

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
AUGUST 19, 2013**

Members Present:

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

Members Absent:

David Avigdor, Town Attorney

Chairman Dave Davidson called our meeting to order. He welcomed everyone (Karen and Philip Hakala, Mike and Laura Farrell, and Tina Nyland). He explained that we would start the meeting with the acceptance of the last meeting minutes and then address the public.

Motion to accept the minutes from the July 15th meeting first by Lorraine Newton and seconded by June Dixon.

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

Carried: 5-0.

PUBLIC HEARING opened at 7:05 p.m.

HAKALA, Philip & Karen

Tax Map #42.8-1-54

Garage Variance

Lorraine Newton stated for the record that when she was looking at the site she was stopped by Mr. Ruzbasan about the variance and she did inform him that he needed to address his issues

at the Public Hearing on Monday, August 19th at 7 p.m.
Mr. Ruzbasan sent a notarized letter by Fed Ex mail which
was read aloud by Brenda, Zoning Board secretary.

Dave Davidson asked Mr. Hakala what the reason was for
the current proposed location for the garage? Mr. Hakala
explained that the garage would be about 4 feet away from the
house. There is a water problem and if they built it closer to
the house the water pipe would go through the garage. The
garage would only block the neighbors view of their house.
They do not feel they can build it closer to the house as this
would block the natural sunlight that comes into the whole side
of the house.

Dave Davidson asked the board members if they had any other
questions about the garage site variance? If not the Public
Hearing is closed at 7:15 p.m.

The board members then discussed the issues at hand for this
variance. Judy Traeger stated she would have to recuse herself
as she has been out for medical reasons. Donald Poe stated
that all the properties on South Shore Road all the way to the
bridge have some sort of run-off problem with water. The
problem seems to be where to put the garage. June Dixon
stated that this is a difficult piece of property and they can't get
closer to the house. She felt impact would be minimal on
neighbors view and it does not obstruct their view to the lake.
Lorraine Newton felt that she did not look at the water issue
(culvert) closely enough to determine whether it would be a
problem. Dave Davidson suggested approving the variance
but with a stipulation about the culvert, however, our attorney

David Avigdor is not present tonight and not sure if this would be the appropriate thing to do.

After discussion with Mr. and Mrs. Hakala, it was determined that the garage variance application would be moved to the next meeting and at that time they will have more information regarding the culvert from their contractor and/or excavator as to where the culvert is going to start and end; and also time for Judy Traeger to visit the site so she can give input for the final decision.

At 7:35 p.m. the decision was made by all board members to wait until the September 16th meeting.

New Business:

**FARRELL, Michael & Laura
Tax Map #43-12.2-4
Garage Variance**

The application was mailed to each board member with the old variance approval. Laura spoke to the board members about the old variance and thought this should still be valid. It was explained to her that in ten years rules and property has changed since then and at that time approvals were only good for six months. She presented the board with a survey with proposed garage but not a recent one and not with the garage to be torn down and replaced. This old garage will be torn down and when re-built, turned, and made bigger.

The board was in agreement that they needed more information before they could approve the application. There are four owners with the application and all four need to sign the variance application. A new survey is needed to show the existing garage and the proposed size of the new garage which is going to be 20 x 24 which they need a side line variance of 6 feet.

Dave Davidson asked the applicants if it was okay for the board members to do a site visit and if they need to call first. Approval was given for them to visit anytime without a phone call first.

Laura inquired about the conference call that Dave Davidson suggested because of the distance (Boston) for them to attend the meeting and Dave said he would check with David Avigdor, Town Attorney.

Secretary's Report:

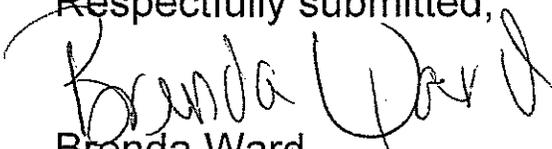
Brenda gave each board member a memo stating that there would be a meeting with the Town Board, Planning Board, and Zoning Board members on Monday, September 23rd at 5 p.m.

Motion to adjourn the meeting at 8:15 p.m. first by Judy Traeger and seconded by Lorraine Newton.

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

Carried: 5-0.

Respectfully submitted,



Brenda Ward
Secretary