

Draft Copy

Minutes December 17, 2009

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

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

Public Present:

Lester Jenkins III, Warren Longacker, Don Darrah, Edwin Eggleston

*MOTION TO APPROVE MINUTES FROM November 19, 2009

Motion~ Giordano

Seconded~Beckwith

Polled as follows:

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

New Business:

1. Steve Eddy: Conceptual for possible minor subdivision on Poplar Street-
Applicant did not show or call.

Public Hearings:

1. Lester Jenkins Special Use Permit

Lester Jenkins- Special use permit for dealer of used motorcycles and repair shop. Property is zoned R2 and this proposed application falls under a Class II Home occupation. Mr. Jenkins reviewed his proposed use for this special use permit stating that it was so he would be able to acquire his dealers' license, small repairs and service parts. Mr. Jenkins will not be opening a dealership but needs that license in order to purchase bikes at the auction. Mr. Jenkins said he will be a registered motorcycle repair shop & a Registered Dealer. Mr. Jenkins said there would be no signage involved other than what the state requires him to have. Code Enforcement Officer Mann said last week he issued the Certificate of Occupancy for the garage and he is content with the work that has been completed.

Attorney Pozefsky reviewed Part II of the Short Environmental Assessment Form. Attorney Pozefsky read through the following:

- A. The Boards answer was no.
- B. The Boards answer was no.
- C. The Board did not feel there would be any adverse effects associated with items C1-C7.
- D. The Boards answer was no.
- E. The Boards answer was no.

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

Motion~ Beckwith

Seconded~ Giordano

Polled as follows:

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

The Public Hearing notice was Read into record by Secretary Sullivan. Chairman Butler opened the public hearing to the public present. There was no comment for against the Special Use Permit by the public present. Chairman Butler asked if the neighbor notification receipts were submitted. Secretary Sullivan said she had received all.

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

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

Chairman Butler said that in the interest of looking out for the community and town he had concerns as to whether the board should consider adding a condition to the approval stating that there could not be more than twelve motorcycles on premise at any time. Mr. Jenkins said that what he has presented to the board is a small impact and most of the cycles would be kept in the garage out of public view. Board member Beckwith questioned if there should be a provision regarding oil. Chairman Butler said that would be regulated by the state. Chairman Butler reviewed the list of requirements and standards ion 7.6B of the Land Use Law. There were no objections for or against any of these items by the members present.

***MOTION TO APPROVE SPECIAL USE PERMIT FOR MOTORCYCLE REPAIR SHOP.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

Old Business:

Rucinski Builders- Applicant requested that their application be tabled until January in order to address the concerns of the Towns Engineers.

Kyarsgaard- Mr. Longacker spoke on behalf of the applicant for this subdivision and reviewed for the board what they were proposing on the approximate 28.8 acres along route 9N. The applicant is still waiting on letters from DEC, ACOE and DOT. Mr. Longacker said they had addressed all 17 comments received by the Towns Engineers and commented on the following:

Draft Copy

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

**RE: Kyarsgaard Residential Subdivision
Preliminary Site Plan Review Comment Response
Corinth, New York**

Dear Mr. Butler:

We have reviewed the comments provided by the CHA Companies (CHA) dated October 9, 2009 for the above referenced project and we offer the following responses:

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. Environmental Conservation – Wetland Permit, NY SPDES General Permit
- NYS Dept. of Transportation – Curb Cut Permit

Response: Comment noted. Applications to involved agencies will be made where/when applicable. Comments or responses will be provided once they are received.

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 or the limits of the jurisdictional wetlands could have a significant impact to the developable area.

Response: The wetlands delineated by VanGuilder and Associates in November 2008 were verified and adjusted by the NYSDEC on May 13, 2009. The NYSDEC has prepared a letter stating that their department will not require a permit for the proposed development. In accordance with the Joint Application permitting process a copy of this letter was submitted by the NYSDEC to the ACOE for concurrence. Should the ACOE offer any comments or require adjustment of the delineated wetlands the subdivision plan will be revised. Any correspondence will be forwarded to your attention.

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.

Response: The plans have been prepared in accordance with the requirements set forth by the

NYSDEC. No development (including land grading) is proposed within the required 100-foot setback area. General Note 10 has been added to the Title Sheet (TS-1) stating that, "All proposed lots are encumbered by freshwater wetlands and their respective 100-foot buffer. The NYSDEC requires that a Freshwater Wetlands Permit is required for draining, dredging, excavating, filling, polluting, erecting structures, or any other activity which substantially impairs any of the functions or benefits of wetlands, when such activity occurs in the wetlands itself or within any area 100 feet adjacent to the wetland." We also recommend that a deed restriction offering the same language shall also be placed on each of these lots.

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 the 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.

Response: Comment noted. General Note 11 has been added to the Title Sheet (TS-1) stating that, "The proposed shared driveway to lot nos. 1, 2, 3, and 4 is to be privately owned by the owners of the afore mentioned lots. The Town of Corinth will not be responsible for the maintenance of this drive nor will the Town of Corinth take ownership of this driveway in the future." Draft language for lots encumbered by the shared driveway easements will be provided in the final design set once a final lot layout has been approved

5. The proposed curb cuts will require NYSDOT approval. The sight distances at the curb cut locations should be verified.

Response: Available sight distance measurements were made at the proposed shared driveway for lot nos. 1, 2, 3, and 4 (southerly drive) and at the existing access drive to be improved for access to lot nos. 5 and 6 (northerly access drive). The results of these measurements have been added to the Grading Plan (GD-1) and are also provided below:

<u>Driveway Location</u>	<u>Sight Distance Left</u>	<u>Sight Distance Right</u>
Northerly Drive	>1,000-feet±	>970-feet±
Southerly Drive	200-feet±	>1,000-feet±

The speed limit along NYS Route 9N in the vicinity of this project is 55 mph. In accordance with NYSDOT requirements the minimum required intersection sight distance is 720-feet. As indicated above, there is adequate sight distance in both directions at northerly access drive and at the southerly drive looking right. There is however a restriction looking left at the southerly drive due to a vegetative embankment along the NYS Route 9N right-of-way. An additional measurement was made looking left at this proposed intersection from the edge of the existing Route 9N travel lane/white line. This measurement was in excess of 875-feet. Therefore grading is proposed within the NYSDOT right-of-way to cut the existing embankment back further to provide the required sight distance at a location of 14-feet back from the edge of the existing Route 9N travel lane.

A residential driveway access permit will be obtained from the NYSDOT. A copy of the proposed plans and a summary of the sight distance measurements have been submitted for their review and guidance. Correspondence from the NYSDOT will be forwarded to your attention when received.

6. It should be verified that there is adequate separation distance between the well and septic systems on the adjoining lands and the proposed well and septic systems.

Response: The plans have been revised to show the approximate location of adjoining parcels wells and on-site wastewater disposal systems. Please note that several adjoining parcels are undeveloped and no existing infrastructure is available. Based on this available information it appears that all required separation distances are met.

7. The stability of the slope along the Kayderosseras Creek and the impact of the proposed development on the slope should be evaluated.

Response: We respectively disagree for the need of a geotechnical slope stability analysis of the embankment leading down to the Kayderosseras Creek. The layout plan for the single family residences has been revised to limit the encroachment of the homes and subsequent grading on the slope.

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.

Response: Comment noted. The plans have been revised to show the largest septic system that can be supported on each lot while maintaining the required separation distances. Lots 1, 2, 5 and 6 have been revised to indicate 4-bedroom homes while lots 3 and 4 indicate 3-bedroom homes. In accordance with NYSDOH Appendix 75-A, each system has been revised to indicate a 50% expansion/replacement area.

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.

Response: Finished floor elevations have been added to the plan and are denoted as "FF = 102.00'". Lot No.1 has also been revised to indicate a walkout basement. An approximate basement floor elevation has been added to this lot and is denoted as BFF = 111.00' (Walk Out)".

Lot No. 3 has been revised to relocate the proposed residence away from the top of the existing embankment.

10. The plan set does not include grading of Lot #5 and Lot #6.

Response: The plans have been revised to include grading for Lot Nos. 5 and 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.

Response: The total disturbance area has been added to the Erosion and Sediment Control Plan (ES-1). The total disturbed area associated with lot nos. 1 through 4 is 2.75 acres while the total

disturbed area for lots 5 and 6 is 0.72 acres (total site disturbance = 3.47 acres). A stormwater control plan is not required as the total disturbed area is less than 5-acres.

12. The accuracy of the 100-year flood plain 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.

Response: The project surveyor (Donald C. Darrah, LS) has coordinated the 100-year flood plain limit with Mr. William Nechamen of the NYSDEC Division of Water – Division of Water – Bureau of Dams and Flood Protection. The plans have been revised to depict the limits of the 100-year flood plain. Where necessary, any proposed site development improvements have been relocated so as not to encroach on the 100-year flood plain limit line.

13. The grading plan should depict the limit of clearing and grading and the limit of existing and proposed tree line.

Response: The Grading Plan has been revised to include the proposed treeline and /limits of clearing and grading.

14. An adequately sized swale should be provided along the southern side of the access drive to convey the runoff from the adjacent property.

Response: The plans have been revised to provide a swale located on the southerly side of the proposed access drive to lot nos. 1, 2, 3, and 4. The swale is proposed to be grass lined, trapezoidal in shape with a depth of 20-inches, base width of 2-feet and a "crest" width of 4-feet. A detail of this swale has been provided on Detail Sheet No. 2 (DT-2).

The adequacy of this swale was calculated by first determining the upstream watershed characteristics, including; watershed area, land cover, and topography. Then the rainfall intensity factor for this area was then applied to these results in accordance with the Rational Method to determine runoff rate associated with a 50-year storm. The Rational Method was selected due to the relatively small size of the upstream watershed (1.25 acres±). The 50-year stormwater runoff rate was determined to be approximately 2.50 cfs.

In addition to the swale, two 15-inch culverts are proposed to convey the runoff within this swale beneath one of the two proposed emergency access turnarounds, and between lots 3 and 4 for discharge to the Kayderosseras Creek.

15. The adequacy of the shared driveway section to support emergency vehicles should be verified.

Response: Additional material/construction specifications have been added to the proposed driveway section provide on Detail Sheet 2 (DT-2) to indicate a section that is capable of supporting the weight of an emergency vehicle.

The Town of Corinth Fire Chief was consulted as to the adequacy of the proposed emergency turnarounds. Based on the Chief's request, the width of these turnarounds was increased to 30-feet.

16. Future subdivision plans should include the bearings and distances of the proposed lots and easements.

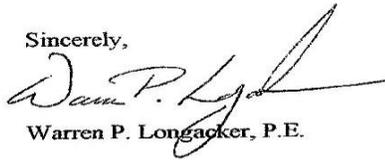
Response: The Drawing Sheet Index provided on the Title Sheet (TS-1) 1 of the plan set has been revised to indicate that sheet 2 of the plan set will include a Survey-Subdivision Plan which will include bearings and distances of all proposed lots and easements. This sheet will be provided in the final design set once a final lot layout has been approved.

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.

Response: Comment noted. Once additional information is provided by additional jurisdictional agencies this information will be forwarded to your attention and any plan modifications will be made. Where applicable we trust that the above responses meet with your approval.

Should you have any questions please do not hesitate to contact this office at 518-758-7174.

Sincerely,



Warren P. Longacker, P.E.

Cc. Michael J. Bianchino, P.E. (CHA)
Matthew Kyarsgaard (Applicant)
Donald C. Darrah, PLS (Project Surveyor)
Files

The planning board members and Mr. Longacker further discussed needing a permit from DEC to drain into the wetlands. Mr. Longacker said they would not need a permit for Storm water unless they disturb more than 5 acres of land and they are proposing to disturb approximately 3.4 acres. Code Enforcement Officer Mann said that he was still not content with the proposed hammer head for the emergency access vehicles. Board member Reed asked Code Enforcement Officer Mann if the fire Department satisfied with a 12 foot driveway. Code Enforcement Officer Mann said no and this had been addressed at a previous meeting that the driveways have to be at least 20 feet wide. Mr. Mann read the NYS recommendations and requested that the turn a rounds be changed to meet the state recommendations. Mr. Longacker requested the planning board declare itself Lead Agency for this proposed subdivision.

***MOTION TO DESIGNATE TOWN OF CORINTH PLANNING BOARD AS LEAD AGENCY FOR SEQRA REVIEW ON A MAJOR 6-LOT SUBDIVISION FOR KYARSGAARD.**

Motion~ Beckwith

Seconded~ Butler

Polled as follows:

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

The Planning Board recommended to Surveyor Darrah to correct the maps that he currently has so the revisions can get to the Towns Engineer so that this process can move forward.

Chairman Butler wanted to know who is actually responsible for the verification on the site distance on a State road. Code Enforcement Officer Mann said NYS DOT is responsible for that and it is all part of obtaining the required curb cut permit.

Draft Copy

Chairman Butler spoke to the board about the Saratoga County Planning and Zoning conference on the 25th of January. Chairman Butler said the Town board passed a resolution stating if registrations were not submitted by the required deadline that the Town would not incur any late fees assessed to the registration fee and the individual would be responsible for the extra cost. Board member Beckwith said she would not be able to attend the conference.

***Motion to adjourn meeting @ 7:47pm.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

Respectfully Submitted

Cheri Sullivan