

Town of Corinth Planning Department

MAY 16, 2013 TOWN OF CORINTH PLANNING BOARD MINUTES

Meeting was called to order at 7:00 P.M. by Chairman Butler

ROLL CALL: Eric Butler, Chairman, present; Louise Reed, present, Philip Giordano, present; Althea Rivette, present; Dan Willis, alternate, present; Attorney

Pozefsky, present; Leon Hickok Code Enforcement Officer, present; Linda Hamm, secretary, present

Joan Beckwith absent with excuse.

Public Present: Mr. Kevin Skinner, Mr. Clifford Millis, Mr. Andy Winslow Sr., Mr. Andrew Winslow Jr.

OLD BUSINESS: Approval of April, 2013 minutes

- **Motion to approve the minutes from April, 2013**
- **Motion was made by Philip Giordano and seconded by Dan Willis**

ROLL CALL VOTE: Yes, Louise Reed, Yes, Philip Giordano, Yes, Eric Butler, Yes, Althea Rivette, Yes, Dan Willis

PASSED AND CARRIED

5 AYES 0 NAYS

OLD BUSINESS:

CASE 2.13-02

Mr. Albert Vance returns for a public hearing for a minor subdivision of his property into two lots that is located on Howe Road.

Mr. Vance states he would like to subdivide his property into (2) two lots to sell. I am unable at this time to invest money to build so if I can sell the lots okay or perhaps later I can build something to sell.

Chairman Butler states before we go too far I would like Attorney Pozefsky to review the SQRA with the board and public. Attorney reads Part II of the SQRA letting the board know if there are questions or concerns to any of these statements they need to be addressed before we go any farther. Again we are looking to see if any of these can potentially create a negative environmental impact. If the answer is no, or small to moderate then you would be looking for a motion for a negative declaration. If the answer to any of those with a potential significant impact then we would go to the next level.

Chairman Butler asks if anyone would like to make a motion. Philip Giordano states he would like to motion that this is a negative declaration. Althea Rivette seconded.

ROLL CALL VOTE: Yes, Louise Reed; yes, Philip Giordano; Yes, Eric Butler; Yes, Althea Rivette; Yes, Dan Willis

Passed and Carried:

5AYES

0NAYS

Chairman Butler stated before we open the public hearing let's read the public notice into the minutes.

The Post-Star, Glens Falls, N.Y.

001 LEGAL NOTICES

Town of Corinth Planning

Department

600 Palmer Avenue

Corinth, New York 12822

518-654-9232 ext #5

Fax Number: 518-654-7751

Planning Board

NOTICE OF PUBLIC HEARING

Planning Board Meeting Date:

May 16, 2013, 7:00 P.M.

For the Following Proposed

Project: (2) lot subdivision

Location: Howe Road, Town of

Corinth New York 12822

Tax Map #: 99-2-45.2

Project Description: Mr. Vance would like to subdivide his property located on Howe Road in the town of Corinth to be sold as buildable lots or build a home on the property. Sent: May 2, 2013

THIS NOTICE IS GIVEN IN ORDER THAT YOU AS OWNER OF PROPERTY IN IMMEDIATE VICINITY THAT MAY BE AFFECTED MAY APPEAR AT SAID HEARING AND BE HEARD WITH RESPECT THERETO.

Applications are available for review in the Planning Office Monday-Wednesday 7:30 a.m. - 4:00 p.m., Thursday 8:00 a.m. - 4:00 p.m. and Friday 8:00 a.m. - 12:00 p.m. If you have any questions please call the Planning Department at the telephone number listed above or fax your comments to 1518-654-7551
PUB: MAY 10,2013

Chairman Butler states we will now open the public hearing and asks the public to address their questions to the board and Mr. Vance if you would like to respond on a particular question, feel free. Please state your name and address for the record.

Motion to open the public hearing was made by Philip Giordano and seconded by Dan Willis

ROLL CALL VOTE: Yes, Louise Reed; Yes, Philip Giordano; Yes, Eric Butler; Yes, Althea Rivette; Yes, Dan Willis.

Passed and Carried

Deborah Richmond- I live at 126 Comstock Road and also own 124 Comstock Road. If you know the area at all the esthetics are unbelievable. This is a huge problem for me. A large part of the old saw mill property is owned by Gary Jordan and Debbie Millington. Nothing is ever cleaned up, mowed or anything and I would hope that you wouldn't allow Mr. Vance to subdivide his property only to add two more mobile homes and have the same esthetics.

Clifford Millis- I live 199 Howe Road in the log cabin right across the road from this property, I feel the same as Mr. & Mrs. Richmond. We have a large parcel of land across the road that is never kept up on. It's not very pleasing to the eye. The property that Mr. Vance owns is wooded very pleasing lots of wild life. I feel he could keep it as it is and build a home and sell it as the 2+ acre that it is, or subdivide it and put homes not

mobiles on the land. If it was left as it is with even a nice double-wide on it nicely landscaped, but subdivided I feel the lots would be too narrow.

Andrew Winslow Jr. I live at 198 Howe Road and although the property is not visible from my windows I do feel if the land is subdivided and mobile homes placed on the land the value of my home will go down as well. If this property is subdivided at this width there will be few options to put a mobile home in and be able to meet the setbacks.

Andrew Winslow Sr. I live at 188 Howe Road and I agree with what these people are saying. I don't need to be looking at another piece of property that we look at of Mr. Gary Jordan's. I also agree with our homes value going down with another mobile home not taken care of in the area. Also there is a creek on the back side of the property and I am not sure how it would be with a leach field, weather it would be too close or not. If there was more than one home on the land how would the county or whoever would have to take care of it turn around. How would the people get out of there? I thought there would be more people here tonight. Chairman asked if there were any letters received in regard to Mr. Vance's public hearing. Linda stated there were no letters or faxes received in regard to this matter.

Chairman Butler asked Mr. Vance if he would like to comment on any of the suggestions that were made. Mr. Vance states he has too much money in this. If you can't sell one acre for \$28,000 how are you going to get 50,000 for 2.8 acres? Especially with the trailer that is there next to it. It would cost even more if I have to go to the Zoning Board to put the road in along the property line. I could put the home closer to the front with the septic in the center and it would still be away from the neighbors well. Plus you will be over 200' away from the creek. Everything here on the map is legal with the exceptions of the neighbors concerns and I understand but, I bought this property years ago and I had a trailer that was going on there that my son was going to fix up he started then moved out. I removed the trailer and that's why the old septic is there. Chairman Butler states he understands. Chairman Butler asks Code Enforcement Officer Hickok what you can tell us about the septic and the proximity to a well. Code Enforcement Officer stated that he went out to check the location on the property and from the lines I found and I'm not sure if they are right or not if it has been recently surveyed. Where the septic is there is a legal distance of 100' there but, it doesn't have to be 100' from the septic it has to be 100' from the leach field. Mr. Vance states the leach field is in the direction of the house, because there was no house there at the time the septic and leach was put in. Mr. Hickok stated to the Chairman that the septic would have to come out anyway, because it wouldn't meet New York State Code.

Chairman Butler asks if there is anyone else in the public that would like to speak again before we close the public hearing and vote.

Deborah Richmond asks Chairman Butler, in knowing we showed for the meeting and you know how we all feel, does that count at all? Would you want to live there and see all this and have you been to the area and seen what we are talking about? Linda and Leon know how dumpsy it is down there, sorry but it is what it is. So with that effect how much weight does this carry as we are the direct neighbors? Chairman Butler states two things. I know the area pretty well. This board is going to have to follow the legal part of this. Mr. Vance is here for his subdivision and we listen to the comments but when it comes right down to it, we have to abide by the Town Laws, Land Use Laws and Code Enforcement Laws. If Mr. Vance wants to subdivide his land and he is within the law and codes, I'm not sure we can say no, if it is within the law. I think you have made a point Mr. Vance when coming up here and discussing possibly subdividing in another matter. Marty do you have anything to add? Yes, I feel the public input is important, it gives texture to the whole community and to the board so they understand everyone's concerns, but, technically speaking, as long as an applicant meets the subdivision application and as long as the lots are buildable and as long as the usage that's proposed is legal and as long as the building codes are met, it is very hard to deny an application based on a lot of subjective view points. Mrs. Richmond states, this is what I figured and probably why so many do not attend the meetings. I live there he doesn't.

Dan Willis asks Leon Hickok when you went out and inspected the property, based on the proposed subdivision was there anything out there that flagged you that would be unbuildable if it was to be subdivided? No, stated Mr. Hickok, setbacks will be the hardest things so it will limit the size of home you will be able to put in there. Chairman Butler states there will have to be a smaller home? Can they go to the Zoning Board of Appeals for a variance? Yes stated Leon but, the Zoning Board is very strict and it may be quite the challenge. Mr. Willis asks the community members here, is it concern for your home or is it the concern of lack of maintenance by your neighbors? Clifford Millis states it is both, I am right across from the little park and it's disgusting, nothing is ever cleaned up, they are burning and it has a horrible stench, I can't even sit out on my own porch. Mrs. Richmond states, for her and her husband it esthetics, nothing is ever cleaned up, never any maintenance and I look out my window daily and have to look at the mobile homes falling apart in front of our eyes.

John Richmond, states that there was a lumber yard previously am I correct? Yes, states Chairman Butler. Would this not involve some kind of environmental impact? Testing of soil due to there being oil barrels on the property to check for seepage? When you get into digging the foundation and you run into something buried? How do you really approach that? Attorney Pozefsky states that there are really two parts to that. The first being what is in front of this board tonight is evident of that? Then for sake of argument let's say they are approved and they start digging and they found something, that's a whole new set of circumstances.

Motion was made to close the public hearing by Philip Girodano and seconded by Dan Willis.

ROLL CALL VOTE: Yes, Louise Reed; Yes, Philip Giordano; Yes, Eric Butler; Yes, Althea Rivette; Yes, Dan Willis

Passed and Carried: 5AYES 0NAYS

Chairman Butler asks that we have a sight inspection from the board members and Code Enforcement Officer Leon Hickok. Would someone like to make a motion to table this meeting until a visual site visit has been done and we will come back on June 20, 2013 to open this matter again with our findings. Chairman Butler makes the motion and Althea Rivette seconded.

ROLL CALL VOTE: Yes, Louise Reed, Yes, Philip Giordano, Yes, Eric Butler, Yes, Althea Rivette and Yes, Dan Willis.

5AYES

0NAYS

This meeting will continue on June 2013 at 7:00 P.M. with our findings.

Mr. Vance you are excused along with some public and can either leave or stay for the next case on the agenda.

Case 2. Mr. Kevin Skinner comes to the board tonight for a site plan review.

Mr. Skinner states to the board, if you look at the map provided you will see most everything is pre-existing and what I would like to do is build a few storage units 20'x 100' divided into 10' units. Some will be for my storage and the others rentals.

Chairman Butler asks Attorney Pozefsky certain things under review or not? Yes, in your Town Code Book Article VI- Section 89-18 it reads In accordance with Town Law 274-a, The Town of Corinth Planning Board is hereby authorized to review and approve, approve with qualifications or modifications, or disapprove plans for new land use activities within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this chapter. In 89-19.B it says All uses specified as requiring site plan review in Article VII , Supplementary Regulations South Corinth Hamlet for site plan use of (3) three things only, that is parking , unloading and signing. So this is not a full site plan review, it is limited to parking, unloading and signing.

After Chairman Butler and the board members reviewed the plans and discussing with the Code Enforcement Officer Leon Hickok, the board determined there is no issue with the parking, or the signing, and Mr. Skinner shows that the lighting will be attached on the existing building. The other thing to discuss is whether to have a public hearing or not. Attorney Pozefsky states, this is a continuation of an existing plan and you had a public hearing in the beginning. The only other issue that might come up would be if you had referred this to the County Planning Board or not.

Chairman Butler states, yes it was but last I knew we had no response as of yet. Attorney Pozefsky states the County Planning Board has (30) days in which to review it so if you have to wait, you can waive a public hearing and approve/ table this with an approval being contingent upon the decision from the County Planning Board, or do a majority +1 and over ride whatever the County says. Secretary Hamm checked the fax machine again and nothing was there but, with the secretary talking with Mike Valentine from the County Planning Board he stated the only suggestion the County Planning Board might make is to have a buffer between the business and the church that boarders. Mr. Skinner states there is all ready a stone wall from the church moving earth when the extended their parking and put in the drainage, and some trees there it would be kind of hard to plant shrubs in the stone. Chairman Butler and board members are not concerned as Mr. Skinner's property sits lower than the church and it shouldn't be a problem visually.

Attorney states for the board to stop him while reading the SQRA if you feel there is a potential for a significant negative environmental impact. If the answer is no then a negative declaration should be made, if the answer is yes then a positive declaration should be made.

A motion for a negative declaration was made by Philip Giordano and seconded by Dan Willis

ROLLCALL VOTE: Yes, Louise Reed, Yes Philip Giordano, Yes, Eric Butler, Yes, Althea Rivette, Yes, Dan Willis.

Passed and Carried: **5AYES** **0NAYS**

A motion to wave the public hearing was made by Dan Willis and seconded by Althea Rivette.

ROLL CALL VOTE: Yes, Louise Reed, Yes, Philip Giordano, Yes Eric Butler, Yes, Althea Rivette, Yes, Dan Willis

Passed and Carried: **5 AYES** **0 NAYS**

A motion to approve the site plan was made by Althea Rivette and seconded by Philip Giordano

ROLL CALL VOTE: Yes, Louise Reed, Yes, Philip Giordano, Yes, Eric Butler, Yes Althea Rivette, Yes, Dan Willis

Passed and Carried: **5AYES** **0NAYS**

A motion to adjourn the meeting was made by Philip Giordano and seconded by Dan Willis

All are in favor.

Next meeting will be June 20, 2013

Respectfully,

Linda Hamm
Secretary

