

Minutes October 15, 2009

Town of Corinth Planning Board Meeting
Meeting called to Order 7:05pm

Eric Butler, Chairman
Althea Rivette, Vice Chairperson Arrived 7:06pm
Louise Reed- Absent
Joan Beckwith
Philip Giordano
Mark Montanye, Alternate
Attorney Pozefsky
Fred Mann, Building Inspector
Cheri Sullivan, Secretary

Public Present:

Dave Barrass, Matthew Kyarsgaard, Warren Longacker, Sam Bennett, Clough Harbuor; Sigrid Koch, Lester Jenkins III, Gladys Mann, Donald Darrah, Darrah Land Surveying

Chairman Butler introduced planning board alternate Mark Montanye to the public.

***MOTION TO APPROVE MINUTES FROM SEPTEMBER 17, 2009**

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

Old Business:

Edward LeClair 2-lot Family Subdivision:

Tax Map ID # 86-1-25.1 Property is located at 4710 rte 9N. Application was forwarded to Saratoga County Planning Board and to Adirondack Park Agency. Chairman Butler asked if the planning board had received a response from Saratoga County or APA yet. Secretary Sullivan said the response from Saratoga County was suppose to have been faxed but was not here yet and Adirondack Park had thirty days in which to respond to the planning boards' letter that was mailed on September 30, 2009. Dave Barrass reviewed the proposed application for the planning board and the public present. Chairman Butler said there was a public hearing scheduled tonight for this application but the board was going to review the SEQRA process first. Chairman Butler asked if there were any board members present that had any comments either for or against this application. No board member present commented at this time. Attorney Pozefsky reviewed Part 2 of the Short Form SEQRA and advised the board members that if any board member felt that an answer to any of the following questions were yes that they should speak up and let others know that there may be an issue, otherwise it will be assumed that silence means the board members present feel the action taken will have no significant adverse impact. There was no comment from the board members present.

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

Motion~ Butler

Seconded~ Giordano

Polled as follows:

Butler-Yes, Montanye-Yes, Rivette-Yes, Beckwith- Yes, Giordano-Yes

Secretary Sullivan read public hearing notice into record. Chairman Butler opened the public hearing and asked the public present if there was anyone who wished to speak either for or against this proposed subdivision. There was no comment from the public present either for or against this subdivision.

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

Motion~ Beckwith

Seconded~ Montanye

Polled as follows:

Butler-Yes, Montanye-Yes, Rivette-Yes, Beckwith- Yes, Giordano-Yes

***MOTION TO WAIVE FEE FOR FAMILY EXEMPTION SUBDIVISION.**

Motion~ Beckwith

Seconded~ Giordano

Polled as follows:

Butler-Yes, Montanye-Yes, Rivette-Yes, Beckwith- Yes, Giordano-Yes

***MOTION TO APPROVE THE TWO LOT FAMILY SUBDIVISION WITH THE FOLLOWING CONDITIONS**

- 1. Must wait thirty days from September 30th for Adirondack Park Response.**
- 2. Contingent upon recommendations from Saratoga County Planning Board.**

Motion~ Beckwith

Seconded~ Montanye

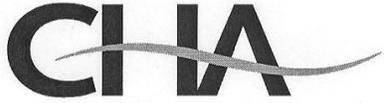
Polled as follows:

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

Kyarsgaard: Major 6-lot subdivision

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).

Mr. Longacker spoke on behalf of Mr. Kyarsgaard and reviewed the proposed application.



October 9, 2009

Mr. Eric Butler, Chairman
Town of Corinth Planning Board
600 Palmer Avenue
Corinth, New York 12822

**RE: KYARSGAARD SUBDIVISION – ROUTE 9N
SUBDIVISION PLAN REVIEW
CHA FILE: 1531.1012.1101**

Dear Mr. Butler:

We have reviewed the following information for the above referenced project:

- Plan set entitled “Subdivision of Lands Now or Formerly of Victor, Matthew, Paul & Stephen Kyarsgaard”, dated June 23, 2009, prepared by Warren P. Longacker, P.E.
- Plan entitled “Kyarsgaard Conceptual Layout Plan” dated March 3, 2009, prepared by Darrah Land Surveying, PLLC

We offer the following comments:

1. The proposed project appears to be an “Unlisted” action pursuant to the State Environmental Quality Review Act (SEQR), and as such, coordinated review is optional. The involved agencies are expected to include:
 - The Town of Corinth Planning Board – Subdivision Approval.
 - Saratoga County Planning Board – Section 239 Referral.
 - NYS Dept. of Health – Approval of water supply and wastewater disposal systems.
 - NYS Dept. of Environmental Conservation – Wetland Permit, NY SPDES General Permit
 - NYS Dept of Transportation – Curb Cut Permit
2. Wetland jurisdictional determinations from the ACOE and NYSDEC should be provided. The residences are proposed within close proximity to the wetlands and wetland adjacent areas. As such, the shifting of the limits of the jurisdictional wetlands could have a significant impact to the developable area.
3. We are concerned with the close proximity of the proposed residences to the wetland adjacent area and the potential for incremental impacts of the wetlands over time since many of the lots do not appear to have suitable back yards.
4. The ingress/egress easements over the proposed driveways should be clearly indicated on the plan. Additionally, a note should be added to the plan that clearly describes the proposed driveway as a common drive under private ownership and that the Town will not be responsible for maintenance and will not take ownership of the driveway in the future. Draft language for the easement which will be included on the plan and in the deed should be submitted for review.
5. The proposed curb cuts will require NYSDOT approval. The sight distance at the curb cut locations should be verified.

6. It should be verified that there is adequate separation between the well and septic systems on the adjoining lands and the proposed well and septic systems.
7. The stability of the slope along the Kayderosseras Creek and the impact of the proposed development on the slope should be evaluated.
8. The plan prepared by Darrah Land Surveying depicts 4 bedroom houses while the plan prepared by Warren Longacker, P.E. depicts three bedroom houses. The plan should depict the largest septic system to ensure there is adequate area to accommodate the system. Additionally, a future expansion area should be depicted on the plan.
9. The finished floor elevations should be depicted on the plans. Additionally any walk-out basements should be depicted on the plans. We are particularly concerned with the proposed grading of Lot #3.
10. The plan set does not include detailed grading of Lot #5 and Lot #6.
11. The total disturbance area should be quantified on the plans. Disturbance of greater than 5 acres will require the preparation of a post construction stormwater control plan.
12. The accuracy of the 100-year floodplain limit should be verified. The line depicting the limit of the floodplain appears to significantly vary in elevation based upon the contours of the base mapping.
13. The grading plan should depict the limit of clearing and grading and the limit of existing and proposed tree line.
14. An adequately sized swale should be provided along the southern side of the access drive to convey the runoff from the adjacent property.
15. The adequacy of the shared driveway section to support emergency vehicles should be verified.
16. Future subdivision plans should include the bearings and distances of the proposed lots and easements.
17. Until the additional detail requested above is provided, we cannot make a recommendation as to the acceptability of the number of lots on the site.

Sincerely,



Michael J. Bianchino
Vice President

cc: Richard Lucia, Supervisor
Planning Board
Martin Pozefsky, Esq.
Warren Longacker, P.E.

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Mr. Sam Bennett from Clough Harbuor, the Towns Engineering firm, was present to review the recommendations with the Planning Board and Mr. Longacker .

- #1 Attorney Pozefsky said that based on the information that was submitted to Clough Harbuor and based on the information submitted by the applicant the action is considered unlisted at this point in the process and this still may change and it is still subject to jurisdictional review.

- #2 Chairman Butler said that this has been addressed previously and the town is still waiting for a response in writing from DEC.
- There was discussion about #4 and the applicants' representative said that initially they had one proposed driveway and that they could shrink the second driveway to 40 ft in width and that would allow for more room on the lots. Code Enforcement Officer Mann said he would have to have the Fire Chief take a look at the Hammerheads that are proposed for the emergency vehicles because he is not sure if they are big enough.
- #5 Chairman Butler said they were all aware that the applicant would need approval from DOT.
- #6 concerning comment number 6 Mr. Longacker said that it needs to be clarified on lots# 4 & 5. Mr. Longacker said that # 4 needs to be changed but not #5 because it is upstream from the wetlands.
- #7 it was noted that the slope of the land should be evaluated by Geo-Technical Engineers.
- #8 Mr. Longacker clarified that the proposed plan should be based on 3 bedroom homes.
- #9 Mr. Longacker said that he can address the finished floor elevations and the walk-out basements. Mr. Longacker said that the steepness of the slope can also be addressed.
- #10 Mr. Longacker said this also can be addressed and said he did not show it because it is pretty flat in that area.
- #11 Mr. Longacker said currently there is proposed to have 4.1 acres of disturbed area. Chairman Butler wanted to know who keeps track of that type of information. Code Enforcement Officer Mann said that would be him.
- #12 Mr. Longacker also said that this issue can be addressed now that they have had the property surveyed. Board member Beckwith asked for clarification of this. Mr. Bennett said that FEMA prepares the 100 year flood maps. In this case the applicant probably overlaid the FEMA flood plain map before the property was actually surveyed and the information is not accurate.
- #14 Mr. Bennett said this is pertaining to the access road that services lots 1-4 to the South side. Board member Beckwith asked about clarification on the swale. Mr. Longacker said it was not requesting a retention pond but that the water is diverted prior to the driveway.

Chairman Butler said the board had not yet received the recommendations from the Saratoga County Planning Board and they would not open the public hearing until the board had completed the SEQRA part of the application. Attorney Pozefsky recommended that the board did not move forward with this application until the proposed maps were considered complete. Chairman Butler asked the board if they all understood and were good with why the public hearing scheduled for this evening was not going to be opened. There was no disagreement with this decision voiced by the board members. Chairman Butler said that even though the public hearing was not going to be opened he asked if there were any member of the public present that had questions or comments. Donald Darrah, Land surveyor, asked if at the next meeting if the public hearing is opened if the application could be approved at that meeting. Chairman Butler said that most likely it would be more than a one meeting process. Attorney Pozefsky

said that if there aren't changes after the preliminary that the final could be waved. Chairman Butler said he did not feel that that procedure had ever been done before with a major subdivision.

New Business:

Attorney Pozefsky said that he was going to wait until the workshop with the Town Board to clarify the wording on Boundary Line adjustments.

Planning Board member Rivette said she wanted to let everyone know that the Planning Board sent meat platters to Supervisor Lucia's for his wife Carol's loss of a family member. Board member Rivette expressed that it was important to do something for them and that the card was signed from all Planning Board members.

***MOTION TO ADJOURN @ 8:04pm.**

Motion~ Beckwith

Seconded~ Rivette

Meeting adjourned at 8:04pm.

Respectfully Submitted

Cheri Sullivan