

TOWN OF CORINTH
PLANNING BOARD

May 19, 2016
APPROVED

ROLL CALL: Louise Reed ✓, Philip Giordano ✓, Eric Butler, Chairman ✓, Althea Rivette ✓,
Joan Beckwith __, Dan Willis, Alternate ✓, Attorney Pozefsky ✓, Stachia Wagner, Secretary ✓

Excused with approval: Joan Beckwith

Motion to Approve March 17, 2016 minutes as written is made by Althea and seconded by Phil

Roll Call Vote: Louise Reed ✓, Philip Giordano ✓, Althea Rivette ✓, Dan Willis, Alternate ✓,
Eric Butler, Chairman ✓

Passed and Carried: 5(YAY) 0(NAY)

New Business: Dave Barass represents Michael & Gwen Baker for a 2-lot family subdivision. Mr. Barass presents to the board the intentions of the Baker's to subdivide off a 1-acre lot from the original 28.70 acres for the purpose to construct a single family home on the 1-acre. Chairman Butler presents a concern regarding the family subdivision as it is proposed to go from Gwen Baker to Michael Baker and the provisions states that this is not allowed under the family subdivision law. Chairman Butler adds that the law was created to allow the conveyance of a subdivided lot to a family member not from self to self. Mr. Barass mentions that Mrs. Baker would then attempt to convey the 1-acre lot to her husband. Chairman Butler directs a question to Attorney Pozefsky as to whether this would be permitted under the family, subdivision law, and he states that Secretary Wagner did reach out to the Zoning Board Administrator for guidance on this and that his response was received via email and that it stated that the definition of family, subdivision does not include conveyance to a husband/wife, only to child, grandchild, or parent. It is clarified that the only difference between a family, subdivision and a minor, subdivision is the fees. No questions are presented from the board members. It is established that the Baker subdivision will be added to the agenda for June 16th for a public hearing and a copy of the email from the Zoning Board Administrator will be provided to Gwen Baker. Gwen Baker asks about the certified mailings, Chairman Butler stated that the information will be available in the Planning office in the morning.

Dave Barass also represents Ernest and Ruth Tooker of 754 County Route 25 for a boundary line adjustment and a family subdivision. Mr. Barass presents to the board the intentions to subdivide a portion of his land to his son for the purpose of constructing a single family home. A 3' strip of land will be conveyed from Millard Arnold of 752 County Route 25 to Mr. & Mrs. Tooker so that the lots will both consist of 40,000 square feet required for construction of a single family home. No questions are presented by the board members. Chairman Butler announces that the application will be added to the agenda for June 16th for a public hearing.

Chairman Butler welcomes Harold Jones & Annette Brennan for the proposal of the addition of a single wide mobile home on the lot located at 24 Holmes Road where a one family is already

TOWN OF CORINTH
PLANNING BOARD

positioned on the lot. The property did, in August 1978, receive a hardship variance to allow an additional home on the lot for the use of a family member; the mobile has since been removed. The exact date of removal is not certain, however, they assume it was within 5-8 years. The request is that a mobile be brought in for use of a daughter with children and for a time of approximately 10 years. The lot does contain an additional septic system and water from the previous home. Chairman Butler announces that this proposal may be in front of the wrong board. Attorney Pozefsky states that he feels that this may need to be in front of the Zoning Board as it sounds as though it may require an area variance under the current zoning, and that a property is only permitted one principal building per lot. Dan Willis poses a question whether or not a grandfather clause would be involved here or if there is a time limit on whether or not someone could remove a secondary home on a lot with a time frame to replace that home, without the need to request a variance or approval from either board. Attorney Pozefsky refers to the Code of the Town of Corinth, and asks Mr. Jones if this would be considered a principal home and he states that there is already a home on the lot that they currently reside in. Attorney Pozefsky then states that this may come down to how the Zoning Board Administrator interprets the code; he then continues to read from the Town of Corinth Code referring to §91-47 *“A mobile home which is lawfully in existence prior to the enactment of this Part1, but not located in a mobile home park, may continue to be used as living quarters by its occupants, and an existing permit will be issued, provided that the water and sewage systems meet the minimum requirements of the New York State Department of Health. If the owner of the land desires to remove an existing mobile home and substitute a different mobile home, such owner shall file an application for a permit.* Attorney Pozefsky then states that with this definition this permit shall be requested by the building department, that this brings in the non-conforming use time limits. Mr. Jones states that this would be approximately 5-8 years since the mobile was removed. Attorney Pozefsky refers to §89-16(G), *“No provision of this chapter shall prohibit or restrict, in any way, the right of a manufactured/mobile home owner owning a manufactured/mobile home on the effective date of this chapter to replace his or her manufactured/mobile home with another manufactured/mobile home which complies with all federal and state requirements. According to federal regulations, all transportable sections of manufactured homes built in the United States after July 1976 must contain a red label. The label is the manufacturers certification that the home section is built in accordance with HUD’s construction and safety standards, that include body and frame requirements, thermal protection, plumbing, electrical, fire safety and other aspects of the home”.* Attorney Pozefsky then states that it sounds like as long as it complies with law, you can replace it, there is no time limit on it. Attorney Pozefsky also states that he is guessing that Federal Regulations would supersede the local regulations, but as long as it meets federal/HUD requirements that supersedes the local law, and that a visit to the building department should suffice in this instance. Chairman Butler then states to Mr. Jones that he should come back and speak with the Building Inspector to proceed.

Next Meeting June 16, 2016

Motion to adjourn meeting made by Phil and seconded by Althea.

ALL IN FAVOR

Meeting Adjourned at 7:38p.m.