

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
JULY 17, 2006**

Members Present: Kearney Mason, Chairman **Members Absent:** Ray Ives
Judy Traeger
Pat Volpe
Hank Lang
David Avigdor, Attorney

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

Minutes Motion was made by Pat Volpe and 2nd by Board Member Traeger to accept the minutes of June 19, 2006 regular meeting. Ayes: Kearney Mason, Judy Traeger, Pat Volpe, Hank Lang. Carried 4-0.

New Business **Szyfman, Leon & Petra 06-02ZBA**
Tax Map #32.19-1-24.00 – Area Variance

The Szyfmans own property at 2299 North Shore Road and wish to construct a garage within 20 feet (50 feet required) of the road frontage property line and 5 feet (15 feet required) from the side yard property line. They submitted two photos, which show the location of ledge rock which limits where they can locate a garage. The Szyfmans also indicated that while the road frontage property line is 20 feet from the location of the garage, there is an additional 30 feet of vacant land between their property and North Shore Road. Board Member Traeger stated there was no deed submitted with the application. Attorney Avigdor stated the applicant is not required to submit a deed with the application but if the Board needs a better understanding of who owns what property, they may wish to request that the application submit a deed. Board Member Lang stated that the property located between the Szyfmans and North Shore Road may be Hudson River Black River Regulating District and that it may satisfy the spirit of the Ordinance being that it would remain vacant land.

Board Member Volpe inquired why the applicants do not set the garage back or move it to the other side of the property. The Secretary stated that the applicants had related that there was a real problem with ledge rock. Board Member Volpe stated it was not hard to believe in that area. Board Member Traeger stated the

applicants could not move the garage back near the house because they needed access to their well if it needed to be serviced. Attorney Avigdor stated the ledge rock might be at grade.

Chairman Mason did not know what the markings at the bottom of the map indicated. Attorney Avigdor stated it might be elevations, that the x's with numbers could be survey elevations. However, there was no indication what the y's represent. Board Member Lang inquired why the garage was not located at the opposite side of the house. Chairman Mason stated the Board only needed to decide if this application was complete. Board Member Traeger stated she felt the Board needed more information. All Board Members agreed and the Secretary was directed to contact the applicants for a copy of their deed and a letter detailing the reasons for the location of the garage, i.e. what is the practical difficulty from locating it on any other location on the property. Board Member Volpe stated it may block their view to locate it somewhere else and he would also like to see the easement for the driveway, which should be included in the deed.

Motion by Board Member Lang and seconded by Board Member Volpe to not accept the application due to it being incomplete and directing the Secretary to notify the applicants of the additional information being requested by the Board. Ayes: Kearney Mason, Judy Traeger, Pat Volpe, Hank Lang. Carried 4-0.

Old Business

**Fedorowicz, John & Laura 06-01ZBA
Tax Map #43.6-2-10 (Area Variances)**

The Secretary stated she had received a phone call from Mrs. Fedorowicz two weeks ago stating she would be submitting additional information and a phone call from Mr. Fedorowicz today requesting assistance in completing an application but had left messages and had not heard anything from either Mr. or Mrs. Fedorowicz. Attorney Avigdor stated he received an email from Mr. Fedorowicz stating that the road frontage across the highway would give him enough frontage to no longer require a variance. Mr. Fedorowicz also stated that they would be conveying enough acreage from their adjacent parcel to met the acreage requirement so they may not need to come before this Board. Attorney Avigdor stated while he cannot speak for the Planning Board, if they should not be able to accept that portion of the road frontage across the highway, the Fedorowiczs might be back before this Board at a later date. However, he stated rather than withdrawing

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the application, he would have it continued until the Planning Board process takes place or the six-month time period, which we would normally keep an application on the agenda. Chairman Mason stated he did not think that portion across the highway could be counted as part of the road frontage. Attorney Avigdor stated there could be a restriction placed on that portion stating it could not be subdivided or developed in the future and would remain a part of the larger parcel forever. Board Member Lang inquired if the Board would make that a condition of their decision. Attorney Avigdor stated both the Planning and Zoning Board could make it part of their decisions.

Correspondence None.

Secretary's Report None.

Public Participation None.

Adjourn At 7:25 p.m. a motion was made by Board Member Traeger and 2nd by Board Member Volpe to adjourn the meeting Ayes: Kearney Mason, Judy Traeger, Pat Volpe, Hank Lang. Carried 4-0.

Respectfully submitted,

Diane R. Byrne
Secretary