

Town of Day Zoning Board of Appeals

Minutes - Regular Meeting – November 15, 2004

Members Present: Kearney Mason
Ray Ives
Pat Volpe
David Avigdor, Attorney

Absent: Kathy Prud'homme
Judy Traeger

Kearney Mason called the meeting to order at 7:00 P.M.

Minutes A Motion was made by Ray Ives, seconded by Pat Volpe, to accept the minutes of the October 18, 2004 regular meeting. Motion carried 3-0.

PUBLIC HEARING

DeRubbo, Larry 04-04ZBA - Tax Map #33.17-1-36

Public Hearing was opened at 7:05.

Public Present

Vera Kasson
Larry & Terry DeRubbo
Thomas Collura, Architect

Public Comment

Vera Kasson spoke again regarding her concern of losing her view of the lake. Ms. Kasson is across the Right of Way from Mr. DeRubbo. Her only view of the lake is to look out along side Mr. DeRubbo's house to the right. Ms. Kasson brought photos showing what her view is currently.

Mr. DeRubbo informed the board that he had a meeting with Ms. Casson and his architect. Mr. DeRubbo has made several changes to his original plan for his garage, including the height, to try to preserve Ms. Casson's view as much as possible. The revised plot plan is attached.

Ms. Casson stated that as long as Mr. DeRubbo sticks to the plan that they discussed she is "not totally happy, but understands that he has done everything in his power to make her happy." Therefore, she will not contest the garage proposal with the condition that Mr. DeRubbo or future owners of the property can not make any additions or changes without the Zoning Boards Approval.

Thomas Collura, Architect, spoke in regards to the issue of whether this is the front yard or rear yard. He stated that typically the front yard faces the road, but he feels from his standpoint that this house is set up as so that the larger, grander windows which typically is the front of the building face the lake.

After everyone was heard that wanted to be heard, the public hearing was closed at 7:35p.m.

Old Business

DeRubbo, Larry 04-04ZBA - Tax Map #33.17-1-36

Overlook Terrace West

Looking to build a garage within 5 ft of side yard and 5 ft of Right of Way. Mr. DeRubbo gave the board updated drawings. Mr DeRubbo has stated that he has gotten permission for Overlook Beach Club to make a right of way on the side of his yard so that he could access his garage on the side therefore eliminating the need to raise it up 5 feet further. He has also changed the dimensions of the proposed garage which makes the density coverage at 25.4% instead of the requested 34%. The changes will also make part of the proposed garage more than 15 feet away from side yard. Do to the shape of the lot, there is still a need for a side yard variance for part of the garage.

Chairman Kearney Mason asked the board if they have enough information to make a proper decision. Everyone stated that they did. Resolution 04-03ZBA was offered by Kearney Mason and seconded by Ray Ives to grant the rear yard, side yard and lot density variances for the proposed garage dimensions that were shown at the public hearing held tonight November 15, 2004, on the condition that the construction be in compliance with the revised plot plan and the condition that no new construction to buildings be done without the prior approval of the Town of Day Zoning Board of Appeals. Motion carried 3-0.

New Business

Lemma, Charles – 04-04ZBA – Tax Map #32018-1-15

North Shore Road

Looking for a side yard and front yard variance to build a garage. Mr. Lemma sent drawings of where he would like to place the proposed garage and how large he would want it. A motion was made by Ray Ives and seconded by Kearney Mason to accept the application as complete and set a public hearing for December 20th, 2004. Motion carried 3-0.

Correspondence

None

Secretary Report

Secretary notified the board of training that is coming up in January in Saratoga. Anyone interested in going is to let the secretary know ASAP.

Public Participation

None

Meeting adjourned

At 8:35pm a motion was made by Ray Ives and was 2nd by Pat Volpe to adjourn meeting. Motion carried 3-0.

Respectfully submitted,

Rebecca D'Allaird - Clerk