

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
JUNE 17, 2013**

Members Present:

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

Chairman Dave Davidson called our meeting to order with the first item on the agenda; are there any changes needed for the May meeting minutes? As there were none, he called for a Motion.

Motion to accept the minutes first by June Dixon and seconded by Lorraine Newton.

Ayes: Davidson, Traeger, Poe, Dixon, and Newton.

Carried: 5-0.

PRITCHARD, Robert & Erika

Tax Map #33.11-1-10

Variance for Shed

Chairman Dave Davidson then stated that the next item is regarding the Pritchard application; variance for a shed, and he is recusing himself from this. Judy Traeger proceeded with the meeting. She explained that the Public Hearing was held last month for the area variance for the shed however, the board did not make a decision at that time.

She first asked Erika if she had anything to add for the application and she did not. June Dixon stated that she had gone to the property and she saw no reason not to approve the variance.

Donald Poe then went through the area variance criteria:

Whether the benefit can be achieved by other means feasible to the applicant;

Don stated that the applicant is now going to be a full-time resident of the Town of Day and welcome. They are going to need storage and the shed is a scale-down version of a garage. In that, he does not see any other means for this other than a full-size garage. All members agree.

An undesirable change in neighborhood character or to nearby properties;

Don said he does not feel it would make an undesirable change because there are several homes on Kathan Road that already have storage sheds.

An undesirable change to nearby properties;

We have had over 5 households come in to support the Pritchards, so he believes that there is no real undesirable change and all members agree.

Whether the request is substantial;

The nature of what they are asking for is within our means to grant them the variance. All members agree.

Whether request will have adverse physical or environmental effects;

Donald does not feel that there is any adverse effect and they have neighbors here tonight showing support for them. All members are in agreement.

Whether alleged difficulty is self-created;

Don said he knows that there is a retaining wall there and he does not feel that they could get any closer to the house if they didn't have the retaining wall. All members agree with the location of the shed and where it's going to be is good.

David Avigdor addressed the board members stating that on every application we need to do a SEQR process. So the first step of that would be for someone to make a motion that this board declare ourselves the lead agency.

Motion made by Lorraine Newton to declare the board the lead agency and June Dixon seconded the motion.

Ayes: Poe, Dixon, Traeger, and Newton

Carried 4-0

David then went on to explain that in every project the board is to take a good hard environmental look and make sure in your judgement there are no new adverse environmental impacts. If there are that doesn't mean you deny the project, it means you ask for environmental impact statements, etc. In most cases, and in this case, we can do a negative declaration; that is, we are declaring that there is not an undue adverse environmental impact.

Motion made by Donald Poe that there is not an undue adverse environmental impact and June Dixon seconded the motion.
Ayes: Poe, Dixon, Traeger and Newton
Carried 4-0.

The reason that you declare yourself the lead agency is in some projects there may be other entities reviewing. This should become part of the process for all of our applications.

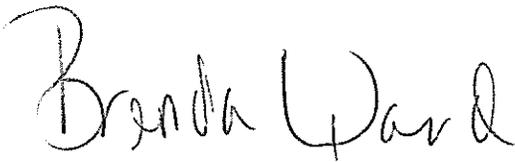
Motion to grant the variance that is on the floor was made by Donald Poe and seconded by June Dixon.
Ayes: Poe, Dixon, Traeger and Newton
Carried 4-0

Dave Davidson resumed the meeting with addressing the board to see if there were any other items for discussion.

The discussion of mandatory meetings for 2014 was on hold from the last meeting. David Avigdor mentioned that the Planning Board decided that they would meet every month regardless of the agenda. Chairman Dave Davidson and all other board members also agreed it would be beneficial for the public to know that they would be available consistently. So it was unanimous to keep the meetings scheduled as is.

Motion to adjourn the meeting at 7:10 p.m. first by Judy Traeger and seconded by Lorraine Newton.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brenda Ward". The signature is written in black ink and is positioned to the right of the typed name.

Brenda Ward
Secretary