

Town of Corinth Planning Board

600 Palmer Avenue

Corinth, New York 12822

Phone: 518-654-9232 ext. 6

Fax: 518-654-7751

Planning Board Meeting Minutes: April 15, 2021

Planning Board Members

Chairman

David Barrass

Members

Dan Willis

Joan Beckwith

Louise Reed

Daren Potter

Planning Board Attorney

Jackie White

Planning Board Secretary

Lynn Summers

Meeting was held virtually via Zoom

- 1. Meeting was called to order at 7:05 PM by Chair David Barrass**

Attendance roll call.

Members Present:

Joan Beckwith –absent, Dan Willis-Yes, Louise Reed – Yes, Daren Potter-Yes, David Barrass – Yes, Lynn Summers – Yes, Jackie White - Yes

- 2. Motion to approve the 3-18-21 minutes as presented**

Motion to approve the 3-18-21 minutes as presented made by Dan Willis, seconded by Louise Reed, All in favor-aye

- 3. Public Hearing:**

Special Use Permit- TM# 86.-1-53

John DeLisle-Grasshopper Gardens

Sand Mining

4770 Rt9N

Dave: we will have the Public Hearing tonight, but first John DeLisle has some questions.

John DeLisle (Applicant): said he received a copy of the Town code and he referred to 2 specific areas re: Special Use Permits. One - exempt from State Jurisdiction and the second area is under State Jurisdiction. The State Plan states a 25ft setback buffer which was approved by the DEC in 2018.

Dave- this is one of the issues we discussed at the pre-liminary review at the last meeting.

This is addressed in the response from Jim Martin.

One of our question's is should the permit cover the entire life of mine for the project or only the 1.2 acres covered by the DEC Permit.

Jim Martin's responses to the board's questions: Chair read into the record.

4/21/2021

Mail - lsummers townofcorinthny.com - Outlook

RE: Delisle, Grasshopper Gardens Special Use Permit

James Martin <jmartin@thelagroup.com>

Mon 4/5/2021 1:48 PM

To: 'Dave & Linda Barrass' <lindave619@roadrunner.com>

Cc: lsummers townofcorinthny.com <lsummers@townofcorinthny.com>; Jacquelyn Poulos White <jwhite@mmshlaw.com>; abrooks townofcorinthny.com <abrooks@townofcorinthny.com>; rluca townofcorinthny.com <rluca@townofcorinthny.com>

Dave:

I have provided my **responses** to each of your questions in the original message below. Please contact me with any further questions.

Jim

James M. Martin, AICP

Senior Planner and Economic Development Specialist

The LA GROUP

Landscape Architecture
and Engineering, P.C.

People. Purpose. Place.

40 Long Alley

Saratoga Springs, NY

12866

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jmartin@thelagroup.com

Check out new website!

<http://www.thelagroup.com>

[Twitter](#) | [Facebook](#) | [LinkedIn](#)

From: Dave & Linda Barrass <lindave619@roadrunner.com>

Sent: Friday, March 19, 2021 11:14 AM

To: James Martin <jmartin@thelagroup.com>

Cc: lsummers@townofcorinthny.com; Jacquelyn Poulos White <jwhite@mmshlaw.com>;

abrooks@townofcorinthny.com; rluca@townofcorinthny.com

Subject: Delisle, Grasshopper Gardens Special Use Permit

Good Morning Jim

Some questions came up at last night's Planning Board meeting regarding the Delisle Special Use Permit that we could use some guidance with.

The NYSDEC Mining Permit that has been recently transferred from the previous owner to the applicant was effective 10/22/2017 and expires 10/21/2022. The Mine Plan attached to the permit is dated July 23, 2007 and revised September 10, 2007. The plan shows a 1.2 acre area designated to be mined over the life of the permit and a remaining life of mine area of 4.8 acres. The applicant estimates that the entire life of the mine will be 10 to 20 years and he will be applying for DEC permit extensions as work progresses. Should we be granting a special use permit at this time for the entire life of the mine or just for the 1.2 acre area covered by the current permit? **To be consistent from one regulatory body to**

<https://outlook.office.com/mail/inbox/id/AAQkAGlwZGFjZjNhLTRlZTctNDI2My1mZBKLWM2MmQ1MTIiZmU2YgAAQABpe2JC41bFHuK2SXOhjVC4%3D>

1/2

another (NYSDEC and the Town), and for ease of record keeping and enforcement, I recommend that the term of the special use permit cover the 1.2 acre parcel which is covered under the current NYSDEC permit. Under this approach the property owner can submit the same information for the renewal of the DEC permit as he does for the renewal of the Town's Special Permit and the information, conditions (if any), and enforcement can be uniformly and consistently applied across the regulatory program.

The mine plan clearly states that no processing equipment will be allowed and that all processing of material must be off-site. The applicant stated that initially there will be no on-site processing but he may eventually request a modification of the permit to allow it. Will he need to return for a revision of the special use permit if he does that? I recommend that the if the decision is to approve, that consideration be given to an approval with condition(s); and among those conditions would be that no material processing be performed on-site. If in the future the property would like to start processing on-site, then he will need to obtain approval from both the NYSDEC and the Town and adequate and consistent mitigative measures to reduce adverse impact from on-site processing can be considered at that time.

The applicant indicated that he has no plans for on-site retail sales to the public at this time, but he may want to consider that in the future. Again, will he have to return to the Planning Board if that occurs? As with on-site material processing, f in the future the property would like to retail materials from the site, then he will need to obtain approval from both the NYSDEC and the Town and adequate and consistent mitigative measures to reduce adverse impact from on-site sales of materials.

Our Land Use Regulations for mining in a Commercial Zone requires front, side and rear setbacks of 100 feet. The DEC mining permit requires that no mining, clearing or grubbing shall occur within 25 feet of a property line plus 1.5 times the depth of the excavation. In this case which regulation would govern? Board members have expressed concerns that the NYS requirement will not adequately protect adjoining properties from erosion and disturbance during excavation and prior to reclamation. I recommend that which ever approach results in the greatest setback distance, then that should be method selected and the Mine Plan as considered for approval should reflect that distance.

Thank You in Advance for Assistance.

Dave Barrass
Corinth Planning Board Chairman

Sent from [Mail](#) for Windows 10

Dave: John, I think you are wrong regarding the 25ft setback. The text of your permit says 25ft from the property line plus 1.5 times the depth of the excavation. That makes the Side Setback 65.5ft which is not all that different from the 100ft. Town side setback for sand mining.

That brings the board members up to date.

John, does that answer your questions? John, I think so, I will have to dig in deeper to fully understand it.

Jackie White Comments:

The State does pre-empt in permits in some areas. The general idea is we can put some conditions on the Special Use Permit. We can't go into the operations of the business. Things like the Dust Control is more about the operation of mining and really is the State's domain.

Planning Board discussion:

Dan – no questions

Louise- No

Daren- No

State Environmental Assessment (SEQR) Part2

Applicant submitted the SEQR Part 1 with his application.

Town Attorney read the SEQR Part 2 to the board and the board replied.

Motion to adopt a negative declaration that the proposed action will not result in any significant adverse environmental impacts was made by Daren, seconded by Dan, all in favor aye.

Opened Public Hearing at 7:20PM

Planning Board Secretary read the Public Hearing Notice into the record

Town of Corinth Planning Department
600 Palmer Avenue
Corinth, New York 12822
Phone (518) 654-9232 Ext.6
Fax (518) 654-7751

Planning Board

***** **NOTICE OF PUBLIC HEARING** *****

Planning Board Meeting Date: April 15, 2021 Time: 7:00 PM

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, a public hearing for the Town of Corinth Planning Board will be held on April 15, 2021, at 7:00PM via videoconferencing, as permitted by the NYS Open Meetings Law and Executive Order 202.1 amended. Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where Board members or Department Heads will be situated or in any other location. The public will be able to fully observe the videoconference meeting and will be able to comment during the public hearing.

For the Following Proposed Project:

Application for Special Use Permit

Location: 4770 Rt 9N

Tax Map #86.-1-53

Description: Special Use Permit- Sand Mining-extraction of sand from open pit

PLEASE TAKE FURTHER NOTICE, that comments for the public comment portion or public hearings can be (1) sent in advance of the meeting to lsummers@townofcorinthny.com, or (2) through the Zoom videoconferencing or the Zoom telephone call in number at the time of the meeting.

Applications are available for review at the Planning Office located at 600 Palmer Avenue Corinth, N.Y., Monday-Friday 8:00 a.m. - 12:00 pm and Wednesday – Thursday 1:00p.m.-4:00p.m. If you have any questions, please call the Planning Office at 518-654-9232 Ext. 6 or Fax your comments to 518-654-7751

INSTRUCTIONS TO ACCESS THE VIRTUAL MEETING: Zoom Information

The Corinth Planning Board is inviting you to a scheduled Zoom meeting.

Topic: Planning Board Meeting

Time: Apr 15, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81499269909?pwd=U0p5VHg4ME1GWjdIQk1qdHFWZFIOdz09>

Meeting ID: 814 9926 9909

Passcode: 663035

Dial by your location

+1 646 558 8656 US (New York)

Chair asked if we received the Certified Mail Receipts from the Public Hearing Mailing.

Secretary- yes

Public Comments

Matt Hunt- Campground owner: My main concern is the setback during the mining. 25 ft is too close, he agrees to the 100ft setback. He feels it will have a negative impact on his business.

No further Public Comments

Motion to close the Public Hearing at 7:25PM made by Louise, seconded by Dave, All in favor- aye

Board Discussion

Dave: my opinion is to follow Jim Martin's lead re: the issue of just for the 1.2 acres for this permit, if more mining refer to the Department of Environmental Conservation (DEC). Set conditions for the equipment used, retail and Jim Martin's recommendation for 100ft setback

Dan: - agrees with Dave

-the Duration of the DEC Permit helps the owner in the long run

-one thing re: the setbacks- make sure it is clear what the setbacks are

Louise: -agrees with the setback should be at least the 65ft- agrees with Jim Martin
-agrees with the conditions

Daren: - agrees with the setback condition
-agrees with the term on the DEC Permit

Dave: read from the NYS DEC Permit: Setback regulation

Minimum 25ft Separation from Property Line: No mining activity of any kind, including clearing and grubbing, shall occur within 25 ft of any adjacent property line or right-of-way. When mining is conducted lower than the adjacent property, the distance from the floor of the mine to the nearest property line shall be no closer than 25ft plus 1.5 times the depth of the excavation.

Dave: Read a proposed motion for approval with conditions and asked for comments.

Attorney- the town never had communications with the DEC and applicant prior to this application –

John DeLisle- just spoke with Jim Martin

Attorney- no concerns

John Delisle- main concern- will not use processing equipment down the road?

Dave- no onsite processing – NYSDEC, you must go back to the DEC and the Town Planning Board (PB), case by case.

Motion to approve a special use permit for sand and gravel mining at 4770 Route 9N on 1.2 acres as covered under the current NYSDEC permit expiring 10/21/2022 with the following conditions: 1. Any renewal, extension or modification of the NYSDEC permit will require renewal of the special use permit. 2. No material processing shall be performed on site. 3. There shall be no on-site retail sales without modification of the special use permit. 4. No mining, clearing or grubbing shall take place within 100 ft of a property line made by Daren Potter, seconded by Dan Willis, All in favor- aye

3.Morreale- Initial Review/Intake of Application: 7:4PM-

TM#: 57.-1-42, 57.1-43 and 44 ,57.-1-45

➤ **BLA**

➤ **2-Lot Subdivision**

Co Rt 10

Partially in Corinth and Town of Day

Dave: this is a complicated application – property located in the Town of Corinth and the Town of Day

Dave pointed out that his name is on the maps, he did the survey 18 years ago, they are just concept maps. Kristen Darrah is doing the current survey and the maps were not ready for tonight. Mary Ann Morreale is in a time bind and needs to move quickly. Dave said he has no part in this, no interest in the property. They are just concept maps, basically for show & tell tonight. Dave asked if he should recuse himself? Jackie White stated he is not required to recuse.

Dave asked the PB members if they are comfortable with him participating.
Board members- comfortable with it.

Dave:

-Referred to the maps, Mary Ann Morreale owns the property with the house and buildings on it.

-Brother owns at the back of the property, it is an odd piece of property.

-Discussed the Boundary Line Adjustment (BLA) lot lines on the map

-Problem: Lot 3 is being merged with a lot in the Town of Day.

Intends to sell the main parcel but pointed out she wants to keep a strip of land

-if she treats as a Sub-Divided the lot doesn't meet the required lot size

Dave- had numerous conversations with Jim Martin and Mike Valentine

- We can call it a BLA
- Both Jim and Mike agree we can make this a BLA, adding land to a pre-existing lot, not creating a new lot.
- Mike Valentine contacted Real Property and they said it is ok to have a portion in the Town of Corinth for taxes and the remainder of the parcel in the Town of Day would be taxed by Day.
- It comes down to this board whether we call it a sub-division requiring a variance or BLA.
- After discussion with Mary Ann this came in as a BLA and a 2 Lot Sub-Divide so that we could get this on the agenda for tonight's meeting. Mary Ann is under a time restraint to complete this project.
- Hoping to accomplish tonight is to be able to give Mary Ann some direction/guidance as to whether we will consider this a BLA and not a Sub-Divide. If it's a Sub-Divide she will have to go to the Zoning Board for Variances. This will take months to accomplish and she has a time constraint to meet.

-

Jackie White Comments:

First as pre-liminary I don't think this should be a decision by this board, it should be made by Jim Martin- Zoning Administrator.

I understand that the BLA is with the property owned by your brother.

The front lot is property you own. Mary Ann said yes. It is in the Town of Corinth and the Town of Day.

Mary Ann spoke with the Adirondack Park Agency (APA) and they will be completing the soil testing on Tuesday, on both the properties in the Town of Day and Town of Corinth. The APA will mark the wetlands, determine the jurisdiction and decide if the Town of Day and Town of Corinth lots are buildable. The APA will not approve the Sub-Divide if the property is not buildable.

Dave: It is my opinion not to take any action tonight but to get some direction regarding the Sub-Divide or should it be a Boundary Line Adjustment (BLS).

What I'm hoping to accomplish is to give Mary Ann some direction with a Sub-Divide or BLA.

Dave read Jim Martin's comments re: Morreale Sub-Divide:

Saratoga County Planning Board (SCPB)

Dave spoke with the Mike Valentine- SCPB re: Morreale Sub-Divide, Mike said they will consider it a Boundary Line Adjustment (BLA) not a Sub-Divide.

Jackie White-

Said the applicant's plan may change after the meeting with the APA on Tuesday.

Get the APA's input first.

Dave- We do need to know how we are going to proceed.

Board Members- BLA?

Dan – Lot 3- how large is it? 3.2 acres in Town of Day

- BLA – 2 existing parcels- in the Town of Day & Town of Corinth? Mary Ann – has deed to both parcels- 2 different tax bills.

Louise- have you contacted the Town of Day? **Mary Ann-** The APA contacted the Code enforcement officer in the Town of Day.

- Wait to see what the APA decides- no further questions

Daren- no questions

Dave- if Jackie doesn't come up with a reason not to do a BLA and the County Tax Department said it is ok, Jim Martin said it is ok, SCPB said do a BLA then we should consider it to be a BLA.

- It is our job to decide if it's to be a Sub-Divide or BLA.
- Wait for the APA Decision, then make a final decision
- If it is a Sub-Divide creating a lot in the Town of Corinth, we can't approve it as a Sub-Divide unless it is a buildable lot.
- The Zoning Board would have to grant an Area Variance

Jackie- Recommend applicant speak with the APA and come back to the PB/ZBA with a plan

Mary Ann appreciated the PB input.

Dave- Jim Martin has been involved from day one with the application, gave recommendation to the applicant and to the PB on how to proceed.

Dave- need

- the official Determination from Jim Martin.
- APA final plan to Jim Martin
- SCPB meets tonight- they will issue a negative county impact, Mike Valentine (SCPB) will consider it a BLA not a Sub-Divide

Mary Ann- I appreciate your time and consideration.

Motion to adjourn at 8:15pm made by Dave, seconded by Louise, All in favor-aye

Minutes submitted by the secretary Lynn Summers

C:\Lynn\Planning 2018\Minutes - Recordings 2021\4-15-21\4-15-21 PB Mtg Rec\4-15-21.docx