

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
APRIL 15, 2013**

Members Present:

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

**TAX MAP #55.5-1-19
WATTERS, William
AREA VARIANCE**

Chairman Dave Davidson opened our meeting by stating that we have a Public meeting tonight for Mr. William Watters, who is requesting a variance for a new garage.

Public Hearing:

The Chairman polled the Board on whether or not they had conducted a site visit. All members had visited the site. Mr. Davidson then reviewed the specifics of the variance being requested – a back line set back variance of 14 feet, and a side line variance of 9 feet, 9 inches to build a garage.

Mr. Davidson asked Mr. Watters if he had anything new to bring to the board. Mr. Watters said he had nothing to add since the discussion at the March ZBA meeting. He stated that he did speak with his neighbors and they are okay with him building a garage. He also has a letter from the neighbor who owns the road stating he is okay with the garage that Mr. Watters is building.

Chairman Davidson asked if there was anyone from the public who had a comment on the Watters variance request.

There was no public comment during the Public Hearing, and no correspondence regarding the variance application was received.

Chairman Davidson called for a **motion** for the Public Hearing to be closed. Member Judy Traeger made the first **motion** and **motion** was seconded by Member June Dixon. Ayes: Davidson, Dixon, Poe, Traeger, and Newton.

Carried 5-0

Chairman Davidson stated that now that the Public Hearing is closed and we have all the information available to us; we will first approve the minutes from the last meeting.

Motion by June Dixon and seconded by Judy Traeger to approve the minutes from the last meeting. Ayes: Davidson, Dixon, Poe, Traeger, and Newton.

Carried: 5-0.

Chairman Davidson did a review of the application as that Mr. and Mrs. Watters have asked for a variance to build a garage.

The garage is on the back side of the lot and after some discussion at our last meeting in using the survey documents, we determined that the application variance being requested is 14' from the back line whereas it requires 15' (the garage will be very close to that line) and the side, a variance of 9'9" where 15' is required.

Chairman Davidson asked for any discussion or thoughts on Mr. Watters request.

Member Lorraine Newton wanted to make sure the dimensions which are 24' x 28' and less than 30' in height. Chairman Davidson stated that it essentially is going to go exactly where the old garage is but raised up so it goes to the private road in the back.

Member Donald Poe spoke to Mr. Watters as to whether he is going to live here year round and how his garage is basically useless in the winter time and this is the reason that he needs a new garage because the present one is not functional.

Chairman Davidson stated that there is already a garage in place and how the new one doesn't really change anything, and the height is in compliance.

Chairman Davidson reviewed the area variance criteria:

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

Board Member Lorraine Newton stated she didn't feel it could happen any other way.

Board Member Donald Poe felt that given the present situation, there isn't any other way for him to get benefit from the property.

Chairman Davidson felt that the benefit of the garage could possibly be achieved by other means.

Undesirable change in neighborhood character or to nearby properties:

All members agreed it would not and the newer garage would be in much better condition than the old one.

Whether the request is substantial:

Board Member Judy Traeger stated it is but under the circumstances, don't see a problem with it.

Board Members Lorraine Newton and June Dixon agreed with Board Member Judy Traeger.

Board Member Donald Poe stated that the essential character of the property is a garage now, so the character of the plot will not change.

Chairman Davidson also agreed that even though the dimensions of the variance are pretty large he would judge this not to be substantial.

Whether the request will have an adverse physical or environmental effect:

Donald Poe stated that there is already a garage there and they are just increasing the size of it, with that size increase, he didn't think that it has an adverse effect either.

Member June Dixon and Judy Traeger also agree.

Member Lorraine Newton stated that the only thing she was a little bit concerned about was the back section but other than that, no.

Chairman Davidson also stated he saw nothing to have an adverse physical or environmental effect.

Whether the alleged difficulty is self-created:

Member Lorraine Newton stated no, more due to the landscape.

There was some discussion indicating the garage was there when the property was purchased by the Watters.

Chairman Davidson wanted to know if there were any other comments or questions. If not, will someone make a motion?

A question was raised asking if we had proof that the notices to the neighbors had been sent. The secretary indicated that she did have the receipts.

Motion to grant the variance was made by Judy Traeger and seconded by Donald Poe to approve a 14' variance for the back line where 15' is required and 9.9' for the side lot where 15' is required to build a new garage at the site of an old existing garage.

Ayes: Davidson, Dixon, Poe, Traeger, and Newton.
Carried: 5-0.

PRITCHARD, Erika
Tax Map #33.11-1-10
Variance for a Shed

We also have on deck the request for a variance for Pritchard for a shed. The application was not complete. It was missing a survey map. The survey map was submitted tonight.

Motion to accept the application as complete first by Lorraine Newton and seconded by June Dixon.

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

Carried: 5-0.

A public meeting will be held at our next regular meeting, May 20th and if this is not convenient for Mr. and Mrs. Pritchard, we may have the public meeting on June 17th, being that we have 30-60 days from this decision.

New Business:

The Town Board had a meeting prior to ours and wanted Dave Davidson to bring to the Zoning Board a question to consider whether or not the Zoning Board should meet if nothing is on the agenda. It was suggested that we keep the third Monday of the month for public knowledge. However, if there isn't an agenda, we will not have a meeting. Dave Avigdor pointed out that the yearly schedule has already been posted for the public and that this may be something to consider next year. Donald Poe mentioned that we do have people who just show up at the meetings to get information. June Dixon made a proposal that we could meet every other month unless something came up. Lorraine Newton mentioned that winter is when we don't get a lot

of interest. We would have to let the public know about this before we change our dates. Jeff Gray and Preston Allen, who are on the Town Board, mentioned that this was about the fact that the members should not have to drive to the Town Hall if there is no business on the agenda. The Zoning Board will discuss this further at our next meeting. This will also be brought up at the Planning Board. David Avigdor stated that it makes good political sense for both boards to do this the same way. This will be put on the agenda for our next meeting.

Motion to adjourn the meeting at 7:40 p.m. first by June Dixon and seconded by Lorraine Newton. Ayes: Davidson, Poe, Traeger, Dixon, and Newton.
Carried: 5-0.

Respectfully submitted,



Brenda Ward
Secretary