

TOWN OF CORINTH ZONING BOARD OF APPEALS

JULY 7, 2011

DRAFT

Present: William Clarke

Attorney Pozefsky

Sigrid Koch

Leon Hickok – Zoning Administrator/ CEO

Jeffrey Fedor

Linda Hamm – Secretary

Glen Tearno

Christopher Rudolph – Alternate

Absent: Tim Sullivan with excuse.

Public: Dave Barrass, Eli Washburn, Bill Washburn, Renee Silber, Beverly French,

Ricky French

APPROVAL OF JUNE MINUTES: Motion was made by Glen Tearno to approve the minutes as written and was seconded by Sigrid Koch.

All in Favor.

Case 1. Mr. Willard Washburn and Attorney Avigdor return for the public hearing in regard to the area variance Mr. Washburn is applying for. Mr. Washburn is unable to meet the setbacks.

Chairman Clarke asks Attorney Avigdor if he would like to start. Yes, I would just like to reiterate what was stated at last month's meeting and what is allowed by the Adirondack Park Agency. There is a minimal of one garage which is not allowed to be built on the water side of the property and this is why we are unable to meet the setbacks. Mr. Hickok, the

Code Enforcement Officer spoke with us and feels that as long as the garage and retaining wall is built with some kind of concrete it would be able to pass and not reroute the runoff from the road to another person's property. Also by digging down into the earth, the roof from the garage will not create a disturbance to anyone's view of the lake. Mr. Washburn and the architect Mr. Tom Collura both agreed that this could happen. Mr. Washburn stated that he would like to set up a meeting with the Code Enforcement Officer and himself along with Jeff Collura the contractor and Tom Collura the architect

Chairman Clarke opened the meeting to the public at 7:07 P.M. Chairman Clarke asked Mr. Hickok if there was anything he would like to contribute to this? No, my only concern was with the excavation that is going on there that we come to an agreement on the garage so we can start this part of the structure so that it will retain the roadway. Chairman Clarke asks if there is anyone else that would like to speak either for or against this project? Mr. Washburn states that he is in favor to meet with Leon and both Tom and Jeff Collura to proceed forward and come to an agreement as to how to build the retaining wall. Board member Sigrid Koch asked Mr. Washburn questions in regard as to how they will be pulling in and out to the road way? Mr. Washburn stated that with the way the property is we will as we have in the past been able to turn around in our driveway and pull out. Thank You stated Sigrid; I have this fear of backing out into traffic. And closed it with no comments from the public at 7:15 P.M.

Attorney Pozefsky states to the Board members that since this is an area variance this falls into the Type 2 classification it does not require a SEQRA. As long as the board makes a motion that it is not needed because it is an area variance that would end the inquiry.

Mr. Tearno states that as he is looking at the area variance application would you please state the actual setback variance you are requesting? This is so we have it on record.

Attorney Avigdor states the proposed setback is for the corner of the garage to be only 5' from the edge of Hunt Lake Road. Because it is on a 45 degree angle it is just one corner of the garage it pertains too. Attorney Avigdor also states it should also be on the record that we are also requesting for the North and South side of the property for the garage that we are seeking relief for.

Jeff Fedor makes a motion that the board moves this being a class type 2 SEQRA action which is exempt from further environmental review. Glen Tearno seconded.

Roll Call Vote Y Sigrid Koch, Y Jeff Fedor, Y Bill Clarke, Y Glen Tearno, Y Chris Rudolph

5AYES

0NAYS

Mr. Fedor makes a motion for Mr. Washburn's proposed building at 104 Hunt Lake Road in Corinth, New York.

Sigrid Koch Seconds.

Roll Call Vote: Y Sigrid Koch, Y Bill Clarke, N Chris Rudolph, Y Jeff Fedor, Y Glen Tearno

4 AYES

1 NAY

Chris Rudolph states the no vote is that he feels this would be a public safety issue with the building being only 5' from the road. Not a view problem for the neighbors but a safety issue. Having a garage is a luxury to be able to have your vehicle out of the elements. I feel it is a safety issue and I'm not willing to do that, with it not being a hardship.

Area Variance has been approved.

Case2. Mr. Dave Barrass is here representing Mrs. Beverly French of Heath Road for an Area Variance for setbacks. Mrs. French wants to subdivide her property and is unable to meet the setbacks.

Mr. Barrass states this is similar to the first area variance but more challenging. Mrs. French owns 2.4 acres of property and it has two residences on it. Her son being the second residence in the back. They were both permitted and on the property prior to land use. She has lived there for many years and now finds it necessary to draw on her equity for some living expenses. The bank she has applied to has now decided they will not do a reverse mortgage unless both homes are on separate deeds. She has enough land to do a subdivision with 40,000sq.ft. Being the requirement but with the location of the structures it is not possible without creating a lot more issues and added expenses.

Because of the unique situation here she can't get the equity out of her house without having a separate deed. Now if granted we would need variances for both mobile homes and the two garages for their front setbacks. Nothing would physically change so there would not be an impact on the neighborhood. I know one consideration you are going to have and it's family now living on the property and you would be creating a substandard lot and the possibility of being sold in the future. If someone goes to buy it they would want a separate deed. She is really at your mercy; there is nothing else she is able to do.

Mr. Tearno has one question for Mr. Barrass. If they actually had enough frontages here there would be access from the other side of the property formally owned by Babson's? That property has not started to be developed stated Chairman Clarke. Okay, so that is not an option. Mr. Fedor asks, what is the status of the water and power that is there. Mr. Barrass states that the well is shared and each has their own power. Mr. Rudolph asks if Mrs. French has anything in writing from the bank guaranteeing her that if she gets the variance she will be given the contract? Mrs. French stated no. Mr. Rudolph asked if she had tried other mortgage companies or banks. Mrs. French stated no, that a girl named Michelle is taking care of this for her from the bank in Ballston Spa. Is the mobile home on a foundation? Yes stated Mrs. French's son Ricky. Attorney Pozefsky stated to Mr. Barrass that I know you presented the idea of the subdivision to the Planning Board; maybe you might want to let the Zoning Board know what they thought.

I presented this subdivision to the Planning Board first and they directed us to the Zoning Board stating they couldn't approve without a variance. They had no concerns with it and spent considerable amount of time trying to find a way to do it. Attorney Pozefsky stated that one of the ideas was if they could get the additional land out in front by the road from the town only to decide that it wouldn't remedy the situation. Sigrid states that the banks know there is no guarantee that the property and home will remain in the family. I would like to say that in Article 4 4.2 C- it says No yard or lot existing at the time of the passage of this Local Law shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet the minimum requirements set forth herein. I would just like to say I have problems with this and no guarantees it will go through

Chairman Clarke states to Mrs. French and Dave Barrass that we are going to set them up with a public hearing for August 4th at 7:00p.m..

Linda states she has the letters and other paper work ready for Mrs. French to mail out and I will place the legal add in The Post Star.

A motion to adjourn the meeting was made by Glen Tearno and seconded by Jeff Fedor.

All are in favor.

Next meeting will be held on August 4, 2011 at 7:00 p.m.

Respectfully Submitted,

Linda Hamm

Zoning Board Secretary

Chairman William Clarke