

TOWN OF DAY ZONING BOARD OF APPEALS MINUTES – REGULAR MEETING JULY 16, 2012

Members Present: Dave Davidson, Chairman

Judy Traeger

June Dixon

Donald Poe

Lorraine Newton

David Avigdor, Town Attorney

Members Absent: None

Others:

John Borst

Cheryl Coughlin

Jill DeMatteo

Proof of notice having been furnished, the Public Hearing for John Borst, Tax Map #42.9-1-17, 12-01ZBA was opened by Chairman Davidson at 7:02 p.m.

Mr. Borst reviewed his application stating he wished to construct a one-story garage three feet from the property line where 15 feet are required. He stated an existing wood shed which is located on a concrete pad together with existing ledge rock prevents him from locating the garage further from the property line. He stated there has been some blasting of ledge rock in the current location.

Board Member Poe inquired if moving the location to a different location would require the removal of several majestic pine trees. Mr. Borst stated it would and in addition it would block the natural water shed of the area. Board Member Poe stated it was his belief that the wood shed issue was minor compared to the tree and ledge rock removal which would change the character of the neighborhood.

There were no further questions.

Chairman Davidson inquired if all Board Members were able to complete a site review. All members did visit the site.

Board Member Traeger stated when she visited the site, it revealed the only area which required was the front of one side of the proposed garage. She stated only requiring a variance for this one area did not create any issues for her. Also, the location did not appear to affect any adjoining neighbors.

Board Member Poe stated he views the application from a building standpoint and if the garage was moved three feet, it would totally change the character of what is characteristic of the Town of Day. He believed to excavate a particular other area of the

site would be more difficult and more intrusive. He further stated a three foot area variance would translate to 20 percent of the requirement.

Board Member Dixon stated she agreed that the removal of the rock ledge would be more intrusive than locating the garage in the proposed site. She further stated to move the garage further back would require a variance. The only variance would be for the area where the front of the garage is located along the property line. She further looking at the area where the front of the garage would be located, it would not obstruct a neighbor. She does not believe the granting of the variance would be problematic.

Board Member Newton stated she was in agreement with statements made by previous Board Members. She stated her main concern was drainage issues. Mr. Borst stated he has mitigated drainage issues. Board Member Newton stated she understood drainage as she also lives on a hill and did observe corrective measures that Mr. Borst has done. She would support granting the three foot variance.

The Public Hearing was closed.