

Minutes October 21, 2010

Town of Corinth Planning Board Meeting
Meeting called to Order 7:06pm

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

Public Present: Warren Longacker, Matthew Kyarsgaard, Donald Darrah, Donald Emerick, Dixie Emerick, Debra Wright, Micah Wright

***MOTION TO APPROVE MINUTES FROM September 16, 2010**

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

New Business:

2-Lot Family Subdivision:

Debra Wright is the applicant and the property is located at 47 Fenton Road Tax Map #74.-2-12 Property is zoned RR. Applicant is proposing to subdivide 89+/-acre parcel into two lots one with +/- 2acres for one with 87+/- acres remaining. Applicant was originally proposing to do this as a family subdivision, however since submitting application has changed her mind and would like to move forward as a simple 2-lot subdivision. Chairman Butler stated to all present that this applicant is his cousin, therefore when preliminary and final application come before the board he will be recusing himself from any of the proceedings. Micah Wright, the applicants' son spoke on her behalf and stated that his intentions were to place 2000sqft home on the proposed 2+/-acre lot. Board member Reed said there is no width notated on the driveway and it must be a minimum of 20 ft wide to allow for emergency vehicles. The board members present requested that Secretary Sullivan have Code Enforcement Officer Mann review the maps again and call the applicant to let them know if there would be any other changes required prior to next month's meeting. The applicant was scheduled for a public hearing for next month's meeting.

Site Plan Review Conceptual @30 Fuller Road. Tax Map # 74.3-1-1.

Applicant for conceptual is Donald and Dixie Emrick, applicants are looking to purchase this parcel of property that is for sale and prior to purchase the applicants would like to know if they would be able to move forward with proposed project that is before the board this evening.

Mrs. Emrick explained the property has 25.25 acres+/- . The rear portion of the property is zoned RR and the front portion of the property that abuts Fuller Road with approximately 285ft of road frontage is zoned R2. Mrs. Emrick said the project they have before the board tonight is a proposed site plan use for an approximately 160 site campground which would have a tentative completion date of 2016. Mrs. Emrick said the approximate size of the 160 sites would be 40 x 50 ft in size. Mrs. Emrick said that at first they would open the proposed campground with primitive sites and eventually they would become full service sites. Chairman Butler asked the applicants to clarify what they were before the board for. Mrs. Emrick said they were before the board because they are interested in purchasing this property, establishing a family campground that will bring economic growth to the community of Corinth, along with approximately 12 jobs. Chairman Butler said there are going to be many variables in this proposed campground that will have to be looked at. Chairman Butler said the Department of Health, Department of Environmental Conservation, the increase in Traffic, and the Town Engineers would have to review this. Chairman Butler recommended that if the applicant is going to move forward with this that they will need to submit maps that have been prepared by a surveyor or licensed engineer. It was discussed that there are two different zones on this parcel of land, the front 2-5 acres being zoned R2 and the remaining acreage being zoned RR. Secretary Sullivan said in the R2 Zoning under site plan review that an office building is an allowable use in the R2 zone. Secretary Sullivan said Code Enforcement Officer Mann was comfortable with a campground being a similar use within the definition of Recreational use in RR, which requires 5 acres of land. Secretary Sullivan said that Code Enforcement Officer Mann requested that she let the planning Board members know that the property is currently owned by his nephew. Attorney Pozefsky said that when the applicants decide to move forward with this application if they do not own the property that an application that is submitted must have the owners name and signature. Chairman Butler said that he does not believe that anyone on this board would be able to give them a definitive answer at this point as to whether or not a 160 lot campground would be approved or not. Chairman Butler said that Dec would have to be involved because of the wetlands that are on the property. Mrs. Emrick said she had already spoke with them and Dec told her that she would just need the permit if she was within 100ft of the wetlands otherwise they did not have any issues with it. Board member Rivette wanted to know if they intended to have a pool. Mrs. Emrick said there would not be a pool. Chairman Butler said that the availability of water would play a role in how many lots would actually be allowed and this would not be known until perk tests have been done.

Chairman Butler turned the conversation over to Attorney Pozefsky in regards to what legally the board could let the applicants walk away with. Attorney Pozefsky said the applicants' area just here for a conceptual, therefore nothing is legally binding. Attorney Pozefsky said at this point nothing would be guaranteed at this point. Chairman Butler said that from what has been presented to the board this evening it all looked good but that it has not been reviewed by DEC, DOH or any engineers at this time. Chairman Butler stated that if the applicant was sincere in following through on this project they should seek out the opinion of a professional engineer.

Attorney Pozefsky said the only thing he had to add was that there is a review taking place of the Towns zoning by the Zoning Revision committee and that there are proposed changes in the Zoning that would effect this applicant's present proposal. Attorney Pozefsky said that if the applicant is intending to start this process they should probably also contact an Attorney to find out what their rights are and what might change in relation to the old zoning verses the new zoning.

Secretary Sullivan briefly explains to the Planning Board and the applicants what was being proposed in the draft of this new zoning document and how it would impact this applicant.

Old Business:

Matt Kyarsgaard: Major Subdivision

Chairman Butler asked Mr. Longacker who was speaking on behalf of the applicant to bring the planning board current with what has been happening with this application. Mr. Longacker explained that back in March they received final approval with conditions; the condition were that they needed a letter or permit from DOH, DOT and approval from the Town's Engineers of the last adjustments that were made. Mr. Longacker demonstrated and reviewed with the board the changes that had been requested by DOT when they first submitted the maps to them. He further explained that after these changes had been addressed, they resubmitted the plans to DOT and DOT told them that they would not give their approval on maps that did not have a final approval stamp on them. However these changes had not been resubmitted to the Planning Board or to the Towns Engineers for review. Chairman Butler said that the applicant has gone over the 180 day time limit and even if it is only by thirty days, the board would be setting precedent for future applicants if they were to allow an extension on Mr. Kyarsgaard application at this point. Attorney Pozefsky said that this board has granted extensions previously however the applicant had returned to the board within the 180 day time period. Attorney Pozefsky said in the code it states that conditional approval of the final plat expires within 180 days. Attorney Pozefsky said he did not find any provision in the Town Code that would allow the time frame limit to be waived either. Warren Longacker asked if the applicant would be required to pay the fees again. Attorney Pozefsky said that he is not sure if there is a provision for the waiving of fees. Board member Reed said the previous applicant that came in for the extension was Passerelli, and there was never a problem issuing the extension because the applicant was always in prior to it expiring. Board member Reed said if the applicant chose to, then he could go before the Town Board to see if they would waive the required fees.

Mr. Kyarsgaard said that he was not aware of the 180 day requirement and stated that if DOT had told him once he had submitted the changes that they would not sign off until final approval was received then he would have been back before the planning board within that time frame, however they did not state this until within the last two weeks. Mr. Kyarsgaard said in regards to DOH they told him that they met all the criteria and that he has met with all these state agencies' which move at their own pace regardless of the applicants needs and he feels that this is out of their hands and not their fault. Attorney Pozefsky said there is something to mention here in regards to DOT and that is that the planning Board has issued other final approvals for subdivisions with DOT

Secretary Sullivan explained that she had spoken with Mike Keegan of DOT and he was very firm about the issue that DOT does not sign off on maps that do not have final approval from the planning Board. Secretary Sullivan said that she also spoke with Sam Bennett at CHA in regards to the conditions requiring a letter or permit from DOH and DOT. Secretary Sullivan said that Mr. Bennett said that the requirements needed from Dot and DOH could be required to be submitted to the Code Enforcement Officer prior to any Certificates of Occupancy or building permits are issued. Board member Reed asked if the maps had been signed yet. Attorney Pozefsky said that the time frame for the 180 days actually began on the day the resolution was made when there are conditions imposed on a final approval. The applicant was placed on next month's agenda for a public hearing.

***MOTION TO ADJOURN MEETING @ 8:33pm by Rivette and seconded by Butler.**

Respectfully Submitted

Cheri Sullivan

