**TOWN OF DAY ZONING BOARD OF APPEALS**

**MINUTES–REGULAR MEETING**

**JUNE 16, 2014**

**Members Present: Members Absent:**

Chairman, Dave Davidson None

Donald Poe

Judy Traeger

Lorraine Newton

June Dixon

**Also Present:**

Town Attorney, David Avigdor

Chairman Davidson asked if there were any questions or

comments on the previous minutes for May. He asked

Brenda if she had made the change he sent via email.

She explained that the change was made immediately before

the draft was put on the Website.

**Motion** by Donald Poe and seconded by Lorraine Newton

to approve the minutes of May 19, 2014 as amended by

Chairman Davidson.

Ayes: Chairman Davidson, June Dixon, Donald Poe, Judy

Traeger, and Lorraine Newton

Carried 5-0

**Old Business:** **Richard Lampert**

**Tax Map #32.20-1-6**

**Area Variance**

Mr. Lampert is present this evening regarding his application.

Chairman Davidson stated that he did a site visit and asked if

any of the other board members had done so. Mr. Lampert

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did supply the deed and filled out the appropriate SEQR form

that the board requested at the last meeting. Chairman Davidson

asked if anyone had any other questions before we make a

motion to approve the application. Chairman Davidson asked

Mr. Lampert about him listing wet lands on his SEQR application.

Mr. Lampert stated that this was not actually on his property, that

it is next to his property, it is state property.

Town Attorney David Avigdor asked Mr. Lampert if his project

involved septic because, if his project did involve a septic

system he would have to be so many feet from the wet land.

Mr. Lampert stated the project did not involve a septic.

Mr. Lampert was informed by Chairman Davidson that the Public

Hearing for this would be held next month on July 21st and he

would have to send certified mail to each neighbor within 500 feet

of his property. He gave Brenda his email address and she will

send him that list.

**Motion** by June Dixon and seconded by Judy Traeger to declare

the application complete.

Ayes: Chairman Davidson, June Dixon, Donald Poe, Judy

Traeger, and Lorraine Newton

Carried 5-0

Chairman Davidson had a question for Town Attorney David

Avigdor regarding the SEQR form, regarding the land agency

presumably that’s the lead agency? So after we declare

ourselves lead agent for SEQR purposes, do we fill that out and

then find for negative declaration? Town Attorney David

Avigdor stated this was correct.

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**Old Business #2:**

Chairman Davidson had Brenda copy information, a draft

of the ZBA application for area variance and a ZBA checklist,

he sent via email to give to each board member tonight to look

over and discuss.

Chairman Davidson stated that he and Ted Mirczak met regarding

the applications and they see no reason why they can’t create

similar applications for Zoning and Planning Boards. Ted Mirczak

is still working on the logo for these. Brenda and Ken Metzler will

have access to these forms to give out to the public. These

applications will also have the SEQR forms and the notification

letter. Chairman Davidson is asking the board members to look

over this application and make any suggestions for additions and

let him know what changes you would like. Chairman Davidson

said he is still in the process of making changes to this, so please

email him with ideas.

Chairman Davidson asked Town Attorney David Avigdor to talk

about what the APA wants from us. David said that they would

like copies of all variances. They are entitled to all variances that

involve the APA. Chairman Davidson stated that our Town law

requires that we send in copies of any variances that we approve.

They have an obligation to review these and they have a right to

deny these. Going forward, we will make sure that they get their

copies. Their law states that they get a copy of the approved

variance. Chairman Davidson said we should be sending them

the applications before they are approved. Chairman Davidson is

looking at making a form that gives them information about the

application and what is taking place. This way we will be sending

key information to the APA regarding the applications. If we don’t

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hear from the APA within 15 days then the application is granted

and complete. The APA has only overturned one application.

Chairman Davidson stated that he would be corresponding with

Robin regarding this to get something more concrete set up.

We will from this point going forward make sure to report these.

Saratoga County Planning Board also should be getting quarterly

reports regarding variances. Chairman Davidson asked Town

Attorney David Avigdor if we had to report this quarterly or if we

could do this every 6 months. Chairman Davidson will research

this more also.

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

adjourn the meeting at 8:05 p.m.

Ayes: Chairman Davidson, June Dixon, Donald Poe, Judy

Traeger, and Lorraine Newton

Carried 5-0

Respectfully submitted,

Brenda Ward

Secretary