

**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**

**Philip Giordano**

**JUNE 5, 2008**

**A meeting of the Corinth Zoning Board of Appeals was held on Thursday June 5, 2008 at 7:00 P.M. and called to order by Chairman Clarke.**

**Present: Y Sigrid Koch Y Jeffrey Fedor Y William Clarke Y Glen Tearno Y Philip Giordano Y Attorney Pozefsky Y Fred Mann and Y Linda Hamm Secretary**

**Public: Christopher Smith, Cathy Smith, Fred Koch, Arleene Springer, Michelle Wyman, Jim Hamm, George Dingmon, Debbie Dingmon, Linda Adams, Del Adams**

**A motion to approve the minutes as written was made by Sigrid Koch and seconded by Philip Giordano**

**Roll Call: Y William Clarke Y Glen Tearno Y Philip Giordano Y Sigrid Koch Y Jeffrey Fedor**

**5 AYES**

**0NAYS**

**Old Business: Mr. Chris Smith comes back for his public hearing asking for an area variance to reduce the lot area from 80,000 sq. ft. to 12, 400 sq. ft.**

**With the Chairman and all board members discussing in length with Mr. Smith and asking several question the decision**

of the board was to approve the area variance with conditions. Before closing the public hearing Chairman Clark asked the public if they had any input on this case. No one spoke up; the public hearing was closed at 7:24.

Glen Tearno makes the motion to grant the area variance reducing the required lot size to 12,400-sq. ft. to accommodate a class 1 home occupation for cleaning and detailing motor homes subject to the following conditions:

1. The owner and operator of the home occupation must own 597 County Route 24 as well as own and primarily reside at 595 County Route 24.
2. A change in ownership of either property will require review by the Zoning Board of Appeals if the business is to continue.
3. All work will be performed in the garage designed for the cleaning business. The capacity for out door storage to one motor home for a period not to exceed (30) days.

Philip Giordano made a second and a roll call vote was taken.

Y Sigrid Koch Y Jeffrey Fedor Y William Clarke Y Glen Tearno Y Philip Giordano

5AYES

0NAYS

Chairman Clarke asks if Mr. Hamm is here for a public hearing? Yes stated Linda. Mr. Hamm would you take a moment to refresh us as it has been a while since we have last seen you? Mr. Hamm states he is here for a use variance so he can subdivide his property to put his daughter's older mobile home on it. This mobile has to be removed from it's present location as the Adirondack Park Agency has given us only until July 15, 2008 to have this removed and the septic removed along with the wells taken out. Sigrid states to Mr. Hamm this is not sudden is it? No stated Mr. Hamm, this has been an on going battle for several years now. The town states they are not responsible for helping even though we had all the permits required. We were unaware that the property was in the Adirondack Park at the time of the subdivision and Michelle's

mobile put on the property. Sigrid asks why the use variance. Mr. Hamm states that he can go to the Planning Department and get the subdivision because I have the acre to do it with and that the mobile home can meet all the setbacks along with the well and septic. Mr. Hamm approaches the board members and shows them on the map. I haven't had it surveyed as of yet because I need the variance. This property is zoned R-3 and doesn't allow mobile homes. You can't put it in a park in the area asks Sigrid? No, the mobile home is too old. What year is it asked Sigrid? It's a 1980 stated Mr. Hamm.

Sigrid states to the board members that we would be setting a precedent here. Attorney Pozefsky states that the zoning laws have not changed and until they do you still have to meet the criteria and the number one is that you cannot realize a reasonable return substantial as shown by competent financial evidence. How can he not get a return on the property? Mr. Hamm needs to show something and it's not that he wants to sell the property, the need is to move his daughters mobile. Mr. Hamm stated otherwise I would not be subdividing. Sigrid asks Mr. Hamm who's name will the property be in. Mine, as is the property her mobile is on now. The only difference is it will not be in the Adirondack Park. Attorney Pozefsky states this case doesn't amount to dollars and cents, but it doesn't allow the board to omit the question.

Jeff Fedor states in regard to the number two question the hardship being unique and does not apply to substantial portion of district or neighborhood. The hardship has to relate to the land not to the applicant personally. Mr. Fedor makes a motion to deny this application as Mr. Hamm has not shown a reasonable return by financial evidence and the hardship on the land. Sigrid second the motion. A roll call vote was taken.

Y Sigrid Koch Y Jeffrey Fedor Y Bill Clarke Y Glen Tearno Y Philip Giordano

5 AYES

0 NAYS

Mr. Hams application has been denied.

Secretary states there is a Notice of Action for denial for Mr. Hamm for the Chairman to sign. I will make a copy for Mr.

**Hamm.**

**Chairman Clarke asks if there is any other public business tonight? Questions from the public? No response.**

**Attorney Pozefsky states as long as there is nothing from the public I have something. I don't know if you received in your packet something from the Town of Galway Zoning Board? Just for the boards information I just started as the Town of Galway's Planning and Zoning Attorney. On their web site I found this guideline, kind of a lay persons guide to the zoning board! I asked Linda to copy and give you a copy; it's a handy thing the applicant's are given. It's actually very instructive as to how it works, in case you wondered why this is in here. Sigrid states the more user friendly it is the better for us.**

**Sigrid asks about the sheet in the folder in regard to legal signature. Fred Mann states he was just going to bring that up. The board wanted something in the application stating that the information that was given by the applicant was legal and true. Linda added the statement of ( I \_\_\_\_\_ swear that the questions answered on this application have been answered true to the best of my ability. Their signature and have it notarized. Sigrid states the she has a copy from another town's application and she discussed it with Marty and feel it's a lot more legal sounding.**

**False statement (s) made in the foregoing instrument are punishable as a Class (A) misdemeanor pursuant to section 21.45 of the penal law. Accordingly and with notice of the foregoing, I hereby affirm that the foregoing statements of facts are true to the best of my knowledge under penalty of perjury this \_\_\_\_\_, day of \_\_\_\_\_**

\_\_\_\_\_  
**Applicant signature**

**Then the notary. This came from the Town of Charlton. Chairman Clarke states we are all sworn to do our jobs. Attorney Pozefsky states yes you are and in fact Mr. Chairman the New York State Town Law, authorizes you to swear in applicants and witnesses in front of the board. You can ask them to raise their right hand and swear to tell the truth the whole truth and nothing but the truth. You don't have to do**

that, but it is an option. Sigrud states that maybe it doesn't need to be quite so formal, I just think it needs something more than this simple statement. Mr. Fred Koch stated that the first one that was read sounded to me, like okay im going to tell the truth here and sign it. I don't show any kind of emphasis. By adding that it's a misdemeanor. Attorney Pozefsky states that Fred knows in the police world your things are sworn or affirmed by a penalty of perjury. That penalty of perjury language is good to have in there. It just makes everybody realize that. Jeff Fedor states to Fred Mann that the two plans that Mr. Smith turned in are great, we need to see all plot plans like this. It helps in making a better decision. It's clear with measurements of the side and back lines. Everything is that we need. I would love to see all applicants' turn in something like this.

Chairman Clarke asks if there is anything else from the public? No response.

A motion to adjourn the meeting was made by Jeff Fedor and seconded by Sigrud. A roll call vote was taken.

Y Sigrud Koch Y Jeffrey Fedor Y William Clarke Y Glen Tearno Y Philip

5AYES

0NAYS

This meeting was closed at 8: 27 P.M.

Linda Hamm  
Secretary

---

Chairman William Clarke