

**TOWN OF CORINTH
ZONING BOARD OF APPEALS
600 PALMER AVENUE
CORINTH, NEW YORK 12822
518 654-9232 EXT 5
FRED C. MANN JR.
ADMINISTRATOR**

Minutes of June 1, 2006

A meeting of the Corinth Zoning Board of Appeals was held on Thursday June 1, 2006 at the Corinth Town Hall 600 Palmer Avenue, Corinth, New York and was called to order at 7:00 P.M. by the Chairman Bill Clarke.

Present : Sigrid Koch X Christopher Ross X Glen Tearno X Bill Clarke X Phillip Giordano X Jeff Fedor X Attorney Pozefsky X Fred C. Mann Jr. X Linda Hamm Secretary X

Public: Mary Baugh, Donald Olson, Edward C. Byrnes, Gladys Mann, Barbara Weatherwax.

Old Business: Ted Madison of Gabriel Road turned in the letters from neighbors all signed.

Mr. Donald Olson Public Hearing for an in ground pool.

A motion was made by Glen Tearno to approve the April 6th minutes as written and to approve the May 4th minutes with one change regarding, Mr. Madison's case. The last paragraph should read: review of the Planning Board.

Seconded: Sigrid Koch

A roll call vote was taken: Christopher Ross X Philip Giordano X Glen Tearno X Sigrid Koch X Bill Clarke X

AYES 5 NAYS 0

Old Business : Secretary states to the board that in the folder you will find a complete copy of Mr. Madison's case including the letters signed by the neighbors to start the close of Mr. Madison's case. Mr. Madison has not as of yet come to the office with paper work showing the two pieces of property being joined.

Mr. Olson is having a public hearing to put an in ground pool in on his property located on Barbara Mac Donald Drive.

Chairman Clarke asked Mr. Olson if any of his neighbors had come to the meeting? No I don't see any here this evening. Chairman Clarke states then it seems that they approve of your pool. Chairman Clarke asks if the pool is 20' away from the house. Mr. Olson stated that it is actually 30' from the house and 20' from the property line. Mr. Giordano asks Mr. Olson how far will the fence be from the property line? Mr. Olson stated about 18'. Chairman Clarke asks if he hears a motion? A motion was made by Chris Ross and Seconded by Philip Giordano.

A roll call vote was taken.

Sigrid Koch X Glen Tearno X Bill Clarke X Glen Tearno X Chris Ross X Philip Giordano X

Congratulations Mr. Olson, we hope you enjoy your new pool.

Chairman Clarke stated he asked Sigrid to draft a letter to the Town Board in regard to the elder cottage. You have all read this and is there anything you would like to add?

Attorney Pozefsky stated that this document should be read into the minutes. Read it first, discuss and if there are any changes or suggestions to be made do that, then vote on it.

Let the record show that Glen Tearno disagrees with the contents. I believe it is our responsibility. Eliminating a tangent law is not the best resolve. Maybe re defining it for the board to consider it, but to eliminate it I don't agree with that solution. The other part I disagree with in eliminating the law is I believe it is our responsibility to review a particular situation and apply those standards, which are clear, to that situation. If you can't do that, then that creates a problem but so far there hasn't been a situation that has been a problem that we haven't been able to make a determination using those guide lines.

Sigrid Koch states that the problem has been that the elder cottage has not come before us. So the subdivision goes through without our interest as it should be. Mr. Tearno states then if the subdivision goes through the Planning Board, there is no need to come here other than for an area variance. Sigrid states, but the fact of the matter is, that it needs to be looked at. What is temporary? That's a simple solution, if its not being used for its intended purpose, then it's done. One of our options is to tear it down. Maybe redefine it If you are going to abolish the elder cottage, I feel that there should be something to replace it or change some of the requirements. " Do Not Eliminate it ". Chairman Clarke states to the board that he had asked Sigrid to write up something for us to review and vote on in regard to our feelings on the elder cottage. Glen states that's great but, I see no reason to eliminate the law. Sigrid states that one of the concerns of this is that regarding some of the estates is that the parents have passed and they are still being used. There are only two other towns that still have elder cottages so obviously

others realize that there are other ways to go around this subdivision. Glen asks what are the alternatives? Sigrid states they have the option to subdivide or to build apartments onto the existing home. Bill Clarke, states that an elder apartment can be built over the garage. Yes it can. Mr. Tearno asks how many seniors are going to be capable to climb the stairs that need to have care from their family? Chris Ross states that it is the intent of the town board to have some kind of elder cottage law, but what is being used at this time is too broad, and to abused. It needs to be redefined, not eliminated states Glen Tearno, because if you eliminate it your opening it up. Now you have created a vacuum with no law. You really need to redefine it.

Mrs. Kirkpatrick asked to address the board in regard to the matter of the elder cottage. I am a nurse and have taken care of many seniors over the years. Believe me when they get to the point of needing care, they need to live in the house with you. They may get forgetful and not take their medicine at the designated time possibly even forget where they put it. Some may decide to cook something to eat and have the flame on the stove that grease burns and possibly start a house fire. Trust me they are not able to live on their own in another building on the same property.

Chairman Clarke asks Attorney Pozefsky where they stand now? What steps do we take in this matter? Attorney Pozefsky stated, you need to make a motion, second it, you discussed it now vote on it. Chairman Clarke asks if there is any other discussion?

Mrs. Weatherwax addresses the board: I have been in on some discussions lately and would like to bring something to the floor. I took care of both of my parents at different times when they were elder, and it was discussed at the Town Board Meetings the when they get to this point they really need you, they can't be by themselves, so a trailer by the house wouldn't do it. It's dangerous. Those of us with families, by the time our parents are in need of help you have an empty nest. You have the room existing in your home. To even suggest an apartment up over the garage for elder is wrong. My father or mother could never do those stairs. It would not have been practical to do this. They need to be in close proximity to the family and activities, to the meals everything. That was the whole purpose of this. Plus today it is not unheard of \$250,000 homes being built here. Who wants in a development situations with gorges little houses wants to see trailers situated behind them? It is just something that the public can't help but see in this day and age. It's something in the past when people didn't worry much about what the yard looked like, or that you are infringing on your neighbors peace and quiet and beauty of their yards. So the logic of that is coming into play. Also the fact that if there is and addition added onto the house that there can not be three components that could be added, that would make it an apartment that would be able to be rented out. As long as there isn't a kitchen added onto a bedroom and bath, then it is not a rent able unit. So the reasoning this is not working was because of misuse and how easily this could become a rental property. No body says a word and it just passes. This is just to give you some back ground. Chairman Clarke asks if there are any other comments?

Ed Byrnes states there has been a lot of discussion on the elder cottage with the town board and the L.A. Group. The cost of building a bedroom and bathroom addition to the existing home, would probably work out to cost less. My first interpretation of the

law was that it was for someone that had health concerns, and for support. Now this could be health support, financial support a lot of different things. Now you can't have an apartment, but you can add on a bedroom, living room and bathroom. If you add a kitchen it is considered rent able. Regardless of which support they are in need of, you are able to give it, a small addition added onto the house for them. I don't have all the answers, that's why we need all input to discuss.

Mr. Tearno, states to Mr. Byrnes then if its to be discussed and not eliminated, great ! I don't think we should send a letter to the Town Board to abolish, again I think we should work with the law we have and re evaluate it and possibly make some changes.

Mrs. Arleen Springer states, that she was never notified a swimming pool being put in as close as 8', no one came to me and said they were placing a trailer in for an elder cottage. I had to come here to appeal it. They put in a retaining wall, a slab, this is not sounding temporary to me. Zoning has been in existence for two years, 4 have been approved. Three have been related to either a Town Member or Planning Board Member. So I am seeing that its not being spread out through the community. If you read the minutes from when zoning went in, you will see that one was a Planning Board Member, one was the secretary of the Planning Board and another a relative of the Planning Board Member. All it is, is a loop hole and anyone will tell you that. I think this is a way to subdivide property when you don't have enough property. How is it you can have less than 2 (two) acres and legally subdivide. Put an elder cottage on it. I have more acreage than that and I can't do that, nor would I. By going to the Building Department and getting a building permit, you can put on your addition and it's not movable. Chairman Clarke ask Fred Mann if he has anything he wants to add, no I don't feel in my position it would be ethical. Attorney Pozefsky, no I can't it would not be ethical. I will agree that t the law is written with a lot of loop holes in it.

Secretary Hamm asks the board what do people do, if we eliminate the elder cottage and say for instance a member is injured in an automobile accident. Becomes a paraplegic, they are able to take care of them self with special items, such as ramps, open rooms etc. They don't want to live with their parents, but need some help from time to time. Is the town going to build housing for this situation, for seniors and young people ? I feel seniors are being forced out of their homes that they have worked all their lives to have. High priced homes are being built, taxes are going up. They can't afford them to the point they would rather cut back on their food than loose their home. Where do they go? Sigrid states she thinks the answer is to treat a situation, individually. Linda states, your eliminating it This is a poor community, with poor people that can't afford what you are looking at. Sigrid states that it's because the cases have shown so far that it is being abused. Sigrid states that if you have invested everything you have into a home that is in a residential area you should be able to feel that you are not going to have this happen. Chris states that, then that is where the zoning board should come into play. This should come before the Zoning Board of Appeals in some situations. Mr. Tearno states he doesn't believe that every time someone decides to put on an addition for grandma or a handicapped person the Zoning Board should have to hear it. That's not zoning, it's an addition. Mr. Byrnes states that

the terms are subjective. You say handicapped and that is another opener. What is handicapped? How are we to determine handicapped. Mr. Tearno, states that's a question that needs an answer. Then you add Handicapped. According to the "Disabilities Act". There are definitions for being handicapped. You can use it ! I'm saying that you just don't send a letter to the Town Board recommending to abolish the elder cottage, without giving suggestions to other alternatives. Chairman Clarke states that he would like to add these terms here encourage to eliminate the elder cottage law 8.7 of the Land use Law and recommend to create an in law apartment. Linda states if you add an in law apartment to a home then you are creating rental property to be used after the elders become deceased. Mrs. Kirkpatrick states that I understand that I'm a nurse, each person has special needs. If it did go to the building department Fred would find if it would need a variance and it would now have to go before the Zoning Board of Appeals people realize that this is to take care of the elder member. I don't know if you need that in writing. Fred states, that there are going to be some people that want their own cooking facilities. This is something you are going to have to define so that Linda and I are able to act on it. Your going to have to say no cooking, no kitchens. Even along those same lines with an in law apartment there are going to be some lots that are not going to be able to do that, then they will have to come to the Zoning Board of Appeals.

Member Jeff Fedor states that the whole issue here is that you have people building \$200,000 homes and they want to be reassured that their neighbor is not going to be able to place a trailer next to them for an elder cottage. They also have the right to know of building going on with their neighbor. Linda states the only way a neighbor has that information is if they speak to their neighbor and ask, or if the person needs an area variance because they can't meet the set backs.

Ed Byrnes states that this is what the meetings are all about. Getting information to help with the laws and keeping a handle on it. Mr. Fedor states that I think this is the kind of discussion that needs to be with the Town Board and I think you should just write a letter to the board stating, that we feel that they should either re write or expand the existing laws with the interest of the elderly. Something broad like that to encouraging the board to look at this issue to try and balance home owners rights along with elders . that we all know how it is to have more than one family under one roof. Let's say I'm 85 years old and my health is beginning to fail. I have children to help take care of me, they don't wish to live in the house at this time. My taxes are high now and I can't afford to build an addition, the taxes will go higher. What are my alternatives?

Mr. Tearno asks Chairman Clarke when this input has to be given to the board? Chairman Clarke states that any input should be given for the next Town Board meeting and workshop. Chairman Clarke asks the board if there is any further discussion? Chairman Clarke states he is looking for a motion to accept the letter as written to submit to the Town Board.

A motion was made by Chris Ross and seconded by Philip Giordano.

A roll call vote was taken.

Sigrid Koch X Bill Clarke X Glen Tearno NO Philip Giordano X Chris Ross X

AYES 4 NAYS 1

Chairman Clarke asks if there is any other business?

A motion to adjourn this meeting was made by Philip Giordano and seconded by Sigrid Koch

A roll call vote was taken.

Chris Ross X Glen Tearno X Bill Clarke X Sigrid Koch X Philip Giordano X

AYES 5 NAYS 0

This meeting is closed at 8:05 P.M. Our next meeting will be held on July 6, 2006 at 7:00 P.M.

Respectfully,

Chairman Clarke