

TOWN OF DAY ZONING BOARD OF APPEALS MINUTES – REGULAR MEETING AUGUST 20, 2012

Members Present: Dave Davidson, Chairman
Judy Traeger
June Dixon
Donald Poe
Lorraine Newton
David Avigdor, Town Attorney

Members Absent: None

Motion by Judy Traeger, seconded by Board Member Newton to approve the minutes of July 16, 2012. Ayes: Davidson, Traeger, Dixon, Poe, Newton. Carried: 5-0.

New Business: **Coughlin, Cheryl 12-02ZBA**
 Tax Map # 44.5-1-31
 Area Variances

Chairman Davidson stated Ms. Coughlin submitted a new application for a larger garage which is now 26 x 48 feet requiring two area variances. The side yard setback at the entrance of the garage will be five feet from the setback where 15 feet are required. The side yard setback at the rear of the garage will be ten feet from the setback where 15 feet are required. Ms. Coughlin also submitted a survey map which sites the garage at the proposed location and shows each setback. While the position of the garage is approximately where Ms. Coughlin stated it would be at last month's meeting, the dimensions have expanded with the garage being eight feet longer.

Ms. Coughlin stated she shared the building plan with the most impacted property owner (Davidson) and they did not object to the building plan. The short form SEQRA which was submitted at last month's meeting will be part of the application.

Board Members Traeger and Dixon visited the site and had no issue with the proposal. Ms. Coughlin stated she intends to have siding on the garage similar to the existing home. Chairman Davidson stated comments specific to the application should be made after the public hearing. The issue on the table would be whether or not the application is complete. There were no additional comments or questions from the Board Members.

The Secretary stated in reviewing the list of adjoining property owners, there were two parcels which had multiple owners at different addresses and in conferring with Town Attorney Avigdor, all owners and/or different addresses would need to be informed. Ms. Coughlin was provided with this information and informed that the notifications needed to be made ten days prior to the public hearing. Chairman Davidson stated notification of adjoining property owners within 500 feet is part of the application process to address Board Member Poe's concern regarding how cumbersome this notification would be. Board Member Poe stated there are only three adjoining property owners.

Town Attorney Avigdor stated the notification requirement is to all property owners within 500 feet and not only those directly adjoined. He further stated the notifications are not sent registered mail but certified mail.

Motion by June Dixon, seconded by Board Member Traeger to deem Application No. 12-02ZBA, Cheryl Coughlin, Tax Map No. 44.5-1-31 for two area variances complete and set the Public Hearing for Monday, September 17th at 7 p.m. Ayes: Davidson, Poe, Dixon, Newton, Traeger. Carried: 5-0.

Old Business: None.

Discussion Items: Review of Zoning Board of Appeals Application deferred.

Correspondence: Letters from Saratoga County Planning and Adirondack Park Agency regarding John Borst, Application No. 12-01ZBA Tax Map #42.9-1-17 indicating no significant impact or making any additional comment.

Chairman Davidson inquired if Saratoga County Planning receives notification of the Coughlin application. The Secretary stated both Saratoga County Planning and APA receive copies of all applications. In the case of Saratoga County Planning, the Town of Day has a waiver agreement with County Planning which allows the Zoning Board to waive formal review by the County in some cases of Zoning Board action. Adirondack Park Agency has 30 days to review any area variance which has been granted and they have the ability to revoke area variances. The Secretary further stated this Board could request a County Review. Town Attorney Avigdor stated the County does not review the project in the same way as this Board would but rather reviews the impact on the County (i.e. large subdivision which could impact the County roads or an elderly housing project which could increase demands on Social Services, etc.)

Secretary's Report: None.

Public Participation: None.

Motion by June Dixon, seconded by Board Member Traeger to adjourn the meeting at 7:15 p.m. Ayes: Davidson, Traeger, Dixon, Newton, Poe. Carried: 5-0.

Respectfully submitted,

Diane Byrne
Secretary