

Town of Day Zoning Board of Appeals

Minutes - Regular Meeting – October 18, 2004

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

Absent:

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

Minutes A Motion was made by Judy Traeger, seconded by Ray Ives, to accept the minutes of the September 20, 2004 regular meeting and the October 11, 2004 Special Meeting. Motion carried 5-0.

PUBLIC HEARING

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

Public Hearing was opened at 7:05.

Public Present

Vera Kasson	Charles Lemma
Cheryl Allen	Neil Allen
Preston Allen	

Public Comment

Vera Kasson spoke 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. She would like to know the height of the proposed garage. Vera feels that going by the drawings that Mr. DeRubbo has submitted, the garage roofline is going to be as tall as the house roofline making this an intrusive obstruction to her view. Ms. Kasson stated that the reason they purchased this property is for the beautiful view of the lake. She feels that if the proposed garage is built and she loses the view it will dramatically lower the value of her property.

Secretary informed the board and Mr. DeRubbo that she had received a phone call from a Mrs. Kimball who called to voice her objection. Mrs. Kimball feels that if the proposed garage is built, Mr. DeRubbo will be covering to much of his property, not leaving very much open land. She feels that this will adversely change the neighborhood making it more "city like".

After everyone was heard that wanted to be heard, the public hearing was closed at 7:12p.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 the updated drawings that they had asked for.

Kathi Prud'homme asked Mr. DeRubbo what he considers the front of his home – Mr. DeRubbo feels that the side of his house that faces the lake is the front. That is the side with the Great Room and all of the large windows. The other side is just an entrance way and a bedroom.

Mr. DeRubbo responded to Vera Kasson's concern about view by stating that she could look around the left side of his home where there is a small view. Mr. DeRubbo could not state what the height of his garage would be. His architect needs to see how much it needs to be raised up to make it accessible from the roadway first.

Ray Ives asked why the garage had to have two stories – Mr. DeRubbo states that he wants to put a dialysis center in the upstairs portion of the garage.

Pat Volpe asked why the garage would need to be so wide and why there are three overhead doors – Mr. DeRubbo stated that the third door would only be used for trashcans and things of that nature. Because of the odd shape up his property, he would be following that with the garage line making it odd shaped also, therefore the third stall will not be large enough for a vehicle.

Kearney Mason asked why the garage couldn't be moved back further away from the property line – Mr. DeRubbo states that he cannot go any further back because then he would be too close to the high water mark. He states the proposed garage as planned would be 75' away from high water mark which is what the requirement is for HRBR and the town.

Ray Ives brought up his concern regarding the amount of land is being covered – in this zone only 25% of land can be covered. Mr. DeRubbo said he was not aware of this zoning issue.

Vera Kasson was asked by the board if the garage was made smaller would it help her view? She feels that it would not. Her main concern is the height of the garage, not the width.

Chairman Kearney Mason asked the board if they have enough information to make a proper decision. Everyone stated that they did not. Mr. DeRubbo was told that the board needs to know how tall the proposed garage would be, and how much total land area he would be covering.

A motion was made by Ray Ives and seconded by Pat Volpe to hold the Public Hearing open until November 15, 2004 at which time Mr. DeRubbo can submit more information that the board has asked for. Motion carried 5-0.

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 was asked if he has any drawings of where he would like to place the proposed garage and how large he would want it. Mr. Lemma took offense to this do to the fact that the board came to his home and he showed them where it was that he wanted to place the garage.

Secretary Becky D’Allaird explained to Mr. Lemma that legally for our records we need to have this information in writing. Mr. Lemma feels that he cannot give the size of the garage until the board tells him if he can get the variance. Mr. Lemma stated that he doesn’t understand why if the board is going to just deny him anyway, why they don’t just do it tonight. Attorney David Avigdor explained to Mr. Lemma that we couldn’t do it that way.

A motion was made by Pat Volpe and seconded by Judy Traeger to deny the application until more information is received regarding where the proposed garage would be placed, and Mr. Lemma submits a map drawn with the dimensions of the garage on it. Motion carried 4-1. Ray Ives voted against.

Correspondence

None

Secretary Report

Secretary asked the board if anyone is interested in going to HVCC for training in November. Pat Volpe and Ray Ives would both like to go.

Public Participation

None

Meeting adjourned

At 8:35pm 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