

Minutes March 18, 2010

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

Eric Butler, Chairman
Althea Rivette 7:03
Louise Reed 7:03
Joan Beckwith- Excused
Philip Giordano-Absent
Mark Montanye, Alternate-Excused
Attorney Pozefsky
Fred Mann, Building Inspector
Cheri Sullivan, Secretary
Shawn Eggleston, Highway Superintendent

Public Present:

Donald Darrah, Matthew Kyarsgaard, Sam Bennett CHA, Ron Rucinski, Steve Eddy, Edwin Eggleston, John & Michelle Peschieri

***MOTION TO APPROVE MINUTES FROM February 18, 2010**

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

New Business:

John Peschieri-

Applicant present for conceptual on a Boundary Line Adjustment. Proposed Boundary line adjustment located at 44 Wedgewood way Porter Corners. There were some questions in relation to the ponds that are on lot 7A. Mr. Peschieri said that he had spoken with both Army Corps of Engineers and DEC about the ponds and there are no wetlands growth affiliated with the ponds. Code Enforcement Officer Mann said that he was at this location last year and walked the land with Mr. Peschieri and he will have to ensure prior to building that the home and septic are located at least 100ft away from the ponds. The current acreage on parcel 7(99.-3-14) is 1.51acres and the current acreage on lot 7A (99.-3-13) is 3.93acres. The applicant proposes to move the property line between these two parcels to create lots that are approximately 2.84acres (lot7) and 2.61acres (Lot7a). The board suggested to Mr. Peschieri that he have the parcels surveyed and then return to the planning Board. Chairman Butler asked what the future plans were for the lot. Mr. Peschieri said that there weren't any currently but he intends to either sell the lot or build on the lot and then sell. Attorney Pozefsky said that the applicant must fill out an application and the filing fee has to be paid. Attorney Pozefsky said that according to Town Law section 112-1B to add the definition of Boundary line adjustment in and it states that as long as the lot is buildable and meets all other building requirements the planning Boards review ends at that point because it is not a subdivision. Chairman Butler said they could make that motion as a board next month. Board member Reed said implied that there should be a public hearing. Attorney Pozefsky said that when the Town Board changed the definition, they wanted to make clear that a Boundary Line

Adjustment was non-jurisdictional once the determination was made that the applicant could meet all setbacks and necessary requirements. Attorney Pozefsky said that it used to require public hearings.

Public Hearing:

Surveyor Donald Darrah was speaking on behalf of the applicant this evening. Mr. Darrah said he did not bring all the maps with him this evening just the maps with the grading changes that had been discussed at last month's meeting and changes were requested on. Mr. Darrah said that the outstanding issues were the DOT & DOH. Mr. Darrah said that they do have verbal approval from Mike Keegan at DOT. There was further discussion as to sending the revised grading maps to CHA for them to review the changes. Mr. Bennett from CHA said that he would take Mr. Kyarsgaard's maps back with him for review and get back to the town if there were any further recommendations. Mr. Darrah and Mr. Bennett took a few moments and reviewed the changes to the grading with the planning board members. Attorney Pozefsky said that prior to opening the final public hearing that the board would need to make sure that there were no changes in their SEQRA review from the preliminary public hearing.

***MOTION THAT THERE IS NO CHANGE IN THE NEGATIVE ENVIRONMENTAL DECLARATION MADE AT THE PRELIMINARY PUBLIC HEARING.**

Motion~ Reed

Seconded~ Rivette

Polled as follows:

Rivette-Yes, Reed-Yes, Butler-Yes

Secretary Sullivan read the final public hearing into record. There were no questions or comments from the public present and the following motion was made.

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

Motion~ Reed

Seconded~ Rivette

Polled as follows:

Rivette-Yes, Reed-Yes, Butler-Yes

There were no comments or concerns from the highway Superintendent, Code Enforcement Officer or any board members present.

***MOTION TO APPROVE FINAL APPLICATION ON MAJOR 6-LOT SUBDIVISION WITH THE FOLLOWING CONDITIONS:**

- 1.) Department Of Transportation Approval
- 2.) Department Of Health Approval
- 3.) And final review of the grading map changes by the Towns Engineers.

Motion~ Reed

Seconded~ Rivette

Polled as follows:

Rivette-Yes, Reed-Yes, Butler-Yes

Old Business:

Ron Rucinski- Mr. Rucinski was before the board with a revised preliminary map plan. Mr. Rucinski was last before the planning board in December of 2009. Mr. Rucinski said that based on the recommendations of the Highway Superintendent and the Towns Engineers they have addressed the cull De sac issue and removed one home from the center island so that they can meet the required 200ft radii of the road way. Mr. Rucinski said they have also made a slight change in the storm drainage system and the primary collection will be by swales in the front of the lots or alongside the highway that will collect and allow water to filter into the ground, and as a backup system in case of an unusual storm the backup system the swales will overflow into drywells and the addition to the system is that if the dry wells overflow there will be a pipe system that will take the overflow to the stream on the Village side. Mr. Rucinski said that the lot drainage is still intended to be front to back and they are still intending that the rear and the side of the entire site will remain wooded. Mr. Rucinski said that they have made a couple of the changes requested and that they would like to move forward at this point and schedule a public hearing. Chairman Butler asked for some clarification on the drywells. Mr. Rucinski said they are shown on the second page of the plan and are reflected with circles.

Chairman Butler questioned what was going on with the right of way that was reflected on the last set of maps presented. Mr. Rucinski said the right of way came about when the property owner sold the land behind it to the school and he is not sure of the details but they do have an attorney working to resolve this issue with the school who has no interest in this right of way. Mr. Rucinski said they intend on keeping a 15-20ft buffer along the edge of the parcels that border the school property and the Eggleston street properties. Mr. Rucinski said that if the board wanted more of a buffer he would make all efforts to appease the board if the board. Mr. Rucinski said that he would do whatever is the most logical to do. Code enforcement Officer Mann said with extending the buffer Mr. Rucinski would have to be careful because of the trees with the design for the septic. Code Enforcement Officer Mann said the perk tests that have been done were very quick and there will have to be soil brought in. Chairman Butler asked why Mr. Rucinski thought there would be enough water for all the proposed wells. Mr. Rucinski said they will know more about the water for the wells after they drill their first one and this may impact how many homes they can have.

Chairman Butler asked Attorney Pozefsky how much say the board could have on something like this. Attorney Pozefsky said that as long as the applicant meets all the required building standards and setbacks then the applicant can put in as many lots as they see fit. Attorney Pozefsky said the board still has to look at other issues such as traffic, safety and the environment and once these issues are looked at to mitigate any of the issues with the density that the board may perceive as being a little high. Attorney Pozefsky said it might not always be the most desirable or what the board is looking for but it may be legally permissible.

Chairman Butler asked Highway Superintendent Eggleston if he had any concerns regarding the application presented this evening. Highway Superintendent Eggleston said his only concern was the radius of the road to ensure that they would be able to plow. Mr. Eggleston also asked if there was a 60ft right of way and if all the drains were going to be within that right of way. Mr. Rucinski said yeas to both questions. Mr. Eggleston asked if there were any provision going to be in place to keep the dry wells form filling with sand, because they have run into this problem before when the development is not built right away. Mr. Rucinski said there were and it would be reflected in the plans to come. Mr. Eggleston asked Mr. Rucinski if the planning board had explained to him how the road has to be built. Mr. Rucinski said they have not yet worked out the phasing of the road construction, but they did not intend on building the whole road at the same time. Mr. Eggleston said typically the Town does have the

applicant build the road all at once but during construction they would only like the binder course to be down during the construction. Mr. Eggleston said with their applicants what has happened in that when the developer goes in puts a binder course down until the building of the development is done then the applicant comes back in and puts the top on because a lot of damage is done to the road during the construction of the homes. Mr. Rucinski said that they could do it that way if the tow prefers. Board member Reed said not to forget about the Letter of Credit that goes with this and that the road must be built to town specs before it will be accepted. Board member Reed also said that it will have to be signed off on by an engineer before the town can accept it. Mr. Eggleston asked Mr. Rucinski if when he spoke of swales, if he was talking about a ditch line. Mr. Rucinski said there would be a ditch line but there would be culverts at the driveways. Mr. Eggleston said that would work out better for the town if the swale was at the front line of the property. Board member Reed wanted to know what the size of the drywells was intended to be. Mr. Rucinski said he did not know for sure yet but would guess that they would be 8ft deep by 4 ft wide and this information would be reflected in the next presentation to the planning board.

Board member Reed asked if we had heard anything from the Adirondack Park Agency. Secretary Sullivan said the last correspondence was in December and the letter stated that they were aware of the project and approval was under way, and the only lot that APA had interest in was lot #4. Mr. Rucinski asked the board if they would schedule a public hearing for next month. Chairman Butler said the board still had to do the SEQRA review and that has to be done prior to the public hearing. Secretary Sullivan said she has not had a new application filed with the twenty three lots.

New Business:

Steve Eddy- Mr. Eddy was present for a conceptual for a Boundary line adjustment. Mr. Eddy said that he was present for both a Boundary Line Adjustment and a minor subdivision. Mr. Eddy had previously subdivided this parcel on August 18 of 2005. There was concern in relation to the previous subdivision that this could be what is referred to as a possible cumulative subdivision. Mr. Eddy said with the last subdivision it was all three separate deeds. There was concern amongst board members about the deeds and right of ways involved concerning the "paper" road. It was explained to Mr. Eddy that he would have to submit applications for both the Boundary Line Adjustment and an application for the subdivision; which application to submit would depend on whether or not it was considered cumulative. Mr. Eddy was also told that this application would need to be forwarded to the Saratoga County Planning board. Mr. Eddy explained to the board that Kevin Eggleston had to have guaranteed access to this subdivision because it was part of the 86 subdivision and it is on file in the county and the road was never a dedicated road, it is still on paper. Board member Reed asked Mr. Eddy if he ever got the deed for the 15 ft boundary line adjustment from last time. Chairman Butler said the board would still need a surveyed map and the applications.

Other Business:

Chairman Butler touched briefly on the following correspondence:

- A. Saratoga County Planning Minutes
- B. Saratoga County Subdivision of parcel 85.-1-24 Spruce Mountain
- C. Saratoga County Subdivision review Kyarsgaard
- D. Saratoga County Subdivision Review Rucinski
- E. Saratoga County Clerk's Office- Denied map filing of Steven Shraver
- F. Training April 08 HVCC

G. Saratoga County Gavin Park Conference- April 01 reviewing this year's conference

Chairman Butler asked the Board members if they wanted to revisit the Vice Chair position topic since he was not present at the last meeting. Attorney Pozefsky said they did talk about this last month and there use to be rules of procedure that the Town Board did away with last year. Attorney Pozefsky said that now the board has to abide by section 271 of New York state Town Law; which states in the absence of the Chairperson the planning board may appoint an acting chairperson for that meeting. Attorney Pozefsky said then at that point the question came up shouldn't there be an acting Chairperson all the time. Attorney Pozefsky said if the board would like to have an acting vice chairman all the time they can. But the whole board would have to be in approval. Board member Rivette said with that being said that she does not want to be Vice chairman again. Chairman Butler said the board was going to have to further discuss this and decide which way they are going with it.

Chairman Butler said that they will be meeting with the Town Board on the 30th of March. Attorney Pozefsky said if anyone has anything they would like to discuss the board should address these issues amongst the planning Board tonight prior to the joint meeting. Attorney Pozefsky said that Cheri had a list but he was not sure if anyone had seen it yet. Chairman Butler reviewed the list that the secretary had. One of the items was to have the paperwork on the major subdivision in 14 days prior to the meeting date. Secretary Sullivan said if they changed it to 14 days it would give more time to the engineers for their review. There were a few items on Secretary Sullivan's list that were more appropriate for the zoning revision committee. There were also some items that were in the Land Use book but not in the Town Code book and vice versa. Attorney Pozefsky explained that the Town Code Book was more stringent and therefore it would be the one to govern. Another item was in sections 6.4F where it states "within 62 days of the public hearing" and it should state within 62 days of the close of the public hearing. Attorney Pozefsky said this was a good issue and that it should be brought to the Town board for change, it is a grey area that can be rectified. Attorney Pozefsky said that he found the 62 days requirement in the Town Code book, so this is another item that states clearly in one book and not in the other. Legal Guardianship was another definition that secretary Sullivan thought should be added to the definition of the Family Subdivision. Board member Reed said that under Family subdivision it states or a bonafide gift. Secretary Sullivan said that according to the way it reads in the code it would not be considered a bonafide gift because it would not be a member of immediate family as defined. Secretary Sullivan also said that the planning board should require there be deeds submitted with the applications so that we have actual proof of who actually owns the property. Just so that if the person who is applying is not the owner we can ensure that we have the owner's consent. Board member Reed said that she would like to see the fees increased on the major subdivision from \$50.00 for each additional lot to \$100.00 per each additional lot. There was further discussion about the board members having copies of the sections of the Town code book that pertain to the Planning Board.

***MOTION TO ADJOURN MEETING @ 9:14PM.**

Motion~ Rivette

Seconded~ Reed

Polled as follows:

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

Respectfully Submitted

