

TOWN OF DAY – ZONING BOARD OF APPEALS
REGULAR MEETING – AMENDED MINUTES
DECEMBER 17, 2018
7 PM
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Pledge

Roll Call

Members Present:

Chairman Dave Davidson
Member Lorraine Newton
Member Al Graham
Member Donald Poe
Member June Dixon

Members Absent:

Counsel was not in attendance.

Chair Dave Davidson opened the meeting at 7:00 pm.

Motion, made by Al Graham, seconded by June Dixon to **approve** the minutes from the November 19, 2018 Regular Zoning Board of Appeals meeting was made.

Old Business:

Area Variance

Tax Map#32.16-1-13

Richard and Diana Wahrlich

Chair Davidson notified the Zoning Board of Appeals that there had been an unexpected response to this Area Variance by Saratoga County. He reviewed with the board that this was for a setback for a garage. It is on a county road. The law requires that if an area variance is on or near a county road then the town needs to notify the county. However, the Town of Day does have a waiver so we are not required to do that though we have in the past asked for their input.

Chair Davidson had a phone conversation with Michael Valentine of the Saratoga County Planning Department prior to our Public Hearing which was held on 11-19-18. Michael Valentine did not see any issues at that time. The variance was passed at the Public Hearing with a 5-0 vote.

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The resolution granting the variance was signed December 5, 2018 after we had received notification from the APA that they had no objection.

Chair Davidson continued stating that on December 6 he received an email from Mr. Valentine. Attached to the email was a letter from the Saratoga County Planning Department dated 12-3-18 with a denial to the variance attached. The county had met on November 15, 2018. Chair Davidson said that two things struck him after reading this. First he didn't know that they could do this. Secondly, this happened several weeks after our meeting.

He sent an email to Mr. Valentine, our counsel Matt Fuller and Town Supervisor Preston Allen. He then did have a conversation with Mr. Valentine. Since our vote on the variance for the Wahrlichs was 5-0, it does override the county and does remain in effect.

This experience has become educational. We need to understand this going forward. It seems the county took this variance on as a full action item. In the past they have given us good advice. We abrogated the waiver because we asked for their review. Our concerns are that they county did not have a public hearing as we did. Secondly they did not know the results of our public hearing when they made their decision.

Chair Davidson will send copies of all correspondence to the board members. A continued discussion with counsel will be important after the board has time to read the information. There will need to be new procedures in place. In the past, when we have heard from the APA we have continued with the resolution. Now that 30 day window may not be long enough. Chair Davidson also hopes to continue a discussion with Saratoga County Planning Department at the Planning and Zoning Conference in Saratoga in February.

New Business: The new clerk to the boards, Diana Edwards was introduced to the board members at the beginning of the meeting. She will begin in January. The current clerk, Dawn Graham will be leaving at the end of the month.

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Chair Davidson then read a resolution that he had written to thank Dawn for her service these past 3 years. He, on behalf of the board, mentioned several examples of specific things that were appreciated by them.

Motion, to accept the resolution as stated was made by Lorraine Newton and seconded by June Dixon.

Ayes: Chair Dave Davidson, Lorraine Newton, Al Graham, Don Poe and Member June Dixon.

Carried 5-0.

Correspondence: None

Secretary's Report: None

Motion , made by June Dixon, seconded by Lorraine Newton to **adjourn** this Regular Meeting of the Town of Day Zoning Board of Appeals was made at 7:17 PM.

Ayes: Chair Dave Davidson, Lorraine Newton, Al Graham, Don Poe and Member June Dixon.

Carried 5-0.

Dawn Graham, Clerk