

Minutes May 20, 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
Philip Giordano-Excused
Mark Montanye,-Excused
Attorney Pozefsky
Fred Mann, Building Inspector
Cheri Sullivan, Secretary

Public Present: Ron Rucinski, RHA; Sam Bennett, CHA; Dave Barrass, Peter Reilly, Steve Staalesen, John Staalesen

Meeting was called to order at 7:04pm and the following business was conducted:

***MOTION TO APPROVE MINUTES FROM May 20th, 2010.**

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

New Business:

1. William & Candice Duell- Tax Map # 86.-3-15.1 this is a proposed 2 Lot Family Subdivision located at 497 Angel Road. Property is zoned R3. Currently there are 15.16 acres +/- and proposed lots will be #1, 12.160 acres and #2, 3.00acres. Mr. Barrass spoke on behalf of the applicants. Mr. Barrass said that they would like to make the proposed driveway wider because it is only 18ft but if they do that then there will not be enough road frontage for the existing house. Chairman Butler asked if the Zoning Said 200ft of road frontage. Mr. Barrass said it states 200ft at the width of the building lot. Code Enforcement Officer Mann said that there has to be a 20 ft right of way in order to ensure that there is adequate space for fire protection. Code Enforcement Officer Mann said it look like they will need to go to the Zoning Board for an area variance. Board member Beckwith asked if the applicant could create a driveway that meets the requirements with an easement. Mr. Barrass said that is an option but in the past the board has not been fond of that. Mr. Barrass said that if they went with an easement it would not affect the zoning and it would give the applicant a wider driveway. Chairman Butler said that if he recalls the board was not fond of the easement with Smead's property on Folts Road but it was approved. Board member Beckwith said t that it could be a lifetime easement though. Mr. Barrass said that maybe they could leave the 18ft as part of the lot so that they have ownership to the road and create an easement for the remaining amount of land required so that they could have

emergency access and maintenance. Board member Reed said there was 223ft of road frontage and wanted to know how hard it would be to move the line 2 ft either way. Mr. Barrass said that it could not be moved in one direction because that would be the neighbors' property and if you moved it in the other direction then the present lot would be less than 200ft and would not comply. Board member Reed said then they should do what Board member Beckwith suggested and go with an easement. Mr. Barrass said that is what the board has just been discussing and previously the board was not fond of easements and the county does not like them either. Attorney Pozefsky said that the county would rather see ownership rather than a right of way. Chairman Butler asked if there was suppose to be more than 20ft. Code Enforcement officer Mann said normally they request that there be an extra ten ft on either side but the 20ft is a mandatory requirement. Mr. Barrass said he felt the best option was to leave the 18ft as part of the parcel and do an easement for the remaining ft that would be necessary in order to comply. Chairman Butler said that he was inclined to take either of these options and give it to zoning and see what they prefer. Chairman Butler said it seem like the right avenue to take because either they will give them the 2ft variance. Board member Beckwith asked if that was what the town code said that it needed to be 200ft road frontage. Chairman Butler said it states that it has to be 200ft at the face of the building lot. Board member Reed wanted to know when they changed this. Mr. Barrass said that it has always been this way. Chairman Butler said that the board has previously discussed this 200ft, looked into it and discovered that the code states it is to be 200ft at the face of the proposed building. Board member Reed asked Attorney Pozefsky if he remembered when they talked with the LA Group and the girl that was representing them explained the 200ft. Attorney Pozefsky said he thought the intent was to have it say road frontage but it came out as 200ft. Board member Reed said that it had to be 200ft, it did not state that it had to be frontage, or at the building lot, just 200ft at any part of the lot. Mr. Barrass said that if you read the code it states that it has to be 200ft at the face of the building. Mr. Barrass said that he is sure because the very first appeal before the zoning board was relating to this and they brought the LA Group in for it and it was clarified at that meeting. Board member Reed said that somebody has changed their mind. Board member Reed said then if they are looking through laws what about grandfathered? Chairman Butler said that this would not be a grandfathered situation. Board member Reed asked how long this driveway has been in use. Mr. Barras said that there is no driveway there this is a proposed driveway. Chairman Butler asked if he goes back to zoning for an interpretation what would be the better option the smaller driveway or the easement. Attorney Pozefsky said the zoning boards jobs is to if they are going to issue a variance then it is suppose to be the minimum variance necessary to relieve the problem. Attorney Pozefsky said this is going to be an area variance and they would do some type of balancing act to determine whether or not to grant the variance, i.e. the benefit of the applicant versus the detriment to the neighborhood. Chairman Butler asked what the recourse would be if the zoning board decided that neither would be appropriate. Attorney Pozefsky said simply then it would not be allowed. Attorney Pozefsky asked Mr. Barras if he would be willing to go to the zoning board and get a determination and then come back to the planning board. Mr. Barrass said at this point he's not sure if he has a choice but he does not want to go to the zoning board because he does not think that they will get it as he has been before them

many times and the outcome has never been positive. Mr. Barrass said that he would like to know if the zoning board doesn't grant it then can they come back to the planning board. Chairman Butler said that is kind of where he was going if the zoning board says no then can the planning board rehash the situation. Attorney Pozefsky said that the planning board can not violate its own zoning. Chairman Butler said if the applicant submitted a new application without the deeded driveway and with a driveway that was a deeded easement then it would be a new application. Attorney Pozefsky said that the county and case law does not like easements for access. Chairman Butler said but that would not be any different than when the board overrules the counties decision by a super majority vote. Chairman Butler said if the applicant came back with an easement that was 80/20. Board member Rivette asked what would work in this situation. Attorney Pozefsky said that ownership would be the best scenario for the access. Attorney Pozefsky said that the planning board can make a recommendation to the zoning board as to what they would like to see done. Chairman Butler asked if it was unethical for planning Board member to attend a zoning board meeting. Attorney Pozefsky said that it was not, and there is a zoning board member present at most all the planning board meetings. Chairman Butler asked Board member Reed what she thought. Board member Reed said there is only one of two ways; you either move that line over two feet, but you have to abide by the state and they require 20 ft of driveway; or go to the zoning board and try to get an area variance. Chairman Butler asked if there were any volunteers that would like to go to the next Zoning board meeting. Chairman Butler said that he would attend the next Zoning board meeting.

Old Business:

1. Rucinski Builders- Proposed subdivision is within Adirondack Park Boundary. Applicant has been before the board previously. This is the second revision and was done on May 5. This proposed revision is for 17 lots on 14.7 acres. Mr. Rucinski said that everything else is staying the same as it was last proposed, including the concept of the storm drainage system. Chairman Butler said that his first concern was whether the radius of the cul-de-sac was still the required dimensions. Mr. Rucinski said that the radius is still 200ft as required. Mr. Rucinski said that the cul-de-sac is actually 50ft in diameter as this is what they have used in the past to make it easier for the snow plows. Mr. Rucinski said that he has read the Clough Harbuor letter with the recommendations and there is nothing there that he has issues with and would be happy to address them at the final submission. Chairman Butler said he is a big fan of the present design rather than the one previously submitted; as Mr. Rucinski has addressed the buffer areas that are along the school property and Eggleston Street. Mr. Rucinski clarified for the Chairman how the drywells will work for overflow on the drastic storms. Chairman Butler asked if these lots were going to be 200ft wide at these building lots. Mr. Rucinski said no that they will be 100ft wide as required by the zoning and each lot is over 40ft at the pavement. Chairman Butler asked Code Enforcement Officer Mann if there was anything that he wanted to comment on. Mr. Mann said he did not have anything at this time. Chairman Butler said that they should probably go through the following letter of recommendations

from Clough Harbuor:

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

- Plan set entitled "Rivers Edge Subdivision off Dayton Drive Town of Corinth", dated May 10, 2010; prepared by Rucinski Hall Architecture.

The revised concept as submitted with the reduced number of lots appears to have addressed many of our concerns with respect to density, visual & environmental impacts and septic locations. We offer the following comments for moving forward with the preliminary design of this site.

1. APA regulated wetlands require a 100 foot buffer. A disturbance within this buffer would require an APA permit.

Chairman Butler said the whole property appears to be in Adirondack Park. Mr. Rucinski said that he has previously submitted to the planning board a letter from APA that states their only concern is the one piece of wetland and that they did not want it subdivided, but do not want to be involved with the rest of the subdivision. Secretary Sullivan said that the new application will have to be submitted to APA and she has spoke with Brian Ford from the APA on the May12 and he confirmed that a jurisdictional inquiry was done in 2007, received in May, responded in June and a pre-application meeting was requested in December of 2009; however this was all based on the original application not on the revised one. Mr. Rucinski said that this will all be resubmitted but he is waiting on approval of the planning board. Mr. Rucinski also said on this note that the only thing that they are doing within the 100ft buffer would be grading the house itself will be beyond the 100ft.

2. The right of way as shown on lot 10 may be abandoned. This should be reviewed by the Town Attorney once finalized.

Mr. Rucinski said Peter Reilly; his Attorney is in the process of working on this with the school to do away with this easement.

3. The right of way should be shown with a radius when transitioning into the right of way around the cul-de-sac.

Mr. Rucinski said that this change has already been made on this drawing as it was brought to his attention.

4. Once proposed grades are established it may be necessary to evaluate the stability of the slope along the northern boundary.

Mr. Rucinski said that they are not going to touch it.

5. We have several comments / concerns with proposed layout and design of the septic systems which should be considered for preliminary design, they are;
 - Test pits and percolation test shall be performed in the location of each of the proposed leach fields.
 - Based upon the extremely fast percolation rates noted on the plan, the existing soils in the leach fields should amended to provide a maximum percolation rate of 1 minute per inch so that proper treatment may be provided.
 - The leach field depicted on lot 6 is located within the well separation offset.
 - The leach field depicted on lot 5 is within 10 feet of the property line.
 - In well draining / sandy soils a 200 foot separation is required when leach fields are constructed at a higher elevation then the wells. Future submissions should include proposed grades to determine if this requirement is met.
 - The leach fields as depicted for lots 1, 2, 3, 15, 16 and 17 appear to be close to the recommended 20 foot buffer from the proposed drainage ditches. Future submissions should include the locations of the road side drainage swales to see if there is a potential impact.

Mr. Rucinski said that the first bullet is correct. Code Enforcement Officer Mann said that he would be there for the percolation tests. Chairman Butler said that this was in the area where the original tests were too fast. Chairman Butler asked Mr. Rucinski to reiterate what his plans were to correct this situation. Mr. Rucinski said they would replace the sand that is there with

finer sand and the state is very specific guidelines on how this is to be done. Mr. Rucinski said they will fix the recommendations on bullet numbers 3 & 4. Mr. Rucinski said they will address bullet number 4. Mr. Rucinski said he would not expect Bullet number five to be an issue once they complete the grading.

6. Well tests should be performed in accordance with NYS DOH to verify adequate water supply.

Sincerely,

Michael J. Bianchino
Vice President

Chairman Butler asked if any other board members had questions. Board member Beckwith questioned if there were going to be buffers in a specific area. Chairman Butler asked Mr. Rucinski if the intent was to leave the vegetation as is; and it appears that there is almost 15ft of buffer area. Chairman Butler asked what the intent was in creating this subdivision. Chairman Butler wanted to know if the intent was to just go in and grade then build the houses as they sell or to do it in stages. Mr. Rucinski said that the logging would be done all at once but the grading would be done in stages and they would box out the road all at once. Chairman Butler asked how concerned the board should be with what is going to happen with the APA. Attorney Pozefsky said that next step the applicant is looking for the board to schedule a public hearing for preliminary approval and if that is granted then at that point the applicant should submit everything to the APA. Mr. Rucinski said that he will submit the present plans to APA next week, and would hope to have something from them before the next meeting. Chairman Butler asked the secretary to place the Legal add in the post star for the public hearing.

***MOTION TO ACCEPT CONCEPTUAL ON PROPOSED 17 LOT SUBDIVISION FOR PACE BUILDERS.**

Motion~ Beckwith

Seconded~ Rivette

Polled as follows:

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

Other Business:

Chairmen Butler spoke about the APA notice the town received and asked Code Enforcement Officer Mann if he would share his knowledge of what was happening at this location.

Chairman Butler also told the Board members that he has accepted the resignation of Mark Montanye as the Planning Board Alternate as he feels that he is not able to fulfill his obligations as an alternate.

Board member Rivette wanted to know if the planning board had any by-laws. Board member Rivette said she was referring to the rules about missing meetings and there has nothing been said about

whether there is going to be a vice chair or not. Chairman Butler said the board had made a determination a couple of months ago that they were going to wait on that decision until there was a full board present since January.

***MOTION TO ADJOURN MEETING @ 7:54PM.**

Motion~ Reed

Seconded~ Beckwith

Respectfully Submitted

Cheri Sullivan