

**September 4, 2008**

The Town Board of the Town Of Corinth held a workshop meeting on September 4, 2008 at 4:00pm at the Town Hall.

Present:       Richard Lucia, Supervisor  
                  Charles Brown, Councilman  
                  John Major, Councilman  
                  Edward Byrnes, Councilman  
                  Mitchell Saunders, Councilman  
                  Rose E. Farr, Town Clerk  
                  Fred Man, Code Enforcement Officer  
                  Michael Hill, Town Counsel

Zoning Board: William Clarke, Chairman  
                  Sigrid Koch, Board Member  
                  Glenn Tearno, Board Member  
                  Jeffrey Fedor, Board Member  
                  Philip Giordano, Board Member  
                  Martin Pozefsky, Zoning Board Attorney

After roll call by the Town Clerk the following business was conducted.

A workshop with the town Board and Zoning Board of Appeals was conducted and the following comments were made:

William Clarke – Chairman Clarke told the Town Board that he wanted to recognize the Zoning Board for the educational training that they have attended as well as the input they have had with the Comprehensive Plan Committee. He said he thought that the Town Board should meet with the Zoning Board and Planning Board at least twice a year. Supervisor Lucia told Mr. Clarke that the Town Board appreciates all that the Zoning Board has been doing and the Town Board will be trying to meet with the Zoning Board and Planning Board at least once a year.

Attorney Martin Pozefsky told the Town Board that he appreciates the support that is given by both the Town Board to the Zoning Board. Attorney Pozefsky told the Town Board that there were two non-conforming use areas that the Zoning Board had difficulty with. He said the first was a seasonal guest cottage that people wanted to change to a year round rental. He said the second was how long property with a non-conforming use could be discontinued before it was void for the non-conforming use. He said that there is no language in the zoning about intensifying non-conforming use or about how long a non-conforming use must be discontinued before it is void.

Councilman Major told Attorney Pozefsky that the non-conforming use was changed in the Composting Law.

Supervisor Lucia asked Code Enforcement Officer Mann about the fee schedule. Code Enforcement Mann told the Town Board that the only fee is a \$40.00 fee and the Town Board may want to increase that as the cost of the legal ads rise.

Sigrid Koch said she felt that Corinth fees were a give away compared to Town of Greenfield that charges per square foot. She said that there was a considerable amount of paperwork for some of the applications. She also said that many of the people do not realize what they are applying for until the night they come before the board. Code Enforcement Officer Mann told the board that Linda Hamm gives the people the forms necessary to go before the Zoning Board for what they need.

Supervisor Lucia suggested that the boards contact neighboring communities and obtain copies of their applications and fee schedules. Attorney Pozefsky said that the Town of Galway has a use friendly application, etc.

Jeff Fedor said that a use variance is very difficult to obtain. He said that there is a four step process to prove a use variance. He also said that people need assistance with this application.

Code Enforcement Officer Mann suggested that the two applications be made separate instead of one application as is the case now.

William Clarke said he thought the application should be sworn to in front of notary. Supervisor Lucia told the Zoning Board that most applications have been changed to being notarized and he feels that the applications for Zoning Board should also be notarized.

Attorney Hill suggested that the applications open up with a short paragraph regarding the definition of use variance and area variance.

Supervisor Lucia suggested that since code provisions provide if the board feels an expert is necessary to evaluate a project these fees are paid by the applicant for Planning Board perhaps this should be added for all boards.

Councilman Major suggested that the Town Attorney provide copies of the changes that the Planning Board has asked for to the Zoning Board so that they could review the proposed changes.

Glenn Tearno stated that he feels the board is in need of an alternate so that if anything happens the alternate can step in and is familiar with what is going on. He said he felt that people don't understand what they need to do. He feels the application is simple and straight forward and they should reject any application if it doesn't have everything that is required.

Glenn Tearno said that he feels that the Zoning Board should have flexibility. He said that if the law is made black and white then the Zoning Board has no flexibility at all.

Glenn Tearno said that the Comprehensive Committee should have its first draft of the new Comprehensive Plan to the Town Board by next week. The Town Board then needs to review

the plan and set a Public Hearing. He suggested that the Town Board put the revision of the Planning Board and Zoning Board rules on the back burner until the Comprehensive Plan is completed.

Philip Giordano said he had to disagree with Glenn Tearno but he felt the law should be set in black and white with no flexibility.

Glenn Tearno said he felt that the board needed flexibility to evaluate each situation on its own.

Councilman Saunders said he likes black and white but on the other hand he could see where Glenn was coming from.

Attorney Hill told the boards that after updating the Comprehensive Plan and revising zoning there will always be more things to change.

Sigrid Koch said that perhaps the Code Enforcement and the Building Inspector should be two separate jobs. Supervisor Lucia asked Code Enforcement Officer Mann how he felt. Code Enforcement Mann told the boards that at the present time things were fine. Supervisor Lucia told Code Enforcement Mann to let him know if holding the two jobs got to be too much.

Jeff Fedor told the Town Board that he felt grandfathering was the biggest obstacle facing the Zoning Board.

William Clarke he thought the most discussions were over illegal and non-conforming use. He also said that he felt the jobs of Code Enforcement Officer and Building Inspector should be separate jobs held by two different people. He said he thought that the Town could use a part-time Code Enforcement Officer who would be able to write tickets, etc. Supervisor Lucia said that it is now budget time and this would be taken into consideration.

Supervisor Lucia told the Zoning Board that both the Zoning Board and the Supervisor should get paperwork from neighboring towns, as well as fee schedules, and then perhaps another meeting should be scheduled.

The Zoning Board members left at 5:30PM.

**RESOLUTION #194**  
**TRANSFERS**

On a motion made by Councilman Major and seconded by Councilman Brown, the following resolution was

ADOPTED    Ayes 5            Lucia, Brown, Major, Byrnes, Saunders  
                 Nays 0

RESOLVED that the following transfers be made:

Transfer of \$2,083.33 from 14201.01 (General Fund – Attorney Personal Service) to 14204.01 (General Fund – Attorney Contractual) for payment made to Miller, Mannix, Schachner & Hafner, LLC from an incorrect account;

Transfer \$382.43 from 11101.01 (General Fund – Justice Personal Service) to 11104.01 (General Fund – Justice Contractual) for payment made to Williamson Law Book from an incorrect account.

**SUPERVISOR**

Supervisor Lucia stated that he had just received an invitation from Corinth Community Churches to participate in their parade in remembrance of September 11, 2001. He said that this falls on the Town Board’s 7:00 PM meeting and he didn’t see anyway the meeting could be change since the invitation came at such short notice. After a discussion it was decided that Supervisor Lucia will contact the parties involved and explain to them that the Town cannot participate due to the scheduling of their meeting.

Supervisor Lucia told the Town Board that they were invited to the Mohawk Hudson Association of Village Officials Fall Meeting on Sunday, September 28<sup>th</sup> in Voorheesville, NY at 5:30 PM. He told the Board that the Pros and Cons of Village Dissolution was going to be discussed.

**RESOLUTION # 195**

**MOTION TO PAY BILLS AS AUDITED WITH NO EXCEPTIONS**

A motion was made by Councilman Byrnes and seconded by Councilman Saunders and the following resolution was

ADOPTED    Ayes    5            Lucia, Brown, Major, Byrnes, Saunders  
                  Nays    0

Resolved that the board pay the bills as audited with any exceptions as follows:

Abstracts For 09/04/08

General Fund/Town Wide – A:

\$11,494.54

General Fund/Outside Village – B:

\$1,539.99

Community Development Grant – CD:

\$0

Highway/Town Wide – DA:

\$0

Highway/Part Town – DB:

\$9,702.55

Capital Project/Landfill Upgrades – H1:

\$0

Fire Protection – SF:

\$0

Street Lighting – SL:

\$0

Sewer/Water – SW:

\$5,348.00

Trust & Agency – TA:

\$1,875.66

Scenic Train –

\$0

Depot Restoration –

\$0

**RESOLUTION # 196**

**ADJOURN TO BILL PAYING**

A motion by Councilman Brown and seconded by Councilman Major the following resolution was

ADOPTED    Ayes 5            Lucia, Brown, Major, Byrnes and Saunders  
                 Nays 0

RESOLVED that the board adjourns to bill paying

Respectfully submitted,

Rose E. Farr  
Town Clerk