

**TOWN OF DAY ZONING BOARD OF APPEALS  
MINUTES – REGULAR MEETING  
APRIL 19, 2010**

**Members Present:** Judy Traeger, Chairman      **Members Absent:** None  
Ken Johnsen  
Dave Davidson  
Pat Volpe  
Hank Lang  
David Avigdor, Town Attorney

**Motion** by Hank Lang, seconded by Dave Davidson to approve the minutes of March 15, 2010. Ayes: Traeger, Davidson, Volpe, Johnsen, Lang. Carried: 5-0.

**Old Business:**            **MARTIN, Donald 09-03ZBA**  
                                 **Tax Map #30.-2-9 Area Variance**

Chairman Traeger stated CEO Metzler sent a letter to Mr. Martin (letter should have not included a reference to the Zoning Board) after what she believed may have been a complaint that the pole barn was not erected in compliance with the area variance. She further stated CEO Metzler and Town Assessor Nealon attempted to measure the distance last winter but were not able due to snow cover and not having knowledge of the exact location of the property line.

Mr. Martin will be required to submit a new survey map siting the location of the pole barn no later than May 14, 2010. Town Attorney Avigdor stated there would not be any Zoning Board involvement unless a new application is submitted. For example, Mr. Martin discovers at the time of the addition of the pole barn to the survey map that it is six inches closer to the property line. He would appear before this Board for a new area variance. If it is not in compliance it would be under the jurisdiction of the Code Enforcement Officer to bring an enforcement proceeding against the landowner.

Chairman Traeger inquired if it were under the jurisdiction of CEO Metzler from the start to ascertain if it is in compliance. Town Attorney Avigdor stated it was. At this point, it would be informational for the Zoning Board with no action taken.

**New Business:**            None.

**General Discussion: Board Member Davidson – APA Local Government Day Conference**

Board Member Davidson stated this conference focuses on economic development within the park rather than land use or zoning issues. The sessions he attended were predominately about the economic life within the park which included opening day round table discussion. This spirited discussion was attended by local government officials, Adirondack Park Agency officials and Land Conservancy representatives.

The key issues were park ownership by the State which is under approximately 50% private and 50% public ownership. While there is a moratorium on State purchases, the discussion of how much State land ownership is enough will continue. A large portion of State land resembles the private land adjacent to it which would question the need for the purchase unless there are development plans in the near future which would facilitate the need for preservation.

Another issue was what would be the role of the APA in economic development within the Park. A director from APA who is also an economist stated it is misguided to ask APA to take a role in economic development because it is structured as an environmental agency. On the other side of the argument, many local officials would ask if not APA, then who would take on this role. The State created this unique area and then placed under the auspices of APA.

There were economic presentations by several State agencies which Board Member Davidson did not believe were fully cognizant of this issue, if at all. They had no sense of programs which might be of interest to evaluate. Nothing distinguished their comments from the usual bureaucratic rhetoric.

A case could be made that the economic development is strong as evidenced in letters appearing in the Post Star which cited the same piece of research, "Adirondack Park Assessment Project" which Board Member Davidson stated was an excellent study. It reveals that both age and income are on the increase while young adult population is decreasing due to decreased employment opportunities and affordable housing. The main industry was traditionally local government and prisons and those opportunities are few. The Town of Day and the corner of the Park which contains Saratoga County have the unique situation of being located near population centers and the County is wealthy.

Board Member Davidson stated he did not attend sessions on building, travel and tourism as there is no interest within the Town of Day to expand in those areas. He stated there are substantial benefits to having an APA approved land use plan. If a property owner needs to obtain a variance, there is one point of contact and a well articulated set of procedures. In other areas of the Park where they do not have an approved plan, approvals of all kinds take much longer to obtain and require more legwork. Board Member Lang cited the Town of Hadley as an example of a community without an approved plan. The Town of Day regulations are not more restrictive while there are some areas which may be different.

Board Member Davidson also attended a session on broadband which was a major issue of the Comprehensive Plan Committee hosted by a cable company in the northern reaches of the Adirondacks. There have been some very inventive solutions to contain costs. While there are complaints within the Town of Day regarding the inability to obtain broadband services in all areas, dial up and cable connections are widely available. He believed our cable service which is in a joint contract with Edinburg will be up for renewal and any renegotiations of the same would have to be done at that time.

Board Member Davidson has referred information to Vice-Chairman of the Planning Board Mirczak which would be planning issues. If a subdivision were planned, it may be a requirement that fiber be installed at the beginning of construction.

The luncheon speech by Theodore Zoli, an engineer from Queensbury and recipient of a McArthur prize was of great interest as Mr. Zoli is involved with the replacement of the Lake Champlain Bridge. It was his company's engineering studies which facilitated the closing the Lake Champlain Bridge.

**Correspondence:** CDRPC Environmental Section Committee Workshop for Municipal Officials on Climate Change Action Planning to be held on May 13<sup>th</sup> in Albany. There was no interest in attending.

**Secretary's Report:** The Secretary stated she received an inquiry from the Cromie family who owns a parcel on Kathon Road which they would like to expand and may require an area variance. She referred them to CEO Metzler.

**Motion** by Pat Volpe, seconded by Board Member Lang to adjourn the meeting at 7:25 p.m. Ayes: Traeger, Johnsen, Davidson, Volpe, Lang. Carried: 5-0.

Respectfully submitted,

Diane Byrne  
Secretary