

Town of Day Zoning Board of Appeals

Minutes - Regular Meeting – March 7, 2005

Members Present: Kearney Mason
Ray Ives
Pat Volpe
Kathy Prud'homme
Judy Traeger
David Avigdor, Attorney

Absent:

Kearney Mason called the meeting to order at 7:45 P.M.

Minutes A Motion was made by Judy Traeger, 2nd by Ray Ives, to accept the minutes of the February 22, 2005 regular meeting. Motion carried 5-0.

PUBLIC HEARING **Allen, Sally & Preston 05-01ZBA – Tax Map #23-1-36**
Conway, Margaret & Fennell, Michael 04-05ZBA –Tax Map 31.16-1-54

Old Business **Conway, Margaret & Fennell, Michael 04-05ZBA –Tax Map 31.16-1-54**
14 Abeling Road

Looking for a side yard variance to build a garage.

The board reviewed the area variance criteria:

❖ **Can the benefit be achieved by other means?**

Kathi Prud'homme – yes by reducing the size

Ray Ives – yes by moving garage over some and making it smaller

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

No

❖ **Is the request substantial?**

Ray Ives , Pat Volpe and Judy Traeger all feel that an 11 foot variance is substantial especially due to the small lot size

❖ **Will this have adverse physical or environmental effects?**

Ray Ives and Kearney Mason feel that this will change the view of the lake for the neighbors across the road and that having a garage on such a small lot will have an adverse effect on the physical appearance of the neighborhood

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

The board agrees that this is not a self created issue.

After reviewing the information and reviewing the concerns of the neighbors a resolution was made by Ray Ives and seconded by Pat Volpe to deny the variance due to it being a substantial variance and that it will have an adverse effect due to the lot size being too small, therefore the negative impact outweighs the positive.

Motion carried 5-0

Kearney Mason - Aye

Pat Volpe - Aye

Judy Traeger – Aye

Kathi Prud'homme – Aye

Ray Ives - Aye

Old Business Con't

Allen, Preston & Sally – 05-01ZBA – Tax Map #23-1-36

Hunting Club Road

Looking for a variance for lot width and lot area size to build a studio apartment above existing garage.

The board reviewed the area variance criteria:

❖ **Can the benefit be achieved by other means?**

Ray Ives & Pat Volpe – yes by connecting the garage to the house

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

Board agrees that this will not be an issue being the garage is already there

❖ **Is the request substantial?**

Ray Ives, Kearney Mason and Judy Traeger all feel that an 8.5 acre variance for density and 300' variance for road frontage are both substantial being this is already a substandard lot.

❖ **Will this have adverse physical or environmental effects?**

Board agrees that this is not an issue being the building is already there

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

The board agrees that this is not a self-created issue because the building is already there.

After reviewing all the information, a resolution was offered by Judy Traeger and seconded Pat Volpe to approve the variances with the stipulation that the land never be subdivided and that the apartment only be used by family.

Motion Carried 4-1

Kearney Mason - Aye

Pat Volpe - Aye

Judy Treager – Aye

Kathi Prud'homme – Aye

Ray Ives - Nay

New Business

None

Correspondence

None

Secretary Report

None

Public Participation

David Cox let the board know that the Zoning Review Committee has finished with their draft of proposed changes to the Zoning Laws and Towns Master Plan. The committee has met with the APA and they have reviewed the draft and David Cox will be presenting it to the Town Board on Monday, March 14, 2005 for their approval.

Meeting adjourned

At 8:50pm a motion was made by Judy Traeger and was 2nd by Kathi Prud'homme to adjourn meeting. Motion carried 5-0.

Respectfully submitted,

Rebecca D'Allaird - Clerk