

**TOWN OF DAY ZONING BOARD OF APPEALS  
MINUTES – REGULAR MEETING  
JANUARY 19, 2006**

**Members Present:** Kearney Mason, Vice-Chairman  
Judy Traeger  
Ray Ives  
Pat Volpe  
David Avigdor, Attorney

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

**Minutes** Motion was by Judy Traeger and 2<sup>nd</sup> by Pat Volpe to accept the minutes of the December 19, 2005 regular meeting. Motion carried 4-0.

**New Business** None.

**Old Business** **Barrett, Edward J. & Mary – Tax Map #25.1-16**  
62 Rice Road  
Area Variance for Road Frontage (230 feet where 300 feet are required).

The Board reviewed the area variance criteria:

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

Vice-Chairman Mason stated he thought the applicant could relocate the boundary line and an area variance would not be needed. Board Members Traeger, Volpe and Ives stated it could not be achieved by other means.

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

All members stated it would not because of where the parcel of land is located.

- **Is the variance substantial?**

All Board Members agreed it would not be (230 feet where 300 feet are required).

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

All Board Members stated it would not.

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

All Board Members stated it was not.

After review of all maps and application information received, Resolution No. 05-05-ZBA was made by Judy Traeger and seconded by Ray Ives to grant the area variance (230 feet where 300 feet are required). Motion carried 4-0.

**Clark, Alan & Wendy 05-06-ZBA  
Tax Map #33.18.1-1 (Area Variance)**

The Secretary stated she had sent a letter on December 22nd to Mr. Clark stating that his application was incomplete and requesting a completed application. Mr. Clark has failed to respond. The file will remain open for six months (May 2006).

**Correspondence** Visual Impact Analysis Breakfast Conference – No interest from Board Members in attending.

Fax from Attorney Avigdor regarding future resolutions. Attorney Avigdor stated that if a decision is challenged in Court, it is important that when the criteria are reviewed, the findings by the Board be explained fully. He further stated that the findings should contain facts leading to the conclusion and not just the conclusion so that when someone is reading it, they can see not only what the Board decided but specifically why.

**Secretary's Report** The Secretary reminded Board Members Ives and Volpe to have their training certificates signed after classes at Saratoga County Planning Conference on January 25<sup>th</sup>.

**Public Participation** None.

**Adjourn** At 7:20 p.m. a motion was made by Board Member Ives and 2<sup>nd</sup> by Board Member Volpe to adjourn the meeting. Motion carried 4-0.

Respectfully submitted,

Diane R. Byrne  
Secretary