

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
SEPTEMBER 18, 2006**

Members Present: Kearney Mason, Chairman
Judy Traeger
Pat Volpe
Hank Lang
Ray Ives

Absent: David Avigdor

Chairman Mason called the meeting to order at 7 p.m.

Old Business: **Szyfman, Leon & Petra**
 O6-02ZBA – Tax Map #32.19-1-24.00 Area Variance

After conducting the Public Hearing, Chairman Mason reopened the Regular Meeting 7:10 p.m.

Area Variances for 5 feet where 15 feet are required and 20 feet where 50 feet are required (auxiliary structure) in Residential Moderate Density District.

The Board reviewed the area variance criteria:

- **Can the benefit be achieved by other means?**

Board Member Traeger stated it could not because the Szyfmans have tried every other way and are limited due to the ledgerrock. Chairman Mason stated they even went so far as to recontact their excavator for further options. Board Member Lang stated Mr. Szyfman's disability is a major factor in the garage location and that the applicants had also done a very good job on their presentation of the property including extensive photographic evidence. Board Members Ives and Volpe stated they were in agreement with the other members.

- **Undesirable change in the neighborhood character?**

All Board Members agreed there would not.

- **Is the variance substantial?**

Board Member Traeger stated it was substantial from North Shore Road but due to the circumstances, the applicants had no choice. Chairman Mason stated it was actually 50 feet from the road but not from the property line. Board Member Lang had no comment. Board Member Volpe stated it was substantial from the front property line.

- **Will this have an adverse physical or environmental effect?**

All Board Members agreed it would not.

- **Is the alleged difficulty self-created?**

Board Member Traeger stated it was not but was due to the lay of the land, which the applicant can't change. Board Members Ives, Mason, Lang and Volpe stated it was not.

After review of the application materials, Resolution No. 06-02ZBA was made by Board Member Ives and seconded by Board Member Traeger to grant the variances (5 feet where 15 feet are required and 20 feet where 50 feet are required). Ayes: Mason, Ives, Traeger, Lang, and Volpe. Motion carried 5-0.

D'ALLAIRD, Donald & Rebecca
06-03ZBA – Tax Map #42.12-1-73 – Area Variances

The Board reviewed the area variance criteria:

- **Can the benefit be achieved by other means?**

All Board Members agreed it could not.

- **Undesirable change in the neighborhood character?**

Board Member Lang had no comment. Board Members Traeger, Mason, and Volpe stated it would not.

- **Is the variance substantial?**

All Board Members agreed it was not substantial.

- **Will this have an adverse physical or environmental effect?**

All Board Members agreed it would not.

- **Is the alleged difficulty self-created?**

All Board Members agreed it would not and was due to the presence of the ledgerrock.

After review of all application information received, Resolution No. 06-03ZBA was made by Board Member Lang and seconded by Board Member Traeger to grant the area variances (18 feet and 7 feet where 15 feet are required). Ayes: Mason, Volpe, Traeger and Lang. Abstention: Ives.)

Minutes Motion by Board Member by Board Member Traeger, seconded by Board Member Ives to approve the minutes as amended (Tax Map numbers on the New Business portion of D’Allaird and Szyfman were transposed.) Ayes: Mason, Ives, Volpe, Lang and Traeger. Carried 5-0.

Old Business **FEDOROWICZ, John and Laura**
06-01ZBA – Tax Map#43.6-2-10
Area Variance

The Secretary stated she had not received any additional information or been contacted by the Fedorowicz.

David Cox, Chairman of the Planning Board, stated the Fedorowicz had come before the Planning Board at the September meeting with a proposed two-lot subdivision with less than the minimum contiguous road frontage and wished to combine that with road frontage across North Shore Road to meet the requirement. Mr. Cox stated the interpretation of the Planning Board was that this road frontage requirement would be measured from property line to property line and have nothing to do with the opposite side of North Shore Road. He further stated he wanted to make it clear, as a private citizen, that such a situation as this would impact future setbacks, septic systems, etc. and the road frontage requirement should be adhered to.

Ted Mirczak, also appearing as a citizen and a member of the Planning Board, stated dividing property to create substandard lots is never a good idea. He further stated that the lot purchased is sufficient to build one home and not make it even smaller with two structures.

Mr. Szyfman stated as a private citizen, he also was in complete agreement with Mr. Cox and Mr. Mirczak.

Mr. Cox inquired if the Zoning Board accepted the application of the Fedorowicz would a Public Hearing be called. Board Member Traeger stated it would. Mr. Cox requested that he be notified of that Public Hearing. Discussion ensued on how long the Fedorowicz application has been carried on the Zoning Board agenda. It was determined it has been on the agenda since June and would remain on the agenda until the November meeting.

Correspondence

The Secretary stated information had been received on the following conferences: Locals Officials Farm Tour, Saratoga County Planning Training Opportunity and Saratoga County Planning 3rd Annual Conference. There was no interest except in the Planning 3rd Annual Conference with discussion to commence closer to the January conference date.

Secretary's Report

None.

Public Participation

None.

Adjourn

At 7:40 p.m. a motion was made by Board Member Ives and 2nd by Board Member Traeger to adjourn the meeting. Ayes: Mason, Ives, Volpe, Lang and Traeger. Carried 5-0.

Respectfully submitted,

Diane R. Byrne
Secretary