

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
FEBRUARY 20, 2014**

Members Present:

Dave Davidson, Chairman

Donald Poe

Judy Traeger

Lorraine Newton

Also Present:

Town Attorney, David Avigdor

Members Absent:

June Dixon

Motion made by Judy Traeger and seconded by Donald Poe to approve the minutes from the January 23, 2014 meeting.

Ayes: Chairman Dave Davidson, Judy Traeger, Donald Poe, and Lorraine Newton

Carried: 4-0

Old Business: Regarding revisions of the zoning application; Chairman Dave Davidson said this could be discussed after new business.

New Business: Chairman Dave Davidson explained that we have the application for Weiss, Birnbaum and Clark which was referred to us from the Planning Board for a variance for a subdivision. He then asked who was here for the application; present are Alan Clark and John Weiss. They said they would like to have a subdivision for their property, however, one of the lots does not meet the square foot criteria. Chairman Dave Davidson asked Town Attorney David Avigdor if all signatures were required of all named on the deed. Town Attorney David Avigdor stated that first of all he represents the party that is here and asked them if it was okay with them to respond to the Board. Yes, we have always required the signatures from all the applicants

to confirm that all parties are agreeable. Mr. John Weiss said that Rickamae Birnbaum is his wife, does this change her having to sign off? Town Attorney, David Avigdor stated that she would still need to give permission and they actually could email or FAX her signature to complete the application. This will have to be submitted to make the application complete. Mr. Weiss stated this wouldn't be a problem and he also would sign off on the application as needed. Chairman Dave Davidson stated that it would behoove the applicants to go through the application and make sure that all signatures are on it before the next meeting. Chairman Dave Davidson and all board members looked over the map that was submitted by David Barrass and he said that it looked as though other than missing signatures on the application it appeared that everything was complete. Donald Poe had a question regarding the referral from the Planning Board that states lack of footage. The referral will be changed to say lack of area for subdivision.

Motion by Judy Traeger and seconded by Lorraine Newton to accept the application as complete with the addition of all signatures. Ayes: Chairman Dave Davidson, Judy Traeger, Donald Poe and Lorraine Newton.
Carried 4-0

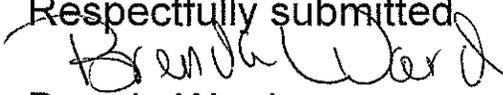
Chairman Dave Davidson stated that we can go ahead and schedule the Public Hearing for next month on Monday, March 17th at 7 p.m. Dave stated that he will be out of town for the next meeting and that Judy Traeger will be the chairperson. Mr. Weiss did sign off on the original application and a stamped deed by Mr. David Barrass will be submitted before the next meeting. Lorraine Newton asked them if their property was accessible for the board members to go to visit

before the next meeting. They said that it was and actually the property can be seen from the road without having to walk to it. Mr. John Weiss showed Lorraine a picture of it from his phone.

Old Business: Chairman Dave Davidson said this is the ongoing discussion about our zoning application form. He brought a rough draft of revisions for everyone to read through and said we don't need to take action on it tonight. We will discuss this at the next meeting. Chairman Dave Davidson had a question for Town Attorney David Avigdor regarding the SEQR form. He recently went to a seminar in Saratoga where the speaker took them through the use of the EAF database which filled out the SEQR form with wetlands, etc. He feels it may make more sense to use this to fill out the forms. Town Attorney David Avigdor said he feels that it is more appropriate for the applicants to fill out these forms to get the applicants knowledge of their property. Then it may be completely appropriate to utilize the database to get our version and compare it to the application and address any differences. The database is compiled by the DEC. APA and DEC do have different criteria for wetlands. Chairman Dave Davidson said that he would talk to Ken Metzler about this to see how we should proceed with the SEQR forms.

Motion by Donald Poe and seconded by Lorraine Newton to adjourn the meeting at 7:32 p.m. Ayes: Chairman Dave Davidson, Judy Traeger, Donald Poe, and Lorraine Newton. Carried: 4-0

Respectfully submitted


Brenda Ward