

TOWN OF DAY ZONING BOARD OF APPEALS

Public Hearing – January 18, 2007

Members Present: Hank Lang, Chairman
Judy Traeger
Pat Volpe

Members Absent: David Avigdor,
Attorney

Public Present: Arthur and Kristine Perryman
Ken Metzler
Patricia Daley
Carol Vaillancourt
Mary Ann Johnson
Tom & Sue Rider
Charles Dreyer
Richard Traeger
Kathy & John Sokolowski
Kevin Knobloch

Proof of notice having been furnished, the Public Hearing regarding Arthur and Kristine Perryman, Tax Map #25-1-22-2 was opened by Chairman Lang at 7 p.m.

Chairman Lang informed the Perrymans that this is a five member board but currently two members have resigned and none have been appointed to their vacancies. He further stated the Perrymans could request that this Public Hearing be adjourned until those appointments were made. The Perrymans stated they wished the Public Hearing to proceed this evening.

Chairman Lang stated this parcel was located in the Rural Low Density District which requires 300 feet of road frontage and 8.5 acres per parcel. He further stated this subdivided lot did not have the any of the required road frontage being it was located on a private right-of-way.

Chairman Lang asked for any comments from the public. Charles Dreyer, 2913 North Shore Road, stated that he was the former owner of the parcel in question and was not able to subdivide it under his ownership. He further stated while he was not against the subdivision, it would create an illegal lot with no road frontage and set a precedent. He was concerned with the affect it would have on the zoning ordinance.

Sue Rider, 2905 North Shore Road, stated her concerns were the same as Mr. Dreyer's, that this would set a dangerous precedent and the Board would not be able to deny any road frontage variances in the future. She further stated part of the criteria the Zoning Board must consider is "whether this was self-created" and in light of the fact, the Perrymans purchased the property two years ago and the zoning ordinance was in effect, it would be considered self-created. Mrs. Rider stated that she and her husband were the

owners of the property adjoining the Perrymans and they had not been notified of the Public Hearing. Chairman Lang inquired if they were the owners of record. Mrs. Rider stated they had purchased the property within the last year and did receive a tax bill.

Patricia Daley, 2893 North Shore Road, stated her property abuts the Perryman parcel. She stated this is a landlocked lot with road frontage owned by another party and she would oppose the granting of the area variance.

John Sokolowski, North Shore Road, stated he had no problem with the subdivision but there was no road frontage where the lot was located. He stated there is road frontage available on another portion of the parcel.

Ken Metzler, Code Enforcement Officer for the Town of Day, stated under Section 11.5-A-3 "The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community." He further stated the Perrymans have another option to meet the road frontage requirement on this parcel. The granting of this area variance would be detrimental to the Town, would set a precedent and denigrate the intentions of the original authors of the zoning ordinance. Mr. Metzler stated there are considerable problems in the Town with roads being served by right-of-ways which are poorly maintained.

Chairman Lang asked for any further comments from the public. There were none. Chairman Lang stated this Board has 62 days to render a decision. He further stated he had enough information to make a decision. Board Members Volpe and Traeger stated they also had enough information to make a decision.

All persons desiring to be heard have been heard, the Public Hearing was declared closed at 7:10 p.m.