

TOWN OF DAY ZONING BOARD OF APPEALS

Public Hearing – September 17, 2007

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

Members Absent: Ken Johnsen

Public Present: Eugene D'Angelo
Sharon R. Crofoot
David & Dianne Cox
Floyd York
Robert & Erika Pritchard
Donna & Jerry McGraw
Paul McLain

Chairman Lang asked if anyone was present representing Peter and Jean Murphy. There was no one. The Secretary stated the last time Mr. Murphy was in contact regarding his application, he stated he had to have beach restoration work completed prior to garage construction and to adjourn his Public Hearing. She informed Mr. Murphy to put his request in the form of a letter. Mr. Murphy stated he would email the letter. To this date, Mr. Murphy has not been contact with the Zoning office. Chairman Lang directed the Secretary to send a letter to Mr. Murphy to explain his absence and if he wishes to defer his Public Hearing to explain it fully in the form of a letter.

Motion by Judy Traeger, seconded by Board Member Volpe to defer the opening of the Public Hearing for Peter and Jean Murphy, 07-03ZBA, Tax Map #43.14-1-16 until the October 15, 2007 meeting. Ayes: Hank Lang, Judy Traeger, Pat Volpe, Dave Davidson. Carried 4-0.

Proof of notice having been furnished, the Public Hearing regarding Robert and Erika Pritchard, Tax Map #33.11-1-10 was opened by Chairman Lang at 7:05 p.m.

Chairman Lang stated Board Member Davidson is recusing himself as he is one of the adjoining property owners. He asked if any members of the public present would like to comment on the Pritchard application.

Erika Pritchard, 1136 Kathan Road, applicant, stated she hoped the Board Members had an opportunity to view the site of the garage which they were proposing. She stated they had built a new home which enhanced the natural beauty of the area and was in harmony with other properties around the lake. She stated the garage would be 24' x 24' or 576 square feet. She further stated the house and garage total square feet would be 1,808 square feet with the maximum buildable square footage allowed on their parcel of 1,875 square feet. Mrs. Pritchard stated the garage would require a 26 foot

variance from Kathan Road, it would be located 16 feet from the sideyard of Crofoot/Dwyer and 30 feet from DeAngelo. Mrs. Pritchard stated she and her husband would be willing to listen to any alternatives the Board would suggest. She further stated she would like the Board to continue the precedents of the past concerning garages on Kathan Road and grant the variance.

Eugene DeAngelo, 1132 Kathan Road, stated he was the immediate adjacent neighbor to the applicant and read a statement to the Board (copy attached).

Chairman Lang stated this statement was similar to letters dated August 20, 2007 and September 2, 2007 with some slight changes to wording with no real factual changes.

Donna McGraw, 1101 Kathan Road, stated based on the strings placed on the Pritchard parcel indicating the garage location; she had no objection to the garage. She stated the site view is not obstructed and if safety were an issue, all garages facing Kathan Road would be a problem. She stated the Board should grant the variance or find an appropriate solution for the garage location.

Floyd York, 1128 Kathan Road, stated his parcel is located 100 feet from the northern boundaries of the Pritchard parcel. He stated he has lived on Kathan Road for 30 years and there have never been accidents with regard to any of the garages currently located on the road. He stated the average number of cars which travel the road on a given day was less than 20 cars. He stated he feels the implied dangers which others had spoken about may have been over stretched. He stated he has no opposition to the garage or its location.

Sharon Crofoot, stated she was representing herself and Robert Dwyer who was out of state and unable to attend. Chairman Lang stated Ms. Crofoot could only represent herself. Ms. Crofoot stated she objected to Mr. York's statement of only 20 cars traveling Kathan Road and felt it was closer to 200 cars daily. She stated this proposal will not promote safety, welfare or protect the property value. She also read a statement (copy attached).

Chairman Lang asked for any other public comment. There was none. Chairman Lang closed the Public Hearing at 7:20 p.m. He further stated he will not ask the Board to vote on the variance tonight due to strong and relevant issues and the volume of materials which have been submitted to this Board for their consideration. He stated the Board would balance the benefits and arguments that would be to the detriment to the health and safety to the neighborhood. He stated all discussions and the decision would be made in public and he would like to defer a decision until the October 15th meeting.

Chairman Lang read the five criteria which the Board must consider before granting an area variance.