

# August 20, 2009 Planning Board Minutes

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## Minutes August 20, 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  
Attorney Pozefsky  
Fred Mann, Building Inspector  
Cheri Sullivan, Secretary

### Public Present:

Sigrid Koch, Ray Bush, Shelli Everts, Edwin Eggleston, Jeff Lang, Stephen Griffen, Wade DeMarsh

### \*MOTION TO APPROVE MINUTES FROM JULY 16, 2008 WITH TYPOGRAPHICAL CORRECTIONS

Motion~ Beckwith  
Seconded~ Giordano  
Polled as follows:  
Butler-Yes, Reed-Yes, Rivette-Yes

### Old Business:

1. Shelly Everts: Property tax # 98.-1-15.111. 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. Shelly Everts told the board there is 491 feet before her property meets any adjoining properties in the back Everts from where this project is proposed. Shelly Everts said the proposed driveway is 20 feet wide and there is ample room for a fire vehicle to turn around. Chairman Butler said that he spoke with Highway Superintendent Eggleston and Mr. Eggleston said culvert is not required by the town and it is Ms. Evert's decision. Code Enforcement Officer Mann said prior to a permit being issued he would need that in writing from the Highway Superintendent. Ms. Everts explained that the sign was not going to be lit up and that it was to be created from a piece of wood with wooden letters. Ms. Everts said that she moved the proposed site of the greenhouses to meet the 50 ft setback from the property line. Code Enforcement Officer Mann said she will also need a sign permit when the applicant gets to that point. Chairman Butler said there was a possibility of placing a third greenhouse on the property in the future and questioned the placement of the third greenhouse. Ms. Everts said the parking area would be expanded and the third greenhouse would follow suit and be in line with the first two. Board member Giordano questioned if the greenhouse would be lit at night. Ms. Everts said they would not; they just need heat at night. Board member Giordano said he had concerns with the

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barn that exists right on the property line even though it sits 200ft back from the road. Chairman Butler said the board requested that Ms. Everts send out neighbor notification letters and there was not a public Hearing required. Chairman Butler said the board had received two letters from neighbors on this proposed project and those letters were read into record. The letters read as follows:

Andra LeClair  
193 Wells RD.  
Porter Corners, NY 12859

Town of Corinth Planning Board Department  
600 Palmer Avenue  
Corinth NY. 12822

Proposed Project: Retail Green house operation  
Tax Map# 98.-1-15.11  
Immediate vicinity

To; Town Planning Board

This proposed change to Retail would be involving the property bordering my back yard. I feel that this would be a negative impact to my property value and quality of life. The impact of this change would not only be to my home but to the entire neighborhood. This is not the first attempt by the Everts to step toward commercial. This is a quiet residential zoned area as I chose to have as a place to build a house, to make a home and raise my children, and should be our right to remain so.

Thank you  
Andra LeClair

August 20, 2009

Town Of Corinth Planning Department  
600 Palmer Avenue  
Corinth, NY 12822

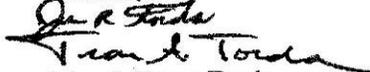
Re: Retail Greenhouse operation, 39 Atwell Rd, Porter Corners

Dear Planning Board Members:

We would like to express our support of the proposed greenhouse operation located at 39 Atwell Road. As neighbors of Oren and Shell, we're excited to see their desire to continue The Bush's long tradition. For years and years we have patronized The Bush's greenhouse, and now with their retirement, we're glad to see we'll still be able to buy locally grown produce and flowers.

We'd like to emphasize *locally grown produce and flowers, by local folks*. We support a hometown business, as economically, it benefits the entire community. In this ever rough economy, we credit them with taking this venture on, and wish them nothing but success.

Sincerely,



John & Tracy Torda  
40 Atwell Road  
Porter Corners, NY 12859  
(518) 893-7299

There was no public hearing on this application however Chairman Butler asked if there were any members of the audience that would like to comment on this application. There was no comment from the public for or against this application. Attorney Pozefsky said the Planning Board has the option on this application to waive the final application and approve the preliminary as if as long as there are no further recommendations from the Planning Board. Attorney Pozefsky suggested to the Planning Board members to review section 6.4b1 of the Land use Law to ensure that they are satisfied that all requirements have been met. Chairman Butler went through the requirement

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list with the board and the board was satisfied as a whole. Chairman Butler questioned the following:

- Materials to be used for driveways- Ms. Everts said the driveway was to be constructed using stone
- Operational Hours-Ms. Everts said the hours of operation presently would be from 4-8pm and on the weekends. Ms. Everts said she may be open later in the fall or during the Christmas season but regardless of the season the closing hours would be 8pm.

Board member Rivette questioned if there would be any runoff issues from the horses that the board should be concerned with. Chairman Butler asked if the applicant was intending to do anything different with the horse now than she has in the past. Ms. Everts said that she was not and the horses have been there for six years and there have not been any complaints.

Attorney Pozefsky read through the questions on the short form SEQR. No member of the Planning Board stated that there would be any adverse effects from this proposed application.

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

Motion~ Giordano

Seconded~ Beckwith

Polled as follows:

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

### **\*MOTION TO APPROVE THE PRELIMINARY APPLICATION AND TO WAIVE THE FINAL APPLICATION WITH THE CONDITION THAT OREN EVERTS SIGNS THE APPLICATION.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

2. **Palette Stone**: Mr. Lang from Palette Stone was before the board for a Special- Use permit for mining on 36 Miner Road, Porter Corners NY. Tax Map ID# 98.-2-7. It is not within 500ft of the Greenfield Town line. The applicant has proposed the mining of sand as an additional reserve for the future. There is 42.8 acres of land with 800 ft of Road frontage. The applicant has been to DEC and DEC has completed the SEQR review process. Palette Stone was before the Planning Board on the previous dates May, June, July and September of 2008. In June of 2008 the public hearing was left open until further notice as the applicant did not have the required paperwork from DEC. In September of 2008 the Planning Board made a motion to extend the public hearing for 120 days at the request of Palette Stone; however there is no limit on the extension period in the Corinth Town Code for special use permits. Therefore, the request for extension does not apply and the public hearing is still open.

Mr. Lang spoke on behalf of Palette Stone and said essentially nothing has changed except it is slightly different in the original area. Mr. Lang said that pages 2-5 of the DEC permit are conditions of the permit. Board member Beckwith said if the public hearing is still open the planning board should be obligated to give some type of notification that Palette Stone is before the Board again. Attorney Pozefsky suggested that the Planning board take time to digest the permit themselves and to review the Negative Declaration from December 12, 2008. Chairman Butler said there needed to be another notification of some type and questioned what happened

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with the DEC public hearing and when that was. Mr. Lang said that DEC did the notice and it was posted in the post star, he believes that is their official paper. The planning board felt that in fairness to the public that had concerns at the opening of the public hearing on this project that there should be a continuation notice of the public hearing posted. It was decided the notice should be posted in all of the following; the Post star, the Penny Saver and the Town website. Chairman Butler also felt that it would be in the best interest of the public to invite someone from DEC to attend the planning boards meeting in September to answer any questions about their findings. Mr. Lang said the individual that Palette Stone dealt with at DEC was Marc Migliore. Chairman Butler asked Alternate Mark Montanye for his thoughts on this matter. Board member Montanye said his concern was that the board had to be careful with the precedent that is being set in regards to the public hearing. Board member Montanye also stated that this is his personal opinion and not his professional opinion.

**\*MOTION TO READVERTISE CONTINUATION OF THE PUBLIC HEARING IN THE POST STAR, THE PENNY SAVER AND THE TOWN WEBSITE AND TO SEND LETTERS TO THE NEIGHBORS WHO HAD RECEIVED PREVIOUS NOTIFICATION.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

**New Business:**

1. **Tom Neville:** Mr. Neville of County Route 10 in Corinth came before the board in search of answers. Mr. Neville wanted to know how to go about subdividing his property so that he can build another home. The board directed Mr. Neville to contact the APA because he would need a permit or variance from them depending on what his zoning was in Adirondack Park. After he received some type of correspondence from APA the Town Planning Board would be better able to direct him in what procedures to follow.

**\*MOTION TO ADJOURN @ 8:30pm.**

Motion~ Giordano

Seconded~ Beckwith

Respectfully Submitted

Cheri Sullivan