

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
DECEMBER 19, 2005**

Members Present: Kearney Mason, Vice- Chairman **Absent:** Kathy Prud'homme
Judy Traeger
Ray Ives
Pat Volpe
David Avigdor, Attorney

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

Minutes A Motion was made by Judy Traeger and 2nd by Ray Ives to accept the minutes of the November 21, 2005 regular meeting. Motion carried 4-0.

Old Business **Neet, Timothy – 05-04ZBA-Tax Map # 43-1-46**
2876 South Shore Road
Area Variance for Side yard Setback (25 feet where 40 feet are required).
The Board reviewed the area variance criteria.

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

Board Member Volpe stated that blasting was an option albeit an expensive one. Vice-Chairman Kearney stated there were new regulations in place regarding blasting. Attorney Avigdor stated the new regulations pertain to notification of neighbors and does not prohibit blasting. The final determination was that the benefit couldn't be achieved by other means.

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

Board Member Ives stated the change would be mainly on adjoining property owner Smith on whose house the Neet home will look down on. Board Member Volpe stated that Smith does not have an objection. Vice-Chairman Mason stated that 15 feet would not have any more impact than the required 25 feet.

- **Is the variance substantial?**

All Board Members agreed that it would not.

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

Board Member Volpe stated only the adjoining property owner Smith who has no objection. All Board Members stated it would not.

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

Board Member Traeger stated the rock ledge was there; therefore, the difficulty was not self-created. All Board Members stated it was not.

After reviewing the information a resolution with stipulations was made by Ray Ives and seconded by Judy Traeger to grant the area variance. Motion carried 4-0.

Kearney Mason – Aye
Judy Traeger – Aye
Ray Ives – Aye
Pat Volpe – Aye

Discussion ensued regarding the letter from Melissa Lescault, attorney for Richard Quodomine about stipulations to be added regarding the opposite boundary line. Board Members agreed that if Mr. Neet changed the location of the structure, it would require a new application and would have no bearing on this application and therefore not be included in the resolution.

It was also discussed that if the survey is done and the line changes and therefore changes the distances of the area variance, a new application would also be required. Board Member Volpe stated it was his opinion that a survey should always be required.

New Business

Barrett, Edward & Mary-05-05ZBA-Tax Map # 25-1.16
Area Variance for Road Frontage

The Board Members reviewed the map submitted by the Barretts regarding where each lot was located and what road frontage was required. It was determined that one lot had only 230 feet where 300 feet was required. It was also determined to be on a Town Road (Rice Road) and the road ends at the 230 foot mark. Vice-Chairman Mason stated if the Applicant approached the Town about dedicating 70 feet of his property, the frontage requirement could be met. Attorney Avigdor stated Mr. Barrett would have to dedicate a completed road, which had to be constructed to particular specifications, which would be cost prohibitive, and the Town would have to agree to accept it. It was also determined that the acreage requirement was met for a subdivision.

December 19, 2005

Board Member Traeger made a motion and it was seconded by Board Member Volpe to accept the application as complete and set it for a Public Hearing on Thursday, January 19, 2006 at 7 p.m. Motion carried 4-0.

Clark, Alan & Wendy – 05-06ZBA – Tax Map #33.18-1-1
Area Variance

Vice-Chairman Mason directed the Secretary to write a letter to Mr. and Mrs. Clark informing them that the application was not complete and to submit the required information.

2006 Meeting Schedule

Attorney Avigdor stated he would not be able to attend the February Meeting due to another commitment.

Board Member Traeger made a motion and it was seconded by Ray Ives to accept the 2006 Meeting Schedule. Carried 4-0.

Correspondence

The Board Members reviewed the Saratoga County Annual Conference and it was determined that Board Members Volpe and Ives would be attending the Conference.

A letter was received from Hudson River Black River Regulating District of no objection regarding the Neet application and added to the application.

Secretary's Report None.

Public Participation None.

Adjourn At 8:15 p.m. a motion was made Board Member Ives and 2nd by Board Member Volpe to adjourn the meeting. Motion carried 4-0.

Respectfully submitted,

Diane R. Byrne
Secretary

