

Minutes July 29, 2010

Town of Corinth Planning Board Meeting  
Meeting called to Order 7:00pm

Eric Butler, Chairman  
Althea Rivette  
Louise Reed -  
Joan Beckwith  
Philip Giordano  
Attorney Pozefsky  
Fred Mann, Building Inspector  
Cheri Sullivan, Secretary-Excused  
Rose E. Farr, Secretary

Public Present: Ron Rucinski, RHA; Sam Bennett, CHA; Dave Barrass, Steve Staalesen, Marc & Deb Watkins, David Dearborn, Tom Nace ; Nace Engineers, Jo Burl, Ken Burl, Bruce Lemlin, Peter Reilly; Attorney

Meeting was called to order at 7:00pm and the following business was conducted:

**\*MOTION TO APPROVE MINUTES FROM JUNE 17<sup>th</sup>, 2010.**

Motion~ Giordano  
Seconded~ Rivette

**Public Hearing:**

1. David & Jane Dearborn- 2-lot family subdivision. Property is located on County Route 25. Property is zoned RR. Applicant would like to subdivide parcel into a 4 acre lot and a 13.95acre lot. DEC permit is required and this application was forwarded to Saratoga County Planning. Mr. Barrass spoke on behalf of the applicant and stated that everything is the same as last month only the applicant has received the necessary wetland permit that is required prior to building. Mr. Barrass said there were no significant issues at last month's meeting so he was looking for preliminary and final approval this month. Board member Giordano asked if there was enough room for emergency Vehicles. Code Enforcement Officer Mann said they had enough room there to ensure adequate room for emergency vehicles to turn around. Mr. Barrass said he believed the board addressed this at the last meeting. 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 that the board members present feel that the action taken will have no adverse significant impact. There was no comment from the board members present on any of the questions.

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

Motion~ Giordano

Seconded~ Rivette

Polled as follows:

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

Attorney Pozefsky Read the Public Hearing notice into record and the public hearing on this subdivision was opened at 7:10pm.

**Public Comment:**

Bruce Lemlin- Mr. Lemlin who resides on County Rte 24 and Borders the property that is being subdivided said he has no objections to this proposed subdivision but requested that he have the opportunity to review any proposed building permits that get filed. Code Enforcement Officer Mann said all information is available to the public it's just that he will have to foil any information requested .Mr. Lemlin asked if this public hearing was just on the subdivision and nothing else. Chairman Butler said that was correct and asked if he would like to review the maps that had been submitted. There was no further comment for or against this proposed subdivision by the public present.

**\*MOTION TO CLOSE THE PUBLIC HEARING @ 7:15pm.**

Motion~ Beckwith

Seconded~ Rivette

Polled as follows:

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

Board member Beckwith asked if the DEC permit was issued. Mr. Barras said that it had been. Board member Beckwith asked if it had been sent to Saratoga County Planning. Chairman Butler said that it had and the county did not feel that there was any significant county wide impact associated with this proposed subdivision.

**\*MOTION TO APPROVE THE APPLICATION FOR THE PROPOSED 2 – LOT SUBDIVISION FOR DAVID & JANE DEARBORN.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

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

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

**Old Business:**

1. Rucinski Builders- Proposed subdivision is within Adirondack Park Boundary. 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 he did not have much of a voice this evening so Tom Nace reviewed for the board what the applicant has previously discussed and stated that at the last meeting the planning board had requested that a traffic study be done. Chairman Butler said at last month's meeting the board got through the SEQRA process and discussed the traffic congestion on Eggleston Street. Chairman Butler said the Towns Engineers have reviewed this traffic study and agreed with the findings, that there will not be any significant impact. Chairman Butler said at last month's meeting the board declared that there was a positive declaration in regards to SEQRA Review. Chairman Butler asked if all the board members had reviewed the findings on the traffic study and asked if it was understood. Chairman Butler asked Attorney Pozefsky what the Planning Boards choices were at this point. Attorney Pozefsky said that the board made a positive declaration last month which would normally trigger what is called a Draft Environmental Impact Statement. Attorney Pozefsky said the board is now 30 days into that 45 day process, which is either prepared by the applicant or the planning board and if the board were inclined to do so, they could prepare the draft stating that the traffic is still a major issue; or that the traffic has been looked at by professionals and a study has been completed. Attorney Pozefsky said at this point the Planning Board may choose to make a motion to undue or rescind that positive declaration, and or the board could make a motion to consider the SEQRA Review a negative declaration because it has had the traffic looked at.

Board member Beckwith said that based on the result of the traffic study and the information provided therein that there would be no significant impact and the board should rescind their previous motion and make a new motion that there is no significant impact based on the results of the traffic study. All Board members were in agreement.

**\*Motion determining that the positive declaration previously made in lieu of a professional opinion be rescinded based on the professional opinions of the applicants Engineer and the Towns, and be it further that the Town of Corinth Planning Board now finds that the SEQRA review on the preliminary application for this subdivision be considered to have a negative declaration based on the findings of the traffic study.**

Motion- Beckwith

Seconded- Giordano

Polled as follows:

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

Board member Giordano said he felt the traffic study should be attached to the SEQRA review. Chairman Butler said the Preliminary public hearing had been left open and the board had yet to make a decision on the preliminary approval or disapproval of this subdivision. Chairman Butler asked about receiving a determination from Adirondack Park Agency. Mr. Rucinski said

he cannot get that until this Planning Board has made a decision. Chairman Butler also asked what was happening with the ROW between Mr. Larson and the school. Mr. Reilly said that there are no improvements to be made in this right of way. Mr. Reilly said that he does not think that Mr. Larson has the Right of way that he believes he has but that is to be worked out between him and the schools attorney. Mr. Rucinski said that if the right of way issue has not been resolved by the time they are done with the planning board then they will make a note on the maps stating so. Attorney Pozefsky said he would probably run this by the Town Attorney too. Board member Beckwith said she feels that the applicant has done everything that the board has requested of them from the beginning. Chairman Butler said that he would still like to see the minimal of a 40ft buffer.

**\*MOTION TO GRANT PRELIMINARY APPROVAL ON PROPOSED 17 LOT SUBDIVISION FOR PACE BUILDERS.**

Motion~ Beckwith

Seconded~ Rivette

Polled as follows:

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

Chairman Butler said that for any members of the public present this evening for this subdivision that there would be another public hearing on the final application for this subdivision.

**Other Business: None**

**\*MOTION TO ADJOURN MEETING @ 7:35PM.**

Motion~ Beckwith

Seconded~ Reed

Respectfully Submitted

Rose E. Farr