

**TOWN OF CORINTH
ZONING BOARD OF APPEALS
600 PALMER AVENUE
CORINTH, NEW YORK 12822
FRED C. MANN Jr.
ADMINISTRATOR**

**William Clarke
Chairman**

**Sigrid Koch
Vice Chairman**

Jeffrey Fedor

Glen Tearno

Philip Giordano

OCTOBER 2, 2008

A meeting of the Corinth Zoning Board of Appeals was held on Thursday October 2, 2008 at 7:00 P.M. and was called to order by Chairman Clarke.

Present: Y Sigrid Koch Y Jeffrey Fedor Y Bill Clarke Y Glen Tearno Y Philip Giordano Y Attorney Pozefsky Y Fred Mann Y Linda Hamm, Secretary

Public: Charlie Hoffman, Arleen Springer, Fred Koch , David Kane

A motion to approve the September minutes with the amendment was made by Glen Tearno and seconded by Phil Giordano.

Roll Call Vote: Y Sigrid Koch Y Jeffrey Fedor Y Bill Clarke Y Glen Tearno Y Philip Giordano

5 AYES 0 NAYS

Old Business: Mr. Kane returns with his public hearing still opened from last month so that the board members had time to look at the actual site in regard to his wanting to build his garage 4' from the back property line.

Chairman Clarke states that we will continue with the continuation of Mr. Kane's case. The secretary stated to the board that Mr. Mann went to Mr. Kane's property to measure everything himself and that a copy of that map is the last page of the application that is submitted by Mr. Kane. Chairman Clarke asks Fred what his sense of the layout was? Fred states to Mr. Kane that the marker he believes to be Mrs. Christopher's he measured 5' 8" from the property line to the stake you had placed as a marker for the garage. Phil wanted to know about the slope and the measurement starting up the driveway. All the other measurement was pretty close on.

Fred explained the markings on the drawing to the board members so they could understand where the level land is and where the sloping begins. This will help to show the area for plowing and turn around and parking. After a discussion of the property and possible other setbacks the board members decided that the garage could be moved forward toward the home. Jeffrey Fedor makes a motion to move the garage forward 20'. Mr. Tearno states that we also need to consider the future. If Mr. Kane or the next landowner decides to move the mobile home out and replace it with another or a stick built home, the garage being moved up possibly would interfere with removing and rebuilding a new one. You may be putting them in a position of cost prohibiting to do so. So if you want to think about the future, this may be a consideration. Chairman Clarke states to Mr. Tearno, what's your reasoning here because im not following you. Mr. Tearno states like I said, if it's the current owner or a future owner if you move that garage too far forward, you may have some difficulties in removing that mobile home and or putting in a permanent structure. Chairman Clarke asks because of the topography? Mr. Tearno states yes, because of the topography and the place the garage sits. You may be limiting someone from putting in a more permanent structure in there. Plus there are questions as to where the septic is. Another thing we should probably consider. Mr. Fedor states we would be asking Mr. Kane to move it 25' forward and out of the 41' there he would still have 15' of natural level land. Chairman Clarke asks what the topography of the land on the East Side of the proposed garage. A Mr. Mann state it is level, but the septic and leach field is also over there, so you can't move that way.

Mr. Fedor asks Fred if he knows the distance from the front of the house to the road? No, I didn't measure that but I believe it be at least 40' or more. Mr. Tearno states if you look at it, when you come out of the front door the embankment is right there. Mr. Fedor states it's a valid point but you always want to make sure we consider setbacks and additional buildings and the option of the homeowner. I think there is also the consideration of the option for the owner in the future. I think there is also the consideration that this is a rather large secondary structure were talking here. It's not your standard 24-x24-- (2) car garage. Chairman Clarke states we also have the consideration of the neighbor and if the tree falls from his property to Mr. Kane's. Mr. Tearno states it good that he is concerned about his neighbor's property. If the trees blew down and hit the shed, Mr. Kane's insurance most likely would cover for the damages. Also if it is a 50' tree that is blown down and the garage is 30' away, it's still going to hit it. So I don't think that is something that is a legitimate consideration. Attorney Pozefsky states to the board members for you information, the insurance for the home owner it does generally include coverage for wind blown trees that would go over onto your neighbor's property and cause damage.

Sigrid asks Mr. Kane what he plans to use the garage for, possibly storage? Mr. Kane states he has (2) 1967 Pontiac Firebirds that I would like to keep in there, one has been fully restored, but is slowly deteriorating and would like to get it in out of the weather. After that it would leave enough room for a daily driver and not much else. After a continuing and repeating discussion a motion was made.

Mr. Fedor makes a motion to deny the applicant this relief because the benefit being sought by Mr. Kane can be achieved by a feasible alternative, in moving his proposed structure. I would like to propose to the board could accept a relief of 20'. Phil Giordano seconded this and a roll call vote was taken.

**Y Sigrid Koch Y Jeffrey Fedor Y Bill Clarke N Glen Tearno
Y Philip Giordano**

4 AYES 1 NAYS

Secretary Hamm states to Mr. Kane your variance has been

approved for a 20-' setback. If you would still like to obtain a building permit my office is open Monday - Friday 8:00 a.m. - 4:00 p.m. Attorney Pozefsky states to Chairman Clarke that for their record, with was a type 2 SEQR action and didn't require any further review.

Next is Mr. Charlie Hoffman representing the Byer's for the addition on the Veterinary Clinic. Chairman States that there is a letter from a concerned neighbor I believe from the south side. Secretary Hamm states that Mr. Sequin's concern is that there will be more run off coming down into his yard and basement. Mr. Sequin asks if it is possible to put up perhaps a rain gutter and have it come out in another area. It should start in the front come around the side and up the back of the building. Right now it runs off the side and back into the low area and runs into his yard and basement. Chairman Clarke asked the Byer representative Mr. Charlie Hoffman if he thought he could accommodate that request? Mr. Hoffman states he can't speak for the Byer's but he would approach them and another possible alternative might be to put in a drywell to have the water go into. Chairman Clarke asks if anyone from the public has input they would like to give?

Sigrid states the only thing she would look for is relief for the neighbors and the environmental problem. Glen Tearno asks Mr. Hoffman if he knows home much of an affect it would have on the septic system there. Mr. Hoffman states it is way in the back of the property. Mr. Hoffman states if we bring the down just off where the existing building starts that wouldn't be in the way of the septic. Mr. Tearno states to Mr. Hoffman, you don't think that will have a negative impact where it would flood their basement? No, stated Mr. Hoffman. Mr. Fedor states we don't know necessarily that this problem didn't exist prior to the building being there. Mr. Hoffman states if you just look here everything every where is dumping , he is at a low point. Mr. Hoffman state the request to putting in rain gutters and diverting it is reasonable. Earth work is very expensive.

MR. Jeffrey Fedor states he would like to propose that we accept this application for relief on the setbacks. From 67' to 27' on the side and 75' to 35 ` along with gutters being placed on the front and back of the building. I believe

Mr. Byer has shown that he has considered all other alternative's and moving forward with this addition is very feasible especially in consideration that the building that is standing was all done prior to zoning. Phil Giordano seconds the motion.

Roll Call Vote:

**Y Sigrid Koch, Y Jeffrey Fedor Y Bill Clarke N Glen Tearno
Y Philip Giordano**

4 AYES 1 NAY

Motion was passed.

Attorney Pozefsky states for the record this was a type 2 action and no SEQR is required.

New Business: Mrs. Kropf comes for an area variance. She would like to subdivide her property on Jenny Lake and have one lot to sell and the remaining 25 x 250 lot to build her housing for her boathouse. Mrs. Kropf handed out additional information to the board members and gave a brief history of the property to show the president and forming of the land. After this brief history, the board members asked questions in regard to the property and if it was in Tawiskarou? Mrs. Kropf stated no, they would love to have it though. Chairman Clarke stated that we will have her back next month for a public hearing. You will need to get with Linda for this process. Secretary Hamm stated to Mrs. Kropf that she was in the office Monday - Friday from 8:00a.m. - 4:00 p.m.

Sigrid offered a light discussion of the application for the Zoning Board. Marty gave us a copy of the one used in Galway along with a guide they use for the application. I'm impressed with it, Jeff states that there are many good factors in this. Chairman Clarke asked Sigrid if she would like to revamp it for our use? Sigrid stated yes and then it will have to be submitted to the Town Board.

Motion to adjourn the meeting was made by Sigrid

Koch and was seconded by Jeffery Fedor.

Roll call vote: Y Sigrid Koch, Y Jeffrey Fedor, Y Bill Clarke, Y Glen Tearno, Y Philip Giordano

5 AYES

0 NAYS

This meeting closed at 8:10 p.m.

Your next meeting will be on November 6, 2008 at 7:00 p.m.

Respectfully

Linda Hamm

Chairman William Clarke