

**TOWN OF CORINTH
ZONING BOARD OF APPEALS
600 PALMER AVENUE
CORINTH, NEW YORK 12822
518 654-9232 EXT 5
FRED C. MANN JR.
ADMINISTRATOR**

**SEPTEMBER 6, 2007
ZONING BOARD OF APPEALS MINUTES**

A meeting of the Corinth Zoning Board of Appeals was held on Thursday September 6, 2007 at 7:00 P.M. and called to order by Vice -Chairman Sigrid Koch.

Present: X Sigrid Koch X Jeffrey Fedor X Glen Tearno X Philip Giordano X Attorney Pozefsky X Fred Mann Administrator X Linda Hamm Secretary

Absent with Excuse: Chairman William Clarke

Public: Lacy Skinner, Arleen Springer, and Fred Koch

A motion to accept the minutes with mentioned corrections was made by Philip Giordano and seconded by Glen Tearno.

ROLL CALL VOTE: Y Sigrid Koch Y Jeffrey Fedor Y Glen Tearno Y Philip Giordano

4AYES 0 NAYS

OLD BUSINESS: Sigrid asks Fred Mann the status on the Obach's? They had made the decision to bring the garage in the 30' and place the home when they build that farther back so all set backs are met. Sigrid asks Fred about Mr. & Mrs. Allen if we had heard back from them or have they gone to the Planning Board. Fred states he is not aware of them getting back to the Planning Board with anything and the Allen's have not been in our office.

NEW BUSINESS: We have Mr. Lacy Skinner here requesting an area variance because he is unable to meet the setbacks to build his garage.

Sigrid states to Mr. Skinner, you are looking for a (4') relief to build your garage because you can't meet the setbacks and it's not attached to your home.

Sigrid states they just saw the pictures so if you would like to review just what your plans are? I am just looking to build a 24x24-foot garage. Jeff Fedor asks, is this what you are concerned with the leach field? Yes, the septic was put in when the house was built; I was not there for the installation I believe the leach field is in front and along the side of the existing garage. But I am not really sure. I also built a pavilion on the other side of the house and basically the slab would have to be tilted and it just wouldn't go with the house. Jeff states the property next to your line has no residence? No, it is vacant land. Sigrid states that Linda said that you are looking into purchasing the adjacent property? They are all 3 1/4-acre lots. I have made and offer on the vacant property and the owner seemed interested but I still haven't heard back from them. Sigrid states that we will have to hold a public hearing and Linda will help you with such things like getting the letter written for you to mail to the people that are within (500) feet from your property. Mr. Skinner states he is not sure how a public hearing works. Sigrid states he would come back here next month and anybody that wants to speak either for or against would be given the opportunity to speak. If they are unable to attend the board meeting they would be allowed to mail a letter addressed to the Zoning Board of Appeals. You see Linda and she will help you with this. Secretary Linda Hamm stated to Mr. Skinner I will call you in the first part of the week and I will have a letter for you to mail certified receipt requested to these people and I will explain the procedure. I will schedule a public hearing for October 4, 2007 at 7:10 P.M.

Sigrid asks Administrator Fred C. Mann about the application that was sent to them for Mr. Larry Ramsey Jr. Fred states to Sigrid that this is the case that was being dealt with at the last Town Board Meeting. Mr. Ramsey came up with a letter signed by Mr. Smead that he didn't need any more licenses, per the Town. Counsel for the Town looked into this and said even if he didn't have a license for this from the State of New York once he continued working there. Yes he was still working there. The reason we got this started was because there were a few more cars there than what are allowed, when I got a hold of the State Department if this Repair License was still good. That's when the State stepped in and found out that it had been since December, 2003 that it was last active. When the Town Board asked me if he was still working there, I said yes and they ended up grand fathering him in. Mr. Ramsey has a scrap yard license but it all has to be done behind a fence. The vehicles are going to be put in a dumpster and taken away. Sigrid asks then how do we proceed? Mr. Ramsey has to get things cleaned up and put behind the fence. I went up yesterday and there was only one piece of fence that is up at this stage of game. Mr. Ramsey doesn't own it, his female friend owns it, and it has been in her family for years. Sigrid asks so then this letter from Doug how is that effecting this? Mr. Mann states that it is dated in 2002 time frame. What other restrictions are there now that we have zoning in place? The Town Board stated that he didn't need a license from the town, but he still needed a license from the State. The Town Board made a resolution for me to bring Mr. Ramsey to court then Mr. Ramsey requested to come

and talk to the Town Board and he produced the letter signed by Doug Smead and the board then decided he was grand fathered in. Sigrid states No! My question is what is the procedure now that we have zoning? Mr. Mann states that is what he is saying, that's a non-conforming area for that business, but the Town Board grand fathered him in. Sigrid asks will we receive a resolution from them saying this is a non-conforming use so when that business closes it could not continue at a later time? Fred states he doesn't recall that but we could ask them to write us one. Sigrid asks Attorney Pozefsky if that would be appropriate? Marty states it would be for the future, if he stops doing business there for over a year that the property would loose that non-conforming status. Sigrid states it is residential and it is a shame to have that kind of eye sore with those nice homes around. Attorney Pozefsky asked if this was done at a meeting where minutes were kept? Fred states yes. Then we may be able to get a copy of the minutes if it's clear what they did. Sigrid asks Mr. Mann, what is the continuing observation of business?

I mean that business of Donaldson's Garage with all the unregistered cars. Fred states they have a license for that too. Sigrid states he has a fence but all the cars are in front of it, not behind it. Fred states if he has a State license for the garage he is allowed to have the cars there. Sigrid states yes, but he is not working on them, they are just sitting there. Fred states that when he stops, all he has to say is that he is working on them or that he is waiting for parts and I can't prove he's not. As far as Mr. Ramsey, he was operating with out a license and when the State investigated they didn't fine him and gave him a new one. Sigrid states there are definitions here and these are to have fences and storage is to be behind fences. Attorney Pozefsky states that is actually an enforcement question Fred, because even if you have a non-conforming use if the issue has to do with health or safety you can still enforce code provisions. That's kind of a touchy subject because, if it's non-conforming they don't have to follow anything unless it's a health or safety issue. Now whether or not storing cars behind a fence or in front of a fence could be a safety issue that is a tuff call. I think it would boil down to an enforcement issue for he and the Town Attorney to go through.

Sigrid states, as Mr. Skinner pointed out at our last meeting the businesses in that area look terrible and some are out of code. I'm saying that if we have ordinances that we can enforce, we definitely should be looking to do it so we can clean up that area. Attorney Pozefsky states that with these grand fathered uses, it is not easy to know where the line is. Sigrid asks now do they have to be reviewed like junkyards? Fred states, no not that because it is through the state. He has a State Repair License, not a town license. That would be your campgrounds, mobile parks, and churches like that. Jeff Fedor states he has a question. The public hearing process, when that comes before the board I felt this gentleman's pain, he's trying to get the garage in before snow. So he comes perhaps two weeks ago makes out the application and shows up here tonight. Most looking surprised, now I have to wait another month. With speaking with members of the Zoning Board in Saratoga, they have a slightly different process. The first time the applicant shows up ends up being a public hearing. I don't know if that is something that we could look into? Because I see

that same reaction from a lot of applicants. This is turning out to be a (60)-(70) day ordeal where there is a positive response on their area variance. Attorney Pozefsky states he knows you can do that and I know it's done on the Planning Board on occasion in this town. Once an application will come in, they will put it in the paper and get it on for the next meeting. Again when there are timing issues, so you can do it. It just depends on the board's procedures as to what they want to follow. The down side of that obviously is public that comes to meetings and sees if for the first time or not aware of it, they are behind the eight ball a little bit, because they haven't had a chance to write a letter or perhaps get something into the board on it. So while your helping the applicant, the down side is that the public may not have enough time to respond. Sigrid states it's just a consideration, there is such a small time window. So maybe the board would consider a policy that says if we are getting near winter maybe we will put some things on as long as we have time to get it into the next paper. Then in the Springtime go back to the regular situation. Would that be something the Chairperson could do, come in review the application and see if that would be appropriate? If the board by resolution gives the chairperson the authority to make that decision, then yes.

Sigrid states the Chairman will return next week. Attorney Pozefsky states to discuss it. Then that always begs the question as to something looks simple or not whether a neighbor would think so and those issues. Sigrid states then you could always keep the public hearing open. Attorney Pozefsky states yes you could then you run into six weeks instead of four. Had you done it the old fashioned way of four weeks it would have been shorter. What starts out as trying to help the applicant actually delays them a little longer. Secretary Hamm asks Attorney Pozefsky if they had the regular meeting then decided to have the next meeting in two weeks rather than wait until the next month? The board can always schedule a special meeting. For example, if you decided that Mr. Skinner was really desperate and needed to get it in, you could always schedule a special meeting in two weeks. Then just come in and hear his case if you felt that timing was a real issue.

*Vice Chairwoman asks if there is anything from the public?
A motion to adjourn the meeting was made by Glen Tearno and seconded by Philip Giordano.*

Roll Call Vote: X Jeffrey Fedor X Sigrid Koch X Glen Tearno X Philip Giordano

4 AYES 0 NAYS

Next meeting will be October 4, 2007 at 7:00 P.M.