

**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

Tim Sullivan

DRAFT

NOVEMBER 5, 2009

A meeting of the Town of Corinth Zoning Board of Appeals was held on Thursday November 5, 2009 at 7:00 P.M. and was called to order by Chairman Clarke.

Present: Y Sigrid Koch Y Jeffrey Fedor Y William Clarke Y Glen Tearno Y Tim Sullivan Y Fred Mann Y Linda Hamm, Secretary

Absent: Attorney Pozefsky with excuse.

Public : None

A motion was made by Chairman Clarke to accept the minutes from July - October as written.

Seconded by : Jeffrey Fedor

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

AYES 5

NAYS 0

There is no old or new business for tonight, this meeting is to

get your input for the new Zoning Revision Committee that Glen and I have been appointed to, along with a few other people. We start off with Sigrid wanting to address Article 3 Section 3.3 F regarding the tightening of definitions and Schedule 1 Site Plan Use Medical Clinic or Nursing Homes. What is our definition of a nursing home? I can't find a definition. Mr. Tearno reads the definition. Also Schedule 1 R-3 is Moderate Density Residential. Here it is a site plan use, what is our numbers? Mr. Tearno asks you mean size? Yes, so do we allow, say a three story medical center or 3 story nursing home on an acre or less of land, or is it suppose to be in keeping of the residential area similar to the Jesse? Mr. Tearno states, this is why it is probably under the site plan use, but that same question would apply to a place of worship, what size church can you build?

Mr. Fedor states you could bring up that same type of discussion for an office building. What type of business and what size building would be allowed? Sigrid states, this is what I am talking about with this being Moderate Density Residential, should there be tighter definitions than by just saying we have the space and this is what can go up. Fred states that this is one of the decisions the Planning Board needs to make when this comes about depending on the zoning area. Mr. Tearno also states that they have to keep in with the maximum lot coverage. Chairman Clarke asks Fred, what about from the fire department point of view, is there a height limitation?

Fred states that anything over 40' has to have a variance. Is that 40' in height? Yes, stated Fred they would have to come to the Zoning Board for a variance. Chairman Clarke states there, that is our limitation right there in terms of height. Mr. Tearno states that the nursing home /medical clinic is the one term that you find in all zoning districts. This is important enough for the Town to have the flexibility that wherever the need exists, it can have that type of facility. Chairman Clarke asked Fred if we as a town receive any revenue from tree cutting? No stated Fred, we have an application to be filled out and filed for timber harvesting stating that if the project is going to consist of more than 10 acres they provide a thinning plan to the Zoning Administrator. We collect no fee for this application; it is just a way to try to stay informed as to where the cutting is going on.

Then Sigrid asked to look at Article 7 - 7.6 B Location and Size of Use of a special use permit. I feel this should be definitely defined either in the Town Code or the Land Use Code. Fred Mann stated he feels it should be in the Town Code.

Mr. Fedor asks if a Senior Center is included with the medical clinic or nursing home? Sigrid states no that's more of a medical need it is not addressing the issue of senior housing. Mr. Fedor states then is that something we should have in there? Well this question keeps coming up states Sigrid. Fred Mann states you have the Jesse on Hack Road, which is assisted living. The people are there and someone is with them around the clock. But there are so many different degrees of assisted living states Sigrid. Mr. Fedor asks then is this something we ass is assisted living or add to the medical clinic/nursing home? Fred Mann states that this is not something that had been brought up here but people are looking all the time for some type of senior living. Chairman Clarke states well we are living in an ageing society. Sigrid states she feels that the medical clinic and nursing home are two completely different things. The medical clinic should be one class and the assisted living/nursing home be together.

Sigrid states she just has a few questions on Article 5 5.2 (B) Unsafe Structures. Sigrid asks, would that be you Fred? Yes, I would be one of them. It could be the Fire Chief, the Health Inspector. I feel the way it reads is a good clarification, because depending on the incident I am the after the fact, like if there was a fire for instance the fire chief could close the building down and deem it unsafe, as can the health inspector.

Now the same article but (G) and (H). Fred states to clarify if a building is grandfathered and it burns down, the owners can build in the same foot print or if there is enough land to meet the setbacks the new home can be built meeting the setbacks They have a (2) two year grace period. Sigrid asks Mr. Mann if the letter (H) is the most recent definition for a manufactured home/mobile home? Yes but there are more stipulations and yes, it must have the HUD sticker on the mobile home. Also now if placing a double wide on the property and putting it on a basement the plans must be stamped plans.

Chairman Clarke states that the year 1976 with a HUD seal really concerns him, mobile homes are considered as

affordable housing in some communities as you said Fred they depreciate like a car. Fred stated he was in a 1977 mobile home that an older lady had and took very good care of. A gentleman wanted to purchase it but wanted to be sure the town would accept it. Mobile homes are the same as cars; they are only as good as the people owning it and taking care of it.

Mr. Fedor states his concern is the decreasing value in the mobile homes that some seniors are living in and are falling apart. We have a lot of older homes that are selling and with some remodeling they make fine homes. As far as the \$300,000, \$400,000 and up homes go, if we don't establish some higher priced home areas they won't build, people won't build higher priced homes that are \$50,000-\$90,000 homes. This is not a judgment; it's a protection of your investment.

Mr. Tearno states you have to do something to off set the residential, like commercial pays for its self, open space pays for its self, industrial pays for its self. Whether its a million dollar home or a mobile home, that million dollar home still has infrastructure attached to it that the town still has to pay for. Mr. Fedor would like to see some evidence or research on this, I think common sense would say that a \$500,000 or a million house, first of all you could only get possibly three of them on the block. A mobile home you could get 5 of them on the block, if a mobile home is worth \$15,000, \$20,000 they're only going to pay X amount of taxes. Your only going to get a certain amount of money from them, and your right the still require the same streets, same school bus. The half million-dollar house is going to be paying \$40,000 in taxes. I think if there is some kind of study out there that has the same cost factor to the town and the money collected from town taxes, there can be no dispute that they are collecting more from the half million dollar homes. Even more over time because their home is going to appreciate while the mobile home is depreciating.

I'm not saying to eliminate mobile homes or \$20,000 homes the question is how does zoning make it so that we don't cause half million-dollar homes to be built here? Mr. Tearno states that by using the existing stock and working through an entity like Adirondack Housing Trust, where they are going to put somebody into that house that can't quite get

over that hump to buy the house. Someone that has a steady income and can maintain that house. That's going to add value to that house as opposed to it selling for \$90,000-100,000 and being rented for Section - 8 Housing. So now how do you allow for the development and all the good things but keep the one goal that supersedes everything else that the people of this town said they wanted and that is to maintain the rural character of the community. That becomes very difficult because part of that rural character when you look at the survey responses, a lot of people moved here because of family. When Mollies was here, people walked in their people were related to people that were working there that were related to other people coming in the door. That's part of the rural character. Also, everything we are talking about here ultimately goes to the Planning Board. Yes, stated Chairman Clarke but we are the ones seeing this first, as the zoning revision committee, we are setting the parameters for the Planning Boards participation.

Mr. Tearno states that once we have done that it ultimately goes to the Planning Board. Everything that they do every decision that gets made between now and when the revision gets done it's going to leave a lasting impact that we can not change. So having a Planning Board that has vision, foresight and creativity is good, we can put everything in black and white but everything we just talked about all ready exists. The planned development, the cluster, the conservation it's all ready in there, but having folks use it. Having someone come in and say, I want to subdivide, and there are no restrictions other than the lot sizes and they meet all of those. Now saying okay your plan looks good. Instead take that plan and say, how about we do it this way? You're going to get just as many houses but now we have some open space we can use for the town and now it's not landlocked and we can use it for something. Sigrid states this leads to another section I was looking at which is Article 10 we have 10.1 Creation, Appointment, Organization and Removal, it's all about the Zoning Board, there is nothing about the Planning Board. The book speaks of the jobs they do, but there is nothing that speaks of the creation, appointment the powers and duties their rules of procedure or anything. There is also another item I would like to talk about a little and that's Article 6 site plan review, neighbor notifications. The Planning Board has approved everything and nobody knows what is going on until

there is a contractor is there. Then there is Article 7 section 7.6 B Location and size of Use. From our discussion here we really don't have an orderly development of any district. I think when we are talking with committee there has to be more definition when you go back to those districts as to what your vision is, more than an intensity. Mr. Tearno directs Sigrid to look at 7.6 General Special Use Permit Standards. It says in there what the vision is, regardless if your in R-3 or R-2 the zoning is in place and the vision is to keep and take into account the specific conditions set forth in this section for certain uses, applicable. The Planning Board shall take into consideration the public health, safety, general welfare, and the comfort and convenience of the public in general. This goes along with the outline.

During this discussion Fred stated to Chairman Clarke he felt they should invite Chairman Butler of the Planning Board for his input as well. Most everything we talked about here tonight pertains to the Planning Board.

A motion to close the meeting was made by Glen Tearno and seconded by Jeffrey Fedor. Our next meeting will be on December 3, 2009 at 7:00 P.M.

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

5 AYES

0 NAYS

Respectfully Submitted,

Linda Hamm
Secretary

Chairman William Clarke