

Minutes September 17, 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 Town Board meeting
Cheri Sullivan, Secretary-Excused
Linda Hamm, Secretary

Public Present:

Edwin Eggleston, Stephen Griffen, Dave Barrass, Matthew Kyarsgaard, Warren Longacker, Sandy Flint, Chris Flint, Marc Migliore; DEC,

***MOTION TO APPROVE MINUTES FROM AUGUST 20, 2009 with Typographical errors to be corrected.**

Motion~ Giordano

Seconded~ Rivette

Polled as follows:

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

Old Business:

Pallette Stone:

Chairman Butler said the public hearing is still open on Pallette stone and the purpose of this permit is to expand the present mine. Jeff Lang the geologist for Pallette stone on this project again briefly reviewed what Pallette stone was proposing with the additional reserves area of the mine. Mr. Lang said there was to be no change in the processing, the entrance or exiting of the mine just the addition of the additional reserves. The mine will operate the same way that it has over the last twenty years. Secretary Hamm read the Public Hearing notice into record. Mr. Migliore from DEC explained the process that DEC does to approve and review a permit. Mr. Migliore said that the permit was issued June 15 and it is mostly based on the reclamation process. A big part of the review is the noise and visual. Chairman Butler asked if there was any public present who wished to comment.

Jay Whitcomb said he owns property west of the mine and had two concerns:

What the correct floor level elevation was for Pallette's Pit verses the floor level of the Town's pit because the towns pit is about 3 or four feet up on that level. Mr. Whitcomb said that the aquifer is his concern the aquifer and what could happen if this aquifer is clipped. Mr. Whitcomb had questions about the lines on the maps because he sits about five feet below the level. Mr. Migliore said that DEC has one Mine Land Reclamation specialist who knows these mines inside and out and he is sure that he is aware of the water levels of the Towns pit also. Mr. Migliore said that as things progress DEC ensures that the

standards are maintained. Pallette stone is seeking more area to better be able to seek more gradations to achieve a more satisfactory product that are desired to minimize processing. Board member Rivette asked Mr. Whitcomb if he has any issues with his water currently. Mr. Whitcomb said what he has seen is that west of the mine it seems to be remarkably stable because it is not a drainage brook. Board member Rivette said there could be a condition added to the permit if it would make him more comfortable. Mr. Whitcomb said he was not concerned with damage that could be but with the quality of the water that is there presently and he does not want to see it change. Board member Rivette suggested having his water tested every year from this point on. Mr. Eggleston said that some surveyor said at one time, that the whole area in south Corinth is an aquifer. Mr. Whitcomb said that based on the aesthetics of this community he felt that the line that Pallette is proposing is going to be a little aggressive and he wanted to make sure that the Planning Board is aware of it. Mrs. Flint said that she lives on 9n close to the mining operation and tree lines would help to keep the dust down when it is windy and it would be nice if there was a buffer of some type that would block the winds. Board member Rivette said that having a berm there would be beneficial to the residents. Mr. Migliore said there were any dust issues that members of the community should contact Pallette stone and DEC. Mr. Migliore said that there are things that can be done to control these issues. Board member Rivette said she feels that this berm should be a required part of this permit.

Chairman Butler wanted to know how often Pallette had to report to DEC. Mr. Migliore said that prior to any permit expiring the applicant must renew the same permit and test holes are retested based on market demand and the areas that the mining applicant are using. They are tested before a new or renewed permit is issued. Chairman Butler said that Pallette should not have to come back before the Planning Board once this permit is issued even though they will have to renew their permit with DEC every five years. Attorney Pozefsky said that was correct if they were issued the permit unless something came up and then the planning board may have to review again. There was no further comment from the public present either for or against this proposed special use permit.

***MOTION TO CLOSE THE PUBLIC HEARING.**

Motion~ Beckwith

Seconded~ Giordano

Polled as follows:

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

Chairman Butler asked if there was any comment or questions from the board members. Board member Beckwith wanted to approximately how long it would take Pallette to get to the extension area. The rate of face movement would be less in one area than in another. Mr. Migliore said it is the law to review these permits every five years. Chairman Butler asked what happens if they start mining in the shaded area and they do run into water. Mr. Migliore said if that was to happen then they would have to come in to DEC with a modification not only to adjust their mine plan but a reclamation change. Mr. Migliore said that reclamation is an important part of the process because it is meant to ensure that the land remains viable after the mining process has ceased. Chairman Butler asked if the Town is notified when there is a change with the permit. Mr. Migliore said that the town would be. Chairman Butler said the southern part toward Miner road has not been mined yet. Mr. Longacker said it is approved, but it may never happen. Chairman Butler said he has some concern with Mr. Whitcomb and the location of his house and that side of the mine. Chairman Butler wanted to know what kind of natural buffer is present for noise. Mr. Whitcomb said his concern is that through here it will be sloped down from the current grade which would slope it down like a bowl and it would be about 70 feet below the line. Mr.

Whitcomb asked if the towns' setbacks matched the states or were more stringent. Board member Rivette said that the board had to go with the most stringent setbacks. Chairman Butler said upon reviewing the items when reviewing the environmental impact the board members need to keep in mind that DEC has already reviewed these but if there are any questions or comment to please give their input. Chairman Butler reviewed items a-l and said that under aesthetics they did try to spiff the entrance up a little as requested by the board and then went to the mining section 7.B . Attorney Pozefsky said that all items under this have already been addressed Attorney Pozefsky said that sections 8.1 and 8.3 may also want to be looked at by the board. All board members were comfortable that the applicant had met all the conditions.

***MOTION TO APPROVE THE SPECIAL USE PERMIT FOR MINING FOR PALLETTE STONE.**

Motion~ Beckwith

Secoded~ Rivette

Polled as follows:

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

Kyarsgaard: Major 6-lot subdivision

A Proposed Major Subdivision (6-lot) on Rte 9N. Property is located on Rte 9N north of the intersection with Depot Road in South Corinth. The applicant wishes to combine three separate parcels to create this proposed 6-lot subdivision. Tax Map #'s 99-1-41.1(22.03 acres/60ft road frontage/ R3) and 99-1-41.2 (3.38 acres/ 540 feet road frontage/R3) and 99.-9-1-30 (1.23 acres/ 284 feet of road frontage/ R2 & R3). The applicant was before the Planning Board in March and was asked to submit a complete application and advised to get an application into DEC. It was also established at the last meeting that this project would have to be reviewed by the ACOE because of the kayaderosseras which creek flows into Saratoga Lake.

Mr. Longacker spoke on behalf of Mr. Kyarsgaard and briefly reviewed the proposed application stating that there were three undeveloped contiguous lots totaling approximately 23 acres with an unapproved driveway entrance at the northern end of the property. The applicant is looking to develop parcel meeting the required zoning. Applicant is proposing a shared driveway for the proposed homes. Septic systems have been modified to suit the recommendations of the board and Town Code enforcement officer. Chairman Butler said previously the board had some suggestion one of which was to have DEC flag the property. Board member Rivette said there were questions regarding ingress and egress of the proposed driveway. There was discussion between the board Chairman and Marc Migliore from DEC and it was established that the applicant may have removed any activity from the proposed maps that would require it to be jurisdictional, however final determination would be made and a response mailed to the Planning Board. Chairman Butler said at this point the applicant needs to make sure that there is a complete application submitted. Mr. Longacker said that parts of their application submitted in March were not complete. Chairman Butler said in order to have a preliminary that the board would need copies of the proposed maps and a copy of the application should be forwarded to Clough Harbour for review. Chairman Butler said they would be put on the Agenda for next month and the application would have to be sent to the Towns engineers but that won't happen until the required fees have been paid. Chairman Butler said they could pay the Planning Secretary on Monday. Chairman Butler reviewed the Planning Fees with the applicant.

New Business:

Ralph Culver Boundary line adjustment:

Conceptual for boundary line adjustment. Tax Map ID # 99.-3-35.11 and map parcel 99-3-36.4. Property is zoned R3. Property is located at 279 Angel Road. Applicant wishes to add approximately .253 acres to tax map parcel 99.-3-36.4. The .253 acres would be taken from tax map parcel 99.-3-35.11. There will be approximately 1.653 acres left which still meets the zoning requirements of R3. Dave Barrass spoke on behalf of the Culvers. Mr. Barrass said that Mr. Culver is trying to sell this parcel but they are extremely impacted by wetlands. Mr. Culver has had DEC come and flag the wetlands and there was an issue with the wetlands that would require permits where the original proposed driveway was. Mr. Barrass said that Mr. Culver is simply wishing to adjust the boundaries between the lots'. Chairman Butler said there is an issue as to whether or not a boundary line adjustment is jurisdictional or not. Attorney Pozefsky said he was reviewing the same issue earlier in the day and was not able to confirm that it was jurisdictional. There was much discussion regarding whether a boundary line adjustment was jurisdictional or non-jurisdictional. Dave Barrass said his interpretation of the law enacted in 2009, pertained to the definition of the amount of property that defined what a boundary line was, and it was determined that it was to come before the board for review. Attorney Pozefsky said he felt the law deleted the terminology of "a small amount of land" and that he could not find another area that stated it was non-jurisdictional-. Attorney Pozefsky said that if it was jurisdictional that Mr. Barrass wanted to know what the conditions were. Attorney Pozefsky said he would like to check with the Town Attorney on this, since he was not at the meeting where this local law was passed. Chairman Butler said they did away with the non-jurisdictional terminology. The Board members agreed to approve the boundary line adjustment conditionally based on what Attorney Pozefsky discovers upon speaking with the Town Attorney. Chairman Butler asked the board members if anyone had any problems with the boundary line adjustment as it is. All board members said that they did not.

***MOTION TO APPROVE THE NON-JURISDICTIONAL BOUNDARY LINE ADJUSTMENT CONTINGENT, THAT CLARIFICATION OF THE LAW DOES NOT STATE OTHERWISE.**

Motion~ Beckwith

Seconded~ Rivette

Polled as follows:

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

Edward LeClair 2-lot Family Subdivision:

Conceptual for family subdivision. Tax Map ID # 86-1-25.1 Property is located at 4710 rte 9N. Applicant would like to create a one acre lot out of 153 acres. There is 1100 feet of road frontage. This parcel of land does border the Adirondack Park "Blue Line". Application will have to be forwarded to Saratoga County Planning Board and to APA. Property is zoned R3. Mr. Barrass spoke on behalf of Mr. LeClair and said this is just North of Wells Road and Mr. LeClair would like to convey a 1+/- acre parcel to his daughter. Mr. Barrass explained to the board the dimensions and widths and that it does comply with all zoning. Chairman Butler explained that this is part of the same law that was passed and a Public hearing

has to be held and neighbor notification has to be done. Chairman Butler said that the preliminary and final may be done at the same time and this application was to be scheduled for a public hearing on the 15th of October.

Meeting adjourned at 9:18pm.

Respectfully Submitted

Cheri Sullivan