

**TOWN OF DAY ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES - Final  
November 16, 2020  
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**Roll Call**

**Members Present:**

Dave Davidson, Chairman  
Al Graham  
Donald Poe  
Steve Edwards  
Harry Brennan

**Counsel Present:** Matt Fuller

**Others Present:**

Branden Ferguson, P.E., Environmental Design Partnership, LLP.  
Dave Guilder, Architect

**Pledge**

Chairman Davidson opened the meeting at 7:00PM and welcomed Harry Brennan our new ZBA member who attended his first meeting of the Zoning Board of Appeals tonight. First order of business to approve minutes from the last regular meeting of Zoning Board.

**Motion**, made by member Al Graham, and seconded by Steve Edwards to approve the minutes from the February 20, 2020 regular Zoning Board of Appeals meeting.

**Ayes:** Chair Davidson, Steven Edwards, Donald Poe, Al Graham

**Carried: 4-0**

**New Business:**

**Area Variance Application, Murray and Jean Hennessy, 33.9-1-37, 2634 North Shore Road**

Which includes the following information:

1. Short Environmental Assessment Form
2. Project Narrative from Environmental Design Partnership (EDP)
3. Topographic Survey by Gilbert VanGuilder Land Surveyor
4. Site Plan & Waste Water System Plans by EDP
5. Letter of denial/referral to ZBA from Kenneth Metzler
6. Deed to Property

At tonight's meeting, the Hennessy's are being represented by Brandon Ferguson of Environmental Design Partnership and their Architect, Dave Guilder. The project plans were displayed on presentation boards for review.

Chairman Davidson noted that that he will recuse himself from the deliberations on the application because he has known the Hennessy family for many years. He will chair the procedural meeting tonight, but Don Poe will serve as chair for the deliberations on the Hennessy application.

Before reviewing the application for completeness, the Chair asked Attorney Fuller for his thoughts on the email Chairman Davidson had circulated before the meeting. The rejection letter by Ken Metzler, Code Enforcement Officer, did not specify the specific nature of the variances required, but the Applicants had specified them in the Area Variance Application. Attorney Fuller said that the ZBA decided what they needed as an appropriate rejection letter. After discussion, the ZBA members agreed that they required specific details about the nature of the variances required in the rejection letter before they could evaluate any application. Chairman Davidson said he would work with Ken Metzler to achieve this.

One final issue Chair Davidson noted is the setback variance and Saratoga County law requirements. While the Town of Day has an exemption from the requirement that this application be forwarded to the County for review and approval, the ZBA will need to decide if they want to do this. All applications are forwarded to the APA for review and agreement.

At some point a Public Hearing will required for this application and we will need to update the form that will notify the public to encourage them to comment "virtually" by email, phone call, or USPS.

Chair Davidson asked Mr. Ferguson to present the project. Mr. Ferguson explained that the parcel is .37 acres and it's a narrow-steep lot. The Hennessy's recently purchased additional land to expand the property. He explained that they have an existing camp and wanted to make it into a single-family residence. He also reviewed the layout of property and the proposed building structures.

Board member Edwards had a question on the rear setback line and high-water mark. Brandon explained and showed on the prints the closest point to the high-water mark and that they are not over the line onto the back line/property line. Brandon will get this dimension noted on the print for us.

Atty. Fuller had one note to make regarding the deed. The tax map shows it as two parcels and the survey shows it as two separate lots. Property owner owns two parcels but we only have one deed submitted. The ZBA will need the second deed to see what combined the parcels.

It was determined that since we did not have the second deed, and we need an updated letter of denial, that we can't consider the application complete at this time. We will finalize the application upon review at our next regular Zoning Board meeting on Monday, December 21, at 7:00pm, as long as those two items are submitted.

**Continuing Business:** None

**Correspondence:** None

**Secretary's Report:** None

**Motion** made by Al Graham, seconded by Steve Edwards to **adjourn** this regular meeting of the Town of Day Zoning Board of Appeals was made at 7:35pm.

**Ayes:** Chairman Dave Davidson, Al Graham, Harry Brennan, Don Poe, Steve Edwards

**Carried 5-0**

Respectfully Submitted,

Diana Edwards  
Clerk