

**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**

**Tim Sullivan**

**April 2, 2009**

**A meeting of the Town of Corinth zoning Board of Appeals was held on Thursday April 2, 2009 at 7:00 P.M. and was called to order by Chairman Clarke.**

**Present: Y Sigrid Koch Y Bill Clarke Y Glen Tearno Y Tim Sullivan Y Fred Mann Y Linda Hamm- Secretary**

**Absent Attorney Pozefsky with excuse.  
Jeff Fedor with excuse.**

**Public: Councilman Mitch Saunders, Eric Butler, and Chairman of the Planning Board, Councilman Edward Byrnes**

**A motion to approve the January 7th, February 5th and March 5, 2009 minuets was made by Sigrid Koch and seconded by Tim Sullivan**

**Roll call vote: Y Sigrid Koch Y Bill Clarke Y Glen Tearno Y Tim Sullivan**

**4 AYES**

**0 NAYS**

**New Business: Councilman Saunders is here to speak with the Zoning Board for input on the process of being appointed and**

the length of term.

Chairman Clarke states to Councilman Saunders that the current zoning law that we have regulates the Zoning Board of Appeals members. Chairman Clarke asks the board members if they have any thoughts, Mitch is looking for feed back.

Mr. Saunders states that what he is looking for is that the Town Boards resolution in regard to appointments of Planning Board and Zoning Board members. When your term comes up it is the decision of the board if we are going to re nominate you. I think what we are looking for is a sense that a more type of protocol that would, lets say your term is coming up and within (90) days a letter from the Town Board is generated to that person asking if you want to be considered for re nomination or if you have decided to step down. This would start the process of being re nominated or not for either the Planning or Zoning Board. Mr. Saunders states now there are requirements to sit on this board. I think there should be a protocol to let you the individual know that your term is near its end and for you to let the Town Board know if you want to be reconsidered for reappointment. It is just that and there are no guaranties.

Mr. Saunders states he will be sitting down with Eric Butler the Planning Board Chairman, he has some feelings on this too. What my final direction was to write it up and present it back to the Town Board Members for their consideration. Mr. Tearnio states that it seems to be a reasonable process where the individual has been given an appointment with a set term and that term is going to expire and of course the town is going to recognize that and give them the opportunity to say, I'm not interested in doing this any longer or yes I would like to continue. I guess then what would be the process after that?

Councilman Saunders states that if you were to take a new member, that wants to become either a Planning or Zoning Board Member, I think it would be the same process. I'm not here to look to change any process that is all ready in place, but when a new individual fills out an application or write in a certain desire to want to be considered for a member. Then you would go through that process, which right now is an

interview process that the Town Board and possibly the chairman of the appropriate board. I don't know if this happens. Chairman Clark stated he has in the past attended meetings with the Town Board for interviews for his board. Councilman Saunders states that he doesn't know, a formal letter out giving the member (90) days to decide if they want a re appointment or not is sufficient time, but if it is that's good. This is not guaranteeing, but it is notification of being interested.

Sigrid states she is a little concerned with the time frame because of the appointments taking place in January. I feel that it may need more time or to start in late summer and that would give the Town Board time to interview if needed. In the months of November and December no one is thinking of this or is able to have the time to set up meetings with each other to discuss a reappointment. Glen states that what Sigrid says about January and the Holidays, regardless or not if someone was interested in being considered that currently sat on the board and they got a letter of notification, you would then want to develop a pool of candidates. It's a tuff time of year to do that. Councilman Saunders states there seems to be a problem with that time of year, you would hope that you would always get interested parties that would put an application in that would be on file. They would be there when an opportunity for a reappointment that all those candidates would be available to be reviewed. That would be ideal, do we have that? I don't know.

Tim states to Mr. Saunders, honestly? You know a lot of that could be alleviated with having an alternate board member. If you have an alternate, and say you have (90) days and the person who says I know I don't want to re up. All of a sudden you have a vacancy. You bring in the alternate for a few months. If you don't have that pool of candidates you have your alternate. This would give the Town Board time to advertise and interview for new prospects. Chairman Clarke states that Article 10.1 in the Land Use Law Book. Sigrid states she would like to see expectations for the members. I can understand the actions for cause but I would like to see now that the state mandates so many hours, I think we should have that expectation that members are attending so many things that they participate. Councilman Saunders states to Chairman Clarke that before there wasn't a

requirement and now there is so the whole higher hierarchy of a board takes on a different level of commitment. My whole point here is that commitment given over five years and that you decided to do this and you are doing the classes and you are in good standards that when your reappointment does come up that it requires a protocol that shows that commitment. Sigrid states that if someone looks here, (Land Use Law) there is nothing. That's what I am saying I think we should seriously have it stated in the Zoning Land Use Book. Eric Butler states he believes it will be in the law book, the Town Board just passed an amendment and it hasn't gotten into the books yet. Mr. Butler states the issue was for the board to be able to remove someone for not getting their certification. Councilman Saunders states that maybe there needs to be a more class time added. Mr. Tearno states that it wouldn't make sense to add additional requirements if you don't have the classes to follow up on. Councilman Saunders states that's true without the additional curriculum for zoning then it would be pointless.

Chairman Clarke states that here in Saratoga County they have adopted an educational protocol where they have levels of one through three which is basically your liberal arts. Some of the things that are addressed here are in violation of the code of ethics, where we had a Planning Board member move a mobile onto his property with out getting a building permit. That came before the Zoning Board of Appeals.

Councilman Saunders states he agrees and that the Zoning Board is going to have to make some tuff decisions on some legal things that we want. This is going to be some steps that this community hasn't seen before but you can't lock and load then pull the trigger and say, well I really didn't mean it. You have to really follow through with it. You are going through a down time right now but it is going to get busy with AMD moving in starting with the contractors and on upward. We are going to see opportunity so I look at the commitment you are making and if you can chime in on that work and give any recommendations that you can see, or are you satisfied with the process that it is right now? Chairman Clarke states he agrees with Sigrid and kicking it out at (6) six months before the term is up. Councilman Saunders states that this could be a two way street. The board could have some concerns with the performance of a member. Also the chairman

could have some concerns with a board member. This time frame would give an opportunity for that individual to be aware of those concerns, and to be able to have an opportunity to address them. It can be in the time frame of when you're doing that interview. This would give the Town Board the opportunity to square things do if it decided that your services are not needed you will have a pretty good idea why they are not needed. Nobody should be blind-sided by concern. Mr. Butler states he believes that what you are talking about should be no more than a three meeting process. I am the other way from Sigrid, I think (90) days, is more than enough. The purpose of your first meeting is not to bring out the faults or the reasons why, if you have problems with a board member you are going to know long before their term is close to being up, that should be addressed at that time. Mr. Sullivan states it shouldn't take until you're up for reappointment. The letter is going to go out, I assume through the secretary. I believe the board is going to sit down with the chairman first to get his input. Then possibly the next meeting with the member and possibly the chairman, then at that point the Town Board has all the information you need to make the decision. Councilman Saunders states to Eric is that he believes the purpose for the (6) months was to give time to get the letter out there and if the person decided they didn't want to stay on. Somewhere in that (6) month time frame it would trigger us to start advertising for new candidates. The time we would do it your starting in the October, November, December time frame. Eric states if both boards have an alternate member it's a progression. Sigrid states, No! Eric states if you do have the alternate things can carry on and the Board has time to interview with out pressure.

Councilman Saunders states his most concern is the courtesy in the way it is handled for each Board Member when the time comes that they either decide to leave or if there service is no longer needed. I would like for the board to consider is just a form letter triggering the process and it could be cumbersome and I don't want that. Mr. Sullivan states from his point of view he really appreciates your asking our opinions but the fact of the matter is, we are all appointed by the Town Board. Councilman Saunders states that is correct. Mr. Sullivan states the Town Board is either going to reappoint us or appoint someone in our stay. That's correct states Councilman Saunders. So it's considerate to ask our input, but

the ultimate decision is with the Town Board. No different than if I run a business; I am going to hire people. I may ask their opinion, but ultimately I am going to do it my way. Councilman Saunders states he doesn't want to change that. It's on the courtesy part that I want the board member to be notified that their term is coming up, and do you want to be considered for reappointment? Once that comes out and the board member says yes then the process starts and if not it's easier if you have an alternate and I agree with you that's the end of it. It's the courtesy part of it I am concerned with. Mr. Sullivan asks out of curiosity, has it ever happened that a board member blind sided the Town Board the day before their fifth year was up and said oh by the way, I am out of here, I don't want to do this anymore. No, but the reversal happened. Mr. Sullivan states that is a completely different issue, in my eyes. No, states Councilman Saunders. Rightfully so, but the receptacle is after serving five years I think you deserve and any board member that is a volunteer, deserves the courtesy of a letter indicating that your term is coming up and do you want to be considered or not. Mr. Sullivan states absolutely. Councilman Saunders states, not waiting until the last day and saying your not going to be reappointed when that board member is under the assumption that he will still be there.

Mr. Sullivan states that has nothing to do with it. Whether the Town Board intends to reappoint someone or not the are still going to get that form letter saying, are you still interested in being appointed as a board member or not. I agree with you states, Councilman Saunders. Mr. Sullivan states then your issue is how we are notified that we are not going to be reappointed, that's a different issue than how we are going to be notified that our term is up and are we interested. Sigrid states, she sees it as one letter, your term is coming up are you interested. If they decide they really don't want you, that falls back in their hands. Mr. Sullivan states, so what do we do just let them tell you, we just don't want you around anymore and were just going to play the game of interviews and when we have the interviews just sneak it in there and say, oh we really don't like you so your going to have to go away now? Councilman Saunders states, I agree with you, that's what I am looking at. Mr. Sullivan states he's not trying to be an instigator. Councilman states that's why were doing this do we need to change some things or not? This is a process for feed back as Eric said we would get feed back from

**the Chairman. Has this board member performed? First of all have they maintained all the education requirements? Is their attendance in accordance with the policy? IF all that comes down fine and the chairman comes in and says it's outstanding, the person has done fine with it, that's where we get our feed back to decide to reappoint or not. In that process of the interviews that you say yes I want to continue, you are going to have an opportunity to sit there and have a meeting with the chairman, chairman states I have some concerns etc. those issues are going to be brought out and you are going to know.**

**Mr. Sullivan states, his issue is that you are saying if say Bill has an issue with me, he has to almost, according to our conversation right now, which I hope he wouldn't but has to wait until almost (3 - 6) months before my term is up before we deal with it. No, states Councilman Saunders. Don't get me wrong, we may disagree and we have different opinions, that's why there are (5) people on the board, if he has that I am not making my education for whatever reason, this should not take and end of the term letter to bring that to a head and then be dealt with. I agree one hundred percent states Councilman Saunders. That should be dynamic all the time states Councilman Saunders.**

**Mr. Sullivan states there is accountability and constant feed back. I agree states Councilman Saunders. It shouldn't wait till (6) months and you say we have this issue with you and you have this time to fix this or we are not going to reappoint you. Which is what it sounds like where we are going. Chairman Clarke states there are two things, a willingness to serve and to show you are dedicated to serving. Showing up for a meeting once a month to me your not fulfilling your responsibility to this board With the training available here in Saratoga County the New York State Planning Federation and Government Day, Saratoga County Class in January there are ample opportunities for training and to me, that's one of the hallmarks of a good board and I speak very proudly of the Zoning Board of Appeals. We are all there, everybody has a full time job and I know you can't pick them all I realize that, but to me that is an indicator of how committed you are to the position as a chairman. Truthfully with the Planning Board I was disappointed at the workshop we had back in September or October for the comprehensive planning workshop for their lack of participation from the Planning Board. Which is what we were talking about the**

other night, when they unveiled it here we are talking about their consultants that participated with the Planning Board. What would the Planning Board have to say about a document they weren't even interested in enough to go to the workshop? I'm not here to pick on the Planning Board, but the board took no interest its self. It's an important board. The Zoning Board of Appeals, we are dealing with about 10% of the discretionary things 90% of this is up wind. Mr. Butler said that it is stated that the whole comprehensive plan is more of a chain of command thing than anything else. It has to come before the Planning Board. Chairman Clarke agrees! Chairman Clarke states that's the Planning Board if you like them, reappoint them I think that is the break down your addressing here.

Sigrid asks if there was a decision made about, I remember we talked about having an annual meeting with the Town Board, Zoning Board and Planning Board? We don't seem to be doing that and it seems to me it would offer us a lot of insight as how we as a board collectively are performing and give an opportunity for the individuals to measure themselves as to how they are performing. Quite truthfully, I go to all the Town Board meetings so I get some insight into what the expectation is, but it is going to be my perception of it if I call Bill and say, oh this case came up or this came up with the Planning Board and it looks like it is going to be coming to us. That shouldn't be one individuals job and I think if we made it that yes, this is expected and on such and such date and time we are all expected to sit down together with all members.

Councilman Saunders asks Sigrid is this a combined meeting with the Zoning Board and Planning Board members two times a year. Sigrid states yes, I think we should be working hand in hand, yes! Councilman asks or should we be meeting separately with both boards? I don't know how the Town Law states. Chairman Clarke states he believes that the law is for two times a year. Secretary Hamm states she believes that one meeting is for a workshop so that in case there is a case that comes up that the laws we have enacted now are not going to fit that specific type of an incident that might come up. Is there anything that should be added to the Town Code Laws, Land Use Laws or the Planning Laws? In that affect, working a round robin between everybody, so that everybody is on the same page. Councilman Saunders agrees.

**I think I remember sitting up there in the auditorium in that high school with the seminar as to what is coming. It may be slow and lethargic and then suddenly it's going to be on you. Before you know it, everybody it going to be running around wondering what is going on and what do we do. I commend Dr. Starr he seems like he is ahead of the curve. He's trying to set this up and you know Hudson Valley College set up a whole program down there for school specifically for this AMD. They gave the information that they need to get this going. Mr. Sullivan states they are actually going to have a satellite campus at AMD when it's done. Also ACC is going to have the same program on campus. Mr. Sullivan states they have all ready started putting drainage in the ground. It's not that far away. Councilman Saunders states if you look at Masullo Brothers that started building all these new homes here, he said this is the only place I can build to make a profit in Saratoga County. People are looking for a small type community and a school where their kids can play baseball, football. Sigrid states that it is interesting that one of the presentations that the Adirondack Park Agency gave on the demographic study. When they have it all together to present Saratoga and Warren County were the only counties in the park that showed possible growth. Fulton County is the one that had the largest growth. They are trying to address the issues, the seasonal people, impacts on schools and all these things.**

**We have the luxury at the Zoning Board meetings that we see cases but when we have gone to classes we have frequently had the opportunity to discuss it. People at the board meetings I believe are impressed when they hear us talking about the educational opportunities that we have taken advantage of and realize that we are not just sitting up here saying, oh well it's 7:00 pm the first Thursday, we have got to be here. I know the Planning Board is usually busier but their people aren't attending and I think that is an important public relations, if nothing else to show that your board members are interested in hearing this education and zoning was never a popular issue here, so any public relations is helpful to everybody that is involved. Chairman Clarke states to Councilman Saunders that he believes he is on the right track. I think some protocol here to just establish a process here for board members can anticipate what is going to happen at the end of their term. The board members have to run for office every couple or three years right? Yes stated Councilman**

**Saunders. I certainly don't believe that it's incumbent of us to assume that we have a guaranteed appointment for life.**

**Councilman Saunders stated that he doesn't want to change anything here, I think you work at the pleasure of the Town Board and the Town Board is first of all going to continue to change, and nobody should have any expectations. I just wanted to get some ideas from both Planning and the Zoning Board on some protocol issues. I will take this back to the Town Board at a workshop and discuss it with them and see if they are willing to implement some protocol.**

**Councilman Saunders states to the Zoning Board he appreciates all the input he received tonight and also thanks Eric Butler for stopping by and giving his input as well. Thank you everyone.**

**Discussion by the Board:**

**Chairman Clarke comments on the Adirondack Park Agency classes that he and other members of the board attended last week. The Town of Inlet sponsors (16) events a year to draw tourist to the community. I was blown away with that. I can't believe what some communities are doing to bring people to their towns. Councilman Saunders states he remembers reading an article a few years ago entitled Boom Fest to Big Government in the Adirondacks and Mark Knapp gave me this article. It talked about this big sucking sound that you are going to be hearing is when New York States Senate goes Democratic. How true it is and if you look at the budget that just came out and how they are sending all this money to New York City and then the critics like Fred Decker, was talking about it and how atrocious it was to sit there and see three people from New York City help creating the budget for New York State. These people in Essex and Hamilton County, they are going to get it put to them royally when they go to paying the taxes up state. Now money is tight and it's important to get that tourism in there. It will be interesting to see if the get the train depots built up there in Thurman and in Hadley, I don't know if they are going to make the January deadline, or their going to loose a million dollars or so for that.**

**Chairman Clarke asks the monies are from where?  
Councilman Saunders stated they got a grant to build a depot**

up in Thurman and Hadley I guess they sat on the money at the Warren County Board of Supervisors, then they found out last year they had to spend it or give it back. So now they are scurrying to get them built up there.

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

Roll: Y Sigrid Koch Y Bill Clarke Y Tim Sullivan Y Glen Tearno

4 AYES

0 NAYS

This meeting closed at 8:15 P.M.

Your next meeting will be May 7, 2009 at 7:00 P.M.

Respectfully

Linda Hamm  
Secretary

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Chairman William Clarke