

# Town of Corinth Planning Board Minutes

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Minutes January 20, 2011

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

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

Public Present: No public present at this meeting.

**\*MOTION TO APPROVE MINUTES FROM DECEMBER 16, 2010.**

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

Chairman Butler introduced Dan Willis to the Planning Board members. Chairman Butler said Mr. Willis has been selected by the Town Board to serve in the capacity as Alternate to the Planning Board. Mr. Willis said that he has been serving on the Town of Corinth Land Use Revision committee for the past year and he will be attending the Saratoga County Training on the 26<sup>th</sup> of January. Attorney Pozefsky said that the Town Board will be making Dan's appointment retroactive. Secretary Sullivan said that Mr. Willis came in to the office a couple weeks ago and she has given him copies of the applications and other paperwork to read and review.

The Town Board requested that the Planning Board members review the following Law, Local Law #1 of 2011:

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## DRAFT

### A LOCAL LAW AMENDING THE CORINTH TOWN CODE TO CREATE ALTERNATE MEMBER POSITIONS FOR THE PLANNING BOARD AND ZONING BOARD OF APPEALS

BE IT ENACTED BY THE CORINTH TOWN BOARD AS FOLLOWS:

**ARTICLE 1. Purpose, Intent** – The Town Board wishes to enable the Planning Board and the Zoning Board of Appeals to appoint alternate members to be available to substitute for regular Members who are unable to participate in review of a matter before the Board because of conflict of interest, illness, scheduling conflicts or any other reason.

#### **ARTICLE 2. Amendment of Town Code**

**A. Alternate Planning Board Members** – Section 36-1 of the Town Code is amended to read as follows:

##### **§36-1. Board established; membership; alternate members.**

A. There shall be a Board for the Town of Corinth, Saratoga County, New York, to be known as the "Planning Board", consisting of five members appointed according to the requirements of Article 16 of the Town Law with one member to be appointed Chairman of said Planning Board.

B. The Town Board shall appoint one( 1 ) alternate member(s) of the Planning Board to substitute for any regular member in the event of a conflict of interest or other factor such as illness, vacation or other absences. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of five ( 5 ) year(s). The chairperson of the Planning Board may designate an alternate member to substitute for a regular member when such regular member is unable to participate in an application or matter before the Board. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. All provisions relating to Planning Board member training and continuing

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education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

**B. Alternate Zoning Board of Appeals Members** - Section 89-47 of the Town Code is amended to read as follows:

## **§89-47. Creation, Appointment, Organization and Removal**

A. The Town Board shall appoint a Zoning Board of Appeals pursuant to §267 of Town Law. Said Board shall consist of five members, to serve for staggered five-year terms. The Chairperson of the Board shall be one of the five members and shall be designated as such annually by the Town Board. Vacancies shall be filled for such unexpired term only. The Board shall elect a Vice-Chairman from its membership, and shall establish rules for the conduct of the officers. The Town Board shall appoint a Secretary, and be in charge of any/all personnel and employment decisions. ~~The Town Board shall also appoint alternate member(s) to the Zoning Board of Appeals according to the 1998 Town Law Amendment to §271. The following actions are cause for removal of any member by the Town Board:~~

- ~~1. Three consecutive unexcused absences;~~
- ~~2. Violation of the code of ethics;~~
- ~~3. Misconduct.~~

B. The Town Board shall appoint one ( 1 ) alternate member(s) of the Board of Appeals to substitute for any regular member in the event of a conflict of interest or other factor such as illness, vacation or other absences. The alternate member(s) shall be appointed by Resolution of the Town Board for a term of five ( 5 ) year(s). The chairperson of the Board of Appeals may designate an alternate member to substitute for a regular member when such regular member is unable to participate in an application or matter before the Board of Appeals. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Board of Appeals meeting at which the substitution is made. All provisions relating to Board of Appeals member training and

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continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

C. The following actions are cause for removal of any member by the Town Board:

1. Three consecutive unexcused absences;
2. Violation of the code of ethics;
3. Misconduct; or
4. Failure to satisfy the training requirements of New York Town Law §271.

**ARTICLE 3. Authority; Supersedence** - This Local Law is adopted pursuant to Municipal Home Rule Law Section 10 and is specifically intended to supersede the provisions of Town Law Sections 267(11) and 271(15) that restrict substitution of alternate members of zoning boards of appeal and planning boards, respectively, to instances of conflict of interest.

**ARTICLE 4. Severability** - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**ARTICLE 5. Repealer** - All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

**ARTICLE 6. Effective Date** - This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

Attorney Pozefsky said before this proposed local law was reviewed he wanted to make sure that everyone present was aware that anything that is new or has been changed is underlined and that which is not is currently found in the Town code. Attorney Pozefsky said this proposed law states when an alternate can and cannot participate. Attorney Pozefsky said that he has reviewed this proposed law, spoken with Town Attorneys Hafner & Hill. Attorney Pozefsky said he feels that this is a great asset to the Town Code.

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The board members discussed the following pertaining to Local Law #1 of 2011:

Board member Beckwith asked if there was going to be an alternate at every meeting. Chairman Butler explained that an alternate is still a part of the planning board and that their opinion does count. Chairman Butler said that we want the alternates to be a part of what is before the board and they should be allowed to ask questions. Board member Giordano said the alternates should be at every meeting so that they are familiar with any projects that are before the board.

Mr. Willis asked why section 89-47b states that they are only allowing one alternate per board? Attorney Pozefsky explained that he has never seen more than one alternate in any other law and the best reason he could think of would be so there is no confusion when an alternate is needed as to which one to use. Chairman Butler explained that the only time the board would need to use an alternate is when they needed a quorum, other than that an alternate is not necessarily needed; therefore there really is not a need to have more than one alternate.

Attorney Pozefsky said that his only recommendation is to change the first sentence of Article 1. Purpose, Intent to read: "The Town Board wishes the ability to appoint alternate members to the Planning Board and Zoning Board of Appeals to be available to substitute for regular Members who are unable to participate in review of a matter before the Board because of conflict of interest, illness, scheduling conflicts or any other reason."

Chairman Butler asked if there were anymore recommended changes or questions by the board members present. In reference to Article 1 Board member Beckwith said she felt that it should read "will" instead of "wishes". Attorney Pozefsky stated in his opinion the Town Board chose to use the word "wishes" because it gives them flexibility, allowing the board to decide whether they need an alternate or not.

There were no other comments or recommendations from the board members present. Secretary Sullivan asked questions pertaining to sections 89-47a and section 36-1. Attorney Pozefsky said they should be the same language for both sections, planning and zoning but it has never been done and if we start drawing parallels between both sections then there is potential for this to take some time. Board member Reed said that it should be there because technically the Town Board does appoint the planning secretary.

Board member Beckwith said that she feels the word wishes should be changed. Attorney Pozefsky said he believes that the Town Board wants it worded that way because it gives them option to have or have not an alternate.

## **THE PLANNING BOARD WAS IN UNANIMOUS AGREEMENT THAT THEY RECOMMEND THE FOLLOWING CHANGE TO THE ABOVE MENTIONED LOCAL LAW:**

The Town of Corinth Planning Board recommends that the Town Board changes the first sentence of Article 1. Purpose, Intent to read:

"The Town Board wishes the ability to appoint alternate members to the Planning Board and Zoning Board of Appeals to be available to substitute for regular Members who are unable to participate in

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review of a matter before the Board because of conflict of interest, illness, scheduling conflicts or any other reason."

The Planning Board instructed Secretary Sullivan to get a letter to the Supervisor and Town Board, stating such.

## **Other:**

Chairman Butler said in their folders is the Town employee manual in which there are two pages that need to be signed and turned into Secretary Sullivan.

Chairman Butler said that he hoped to see everyone the Saratoga County Training next week on the 26<sup>th</sup>, as he believed everyone was signed up to attend.

Secretary Sullivan told all present that their quarterly payroll date will no longer be on Wednesday, it has been changed to Thursday due to the Town changing banks.

Board member Beckwith wanted to know when the planning Board was going to be able to see the work that this land use committee has been working on. Secretary Sullivan said that the meetings are open to the public and currently the committee is working on rezoning and split parcels. Secretary Sullivan gave the dates of the upcoming meetings and said that these three meetings will be held at 40 Long Alley in Saratoga. Mr. Willis stated they have spending a significant amount of time because there are a lot of discrepancies. The committee has made some really good progress in the last four months. Mr. Willis said they intend to review all they have been working on at a meeting shortly after the meetings return to the Town Hall.

Secretary Sullivan informed the board members present that Code Enforcement Office Mann was retiring in April. They are currently taking applications for the position.

## **\*MOTION TO ADJOURN MEETING @ 7:35pm.**

Motion~ Beckwith

Seconded~ Reed

Polled as follows:

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

Respectfully Submitted

Cheri Sullivan