

TOWN OF CORINTH PLANNING BOARD

JUNE 4, 2015

Meeting called to order:

Present: Chairman Butler

Louise Reed

Althea Rivette – came in late

Philip Giordano

Joan Beckwith

Dan Willis

Attorney Pozefsky

Leon Hickok – Code Enforcement Officer

Linda Hamm – Secretary

Public sign in sheet:

Signi In Sheet

6-4-15

Signature	Print
Martin Schmitt	MARTIN SCHMITT
Tom Cymbal	Tom Cymbal
Bob	Peter Nicola
Elias Wright	ELIAS WRIGHT
Cheryl Wright	Cheryl Wright
Bob	Cher Bace
Bob	Larry Clute
Tom	Tom Censor
Bob Holz	Steven H. Ed
John	John Moyer
Donna Boggs	DONNA Boggs
Cheryl Healy	Cheryl Healy

Approval of May 21, 2015 minutes: Motion was made by Joan Beckwith and seconded by Philip Giordano.

Roll call vote: Chairman Butler – yes

Louise Reed - yes

Philip Giordano – yes

Joan Beckwith – yes

Passed and Carried:

Old Business: Jason Lent family subdivision public hearing. Mr. David Barrass is here tonight representing Mr. Lent for the family subdivision requested on Heath Road.

Chairman Butler stated, we have reviewed the map, and the public hearing is still open from the May meeting. Mr. Barrass has there been any changes made to the map? No stated, Mr.

Barrass.

**• NOTICE OF PUBLIC HEARING
TOWN OF CORINTH
PLANNING BOARD**

Family 2 lot subdivision
NOTICE IS HEREBY GIVEN that
the Town of Corinth Planning
Board will hold a Public Hearing on
Thursday June 4, 2015 at
approximately 7:00 P.M. at the
Corinth Town Hall, 600 Palmer
Avenue, Corinth, New York
concerning a 2 lot Family
subdivision at 116 Heat Road,
Town of Corinth, New York 12822,
Tax Map # 86.-2-20

A copy of the proposed Family
Subdivision application and map
are available in the Planning
Office, Town of Corinth, Monday -
Wednesday 7:30 a.m. - 4:00 p.m.
Wednesday 8:00 a.m. - 4:00 p.m.
and Friday 8:00 a.m. - 12:00 p.m.

**PLEASE TAKE FURTHER
NOTICE** that all interested parties
will be heard at this time and place.

Dated: May 22, 2015

Linda Hamm

Secretary

PUB: May 26, 2015

Chairman Butler asked his board if there were any questions in regard to the subdivision for Mr. Barrass. Does the public have any questions on this subdivision? Chairman Butler states the public hearing is now closed and with no further questions we need a motion to approve the subdivision of Mr. Lent's.

Motion was made by Joan Beckwith and seconded by Louise Reed.

Roll call vote: Chairman Butler – yes

Louise Reed – yes

Philip Giordano – yes

Joan Beckwith – yes

Planning Board member Althea Rivette tells Chairman Butler and the other board members that after having time to think about the Laphatt/Bovee case she would like to rescind her decision to recue herself from the matter and feels she would be able to make a decision with a clear mind and without malice from when she lived in the area years ago. Chairman Butler asked Attorney Pozefsky for legal advice at this point. Attorney Pozefsky states he has never had this happen before but I would like to point out a couple of things. I am not aware of any rules or laws that state once a person rescues themselves they can't un- rescues . She has certainly given an explanation as to why she feels she can be impartial in this case. I would point out that the applicant may have something to say about this, and or the public. I actually had a chance to speak with Althea about this knowing she might decide to recant . But I don't believe there is any rule or law that can prevent this. If they have any questions or comments? Mr. Clute stated to the Chairman that he has no problem with Althea Rivette returning to her seat on the board for this case. Chairman Butler states that at this time we welcome Althea back to the board for the Bovee site plan, subdivision. . Chairman Butler let's Alternate Willis he will not be needed on the bench this evening.

Laphatt/Bovee – Site Plan Review/Minor Subdivision Public Hearing: Mr. Larry Clute and Mr. Tom Center are here to review the map and discuss any questions that the Village Planning Board or Town Planning Board and public may have. Mr. Clute states he believes there has been an agreement to finalize

Mr. Matt Rogers state he believes there is an agreement in regard to a (3) year lease for the commercial building. At that time the building may be used for equipment. Mr. Rogers also

asked about a 6' stockade fence around the perimeter of the commercial building and continuing where there is no privacy. Mr. Clute would like to ask the neighbors if they would be able to put the fence along their property line, protecting them from the view from the other side, if not then they will move it in. As the building begins the storm water will be directed to the new storm drains, pulling it away from neighbor's homes. Louise Reed has some concerns about the turnaround for emergency and fire vehicles. Mr. Clute states there is ample room. Fire Chief Kelly has a copy of the plans and feels comfortable with this. Chairman Butler says he still has concern over the placement of lighting. I would like to see, I suggest light part way up the driveway, the little 5-6' pole lights are not going to be able to give a good view. Mr. Clute states we can put in a few 10' lights to help with access and seeing pedestrians. Code Enforcement Officer agrees that this kind of lighting would be more beneficial. Parking signs will be in place so there is no parking along side of the entrance. Mr. Matt Rogers stated that they received recommendations from the county to look into and one is the commercial building. If this is torn down are there plans for another plex? If so they would need another area variance to get that. Also the installation and maintenance of the water and sewer lines for the new buildings will be maintained by Laphatt. We would like the values of before and after hook ups. Mr. Clute states this is going to be a 5-6' water main going to the hydrant like we have done in other developments we have done, same thing with the sewer lines. It will be the responsibility of the owner for lines going into the homes and if there is an emergency with one of the lines in the middle of the night we will work with the village department of public works. After lengthy discussions regarding issues from the meeting in May, Chairman Butler re-opens the meeting to the public. We have the same letters that we received at the last meeting to include here and if there is anyone here that would like to speak either for against the subdivision and variance, this is your time. Please forward your comments to the board, not the applicant or owner.

Joe Cichochi I am located on Beech Street behind the commercial building. I own property on both areas and if they put the water and sewer in will I have to pay for this. Chairman Butler states that is a question for him to ask at a Village Board Meeting.

Cheryl Healy My property is located on the backside of the subdivision property. First I would like to state that my husband and I never received a notice from the owner or developer for a public hearing last month. My husband read it in the Pennysaver. There are two addresses this letter should have been sent to, including 1 Sycamore St. which we own. With these buildings we are talking 2-3 bedrooms which mean families, not seniors. I am not against the subdivision. I am not against people having a nice home to live in. What I suggest is maybe

look at (4) duplex's, how about (4) single family homes. I just feel that because the property is zoned high residential, do we really have to put so many buildings on such a small amount of property.

John Moyer I live at 500 Main Street, right across the driveway that the Bovee family uses. The water and sewer is going to be coming west toward Main Street? If we have any kind of rain as it is now it floods and comes over the sidewalks toward the homes. We don't have enough drainage as it is now to handle what we have. I was upset as the rest of the neighbors; we feel we have been left in the dark. We feel that we have no recourse, you have all ready decided on this project. You are just throwing us a bone as it is right now. We don't have enough people to fill the two apartment buildings across the street as it is. I just don't feel it is a good thing, with all the school traffic, trucks and buses. I just don't agree with this.

Martin Schmitt I also live across the street on Main Street and have been there for (30) thirty years. I am so against this. Let me just reiterate from the last meeting. This project will cause nothing but problems now and in the future. Has anyone read today's Pennysaver? Here is the annual report from our Mayor- Dennis Morreale.

Mr. Clute states that with speaking with Artie Lozier the village Highway Superintendent he states that with the past upgrades there should not be a problem with the added sewer and water.

Mr. Clute shows the map again to Mr. Moyer and Mr. Schmitt what they mean by the water flowing to the west, it will be going into the catch basins. We will be catching some of the water that now flows to Main Street so it should help with the flooding there.

Steve Eddy I own property on Poplar Street off of Main Street, there is a major water problem as after you dig down in the ground around 2-3 ' you run into hard pan. You can dump a bucket of water in that hole and it just sits there. Eventually this will overflow and pour onto Main Street and flooding the drains and backing up farther onto properties. Mrs. Washburn is quite concerned with this as she borders the south side where the property was raised with fill after she put up a fence for privacy. I have her letter here if you would like me to read it to you.

RECEIVED
MAY 21 2015
TOWN OF CORINTH

REC
MAY
TOWNSHIP

To Whom it May Concern.

My Name is Jill Washburn. I reside
9 Poplar Street which borders the property
517 Main Street Lot #2 where construction
4-4plex town homes is proposed.

I had a 6' tall stockade fence installed
some years back - shortly after which the
property in question was filled and brought
up to a height level almost equal to the
of my fence. As far as I know there is no
retaining wall which would be a danger
itself with heavy equipment necessary for the
apartment town homes. In addition, these buildings
would sit level to my fence top which
would create a multitude of problems for
sixteen families in my back yard. Consider
noise, traffic, children, pets, toys and a total
lack of privacy I am ~~is~~ firmly against this
proposal and subdivision.

I also protest against public sewer and
water because although I have been assured
that I would not be forced to connect or pay
it now, I don't trust that that won't change
if it is in or sometime in the future.

Mr. Eddy reiterates that he feels the developers should place a fence around the property for privacy; it's not the responsibility of the neighbors. All they want is privacy. My next concern is, where is there a common ground for the children to play? We see nothing in the plans. I believe in a major subdivision there has to be a common ground. Also in regard to the commercial building, I understand that when the lease is up in (3) three years they will not be able to build another (4) plex until they get a new variance. Mr. Rogers states that is correct. Parking, now when you go by Mrs. Bovees home at 6:00 a.m. there are two vehicles parked in front of the garage doors and 5-6 vehicles parked on Sycamore. They will not be able to park their correct. This is correct states Chairman Butler. You said there will be no parking in the street, you just took more than 15' of parking, and now where are they going to park? Chairman Butler also stated that in regard to the common ground I believe that has to be in a major subdivision, not a minor subdivision. Chairman Butler made the public aware of the notifications in regard to the issue there was at the last meeting and this being the reason for extending the open public hearing. Attorney Pozefsky stated that there were errors in the paper, they didn't put the town name or time in the notice making the legal ad having to run a second time. Also council requires all written notices be sent to anyone within a 500' boundary and this must be certified receipt requested. It became clear that not all residents were sent notices. We opened the hearing and left it opened for another public hearing so all notices could be sent out.

Attorney Pozefsky stated all residents are notified in the town portion of the 500' rule. The applicant or owner must return the signed card from the back of the envelope. If they are not signed for the letter will be returned with the card on it and showing on the front of the envelope where the postal carrier tried to deliver at least (3) three times. A new legal ad was placed in the legal news paper which is the Post Star and this one they included the town's name and time of the meeting. At this time as long as we have the copies showing the mailing even though we don't have the hard copy it is valid.

Chairman Butler asked Secretary Hamm where, does the actual list come from. This comes from the New York State program we use in the Assessor's office. I am able to bring up a parcel and within the same program highlight any property within the 500' rule that is in the code book. This gives me the name of the owner along with the address. A person's name will come up as many times as they have properties bordering within the 500'. I request that the person requesting the subdivision only mail one certified receipt letter, no matter how many parcels they own. Chairman Butler asked if we got a signed copy back. I have not had time to check all the receipts as of yet but so far no, I will continue looking. If they are not signed for the letter will be returned with the card on it and showing on the front of the envelope where the postal

carrier tried to deliver at least (3) three times. A new legal ad was placed in the legal news paper which is the Post Star and this one they included the town's name and time of the meeting. At this time as long as we have the copies showing the mailing even though we don't have the hard copy it is valid. Chairman Butler asked Attorney Pozefsky what our choices are if any. Attorney Pozefsky state, we could have the applicant who mailed these to sign an affidavit saying they sent by certified mail the letters to the people on the 500' list. The other option may not be a popular one, would be to continue the public hearing and this gives the town a 120 day from the opening of the public hearing, and see if the mailing comes back within the 60 days that would be some proof. You could schedule another meeting in another (2) two weeks, the letter may be back by then. Chairman Butler asked if there are any new comments. Mr. Nicolaysen states he is a little confused with this project. Is the vote in this matter, what is good for the applicant or what is good for the people in the community or based on what is allowed. Chairman Butler stated that realistically, it is what is allowed with all our rules and regulations. Thank you for sharing views and legal avenues. Secretary Hamm, states to Chairman Butler that the card was found for Sharon Peacock. Mr. Schmitt asked Chairman Butler if he may speak. Please look at your code book 89-20 – (3) is this happening.

- (s) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any required county, state or federal permits; and
 - (t) Completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.
- (3) In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. More specifically, the Planning Board shall ensure:
- (a) The adequacy and arrangement of access and circulation, including but not limited to road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkways, and pedestrian convenience;
 - (b) The compatibility of the buildings, lights and signs in terms of location, arrangement, size and design;
 - (c) The adequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainageways;
 - (d) The adequacy of water supply and sewage disposal facilities;
 - (e) The adequacy, type and arrangement of trees, shrubs and other landscaping;
 - (f) The retention of existing trees, wooded areas, watercourses and other natural features to the maximum extent possible;
 - (g) The protection of adjacent or neighboring properties against noise, glare, dust, air

Chairman Butler states at this point we need to close the public hearing. A motion was made by Joan Beckwith and seconded by Philip Giordano.

ROLL CALL VOTE Louise Reed Y, Philip Giordano Y, Eric Butler Y, Althea Rivette Y Joan Beckwith Y

Chairman Butler opens the floor to all board members starting with the village. Mr. Rogers and village planning board members discussed with town planning board members some of the comments and suggestions from the public. Suggestion for a barrier is either 6' evergreens or a solid fence, mostly behind the commercial fence. We will go out there and inspect when building is being done. Mr. Rogers stated he is ready to make a motion on the project to be approved with the town planning board for an evergreen privacy barrier. Chairman Butler stated that his board is in agreement with the village as far as the evergreen barrier.

Mr. Rogers made a motion to approve the villages' site plan with the following conditions: that the commercial use is discontinued at the end of the (3) three year lease. There will be no parking on the access road, no mailboxes will be permitted at the Main St. entrance, a privacy fence or evergreen barrier must be in place along the Northern end of the village, fire connection in compliance with the fire department, water and sewer must be approved by the village board, lighting on the access driveway, is there a second by Pete Morrele. Second was made by

All in Favor- Passed and Carried.

Village Chairman turns the meeting back to Chairman Butler.

Chairman Butler asked the board members if there is any reason they are not ready to vote.

Attorney Pozefsky stated to Chairman Butler that we do have proof that Mrs. Peacock was sent a notice. We have a green receipt.

Chairman Butler states he feels the same conditions as the village planning board has in place with the addition of more lighting in the parking lots. Mr. Clute agreed and will review with Mr. Hickok.

A motion was made by Joan Beckwith in agreement with the same conditions on the site plan review as the village along with additional lighting in the parking lots, and was seconded by Philip Giordano.

Roll Call Vote: Louise Reed Y, Philip Giordano Y, Eric Butler Y, Althea Rivette Y, Joan Beckwith Y

Passed and Carried

Chairman Butler states we need a motion on the minor subdivision and the site plan review. Motion was made by Joan Beckwith and seconded by Philip Giordano.

Roll Call Vote: Louise Reed Y, Philip Giordano Y, Eric Butler Y, Althea Rivette Y, Joan Beckwith Y.

Passed and Carried

A motion to adjourn the meeting was made by Joan Beckwith and seconded by Philip Giordano

Respectfully,

Linda Hamm

Secretary

