

Minutes

July 16, 2009

Town of Corinth Planning Board Meeting

Meeting called to Order 7:00pm

Eric Butler, Chairman
Althea Rivette, Vice Chairperson
Louise Reed
Joan Beckwith
Philip Giordano
Mark Montanye, Alternate- Excused
Attorney Pozefsky
Fred Mann, Building Inspector - Excused
Cheri Sullivan, Secretary- Excused
Linda Hamm, Secretary

Public Present:

Sigrid Koch, Dave Barrass, Ray Bush, Shelli Everts

***Motion to Approve Minutes from April 16, 2009.** ~ Giordano

Seconded ~ Beckwith

Polled as follows:

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

Public Hearings: Mike & Andrea DeMarsh

New Business:

Shelly Everts: Property tax # 98.-1-15.111. Conceptual for Site Plan review

–Property is located at 39 Atwell Road. Listed under Rural Residential (RR) zoning it falls under site plan and is listed as an agribusiness, the size of the structures are what make it commercial instead of residential. Applicant is purchasing greenhouses from Ray Bush and intends to open business of same at their residence. Mrs. Everts described her site plan; informing board members of where the driveway and structures would be and where present structure existed. Mrs. Everts said that she would be using all natural materials and solar lighting; she wants it to be an organic greenhouse but it is very difficult to become a certified organic business. Board member Rivette had concerns about the composting that may be taking place. Mrs. Everts said that she is already composting there because she has horses and there are no complaints with the neighbors in relation to smells as they turn their compost the way that one is suppose to. Mrs. Everts said that she had spoke with the highway Superintendent and he told her that she would not need to

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have a culvert put in. Mrs. Everts said that the power running to the greenhouses will be run under ground.

Attorney Pozefsky said that Code Enforcement Officer Mann wanted him to remind Mrs. Everts of the 50ft setbacks from the edge of the property even though it is her own property line. Mrs. Everts said she had talked with Mr. Mann and told him that she had planned on putting the green house as far away from the property line as she could at this point. Board member Giordano said that it had to be 50ft from the line or she could not move forward. Attorney Pozefsky said this board could approve the site plan but when Mrs. Everts went to get a permit from the Zoning Officer she would get denied. Mrs. Everts asked if that was true even for structures that are considered temporary. Attorney Pozefsky said the answer to that question would have to come from the zoning board. Attorney Pozefsky said this board just needs to make sure that there is enough space for the proposed project and if the applicant chooses not to meet the setbacks then she will end up at the zoning board.

Attorney Pozefsky said a public hearing is not mandatory with site plan review but it is optional. Attorney Pozefsky said the short form SEQR was missing from her application and would need to be submitted.

***Motion to require applicant to fill out short form of SEQR with proposed application.** ~ Giordano

Seconded ~ Rivette

Polled as follows:

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

Attorney Pozefsky said there is suppose to be a survey for site plan unless the board waives this. Mrs. Everts said she has a survey map from a couple years ago that she could use and she does have a partial topographical map. Chairman Butler said that he would like to a map that is clearer and to size, just so that it is clear when it is filed. Chairman Butler said he would also like to see Mrs. Everts have a public hearing so that all her neighbors are aware of what is being proposed. Chairman Butler said he would also like to see neighbor notification notices sent out to the neighbors, just so the board has the opportunity to get input from the neighbors. Board member Reed had questions regarding the application. Board member Reed said that if it was a special use then a public hearing would be mandatory. It was clarified that the application is used for both site plan review and special use permit, however, with this application site plan review and commercial are the only items checked. Attorney Pozefsky said this is just a site plan it is a permitted use. Chairman Butler requested the following items to be clear on the next map at the next meeting:

1. Where the location of the driveway is going to be
2. The location of the sign

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3. The location of the buildings
4. The location of the round pen
5. Wells and Septic
6. The location of the Home
7. Show where the fence line is

Attorney Pozefsky said that the planning board needs to make two motions on this application but first the board needs to decide if they are going to have a public hearing. First the board needs to decide by majority vote whether they are going to have a public hearing because it is optional, and secondly there needs to be a motion for the plot plan to be submitted instead of the survey. Attorney Pozefsky said the board has the option to waive the survey but unless it is waived by the board it is mandatory.

***Motion to require applicant to fill out plot plan maps not a surveyor's map. ~**

Butler

Seconded ~ Rivette

Polled as follows:

Butler-Yes, Rivette-Yes, Reed-Yes, Beckwith-Yes, Giordano-No

There was further discussion relating to the survey and the legality of adding to a surveyor's survey. It was questioned how recent the survey was that Mrs. Everts was using. Mrs. Everts said the one she is using is from 1984 but she did just have the property surveyed in 2007 but did not get a map from the surveyor because it was going to cost more, so she just ended up with a topographical map from him. Board member Giordano said he wanted to see exactly where the building was going to be on the lot with the setbacks showing that they are met. Mrs. Everts said if she had to meet the setbacks then it would hinder the process because she would have to cut down more trees. Board member Giordano said that she would have to get a variance then.

Old Business:

1. Family Subdivision: Mike & Andrea DeMarsh

Property is located on 80 Antone Mtn. Road. Applicant was present for conceptual has an application pending before the Zoning Board for a variance. There is a variance needed because the applicant is zoned RU and according to zoning they must have 8.5 acres per lot.

Dave Barrass was representing the applicant and Mr. Barrass was optimistic about the Zoning Board because all parcels around the applicant are much smaller in size, so the applicant would not be changing the looks of the residential area. Mr. Barrass said he felt the zoning was put at 8.5 acres to be in coordination with the APA of which the property lies within. Mr. Barrass explained that part of this property is in the Town of Hadley. Mr. Barrass also explained to the board what Mr. DeMarsh has gone through to get the

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adjoining lot approved as a non-conforming building lot so that he could apply to the APA. Mr. DeMarsh said it was going to take about 60 days to get the actual permit from APA but that he did have the letter stating from them that if the adjoining lot was made to be non-conforming that they would look at this project as favorable. Mr. Barrass explained that Mr. DeMarsh was trying to work with all three Agencies' concurrently. There was discussion about notification of other agencies that may be interested in this application, whether the SEQR short form had been completed. Attorney Pozefsky said the letter to the other agencies went out on July 08, 2009 and normally they have thirty days in which to respond, however if the board wanted to vote without waiting the thirty days then it would have to be by a majority plus one to pass. Chairman Butler said Saratoga County did not have any problems with this subdivision. Attorney Pozefsky read through the questions on the short form SEQR.

***MOTION FOR A NEGATIVE ENVIRONMENTAL IMPACT.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

Public Hearing: At 8:24pm the Public Hearing was read into record for Mike & Andrea DeMarsh. There was no comment from the public present either for or against this application.

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

Seconded ~ Rivette

Polled as follows:

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

***Motion to approve family 2-lot subdivision upon favorable determination from the Adirondack Park Agency.** ~ Beckwith

Seconded ~ Giordano

Polled as follows:

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

***Motion to waive the fees on the family subdivision.** ~ Reed

Seconded ~ Rivette

Polled as follows:

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

Other Business:

Chairman Butler briefly spoke about the following:

1. **APA notice-single family dwelling, Hunt Lake Road**

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2. APA notice-Stewart Dam Rd for a winery.
3. **SCPB Referral Review-Adopt Comprehensive Plan**

***MOTION TO ADJOURN MEETING** ~ Giordano

Seconded ~ Beckwith

All in favor~ Eric, Louise, Althea, Joan, Phil

Meeting Adjourned 8:45 pm.

Respectfully Submitted

Cheri Sullivan