

**TOWN OF DAY ZONING BOARD OF APPEALS
MINUTES–REGULAR MEETING
MAY 19, 2014**

Members Present:

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

Members Absent:

None

Also Present:

Town Attorney, David Avigdor

Chairman Davidson asked if there were any questions or comments on the previous minutes for April.

Motion by Judy Traeger and seconded by Lorraine Newton to approve the minutes of April 21, 2014.

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

Carried 5-0

Old Business: Chairman Davidson stated that he and Ted Mirczak are reviewing the applications for Zoning and Planning to make them more synonymous with each other and a draft should be put together for the board to review at the next meeting.

New Business:

**Richard Lampert
Tax Map #32.20-1-6
Area Variance**

Chairman Davidson noted that the SEQR form that was given to Mr. Lampert was the wrong form. We have a new SEQR form that needs to be filled out by Mr. Lampert. He is not here for the

meeting so we will have to send this new form to him. The old form may have come from Ken's office. If so, note to Ken to give new forms out. Chairman Davidson wanted to know if the board members had any thoughts about the map Mr. Lampert submitted. This is a side setback variance, does anyone have any comments or thoughts? Judy Traeger noted that Mr. Lampert has 12' x 20' listed in his application and 12' x 14' listed on the drawing. Chairman Davidson said there are now two problems with this application. Number one is the SEQR form is wrong and the dimensions on the application and the map are different. He said the third thing he is concerned about and he is asking Town Attorney, David Avigdor for his input. He said we have not always asked for the deed and we're not sure that this would be just in his name. We will be asking the applicants also for a copy of their deed. Donald Poe said that he has seen this information on a tax map. Town Attorney, David Avigdor said that you cannot always rely on the tax map information for the listed owners. Chairman Davidson said that a photocopy of the deed would be acceptable. The above concerns should be put in a letter to Mr. Lampert and Chairman Davidson said his email and/or phone number may also be included in the letter. Chairman Davidson also would like to know more about why Mr. Lampert is putting on this addition.

At 7:10 p.m. Mr. Lampert joined the meeting and addressed the board. Chairman Davidson explained to him that the board was just going over his application for completeness. We noted that the application you got unfortunately had the wrong SEQR form on it, the state changed the form. This is a state required form, so we are asking that you fill out the correct form. We also noted that the application itself asks for a 12' x 20' addition and the

drawing has a 12' x 14' addition on it. Mr. Lampert brought in a new map drawing that shows the correct dimensions of 12' x 20'. Town Attorney, David Avigdor said we should mark the change on the form to show the correct dimension, 12' x 20'. Mr. Lampert submitted the drawing with the correct dimensions. The copy the secretary had was noted with the correct dimensions and that we received a new one.

Chairman Davidson explained to Mr. Lampert that the board needed a copy of the deed basically to prove that you are the only property owner. He then asked Mr. Lampert to elaborate on what it is that he is trying to achieve. Mr. Lampert said he bought the property 35 years ago for a getaway from home. Now he is married with children and he needs a sitting area to eat and a storage area. This is going to be a dining room and storage space. The back of his property is ledge, so he's not able to put this here. He would like this to be by his kitchen area. Chairman Davidson wanted to know if Mr. Lampert had an issue with time for having this completed? Mr. Lampert said he would like to get it going as soon as possible. Chairman Davidson explained that with the variance process there will have to be a public hearing first. Mr. Lampert understands that this will be into July now or maybe even August. Mr. Lampert said that this would not be a crisis for him. Chairman Davidson said the board needs the SEQR form filled out and a copy of the deed to make the application complete. Mr. Lampert also submitted pictures of the addition to be built. He said he would get the above information submitted and will be attending the next meeting on June 16th. Chairman Davidson explained that we will schedule the Public Hearing at the next meeting and at that time you will be required to send a notice to all of your

neighbors within 500' regarding this.

Other New Business: Chairman Davidson gave everyone a copy of a variance checklist that he would like to go over. Chairman Davidson said that the Zoning Board gets applications from two people; the applicant that's been denied or the Planning Board. Town Attorney, David Avigdor said that we get applications from one person, the applicant. They are referred after being rejected by the Planning Board or the Building Inspector, Ken Metzler. The applicant then has to fill out an application for the Zoning Board.

Chairman Davidson said that he and Ted Mirczak would like to make the forms more explicit with what they need.

Town Attorney, David Avigdor said that the board can ask the applicant for anything extra on the application that they feel is necessary to determine whether or not to grant the variance. He said a point on the application should say that the board may ask for additional information.

Chairman Davidson asked Town Attorney, David Avigdor what is the Zoning Boards' obligation for view shed regulations? Town Attorney, David Avigdor said none unless the applicant was asking for a variance from that. We're not giving a variance from the view shed overlay. They would have to apply for this with us if it's a variance. When we give a variance we are giving it for what they are applying for. As far as building, that is a different situation and that would be up to the building inspector. Lorraine Newton said that some applicants may not know that they are in the view shed area. Town Attorney,

David Avigdor stated that it's not the case that you can't build in this area, it's what you build.

Chairman Davidson's next question was regarding notifying Saratoga County Planning Department. Town Attorney, David Avigdor said he will email a copy of the letter to Brenda to have on file. Chairman Davidson said his understanding is we notify the county when you put a driveway in.

Notifying APA? Town Attorney, David Avigdor said he will let Brenda know when we need to notify the APA.

Resolutions, when denied, the applicant only gets a copy.

When the resolution is granted, the applicant gets a copy and the Town Clerk gets a copy. Ken Metzler probably should also get a copy of this, especially if there are conditions on the application.

The APA does not need a copy of this, according to Town Attorney, David Avigdor and Saratoga County does not need to get this either.

Motion by June Dixon and seconded by Donald Poe to adjourn the meeting at 7:50 p.m.

Ayes: Chairman Davidson, June Dixon, Donald Poe,
Judy Traeger, and Lorraine Newton
Carried 5-0

Respectfully submitted,

Brenda Ward

