**TOWN OF DAY ZONING BOARD OF APPEALS**

**MINUTES–REGULAR MEETING-DRAFT**

**DECEMBER 15, 2014**

**Members Present: Absent:**

Chairman, Dave Davidson

Judy Traeger

June Dixon

Lorraine Newton

Donald Poe

**Also Present:**

Town Attorney, David Avigdor

Chairman Davidson asked the board members if they had any

comments or wanted to make any changes to the November 17,

Zoning Board of Appeals meeting minutes.

**Motion** by Lorraine Newton and seconded by Judy Traeger to approve

the Zoning Board of Appeals meeting minutes from November 17, 2014.

Ayes: Chairman Davidson, Judy Traeger, June Dixon, Lorraine Newton,

and Donald Poe.

Carried: 5-0

**Old Business:** None

**New Business:** Ladd, Ronald & Juanita

 Tax Map #31-1-8.2

 Area Variance for Subdivision

Chairman Davidson stated that we have an application for a variance

that was referred to us from the Planning Board and Ted Mirczak,

Chairman of the Planning Board is here to answer any questions we may

have. Chairman Davidson had Brenda copy an email from Chairman

Mirczak outlining the denial from the Planning Board and each Zoning

Board member was given a copy of this.

Chairman Davidson asked those attending to introduce themselves. Mr.

David Barrass introduced himself, stating that he was representing

Tracy Ladd for this variance application. He explained that Tracy Ladd’s

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parents own the property, A LOT of 7 ½ acres with FRONTAGE on both North Shore

Road and Bovee Road and on that property are two homes which were

given permits for construction. Tracy lives in one residence and her

parents live in the other one. The parents’ residence is on Bovee Road

and Tracy’s is on North Shore Road. She would like to get a deed for her

own residence. Unfortunately, the zone line between the Lakefront

Residential Zone and the Rural Low Density Zone goes right through the

middle of the property. The parents would like to give an acre and a half to

Tracy, which her property would be entirely in the Lakefront Residential

Zone, however, the second lot does not have enough acreage in the RLD

Zone, 6 where 8 is required. That is why we are here before the Zoning

Board of Appeals.

Chairman Davidson said that basically they are asking for an area variance

for a substandard lot of about 6 acres where 8 is required so they can then

return to the Planning Board for the process of the subdivision.

All of the board members did have a chance to look at the maps

and the application for the variance. Chairman Davidson asked the

board members if they had any questions regarding the area variance.

Donald Poe asked if everyone on the application, Ronald, Juanita, and

Tracy had signed the application. Brenda confirmed that all parties did

sign the application and we do have this on file.

Judy Traeger had a question about the driveway, does HRBRRD own the

driveway or county? Chairman Davidson stated that this was concern for

the Planning Board. Attorney Avigdor stated that the Planning Board had

already investigated this and resolved this issue and this was deemed to be

road frontage.

Chairman Davidson stated that the zoning law is not specific when dealing

with a parcel that has a line going through the middle of the property or any

piece of the property. Attorney Avigdor stated that he understands that the

APA determines the more restrictive zone applies. Chairman Davidson

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wanted to know if the larger lot was more restrictive and Attorney Avigdor

stated it was.

Attorney Avigdor stated that the APA zone is also 8 acres and therefore

we can grant this as we are in an APA approved land use program and that the applicants will not have to apply to the APA. The ZBA decision to grant a variance does have to be

reviewed by the APA, and they could overturn it. The APA has the right to appear at the Public

Hearing. This will also have to be sent to the County because of footage

on the county road.

Chairman Davidson stated that he would make sure that this would be

sent to the APA and Brenda will make sure it also goes to the County.

Chairman Davidson stated that assuming that this application is complete,

then we will refer this for Public Hearing at our next meeting. Chairman

Davidson stated that he sees a SEQR form filled out with this, however, we

don’t need this as the Planning Board also has one and declared

themselves lead agency for SEQR. Chairman Davidson asked the board

members if they had any other questions regarding this application before

it is declared complete.

**Motion** by Lorraine Newton and seconded by Judy Traeger to declare the

application complete.

Ayes: Chairman Davidson, Judy Traeger, June Dixon, Lorraine Newton,

and Donald Poe.

Carried: 5-0

There will be a Public Hearing at the Zoning Board of Appeals meeting on

Thursday, January 22, 2014 at 7 p.m.

Attorney Avigdor stated that since Mr. Barrass will not be able to be present

at the Public Hearing he would like to say a few things he would advise at

the Public Hearing. He relayed to the board members that in his view you

could potentially say there is no impact on the neighborhood because there

would not be any change as there are already two existing residences. But

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there may be more incentive for the new separate owners to want to

expand, so if you felt there was concern for this, you could put restrictions

on the area variance for subdivision or the Planning Board may look

at this.

Lorraine Newton asked if the Public Hearing should be delayed to the

next Zoning Board Meeting so that Mr. Barrass could be present, however,

Mr. Barrass said they would like to be heard at the next meeting in January,

so Tracy will be present without Mr. Barrass.

Chairman Davidson asked if anyone had anything else to discuss

before we adjourn.

**Correspondence:** Saratoga County Planning & Zoning Conference

save the date which is Wednesday, January 28, 2015. Information for

registration to follow.

**Secretary’s Report:** Each of the Board members were given their year

end vouchers to sign off on for their meeting attendance for the year.

Also the new meeting schedule for 2015 was given to each board member.

**Motion** by Donald Poe and seconded by Lorraine Newton to adjourn the

Zoning Board of Appeals meeting at 7:25 p.m.

Ayes: Chairman Davidson, Judy Traeger, June Dixon, Lorraine Newton,

and Donald Poe.

Carried: 5-0

Respectfully submitted,

Brenda Ward

Secretary