

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
MAY 20, 2013**

Members Present:

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

Chairman Dave Davidson called the meeting and stated that the order of business is to approve the minutes from the April meeting. The only change request by Chairman Davidson is in the first paragraph under Public Hearing on the last line it should be changed to **build** a garage not **re-build**.

Motion to accept the minutes revised as above by Lorraine Newton and seconded by Judy Traeger. Ayes: Davidson, Traeger, Poe, Dixon, and Newton.
Carried: 5-0.

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

Public Hearing:

Chairman Dave Davidson acknowledged that we were having a public hearing tonight regarding a shed variance for Robert and Erika Pritchard and he is recusing himself from the hearing, due

to conflict of interest, as he is a neighbor. He is turning the meeting over to board member Judy Traeger who has had many years of experience on the Zoning Board.

Judy announced that the public hearing was now open on the matter of the variance for a shed for Robert and Erika Pritchard. She addressed Robert and Erika to see if they had anything to add before the meeting started. The board had one letter sent in from a neighbor named Mr. Tobin, who could not appear for the public hearing. He wanted the board to know that he was not opposed to the shed variance. Also present for the public hearing were neighbors Donna and Jerry McGraw who stated they were not opposed and also neighbors Marie and Andy Roben who live across the street from the Pritchards and stated they felt that as long as they have room for it it's not a problem.

Judy then addressed the board to see if they had any questions regarding the application for the shed variance. Lorraine Newton wanted to know if there was a side variance. There is not, only a front variance for 14 and a half feet.

Judy Traeger stated with no more questions from the board or the public, that the public meeting is now closed.

The board then went on to discuss the variance application. June Dixon has no problems with the measurements of the shed. Donald Poe stated that he is not inclined to make a decision tonight on the variance for the shed. A picture of the shed which was given to the board before the meeting started was according to Erika sent to Ken Metzler with her survey papers, however, the board did not see this until tonight.

Lorraine Newton noted the fact that so many of the neighbors had to get variances and was concerned about the variance size. The board asked David Avigdor for advisement. He explained that he had represented the Pritchards' before and can't represent for advocacy. Erika explained that this isn't her first time here, that she had previously asked for a garage variance. There is a question by the board regarding a letter that Ken Metzler sent to Erika about the 50' front yard setback being reduced to 40'. This will have to be addressed with Ken Metzler. Dave Davidson said that he will draft a letter to Ken regarding this issue. Donald Poe explained to Erika that this may be in her favor. At this time, the board feels that they need more information to make a final decision regarding the variance.

David Avigdor explained to Erika that the board did not feel they could make an informed decision tonight and that it would be in her best interest to wait. He also explained that it is not Ken Metzler's responsibility to make sure this board gets all the information for this process, that is up to the person submitting variance request.

Dave Davidson resumed as Chairman and next matter on the agenda is the Watters resolution.

WATTERS, William & Carol
Tax Map #55-.5-1-19
Resolution

Dave Avigdor looked over the final draft of the resolution and one change whereas, being changed to whereas and this will be signed by Chairman David Davidson as soon as those revisions

have been made. David Avigdor also addressed the board with a suggestion for the resolutions to include the reasons with voting the motions are made with the criteria and the reasons in the resolution.

New Business:

Dave Davidson regarding the variances and the process; someone goes to Ken Metzler and he decides whether or not they need a variance. The board then meets. The applicants are required to send a letter to all affected. Dave Davidson, because he is a neighbor, saw that the 27' that was on the Pritchard application was not correct and he had Erika send out new certified mail with the correct set back. Dave feels that the variances should be filled in by the board, not the applicant. Another change is to have the applicant send a cc of the letter that is going out to all the neighbors. This way the board will know in advance what is going on. It should be the procedure that when they come to the meeting they have sent out the letter and it should be attached to the notary letter. Most important is the description of the variance and to make sure we have the correct information for the variance. When the board gets the application, to make sure it has all the appropriate information and it is complete. Donald Poe stated that the process seems to work better when the applicant comes in to apply for the variance in person. Chairman Davidson did make note that many of the applicants live far away and this is a hardship for them to come in person. David Avigdor stressed that this is why it is important to look over the application, to make sure it is complete, and base your decision from the application. There is no law specifying a time-limit from the opening of the public hearing to the closing of it. We cannot compel an applicant to appear for the

meeting so the board should make sure they are comfortable with the application, asking for pictures, etc., and making an informed decision from this. If the application meets the criteria, you can then vote on it.

Old Business:

The question of having mandatory meetings for 2014 is on hold. It was noted that David Cox, Chairman of the Planning Board, did report to the Town Board that the Planning Board decided they do want to keep the regularly scheduled Monday meetings.

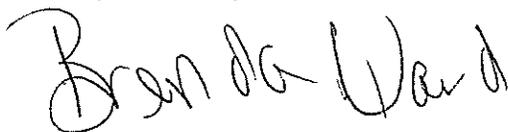
Correspondence:

Information on Local Government Planning & Zoning Workshop on June 20th was put in each board member's folder.

Motion by June Dixon and seconded by Lorraine Newton to adjourn at 8:10 p.m. Ayes: Davidson, Traeger, Newton, Poe, and Dixon.

Carried: 5-0.

Respectfully submitted,



Brenda Ward
Secretary