ever going to be able to tell if it was a gift or if there was cash exchanged “under the table”. Board member Reed said this is a good thing to have for the families of the town.

There was mention that the minor subdivision section defines the member of a family subdivision but it is not defined in the major subdivision section. There was some discussion regarding the number of maps needed to be submitted, it was originally decided that seven maps would be required, however, now that the planning board has an alternate that number should be changed to eight. There was brief discussion regarding escrow and at what point on a minor subdivision if so needed does the escrow come into place. Attorney Pozefsky clarified and said it would be prior to the planning board making a decision on the proposed subdivision.

Secretary Sullivan reviewed the board proposed requests for changes in these resolutions and proposed laws. All board member agreed that the seven changes were correct. Chairman Butler reiterated there would be a public hearing on these proposed laws and Resolutions on February 12, 2009. Chairman Butler asked the board if there was anything that any of the board members felt was done wrong or if there were any suggestions or changes for the following year. Attorney Pozefsky said he would like to recommend the following change:

That when the board does their environmental review on their SEQR motion; that there has been discussion in the past as to when this procedure should take place before or after a public hearing; Attorney Pozefsky said that historically the planning board has done it after the public hearing. Attorney Pozefsky said that Encon frowns on that and they want the planning boards to do it before the public hearing. Encon says that the decision has to be made first then, if at some point during the public hearing something is discovered then the planning board can rescind the planning board previous decision. Attorney Pozefsky said that it is just a change in order of procedure. Board member Reed asked if it was just the SEQR. Attorney Pozefsky said just the SEQR. Chairman Butler said the planning board should begin this practice and if there are issues then it can be adjusted at that time.

Chairman Butler said to the board since Mr. Eggleston is here in the public he would like to thank him for the 10 years time that he had served on the planning board.

**\*MOTION TO ADJOURN MEETING** ~ Giordano

SECONDED ~ Beckwith

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

Meeting Adjourned 8:08 pm.

Respectfully Submitted

Cheri Sullivan