

**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

NOVEMBER 6, 2008

A meeting of the Corinth Zoning Board of Appeals was held on Thursday November 6, 2008 at 7:00 P.M. and was called to order by Chairman Clarke.

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

Public: Debbie Kropf, Elizabeth Huntley, Arleen Springer, Fred Koch, Rexford Moon Jr., Margaret Moon, Ed Linville, Mallory Digges, William M. Blood, Howard Russell, Dorie McKibbin, William Phillips, Eric Belcher, John Clark, Margaret Clark, John Caffry, Robert Yunick, Nancy Bogdanowicz.

A motion to accept the minutes for October 2, 2008 to be amended was made by Glen Tearno and seconded by Philip Giordano.

5 AYES 0 NAYS

Chairman Clarke asks Attorney Pozefsky about the legal

add for this hearing. Attorney Pozefsky stated that Mr. Caffry found two different dates to be a bit confusing and believes that it should be run again. Although this legal ad was run again in today's paper I believe that the public hearing should be postponed until next month at which time a corrected legal ad can run in the paper. That way everybody clearly knows when the public hearing will be. Chairman Clarke asks Attorney Pozefsky if Mrs. Kropf can present her cast tonight? Yes, states Attorney Pozefsky, you should just hold off on any decision.

Attorney Caffry states that he didn't want to postpone the meeting, that he was just making a point. There are several people here tonight and may not be able to be here in December. Phil Giordano asks the board if anyone would have a problem with opening the public hearing tonight and keeping it open for December?

Attorney Pozefsky states, you can open it tonight for the benefit of everyone here and keep it open and then re publish goes back into the paper and it will cure's that problem if that is okay with Attorney Caffry. Attorney Caffry states he was not trying to delay tonight's hearing I just saw this problem and saw how some people could get confused. There is a lot of people here tonight and I don't know if they can make it back in a month and I certainly request that you open the public hearing tonight and then continue it with the corrected notice.

Mrs. Kropf asks if that means she has to send out the notices again? Chairman Clarke states, No! It will just be a continuation of the public hearing next month.

Chairman Clarke asks Attorney Pozefsky if it is going to be a problem with Debbie Kropf representing her parents because they are the legal owners of the property. Is that going to be a legal issue? We have had architects representing other owner's property. Attorney Pozefsky states that it should probably be addressed by Jane signing something stating that you have authority to represent her on her behalf. I know with other professionals they grant that kind of authority.

Chairman Clarke asks Mrs. Kropf if she could do something like that? Mrs. Kropf states yes, but to make something clear, my father passed away a few years ago and it is owned by my mother and she is not mentally capable of signing something and my brother has power of attorney, so he would then sign the statement. Attorney Pozefsky states to the

board that they should also get a copy of the power of attorney. Chairman Clarke asked Mrs. Kropf if she could do that for us. Yes, stated Mrs. Kropf. You can bring that next month? Yes, stated Mrs. Kropf. Chairman Clarke asks Attorney Pozefsky if there are any other bugs? Attorney Pozefsky states that he knows that there was a question raised by Mr. Caffry as to how many variances are actually needed here? I don't know if Mrs. Kropf has had a chance to review that and decide whether or not she needs additional variances because that could be addressed as well. She could file any additional applications for any additional variances for next month as well. Mrs. Kropf stated she was unaware of the setback requirement from the lake, I was using what the Adirondack Park Agency had as their setback. I was not aware of an additional set back. Which I am willing to move it back so that is not an additional variance. Chairman Clarke states that he believes we now can open the public hearing.

Chairman Clarke asks Mrs. Kropf to come forward to address the board and public. Mrs. Kropf states the last time she was here to review the project, it is regarding a property at Jenny Lake. This is not part of Tawiskarou. There is a little bit of confusion about the lot for which the subdivision is being created by that (25-ft.) access is. As the picture shows right now is that the property in question is 150' wide and what we are proposing is to take 25' and have that attached to the property located on County Route 10 so that it provides lake access. I have to say, I feel like I have been naive because when I look at that map with all the tiny little lots, which is consistent with the development around the lake, they are small lots.

My adjoining neighbor had at some point subdivided his 50' piece of property to give access to a piece of landlocked property. I thought it makes sense. We have to sell off a water front lot, but it has been done before that a piece was subdivided to create Lake Access. It's not inconsistent with the neighborhood. Now I am being accused of by some members of the association, that I am trying to do something detrimental to the environment. That is not at all my intent. I have come up here for my whole life and the last thing I would want to do is something that is not in keeping with what I see is all ready being developed along the lake. So then there is the letter in which I did say I do have mine, with the

attorney reviewing it that there was two major concerns. One is the change in the neighborhood. Again if you look at that subdivision map those are tiny little lots. They are 100'x250'. This I am creating is 125' wide. I know that the 25' strip is smaller than anything there is, but again it is just for access for the lot across the road and it has been done in the past. This is a build able lot and anyone owning it would have the right even if it were not subdivided to build a camp and to build a boat house on the lot. There is nothing in the law that states you can't develop the lot. It's going to change no matter what. The argument here is it will be developed, yes there will be a structure there. Also there was an existing boathouse. I know it was an eye sore, but it's gone it was destroyed. So the newer one if it ever gets approved will be a lot nicer. The other issue was allowing up to (4) lots to use the 25' strip for Lake Access. I was not aware, until I read his letter that this is what the Adirondack Park Agency application allows. Which is not something I applied for. It was merely for one lot. So I am willing to, in order to remediate that situation that 25' strip of land will be deeded to the property across the street. It is going to become one lot. Four lots are not going to be using that. I can understand their concern about that. That was never my intention. I think just having a deed restriction on the lot easily rectifies that.

Now not only do we have a lot of the members of the community here but there was a plethora of letters. Basically what I can get from the letters is talking about stewardship of the lake and changing the neighborhood. Again they are build able lots and again I am not doing anything that has not all ready been done. We have the owner of the new camp there, Mallory Diggs, that she built a beautiful new camp, so that is a change there. Although it is much improved over what Diggs camp looked like. There is also another camp that is being built, unfortunately the owner lost their other camp to fire last year, and they also wrote a letter. I would like to make a comment about that camp that is being built because I don't remember how many years ago and we will all remember this in the community. There was a right of way; you can see this on that map here. Right next to my lot here, they cut down all the trees there Illegally. Now in rebuilding their new camp they have moved it over. The only reason I say this is because I am being accused of not caring about the stewardship of the lake and the environment, but there are examples of people

who are members of the community who also show a lack of concern. The last thing I am trying to do is mess up what is all ready there. What I believe my rights are, or the new owners of the new property rights are. So that was one letter, this one person in particular has all ready cut down trees, and it's amazing that, I think it has been (15) fifteen years or more that there are no more trees, they haven't grown back up yet in that 25' strip. Now with building their new camp, it just happened to move over, so that there is a beautiful view of the lake.

The next one is from my neighbor, he is a nice guy and we talk over things and he says he doesn't want to see nature destroyed. Here again, something is going to be built there. But a few years ago he had the unfortunate experience of wanting to have some trees removed from his property and his property is right next to mine and actually a lot of those trees were on my property. He hired an un-scrupulous contractor who cut down more trees than he was suppose to, left a mess. I didn't hire the guy but I paid for part of the tree removal because it was on my property. A lot of the trees he removed were on my property. I got a call and was asked if he could cut the trees and I said yes if it had been approved by Tawiskarou because it is kind of nebulous where the property line is. Now I know because I have a survey.

Then the third letter is from the person that owns the 50' wide strip. He has the 50' strip that allows him access to the lake for a land locked piece of property. So there is an anachronism called mime bees" not in my back yard syndrome." I see this as a big case of that because I am not trying to do anything that is not in my rights, except for, you noticed this tiny little strip that I am willing to deed to the parcel across the road. So that it is not going to be given to four people, I'm not going to mess with the lake front and there are two build able lots there that one way or the other, I know there is a whole other issue with Tawiskarou about purchasing this, but that is a whole other legal issue that is in my family that we will deal with later. What I am saying is I am not doing anything different than what has all ready been done there. I am not going to damage the environment; I have been coming here since before I was born. I'm not trying to do anything vengeful or hurtful or damage anything that is all ready there.

Chairman Clarke asks if there are any questions? Mr. Fedor has some questions. You may have to hustle and point on the map. A couple of my questions might be, this 25' lot would be attached to this one, as they look at the map. Mrs. Kropf states yes, meaning joining the 25' lot with the property on County Route 10. The other question would be, can you give me a feeling on either maps of Tawiskarou lots land, what is that relatively speaking. Mrs. Kropf states at the last meeting I gave you a colored diagram do you have that this evening? Yes stated Mr. Fedor. Mrs. Kropf states that the darker ones are the ones that have camps. The lighter ones are the lots that are open space.

Mr. Fedor states you made reference to the 50' lot, which is here on the map. Now was this 50' lot you are saying a previous action taken similar to what you are asking for? Yes, stated Mrs. Kropf. Out of curiosity is there a boathouse on there? No, stated Mrs. Kropf. Mr. Fedor asks was this always like this or was subdivision done? Mrs. Kropf states there was a sub division done. As I said the property we have was given to us, we inherited it from my father's mentor basically. Mr. Lester, who camped up there in 1908, he bought that parcel. He was one of the first people to purchase property in that area. Way before Tawiskarou was even conceived. Now in 1946, he subdivided it into two 150' lots. He bought a 300' wide lot to begin with. At some point that 50' lot got subdivided and I'm not sure when. Mr. Clarke asks, after 1946? Yes after 1946 stated Mrs. Kropf. Mr. Fedor states they are his questions for now.

Chairman Clarke states the public hearing is open and we have received several written comments and we will take all of them into consideration when we make our final determination. Is there anybody who wants to speak tonight?

Mrs. Elizabeth Huntley I am the Secretary Treasurer of the Board of Tawiskarou. I believe along with me are other members and past members, I believe I am the only current sitting board member here. As a board we have been apposed to this subdivision because it would entail a little more complicated issue than just subdividing. We understand there are two build able lots that are up for sale. This would entail

yet adding a third new family to our 40-member group. Tawiskarou got started in the 1920's and 1930's and we have 40 members we have our deeds under deed covenants that are filed with our deeds down in Ballston Spa. These have certain limitations and when we sell our properties, should that happen the deed covenants go along with them. Which means we agree to abide by the regulations and rules of our association. Very important to us is the maintenance of our environment. We want to keep it at a centesimal a group that make use of it and take good care of it. We don't allow motor boats for example. Much of the lake, half of the lake is forever wild and we have agreed to keep it that way. We own a quarter of the lake and Gahada is the other part of the association and they have 25 families on their side. They have a similar kind of situation and we talk over these kinds of matters. I know we have certain board members and certainly have one representing Gahada so we can let these people speak to the technicalities but we appreciate you entertaining our opinions and we certainly feel that this is not in the best interest of the lake or our community to have a membership granted to our association with only a 25' lot. The property across the street on County Route 10 the 20 + acres is not part of this group and this 25' that they are trying to make the subdivision on, if we accepted this as their membership would mean that what ever happened on that 25' parcel all those families would have access to the lake. This is not necessarily your concern as a zoning board but it is ours as an association. We don't think the lake should have as many families as that, we would like to keep our environment pure and as controlled as we can.

Chairman Clarke asks Mrs. Kropf if she would like to comment to that. I would thank you. I thought I just explained the owner of the cabin would only use it. Mrs. Huntley states there is enough land for it to be subdivided. The 25' lot would be deeded to the lot only with the cabin. Chairman Clarke asks if there is anyone else that would like to speak here tonight? My name is Mallory Digges I own the property directly next door to what Debbie mentioned I'm at lot #35. As one of the newer owners on Jenny Lake I have although grown up on Jenny Lake. My father and grandfather owned property on the other side of the lake in the community called Gahada. I have two specific concerns that I want to address. As someone that is living right next door, what the

Kopf's are proposing is to put an accessory building on a 25' wide lot. It's a 12' wide boathouse. Yes, there was a boathouse there before, however we are talking about moving it way over next to my house. She is asking for a variance so she can put a 12' wide accessory building on a 25' building lot. That gives 6 1/2' side setbacks for an accessory building and I'm wondering where the other 20' side setback coming from? It's coming from my property essentially, that's what's being proposed here. In essence it is taking it out of my land and I think that is grossly unfair. There may be times when the board may see mitigating circumstances where a board might consider a variance to a setback that is a 75% variance. Were not talking about a foot. Were talking about a 75% variance. There are times when the board might consider under duress something that significant but were talking about a family that owns another large lot plus 22 acres, across the road.

Basically it's saying hi, can I develop my land take it out of your peace and quiet which you just paid a premium for. Which some of you know have significantly altered the appraisals up at Jenny Lake because my purchase price was a little too high. I feel like a paid a premium for that and now I'm being turned around and said it's okay cause with somebody else if we just throw the zoning requirements out. I have yet heard any argument that is compelling as to why it should accentually come down to me. My other concern is regarding something that was new information to me tonight and that's the fact that the new 25' lot would be attached to the 22-acre lot across the road. I'm a developer and builder in Massachusetts and I appreciate Debbie's comment that it is not her intent for anything to happen across the road that would impact these 12' but the road to hell is paved with good intentions and quite frankly when you attach that 25' wide parcel to 22 acres you just opened a can of worms in terms of who you now have granted routine access to the lake. You might be saying, why is everybody talking about the environment, why is it such a big deal that you are trying to control access to the lake? The other side of my lot accesses what is called Boat Launch Road. In fact during my time being here now have had the occasion to question a car that drove right down and backed into the lake. Unknowing that the didn't realize where there tires were. This is a vary delicate lake and admitted that they didn't have the right to be there.

Saying oh but I am just picking up my boat that I had out in the lake for the day. Now we don't have any police force and we are not really interested in walking around and challenging every bodies right to be there. Now if you attach a 25' wide parcel to the 22 acres across the road, I think you have lost any hope of control. There are many other issues but I have seen some of the letters that have gone out and I believe they have all ready been addressed. As a directed buyer I have not seen or heard anything that justifies why this should be allowed.

Chairman Clarke calls on Mr. Moon. I am going to take advantage of what I think is a set up here so I'll get a little bit closer. Well I have heard some things here tonight when people who don't know what they are talking about. Excuse me for saying that, there are certain exceptions. My name is Rex Moon if there is anybody that doesn't know it. I live full time on Jenny Lake. I have been there for (25) twenty-five years as a full time resident and 65 sixty-five years since I was lucky enough to marry somebody who had a camp there. If you want to be there, that's the way to get there now days, or to be born into a family that all ready has one. I have a little interest in this; I am the former Chairman of the Zoning Board of the Town of Corinth. I can't say now that what you have now is the exactly the Land Use Law what we created but it is close. I was at one time for a short time a member of your organization but I decided that it belonged to the younger people of the community. Now with the respect to the various variance requests put before you I would like to make these comments.

First of all Camp Gahada there are 25 members. We are a community. Now I am going to use that word community quite frequently because the Zoning or Land Use in the Town of Corinth makes a big deal about the well fair the well being the interest the support of the community. If you don't realize that, you haven't read the Land Use Laws. That lake is owned by the two communities Tawiskarou and Gahada. Believe it or not, all the land over 500 acres surrounding that lake are owned maintained and guarded by those two communities. Both communities object to this plan that has been made public. All the lots on the shoreline of Tawiskarou are sub standard lots. I don't know if anybody had told you that. But the Low Intensity Use required by the APA and the Town Land Use Plan call for much larger lots than currently

exist or have ever existed for individual property on Jenny Lake. Your land use plan says that an existing sub standard lot shall not further be subdivided. I hope you know that. Also your land use plan says that any sub standard lot shall not be created. The land use plan was there for the welfare of the community be considered. Tawiskarou is a neighboring community of Gahada and is in opposition of this request. Your land use plan states that any building such as a boathouse, on any lot sub standard or not must meet the standards of the law. Those proposing this request do not meet those standards, and further more boathouses don't exist on Jenny Lake. There is a big debate whether the other is a boathouse or an icehouse. We are going to have to go back further to one that is far older than either one of us. There appears to be other ways to meet the needs of the applicant to gain access to the lake with out creating any more sub standard lots. If you approve this variance you are creating sub standard lots, I hope you know that. Now is this a hardship you have? Hardship, now that is a great prerogative that you have. As far as I can see, hardship in this instance relates to the ability of the party to have access to the lake. This community, Tawiskarou has been extremely generous in offering the party of interest alternatives. Hardship in a land use case relates to the use of the land not to the potential for short or long range real estate deal. In summary, I believe that the subdivision of an existing sub standard lot with resulting the creation of two substandard lots.

The placement on one of these a non conforming structure, where other less drastic measures are available and have been offered and with any existence of any hardship that's not been demonstrated, where the community is in opposition and where the situation its self in the first place is self created. I think you should deny the variance.

Debbie Kropf states that her mother owned the boathouse and it was there for (60) sixty years. Mr. Moon states he can't find anyone that says if it was a boathouse or an icehouse.

My name is Robert Yunick I own property at Jenny Lake at 563 County Route 10. I have been there for (39) thirty-nine years and have served on the board of directors and I certify terms of its president. I want to make two points of precedence, because it seems to be a critical issue here. The first is, I believe the applicant's appeal for a variance is to

divide a non-conforming lot into two even more non-conforming smaller lots. One only 25' wide in a low intensity-zoning district in the current land use law will set a dangerous precedent. If approved it will open the door for other subdivisions that would cite this action as justification. The out come we propose here is potential impact on Jenny Lake fragile ecology as well as other similar ways . Jenny Lake is only 110 acres in size and since the 1920's Tawiskarou and Gahada are the only two membership communities on the lake that work to preserve the environmental health of the lake and it's environment. Part of that plan to preserve the lake's environmental quality has been to limit development and further human intrusion. Opening the door to a subdivision that creates a 25' wide lake access lot defeats the concept of limited development as well as limited human intrusion.

My second point is to the applicant sighting of precedent from the 1970's and 80's and this goes to your question about the 50' lot. I would like to clarify for your benefit how that was created. At the time in the 70's or 80's there was a Mrs. Pfiel and a Mrs. Hancock who were owners of a 300' lake front lock on Jenny Lake. Later years a Kropf lot it was not a Tawiskarou lot . A neighbor of Mrs. Pfiel and Mrs. Hancock by the name of Dr. Herbert Strong a researcher with General Electric in Schenectady owned a camp, one lot removed from the lake behind Steal Hancock. He approached them and they agreed to sell to him a 50' wide strip of land with access to the lake. Mr. Strong wanted this as a walking path access to the lakeshore where he could dock his canoe. He was an avid canoeist . By docking his canoe on this 50' wide lot it was only 100' from his lot instead of several hundred feet away if he were to dock his canoe at a community dock. In the past I had discussed this many, many times with her and it was clear that all he wanted was closer docking access. He had no intention of building on that 50' wide lot so in that sense it was not subdivision for construction purposes. He went so far as to voluntarily attached it to his Tawiskarou lot which then imposed the association's deed codes and restrictions, which control what a member may or may not build on the property. This sale of 50 ` of Lakefront from Mrs. Pfiel and Mrs. Hancock to Strong bares no precedence to the action proposed by Kropf , it should be ignored. In closing I wish for the Zoning Board to deny the applicants request.

Mrs. Kropf wishes to comment that the lot is 150'

wide not 100 ' wide if you look at the map. Also I guess the issue to me also seems that the boat house is such a big deal, this is pretty much the same thing for me, I would like to be able to walk down and put my feet in the water and dock and enjoy the same privileges that Ken enjoys on his strip over there. So if you guys have an issue with the boathouse , it was all ready there it is just moving over but that is a negotiable thing.

Chairman Clarke asks if there any other members of the public that would like to address the issue tonight?
Attorney Caffry of Caffry & Flower introduces himself to the board. We are representing the Tawiskarou lot owners association. The board of directors voted to oppose this application and to hire this firm to represent them. I sent a letter earlier this week, and I am sorry we didn't get it to you earlier but we just got the documents last week and we didn't have the opportunity. Basically what the applicant wants to do here is to take a non conforming lot , that's only one quarter of the required size which is 2.6 acres and 3.2 acres are required and make it even non conforming. It sounds like you might have an over size lot if you had 6.3 and you were just a tenth of an acre short and want to subdivide it. This is all ready way undersized compared to the zoning. I think we have too many points from a legal point of view. These are very substantial variances compared to your Town Land Use Law. I did the math, I created a table to make it easier to follow which is on page 7 , Basically these variances range from 37.5 % which is the width of the remaining larger lot , it is still 37.5 % too small to 95.5 % variance from what is required. In the average it is 70% these are huge variances it's not like it is a 5% they are requesting. The variances show how substantially non-conforming this proposal is, and of course if the variance applied for is substantial. Again she needs a 40' setback from the property line not the shoreline and she will have to apply for that. Also regarding the side setback for the boathouse, she used a 15' setback and that's on the principal structures for the boathouse you would have to say 20' side setbacks, that's what it is for an accessory use. That's what the boathouse is. Regardless of which one you use, this law is so narrow there's no building envelope. Usually you can take a law and draw setback lines and there is building envelope and you can place a house or anything else with in the envelope and meet all the setbacks. Here the setbacks

over lap. It's a negative setback. It won't meet it on either side. The 25' lot would be smaller than any other lot on the lakefront. Most are 100' or more. The smallest one is 50' but they have no structure on them. As we just heard, the one that is not too far from this one was deed restricted to an existing member of Tawiskarou so that keeps it from being used for further subdivision or for lake access or any thing else. The applicant also tries to compare what she is proposing to the existing lots in the area. Many of them are only a half-acre or so but, Mrs. Kropf has to compare to what is law, not what the other ones are around her. Also a lot of them show from the old subdivision map some people own more than one lot of the original lots and they have been consolidated or merged. They are all restricted by the Tawiskarou deed restrictions. The lot she is proposing here would not be because that lot pre dated Tawiskarou. If the Town Board had looked at this neighborhood and looked at Gahada and said we want to make the zoning match the existing lot sizes they could have. They could have figured out a way to make the existing lot sizes there smaller. I think by zoning this by 3.2 acres is bigger than what is there but if the board had gone smaller you would have gotten smaller lots and more developing. There was a decision to keep these smaller lots from being subdivided. As some of the other speaker's state, this proposal is contrary to the (80) eighty years of efforts by both Tawiskarou and Gahada to protect the lake by restricting development.

What this would do is right now the Kropf's have their non-Tawiskarou lot across the road. They also have their existing lake front lot that they use for access. So that doesn't increase the numbers but if they subdivide and create another lake front lot sell off their two-non lake front lots then you increase the numbers of people with access to the lake. With regard to the contractual access thru the 25' lot she says we will deed it over so it is connected to the other lot across the road. I don't think that really does it. There might be a way to cancel the right to do that, but just connecting it to the 20 acre lot, it could be subdivided somebody could purchase additional land, create more lots. I do all kinds of zoning work and unless it is iron clad you can't stop it. You could also get someone buying the larger lake front lot , subdivide it and creating more lots. You are really opening a can of worms if this gets allowed. We understand that these are build able lots but what the objection is , is to increasing the number of

lots having access through Tawiskarou. No matter how well added development is done, the more run off you get the more storm water you get the drainage going into the lake your increased septic systems it's all potentially going to increase the load on the lake. A couple of other legal points, about the variance they do have alternatives, they could sell one of the lake front lots they all ready have there and keep the other. Tawiskarou has made an offer, there is no real financial proof here that they need to max this out. This is what this proposal really does. If they need money for certain purposes they can sell some of what they have and keep access to the other lot and still make some money. I think also, personal, healthy and personal financial means are not valid means to grant a variance. A variance is supposed to go to the land. I think the courts have been pretty clear on this. We think it is a self-created hardship, this situation does not arise from the zoning it arises from their personal financial means, and that is a self-created hardship. I think there is a significant issue precedent here because all the lots are sub standard around the lake if you were to allow this variance there is nothing to stop you from allowing others trying to do it. So we are requesting that you deny these applications we don't think they meet any of the (5) criteria for granting a variance under your land use law.

Chairman Clarke asks if there is any one else who would like to speak tonight regarding this application? Mrs. Kropf states she feels at a disadvantage here with a room full of attorney's . I did consult with my attorney and he did say there is a way to connect it. Now I was wondering if all this worry would go away if I could resolve the legal issues with in my family? I would say yes, you could have the 20 acres in Tawiskarou. Then you wouldn't have to worry about it being subdivided. The internal legalities would have to be settled in my family but it seems that , this is what they are worried about. That I am going to go off and subdivide into 20 lots and somebody else is going to buy it. It's just a question to the association . I guess I am naive, because I really didn't think it was that big a deal. I have no intention of doing something to destroy the environment . I got my degree in environmental planning and my masters in architecture, so I am well aware of how to try to preserve the environment. The other thing is we don't have two lots across the road we only have the one. One part is in Hadley but it is all one lot.

Marjory Digges states she is sympathetic to your plight because it has happened to me. My grandfather purchased property in Gahada in 1926. So I am very familiar with it. In my family the property we owned in Gahada was down to the third generation of ownership as Rex said. You either inherited it or married into it. What I am hearing in this voice and the hardship that I hear is, how can I sell off my water front property and still some how not let go of Jenny Lake? To say that it is near and dear to our heart, would be a bit of an under statement. It doesn't sell normally because nobody ever wants to let it go. I think it's a saving step of the root of the zoning request. How can I maximize my benefit by selling off the land on the lake but not give it up? Well we had this happen in our family and many, many, many families around the lake had time to address , is that, that happens. When you sell your property you give up the rights to it. If you own a fabulous house on a golf course in Florida you don't get to say, well I am going to sell it off and just keep the side yard so I an keep shooting to the 18th hole from inside yours. What I hear is, I just can't let go of that lake. I can't let go of that access. I had to let go, in a third generation it can get pretty ugly in ownership. We had to make internal preverbal peace and one person got the property. As it turns out I was lucky enough to be able to come back to the lake through a land purchase. Which I might ad I paid a premium for. How ever that is how you do it.

Mr. John Clark states that he is probably repeating some of the same things that have all ready been said but for the 50+ years that I have been around here maintained the same number of camps on the lake on a consistent basis . The only time a new camp has gone up is when an old one is torn down and a new one is built on the same foot print. With regard to the camp that burned a couple of years ago and Debbie was referencing that it had been moved. Yes it was moved slightly because the camp that burned down created a situation where the land was unstable. They couldn't rebuild on that particular spot. But what they did was tear down an existing structure they had in the other spot and put the new camp on there. As far as the Mallory new construction, she built a new camp a few years ago on the foot print of an existing place. That has just been the tradition here and you keep the population consistent. That is just our operating philosophy.

Mrs. Kropf states then in saying that you are denying my right to build on two build able lots, or new owners of that property. Regardless if it is subdivided or not, by just keeping the same number of camps. You can't do that , we don't control that. I'm just explaining the philosophy of how we have been operating.

Chairman Clarke asks if there is anyone else here tonight? I would like to add to that. My name is Nancy Bogdanowicz, I too grew up on the lake , and my grandfather built his camp and was turned over to my parents. Now my brother has it and I have my own. Being a part of Tawiskarou you learn a little bit of the understandable philosophy and the feeling behind it. First of all this is the way that in the 1920's they did subdivide in the area into lots. If you look at the original plan, there were like 100 lots they had laid out. After having 40 camps they said, "enough" we don't want to sell any more property to have people living here. This was 40- 60 years ago that they decided that.

Concerning the care we take on the lake, we don't have motor boats on our lake . Why? Because in the 1920's a child got his arm cut by the propeller of a motor boat. At that point we said no more ! At one time we had someone landing their airplane on it. We started seeing the slick of the oil on the lake. Tawiskarou and Gahada got together and said no, no more. That person had to sell their camp. So the feeling that we have in keeping the area we have limited use, of human use and also the quality of the lake. We have spent lots of money having the lake tested through out the year and have brought in experts with concerns dealing with some of the growth that is in the lake, and how we can preserve the lake back to the way it was originally. Mrs. Kropf asks to make one final comment . The APA did rent from it. Now the Adirondack Protection Agency , I believe they are supposed experts, it is their job to protect the Adirondack environment. In the permit, it does state that the project will not create any undo adverse impact to the Adirondack Park resources. Taking into account the commercial, industrial, residential, recreation or other benefits that might be garnered there from. So that is all I have to say is that the Adirondack Park Agency is responsible for taking care of the Adirondack Park. They found there was no adverse impact. I understand that I opened a can of worms, and I apologize , this is very

emotional. We all want to protect everything we have. I just wanted to make mention that this was approved by the Adirondack Park Agency.

Chairman Clarke addresses Mr. Rex Moon. Mr. Moon states that he and John may be saying the same thing. If push comes to shove, the Adirondack Park Agency will respect the decision made by a town where more stringent standards have been applied than they apply. That is a general practice whether you have an approved use land use plan from the APA or not. Further more we are here tonight, and I hope the board will keep it's self open on the zoning issues that have been raised by this proposal. We have tried to present to you, evidence from your own land use plan, that the proposed actions are inconsistent with that plan. Now if the party wanted to come back with something else, that is fine but I believe in my limited wisdom that you should make a decision on the variance application, so there is never any question relating as to where that issue stood, or stands. Attorney Caffry states that the town's zoning is in some respect stricter than the APA rules so although the APA issued a permit in compliance with their rules. That is an entirely different legal standard from what you have to apply in your zoning.

Mrs. Kropf states, I do work in other Municipalities where they have up zoned areas . In general the up zoning or even the creation of a zoning code is generally for new development , where you are taking a pristine piece of land like in Lake Desolation , that area was never subdivided before. So I'm sure the woman intends to use it was more for new development. A lot of areas they look at well, the zoning of subdivision was this and where I live a lot of property has been upped to 5 acres zoned from 1-acre zoning. But when you're in an area where there are all little 1-acre lots you get to go by the one-acre zoning. So I understand that this does not meet the town zoning code. How ever, and I may be wrong because I'm not as familiar with the zoning like Rex is since he is one that he was one of the original zoning board members, but it has always been my experience that it was created for new use. Not for existing areas that have all ready been developed.

Comment from Mr. Rex Moon is the only person who brought up the subject of not being able to build on the lot tonight was this young lady (Debbie Kropf) nobody else has

said that these lots can not be built on. What we are objecting to is these are two grandfathered lots, they can be built on. We can't stop that. It's perfectly legal. But what we are objecting to is subdivision of substandard lots and construction on a substandard lot and construction on a substandard lot by an inadequate structure. Let's keep the issue clear and please make your decision on those grounds. Mrs. Kropf states that I just want to say that it is not said specifically, but it is implied when you say, that its going to change the neighborhood. Well any building is going to change the neighborhood. Mr. Moon states to Mrs. Kropf that you and your advisor should have a copy of the Town of Corinth Land Use Laws. Mrs. Kropf asks if it available on the internet. Yes, states Chairman Clarke. Mr. Moon states we are here stating our objection on the basis of the law. Chairman Clarke asks if there is any other public comment tonight? Okay, I am going to call an end to the public hearing for tonight.

Sigrid Koch asks the public if everyone here is a lake member of either one or the other association? Yes ! stated Rex Moon. Sigrid states then that means that everyone is in agreement to abiding by your contract? Yes, in governing the use. My other question is, this map that Debbie provided, are these two roads public access roads? Yes, stated Debbie, but they are not town roads. They are private but public within the community. Chairman Clarke asks Tawiskarou if it would be possible for the zoning board members to just go to look at the property. Do you have any objections. The statement from the association was that there was no problem with that. Mrs. Kropf states you also have permission to go and look at the property on the large lot. Mrs. Koch asks, how many of the properties with water front access have boathouses on them? None, only mine was there stated Debbie Kropf. Chairman Clarke asks if there are any other questions?

A motion to adjourn the meeting was made by Glen Tearno and seconded by Phil Giordano. A roll call vote was taken.

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

5 AYES

0 NAYS

This meeting was closed at 8:20 P.M. and your next meeting will be December 4, 2008 at 7:00 P.M.

Respectfully,

**Linda Hamm
Secretary**

William Clarke

Chairman