

Draft copy

Minutes April 15, 2010

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

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

Public Present: No public present.

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

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

Attorney Pozefsky said the board may want to discuss the memorandum on boundary line adjustments prior to reviewing the Boundary line adjustment that was before the board tonight. Attorney Pozefsky said:

A question has arisen as to whether a boundary line adjustment (“BLA”) is a “subdivision” or not under the Town of Corinth Code (“Code”). After research, I believe a “BLA” is not a “subdivision” and, therefore, once the Planning Board determines that it is a “BLA”, the Planning Board’s inquiry ends and there is no further review of it as a subdivision.

NYS Town Law Section 276 4.(a) states a Town may include in its Code definition of “subdivision” certain “BLA”s that change lot lines on maps filed at the County Clerk’s office. There is no requirement, however, that it do so, or include any type of “BLA” in the definition.

Here, the Town of Corinth has elected not to include a “BLA” of any size or kind in its definition of “subdivision” (see Section 112-1.B.). Instead, the Code gives “BLA” its own definition, which does not require subdivision review once the definition of “BLA” is satisfied.

By contrast, prior to 2009, you will recall the old definition of “subdivision” in the Code included a “BLA” involving a transfer of more than a “small amount of land”. As a result, when more than a small amount of land was being transferred, the “BLA” was a subdivision which required further review including a public hearing, and approval by the Planning Board. The pre-2009 Code also had no separate definition for a “BLA”, while the current Code does.

Chairman Butler asked if there were any questions on the subject or if clarification was needed for anything. Board member Reed said the only reason she is questioning, is because she has a letter with Bob Hafners’ name attached to it and Boundary line adjustments are under subdivision of land in chapter 112, and with subdivisions of land you have to have a public hearing so would it make sense to just waive the public hearing for boundary line adjustments. Attorney Pozefsky said that would not be

Draft copy

necessary. Attorney Pozefsky said he believes what happened was they took boundary line adjustments out of the definition of subdivision and gave it its own definition. Which what they are saying is that they don't want it to be a subdivision as long as it meets the definition of boundary line adjustment. Attorney Pozefsky said maybe a line should be added that reads "a boundary line adjustment is not to be considered a subdivision", for clarification purposes and he would bring this to the Town Attorney. Chairman Butler reviewed the process for the review of boundary line adjustments.

Old Business:

Ron Rucinski, on behalf of River Edge subdivision, requested adjournment of review in order to restructure the previously proposed 23 lot subdivision and address engineers' recommendations.

New Business:

Gershowitz/Hiney- Dave Barrass was present for the conceptual on this Boundary Line adjustment. Applicants live at 32 River Road and need to clarify the Boundary line between two neighboring parcels. Mr. Barrass explained the circumstance for this boundary line adjustment and how the Gershowitzs' had their property surveyed and it was done incorrectly, and Mr. Barrass explained that he surveyed the property by deed and as you can see there were discrepancies. Mr. Barrass said the zoning is R3 and they are both pre-existing non-conforming lots, they were substandard before and will be substandard after with very slight modifications. Chairman Butler said that Secretary Sullivan had mentioned that she is still waiting on the application. Chairman Butler said this is a good example of what the planning board had just finished discussing, and asked if any one present had an issue with this boundary line adjustment. All the members present felt that it was an adjustment, was non-jurisdictional and they should move forward with a motion.

***MOTION THAT THIS IS A BOUNDARY LINE ADJUSTMENT AND IT IS IN CONSIDERATION THAT THIS ADJUSTMENT DOES NOT CREATE A NEW PARCEL AND THAT BOTH PARTIES INVOLVED ARE ACCEPTABLE TO THE NEW BOUNDARY LINE WITH THE CONDITION THAT THE MAPS CAN NOT BE SIGNED UNTILL APPLICATION AND FEES HAVE BEEN SUBMITTED TO THE PLANNING DEPARTMENT.**

Motion~ Reed

Seconded~ Rivette

Polled as follows:

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

Other Business:

Chairman mentioned the following correspondence:

- A. Saratoga County Planning Minutes
- B. Vice Chairman Decision and that the board would make that decision when there is a full board present.

***MOTION TO ADJOURN MEETING @ 7:25PM.**

Motion~ Reed

Seconded~ Rivette

Polled as follows:

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

Respectfully Submitted
Cheri Sullivan

