

TOWN OF CORINTH ZONING BOARD OF APPEALS

JUNE 2, 2011

DRAFT

PRESENT:

| | |
|----------------|---------------------------------------|
| William Clarke | Attorney Pozefsky |
| Sigrid Koch | Leon Hickok –Code Enforcement Officer |
| Jeffrey Fedor | Linda Hamm – Secretary |
| Glen Tearno | Tim Sullivan |
| Chris Rudolph | |

PUBLIC: Holden Wright, Dave Barrass, Attorney Avigdore, Willard Washburn,

APPROVAL OF MAY 2011 MINUTES: Motion was made by Sigrid Koch and seconded by Glen Tearno.

All in favor.

Case 1. Mr. Holden Wright: Mr. Wright and Mr. Barrass are here this evening for the public hearing on the area variance for setbacks. A legal ad was run in the local paper being, The Post Star, all cards were received from the home owner's mailings. I had two people stop into the office with inquires Mrs. Deborah Chandler Richmond and Ms. Joan Shaw. Neither one gave a letter either for or against the sub-division.

Chairman Clarke introduced Leon Hickok as the new Code Enforcement Officer and Zoning Administrator and asked him if he had any input in regard to this case. Mr. Hickok stated that he doesn't see where there is enough room and the area is constantly wet. You all ready have a road culvert and adding another would give you 40' of culvert. Along with the recent survey that was done the driveway named Pike Lane is encroaching on the Wright property. I

May 20, 2011 Save ad

NOTICE IS HEREBY GIVEN, that a public hearing will be held at the Town Hall, 600 Palmer Avenue in the Village of Corinth, Saratoga County, New York, on, Upon the application of: Mr. & Mrs. Holden Wright For an Area Variance of the Town of Corinth Zoning Board of Appeals RE: Mr. & Mrs. Wright would like to subdivide their property and can't meet the setbacks for the right of way. A complete copy of the application may be seen at the office of the Building/Zoning Department or the office of The Town Clerk, 600 Palmer Avenue, Village of Corinth, Saratoga County, and New York between the hours of 7:30 A.M. - 4:00 P.M. for Monday- Wednesday and 8:00 A.M. - 4:00 P.M. Thursday and 8:00 A.M. - 12:00 P.M. Friday. All parties in interest and citizens will be herd by the Zoning Board at the public hearing on June 2, 2011 at 7:00 P.m. PUB MAY 20, 2011

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would suggest they use the existing driveway named Pike Lane for (911) purposes and bear off to the left to the back property.

Chairman Clarke asks Mr. Barrass if there is something he would like to add? Yes, the Planning Board will not approve that, we have to have 20' of deeded property. They will not grant a subdivision on an easement or right of way. Attorney Pozefsky states the New York State Law says, you have to have a minimum of 15' access from a main road way or boarder on a street showing on a field subdivision map. So it could be a privately owned road. Those are the only two ways this could happen. State Law also says that the access can be by right of way only, but only if it is in an area of what the town calls a rural development district. The town has a specific part of town that says they want to encourage development so we will allow a right of way. The town will need to develop an over lay district for this particular type of development. Chairman Clarke opens the public hearing to the public and asks if there is anyone here either for or against this variance request? With no response from the public Chairman closed the public hearing.

Mr. Fedor would like to make a motion for denial based on this application because the difficulty is self created, the newly created lot would have detrimental change to the neighborhood including the new lot and the relief is very substantial. The motion was seconded by Sigrid.

Roll Call: Y Sigrid Koch Y Bill Clarke Y Glen Tearno Y Tim Sullivan Y Jeff Fedor

5 AYES 0 NAYS

Case 2. Mr. Willard Washburn, David Barrass and Attorney David Avigdor come before the board this evening for an area variance as Mr. Washburn is unable to meet the setbacks for a garage they wish to build.

Attorney Avigdor states to the board that he is the Attorney representing the Washburn family. Mr. Avigdor states that what this is, is a replacement of an elderly camp. The camp we believe was built in the 1930's and has been in the Washburn family since 1972 and has been owned by my client since 1988. It was a pre-existing non conforming structure so it was all ready closer to lines which is permitted by your town law and by the Adirondack Park Agency Law. We also have our non jurisdictional letter from the APA along with a building

permit from your building department to build the replacement structure. The pre existing structure was 1345 sq. ft. and the replacement structure is 1194 sq.ft. The Adirondack Park Agency is allowing an additional 250 sq.ft. of structure as long as it is not on the lake side. So based on that APA permission for an additional 250 sq. ft. we seek to build a small single family garage on the road side of the structure that is being built. The area where the garage is proposed to go has always been and needs to be the parking area for the house. That's where the car is going to park in any event. Mr. Washburn and Ms. Silver wish to make this their permanent residence. The garage door will not be facing the road way because it would create a safety issue. As you can see from the map, there will be plenty of access to pull in and out and a view of traffic from both directions.

Chairman Clarke asked Code Enforcement Officer Leon Hickok if he had looked at this? Yes, and there is not a camp or home there that would or could meet the setbacks. I spoke with the owner and checked the location of the proposed garage and suggested that the door go the direction that it now shows. By placing it there it works better for visibility and safety. Board members raised questions as to where the gable end is and the snow being plowed on the main road. Attorney Avigdor stated the gable is over the door and the Washburn's understand the snow coming off the main road as vehicles have parked there for years. Attorney Avigdor states that they can assure you that they have no intention of holding the town responsible should the snow coming off the road have an impact on the building. Whatever way we need to do to memorialize that we will. Tim Sullivan asks Attorney Pozefsky if they would have any grounds? Attorney Pozefsky stated no, if the variance is granted the town is not liable for results that go with it. Mr. Fedor and Mrs. Koch ask about how the base was to be built, ground level poured base, blocks? Mr. Washburn stated yes, something a little more resilient to withstand water etc. Sigrid asks about the retaining wall that is shown to be replaced, what was this for initially? What was the intent? It allows a more level space in the past and will now and in the future. It keeps the land from washing out.

Chris Rudolph states while looking at this particular picture it shows the previous home and it looks to be quite close to the road. Can you tell me how close it was? Attorney Avigdor states no, the picture came from the Saratoga County Real Property Data Base. Mr. Rudolph states it looks closer to the road and Attorney Avigdor states yes and it was a closer area in which to park. Attorney Avigdor states it has always been a tight situation and if you agree we hope to get some relief for this.

Chairman Clarke stated to the Washburn's that he and the board members do like to come out and take a look at the proposed project for ourselves, would that be a problem? Mr.

Washburn stated no problem at all. Secretary Hamm states, we will schedule a public hearing for July 7, 2011 for 7:05 p.m. and all cards must be returned to me by the day of the public hearing.

A motion to close the meeting was made by Sigrid Koch and seconded by Jeff Fedor.

All in favor.

Next meeting will be July 7, 2011 at 7:00 p.m.

Respectfully Submitted,

Linda Hamm

Secretary

Chairman William Clarke