

Minutes November 18, 2010

Town of Corinth Planning Board Meeting
Meeting called to Order 7:03pm

Eric Butler, Chairman
Althea Rivette
Louise Reed
Joan Beckwith-Excused
Philip Giordano- 7:02
Attorney Pozefsky
Fred Mann, Building Inspector
Cheri Sullivan, Secretary

Public Present: Warren Longacker, Matthew Kyarsgaard, David Falk, Debra Wright, Micah Wright

***MOTION TO APPROVE MINUTES FROM OCTOBER 21, 2010**

Motion~ Rivette

Seconded~ Giordano

Polled as follows:

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

New Business:

Boundary Line Adjustment: Young, Dearborn & Watkins are the applicants

This is a proposed Boundary line adjustment between family members to adjust the property lines to the deeds. The property is located at 840, 842 & 828 County Route 25 in the Town of Corinth. This application needed to be forwarded to Saratoga County, the Saratoga County Planning Board response is included for your review. Dave Barrass spoke on behalf of the applicants as he did the survey. Mr. Barrass said that after surveying the property for the Watkins/Dearborn subdivision it was realized that with all three properties involved there was a shortage of approximately 52 ft between the amount of land that was actually there and what had been recorded on the deed. Therefore this proposed Boundary Line Adjustment is just for the purpose of matching the land to the deeds.

***MOTION THAT THIS IS A BOUNDARY LINE ADJUSTMENT AND IT IS IN CONSIDERATION THAT THIS ADJUSTMENT DOES NOT CREATE A NEW PARCEL AND THAT ALL PARTIES INVOLVED ARE ACCEPTABLE TO THE NEW BOUNDARY LINE.**

Motion~ Giordano

Seconded~ Rivette

Polled as follows:

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

New Business Continued:

2-Lot Family Subdivision: Bill Gavin

Mr. Gavin is before the board for a 2-lot family subdivision. The property is located at 58 Clothier Road, there are approximately 28+/- acres and applicant is proposing to give to his daughter 1+/- acres. The property is zoned R2. There was some discussion as to setbacks of the future home to be placed on the parcel. Board member Reed questioned the expiration date of Secretary Sullivan's ' notary stamp because the date on the paperwork states that it expires November 8, 2010. Secretary Sullivan said that she would correct it. The Board agreed to Schedule a Public hearing for this family subdivision next month on the 16th of December.

2-Lot Family Subdivision: Marie Schaffner applicant.

Property is located on Heath Road Tax Map #86.02-1-69.21 The applicant is proposing to subdivide a 12+/- acre parcel into Three lots, one with +/- 2 acres and two with 4+/- acres. Mrs. Schaffner is intending to give the two four acre lots to her sons and the third lot with two acres is, to give to her daughter as a Boundary line adjustment for a total area of 4 +/- acres after the merger/subdivision. Mrs. Schaffners' daughter currently owns a 1.376+/- acre lot at 156 Heath road. Secretary Sullivan explained to the Board that when Mrs. Schaffner came to her for assistance with the application she was not sure if the 4th- lot was a lot or if it was to be considered a boundary line adjustment. Secretary Sullivan said that she felt it was a decision for the board to make because she wasn't sure as presented if it was a 3-lot with a boundary line adjustment or if it is a 4-lot family subdivision. Chairman Butler asked Attorney Pozefsky what his thoughts were. Attorney Pozefsky asked for clarification of the intent for the possible 4th lot and after some review with the applicant said that the 4th lot of discussion would actually be a boundary lot adjustment. Therefore, it was decided that the application would be a 3-lot family subdivision with a Boundary Line adjustment. Secretary Sullivan said that the board would need a Boundary Line adjustment application submitted prior to the next meeting.

Mrs. Schaffner explained to the board members present what her intentions are to do with this property. Mrs. Schaffner wanted to know what the purpose of neighbor notification was because it was her property. Attorney Pozefsky said that the Town of Corinth Code states that neighbors have to be notified. Corinne Ackerly said that the cost of this procedure is high. Attorney Pozefsky said that Mrs. Ackerly would have to discuss the issue of cost with the Town Board but he does not believe that this is a fee that can be waived by the Town Board because it is in the New York State Town Law. There were no further questions or comment from the board members present and Chairman Butler said they would place the applicants on the agenda for a public hearing for the family subdivision at next month's meeting on December 16th, 2010.

Public Hearings:

1. **2-Lot Family Subdivision -Wright:**

Debra Wright is the applicant. 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 +/- 2 acres 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 at last month's meeting that this proposed two lot subdivision is with members of his family and he intends on recusing himself.

***MOTION TO APPOINT BOARD MEMBER REED AS ACTING TEMPORARY CHAIR FOR TONIGHTS MEETING.**

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

Acting Chairperson Reed asked if it has been decided if this was going to be a family exemption subdivision or a regular subdivision. Debra Wright said that it would be a regular two lot subdivision. Acting Chair Reed asked Attorney Pozefsky to read through the SEQRA review process.

Attorney Pozefsky reviewed Part II of the Short Environmental Assessment Form. Attorney Pozefsky read through the following:

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
None

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
None

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
None

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
None

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
None

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
None

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
 Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Covate Planning Board
 Name of Lead Agency

Louise Reed
 Print or Type Name of Responsible Officer in Lead Agency

11/18/10
 Date

Chairwoman
 Title of Responsible Officer

[Signature]
 Signature of Responsible Officer in Lead Agency

[Signature]
 Signature of Preparer (if different from responsible officer)

Resot

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

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

Public Hearing:

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

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

Motion~ Giordano

Seconded~ Rivette

Polled as follows:

Rivette-Yes, Reed-Yes, Giordano-Yes

***MOTION TO APPROVE PRELIMINARY AND FINAL FOR 2- LOT SUBDIVISION.**

Motion~ Giordano

Seconded~ Rivette

Polled as follows:

Reed-Yes, Rivette- Yes, Giordano-Yes

2. Matt Kyarsgaard: Major Subdivision- Public Hearing:

Chairman Butler briefly reviewed the situation that had/was occurring with the Kyarsgaard application. Chairman Butler spoke about the need for a permit from New York State Department of Transportation. Attorney Pozefsky said that he has spoke with the Towns engineers and according to Sam Bennett at Clough Harbuor that permit does not have to be a condition of approval and he recommended that it not be a condition and leave it for the Code enforcement Officer. Chairman Butler asked if this application had gone back down to the County Planning Board. Secretary Sullivan said that it had but she did not get a response back from them yet. Secretary Sullivan said she recalled speaking with Mike Valentine and she believed that he had told her there would not be any issues from the County because everything there were only adjustments made that were requested by the Department of Transportation. Attorney Pozefsky asked if there had been any changes made to the maps at all or the long form SEQRA presented this evening from the last time the planning board had seen/reviewed them. Mr. Kyarsgaard and Mr. Longacker both said that there had not been any changes made.

***MOTION FOR A NEGATIVE ENVIRONMNETAL IMPACT WITH THE SAME MITIGATING FACTORS THAT WERE DISCUSSED AT THE JANUARY 19, 2010 MEETING.**

Motion~ Reed

Seconded~ Rivette

Polled as follows:

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

Public Hearing for Preliminary and Final 6 lot major subdivision:

Secretary Sullivan read the public hearing into record. Chairman Butler opened the public hearing. 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~ Giordano

Polled as follows:

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

There was some discussion between the board members present about the possibility of waiving some of the fees for the applicant due to extraordinary circumstances that the applicant encountered.

Chairman Butler explained that after some thought after last month's meeting he felt it was the applicant responsibility to go before the Town board to request the fees be waived. Chairman Butler said there are four sets of fees involved Preliminary fees of \$650.00, Final Fess of \$650.00, Parkland Fees of \$3,000.00 which were paid the first time and the escrow amount of \$2,000.00 for engineering fees. Board member Reed felt that the board should charge for both the preliminary and final fees since it is a major subdivision. Chairman Butler said that the board does not want to eliminate all fees but because of the situation this can all be done in one meeting. Chairman Butler said he spoke with the Supervisor and Town Board and they have told him that if the planning board agrees to this, then they are in agreement with it. Chairman Butler said if this could not all be done in one single meeting then he would agree with Board member Reed. After some discussion all board members were in agreement to consolidate the preliminary and final fees into one fee amount of \$650.00 and to waive the parkland fees because of the extenuating circumstances and the fact that the preliminary and final for a major subdivision could all be done in one meeting. It was decided by all board member present that the board waive the required amount for the engineering fees yet hold the applicant responsible for any remaining fees that may be pending.

***MOTION TO WAIVE THE PARKLAND FEES, ENGINEERING FEES AND TO CONSOLIDATE PRELIMINARY AND FINAL SUBMISSION FEES TO THE AMOUNT OF\$650.00.**

Motion~ Rivette

Seconded~ Giordano

Polled as follows:

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

***MOTION TO APPROVE PRELIMINARY AND FINAL FOR 6- LOT SUBDIVISION.**

Motion~ Giordano

Seconded~ Rivette

Polled as follows:

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

Other Business:

Attorney Pozefsky spoke about an update to New York State Law where the state has changed the rules on extensions if warranted by extenuating circumstances. Attorney Pozefsky suggested to Secretary Sullivan that all board members receive a copy of said law.

Chairman Butler said that he had received the letter from the Town Board in regards to his term expiring and he has replied and stated that he was interested in being appointed to the Planning board for another five year term.

Chairman Butler also reminded board member of the Saratoga County Training in January.

***MOTION TO ADJOURN MEETING @ 8:12pm by Rivette and seconded by Butler.**

Respectfully Submitted

Cheri Sullivan

