

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
NOVEMBER 18, 2013**

Members Present:

Dave Davidson, Chairman
June Dixon
Donald Poe
Judy Traeger
Lorraine Newton

Members Absent:

None

Also Present:

Attorney David Avigdor

Chairman Dave Davidson explained that we now have two sets of minutes, September and now October, that for personal reasons, he has not had time to review for revisions. He will be reviewing these and therefore they will not be approved at this meeting.

Old Business:

CRONK, Nancie

OTTMAN, Mark

Tax Map #: 33.7-1-39.2

#: 33.7-1-47

#: 33.7-1-49

Variance for Subdivision

Chairman Dave Davidson asked if every board member was now comfortable with the subdivision of this lot. Member Lorraine Newton and Member Judy Traeger had some reservations at the last meeting. Member Lorraine Newton stated that she is okay with this now and Member Judy Traeger stated she was also okay with this now, as was Member June Dixon.

Chairman Dave Davidson asked them to look over the draft motion that outlines the situation. This had been given to each

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of the board members prior to the meeting. Chairman Dave Davidson read the draft out loud to the board members and Mr. & Mrs. Mark Ottman who were present at the meeting.

One change made to the draft resolution in the sentence; “By envelope, we mean an area that is the smallest rectangle that would contain the existing structure, and elevation.” Chairman Dave Davidson requested “elevation” changed to “height”.

After Chairman Dave Davidson was finished reading the draft resolution, he asked for a motion to be made to accept the resolution.

Motion by Member Lorraine Newton and seconded by Member June Dixon to accept the draft as modified.

Ayes: Chairman Dave Davidson, Member June Dixon, Member Donald Poe, Member Judy Traeger, and Member Lorraine Newton.

Carried 5-0

Chairman Dave Davidson then stated that the board will now review the 5 factors for area variance criteria.

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

Member June Dixon; I don't think so, they have to have it the way it is.

Member Donald Poe; I don't think there is any other means.
Chairman Dave Davidson; no

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Member Lorraine Newton: no
Member Judy Traeger; no

Undesirable change in neighborhood character or to nearby properties;

All board members and Chairman Dave Davidson agreed that there is no desirable change.

Whether request is substantial;

Member Donald Poe; Yes, but that is the nature of this and that is why they are in front of the board.

Member Judy Traeger, it is but because you are making two substandard lots.

Member Lorraine Newton; feels yes, but same as what Member Judy Traeger said.

Chairman Dave Davidson it is substandard but no more than before.

David Avigdor stated that with the variance it will be two substandard lots but was a substandard lot to begin with.

Whether request will have adverse physical or environmental effects;

All board members including Chairman Dave Davidson said no.

Whether alleged difficulty is self-created;

All board members including Chairman Dave Davidson said no.

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Roll Call: Chairman Dave Davidson – Aye
Member Judy Traeger – Aye
Member Lorraine Newton – Aye
Member Donald Poe – Aye
Member June Dixon – Aye

Carried 5-0

The next meeting is December 2nd for the Planning Board. Upon request from the applicant, Mr. Mark Ottman, this will be put on the agenda for the Planning Board meeting.

Attorney David Avigdor explained to them that they should ask if the fee they paid is still valid for the next meeting. Mr. Ottman wanted to know if this decision was going to affect the deck plans he has? Attorney David Avigdor said you can build within the rectangle of your building.

Old Business: None

New Business:

Chairman Dave Davidson stated that he is in the process of drafting new information for the Town of Day website and will be giving this to MaryAnn. He polled the board members to see how they feel about their home address, phone numbers, and email address being on the website. All board members agreed that this would not be a problem.

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Chairman Dave Davidson brought up the question of when is the board responsible for reporting items to Saratoga County and/or the APA? He believes that one stipulation is if it involves anything within 500 feet from a county road.

Chairman Dave Davidson will look into this for future reference.

Secretary's Report:

Each board member was given information on the following:

Environmental Quality Review Act
Workshop – December 4, 2013

10th Annual Saratoga County Planning & Zoning
Conference – Wednesday, January 29, 2014

Other:

Board Member Judy Traeger mentioned that she remembered when they previously had a substandard lot that was split, just as the Cronk/Ottman property will be. However, she said she did not remember if they had put restrictions on that situation for building in the future. So, with future lots, if there are restrictions, we should have a system for file review, so everyone knows that there is a building restriction.

Attorney David Avigdor said it is his understanding that there is already a database system in place that Ken Metzler uses. We need to know if there is a database or people file system.

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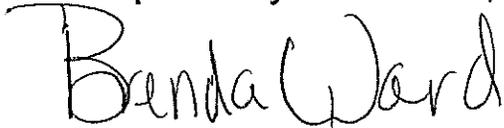
Town Attorney David Avigdor will address this with Ken Metzler.

Motion by Donald Poe and seconded by June Dixon to adjourn the meeting at 7:25 p.m.

Ayes: Chairman Dave Davidson, Member June Dixon, Member Donald Poe, Member Judy Traeger, and Member Lorraine Newton.

Carried 5-0

Respectfully submitted,

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

Brenda Ward