

TOWN OF DAY
Zoning Board of Appeals
REGULAR MEETING MINUTES - Approved
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October 21, 2019

Roll Call

Members Present:

Chairman, Dave Davidson
Steve Edwards
Al Graham
June Dixon
Donald Poe

Members Absent:

Counsel: Matt Fuller

Other Attendees: None

Chairman Dave Davidson opened the meeting at 7:00PM

Pledge

Motion made by Board Member Al Graham, and seconded by June Dixon to approve the meeting minutes from the September 16, 2019 regular meeting of the Zoning Board of Appeals.

Ayes: Chairman Dave Davidson, Al Graham, Steve Edwards. June Dixon, Donald Poe

Carried 5-0

Old Business: John & Christine Shea's application for a zoning variance. The ZBA accepted it as complete as long as we received a certified land survey map prior to arranging a public hearing, which we have received and the public was notified of the Public Hearing

New Business: Public Hearing

Application for a Zoning Variance

John & Christine Shea

Tax Section 33.18 Block 1 Lot 58 & 33.18-1-75

First order of business is to open the public hearing on the application of John and Christine Shea. The Shea's are not in attendance, but there is no reason why the Zoning Board of Appeals cannot proceed with the meeting as scheduled. The public was notified via certified mail and with a public notice posted in the legal section of Post Star on October 10, 2019. There is nobody from the general public in attendance tonight.

Chair Davidson asked the Board Members if any of them have scouted the area and Don Poe said he had gone to the property. The Board has since received the survey plan from Mr. Shea as requested at our last regular meeting on September 16, 2019. This survey plan was reviewed by all Board Members at tonight's meeting. It clearly showed the two substandard lots on the application for a property line adjustment and where the proposed addition to their home. Both properties are owned by the Shea's. Everything was clear from the survey plan and there were no concerns from Board Members.

Chair Davidson read from the **New York Planning Federation, Summary of Area Variance Criteria** and asked the Zoning Board of Appeals members to consider:

1. *Whether benefit can be achieved by other means feasible to applicant:* No -all Board Members were in agreement.
2. *undesirable change in neighborhood character or detriment to nearby properties;* No - all Board Members in agreement.
3. *whether request is substantia;* No - all Board Members were in agreement.
4. *whether request will have adverse physical or environmental effects;* no - all Board Members were in agreement
5. *whether alleged difficulty is self-created (which is relevant, but not determinative);* no - all Board Members were in agreement.

Chair Davidson asked that the Board Members make a proposal. June Dixon offered to grant the variance request, seconded by Al Graham.

Polled:

Chair Davidson, yes

Member Al Graham, yes

Member Steve Edwards, yes

Member June Dixon, yes

Member Don Poe, yes

All granted, variance is accepted.

Chair Davidson noted that we will let the Shea's know that it will be official once the Adirondack Park Agency (APA) approves the variance and Zoning Board of Appeals writes the resolution. The APA was notified last week about this variance application -- however, it can take up to 30 days for approval. Mr. Shea can schedule to go before the Planning Board at their next regular board meeting which is scheduled on Monday, November 4, 2019.

Chair Davidson then said that the Public Hearing is officially closed at 7:18pm.

Continuing Business: None

Correspondence: None

Secretary's Report: None

Motion, made by Board Member Al Graham and seconded by Steve Edwards to **adjourn** this regular meeting of the Town of Day Zoning Board of Appeals was made at 7:20 PM.

Ayes: Al Graham, June Dixon, Chair Davidson, Steve Edwards, Don Poe

Carried 5-0

Respectfully Submitted,

Diana Edwards
Clerk