

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
SEPTEMBER 17, 2007**

Members Present: Hank Lang, Chairman
Judy Traeger
Pat Volpe
Dave Davidson
David Avigdor, Attorney

Members Absent: Ken Johnsen

Chairman Lang called the meeting to order at 7 p.m.

Old Business

MURPHY, Peter & Jean
07-03ZBA – Tax Map# 43.14.1-16
Area Variance

No action pending response from applicant.

PRITCHARD, Robert & Erika
07-02ZBA – Tax Map #33.11-1-10
Area Variance

Public Hearing closed, decision deferred to October 15, 2007 meeting.

Board Member Traeger asked if there would be any discussion of the application as she had a question. Chairman Lang stated any of the Board Members could address any issues they had on the application. Board Member Traeger inquired which of the two different plot plans submitted was correct. Mrs. Pritchard stated it was the drawing which shows the garage being located 14 feet from the road boundaries not two feet.

Mrs. Pritchard stated when the original plot plan was submitted to Code Enforcement Officer Metzler, it would have been denied if they kept the garage on the plan. They were told to eliminate it from their original building plans and they only built the house anticipating securing the area variance at a later time. She stated she never submitted those original plans to the Zoning Board herself. Chairman Lang inquired if that plan was in the records here at the Town Hall. Mrs. Pritchard stated the dimensions were different and she had never applied for a two foot variance and she did not know that that plot plan was a part of the application. Board Member Davidson inquired if the

strings that were now located in front of the Pritchard house is where the front of the garage would be. Mrs. Pritchard stated they were and she wished to add that they would only back into the garage and not back out onto Kathan Road. Chairman Lang stated since Board Member Davidson had recused himself, this would be a question which should only be asked from the floor and not the dais. Chairman Lang asked if any of the other Board Members had any further questions. There were none.

New Business

**McLAIN, Paul 07-04ZBA
Tax Map #41.-1-11 Area Variance**

Chairman Lang stated Mr. McLain's parcel is located on Snow Road and he wished to subdivide his lot into two parcels. Due to one lot not being able to meet the acreage requirement and the other would not meet the road frontage requirement, it was referred to the Zoning Board by the Planning Board. He asked if there were any questions from the Board Members. There were none.

Motion by Hank Lang, seconded by Board Member Davidson to accept the application as complete and schedule the Public Hearing for Monday, October 15, 2007 at 7 p.m.
Ayes: Hank Lang, Judy Traeger, Pat Volpe, Dave Davidson. Carried 4-0.

Correspondence

Washington County Department of Planning & Zoning & Community Development Training Conference, October 31, 2007 at Fort Edward information provided. Members will contact the Secretary if they wish to attend.

Approve Minutes

Motion by Dave Davidson, seconded by Board Member Traeger to approve the minutes of the July 16, 2007 meeting. Ayes: Hank Lang, Judy Traeger, Pat Volpe, Dave Davidson. Carried 4-0.

Town Attorney Avigdor stated he would be on vacation from October 4-19 and would not be at the October ZBA Meeting. If the Board anticipated any legal issues regarding the October agenda, he would be available until October 3rd. Chairman Lang inquired if Attorney Avigdor could refer the Board to an alternate counsel in his absence. Attorney Avigdor stated he would in private not wishing to put an attorney in an awkward position by stating his name

publicly. However, he did state it was a decision for the Town Board.

Adjourn

At 7:45 p.m. a motion was made by Hank Lang and 2nd by Pat Volpe to adjourn the meeting. Ayes: Hank Lang, Judy Traeger, Pat Volpe, Dave Davidson. Carried.

Respectfully submitted,

Diane R. Byrne
Secretary