

**TOWN OF DAY-ZONING BOARD OF APPEALS
REGULAR MEETING-APPROVED MINUTES
FEBRUARY 22, 2018
7PM
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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:

None

Also Attending:

Mary-Ellen Stockwell, Attorney
Garry Robinson, Engineer
Ted Mirczak, Chair Planning Board
Kenneth Metzler, Code Enforcement Officer
Ronald Waite
Carol Aldrich
Leland Chap Aldrich
Dave LaFountain
Terry LaFountain

Chair Dave Davidson opened the meeting at 7PM.

Motion, made by Al Graham, seconded by June Dixon to **approve** the minutes from the January 18, 2018 Regular Zoning Board of Appeals meeting.

Ayes: Chair David Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

Carried 5-0.

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OLD BUSINESS: Discussion on the Zoning Code was again postponed due to new business on the agenda.

NEW BUSINESS: Prior to starting the Public Meeting, there was a brief discussion on who takes the lead on SEQR. The application originated with the Planning Board for a site plan application regarding the Viewshed Protection Area. The board agreed to give the lead to the Planning Board on SEQR.

Public Hearing

7:02 PM

Area Variance

Tax Map#32.-1.-6

Sacandaga Camp Ground

Watersedge Management Group, LLC

Garry Robinson, Engineer

Chairman Davidson opened the Public Hearing meeting asking if all visitors had signed in. He asked people who had comments to stand, give their name and speak clearly so that all can hear. He reminded everyone that the purpose of the public hearing is so that the public can address the zoning board of appeals and not each other.

Mr. Robinson was asked to give a brief presentation to the audience to bring them up to date on what information he had presented to the board at the January meeting. He again presented the topography and informational maps for the public to see the plan. The owner wants to add up to 33 lots though it would probably be less. He showed what is there right now compared to what would be done if the variances are given. These plans are preliminary, not final. New roads would need to be added. There is currently a 50 foot buffer. Mr. Robinson is asking for a 30 foot buffer.

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Also the current lot size requirement is 2500 square feet and he wants to reduce it to 30 foot by 60 feet. The older lots were done before the zoning law was put in place and are smaller.

The third item is the on-site septic systems. The current state rule is to have it 10 feet away from the property line. The buffers were not in place at the beginning. Some are only 3 to 4 feet away from the property line.

The new area is above the wood lines. The Planning Board did view it and it cannot be seen from the lake or the road.

Mr. Robinson asked for questions but there were none at this time.

Chair Davidson reviewed that the variances asked for are as follows:

1. A relief from the 50 foot buffer.
2. A change in lot size.
3. A buffer from the leach field to 10 foot.

Mr. Metzler said that the Town of Day asked that all accessory structures be back 15 feet from the property line. The question is if a leach field is a structure. In the past, septic systems have come 5 to 10 feet from the line as long as it was not near a well.

Chair Davidson clarified that the zoning board of appeals will only deal with the first two variances. We will not look at the leach fields.

Again the public was asked if they had any questions or comments.

At this time Mr. Metzler gave a brief history of the zoning ordinance for the lot sizes. There were no rules at the time when the zoning laws were drawn up. They looked at boilerplates for a mobile home park for 14 by 70 foot mobile homes as that was what was available at that time.

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Chair Davidson talked with Robyn Burgess, our Adirondack Park Agency (APA) contact regarding this issue. The APA has no regulations on this. They use the Health Department standard which is 1250 feet.

The next speaker was Leland Aldrich who had received a notification letter. He states he has no complaints. The 30 foot buffer would be ok. His only concern would be the water.

Ron Waite then stated he had a couple of questions. He asked what Mr. Robinson is doing about a water supply. Chair Davidson stated that this question is not germane to the zoning board but he would allow it. Mr. Robinson stated that this issue has to be brought before the planning board, the code enforcement officer and the Health Department for approval.

Mr. Waite's second question was what they are going to do about dockage. Mr. Robinson stated that they did not have a number right now but there are no final plans. It could be another 20 to 25. The planning board has asked for an answer to that on their application. Mr. Waite also asked what direction are they going to go. They can't go on the sides, they would have to go out.

Mr. Aldrich interjected that he also had a question on this. Presently the boats from the campground are hanging over his beach. He wants people to be aware. He has told the caretaker for the campgrounds. He also felt that his beach stakes were missing.

Chair Davidson reflected that the docks are strictly speaking not part of the zoning board of appeals application. It would go under the planning board and the Hudson River Black River Regulation District.

Mr. LaFountain stated that he and Terry did not receive notification regarding this meeting. His property is on the left side.

Mr. Metzler stated that the list came out of his office and he took responsibility. He tried to have it as up to date as possible.

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Mr. LaFountain stated that that did not make it any better. Chair Davidson stated that it was so noted.

Mr. LaFountain continued on stating that the road that goes off to the left on the map goes onto his property. He wants it barricaded from the campground. Mr. Robinson said that he can do that. Mr. LaFountain also wants the buffer to stay at 50 feet. He has a grassy meadow up in the woods that is the only flat area on his property. The camps along his side are right next to his property. It is noisy with maintenance, chainsaws, leaf blowers, lawn blowers. Mr. LaFountain was asked to come before the board and show them on a map exactly where he was describing.

Chair Davidson stated that in essence that the buffer zone that Mr. LaFountain is asking about affects three proposed units. He was thanked for his input.

Mr. Davidson asked for further questions for comments. He summarized that there were no questions on lot size or density. The question that was raised was on the south (southwest) side or the part away from the dam.

The board was asked if there were any questions.

Member Graham said no.

Member Newton stated no but did clarify which 3 parcels on the map would be affected.

Member Dixon had a comment. She recommended putting up no trespassing signs.

Member Poe had no questions or comments.

Chair Davidson asked if the board was ready to make a decision tonight.

Member Poe stated that he had not been on a site review. He had on every other variance before the board.

Chair Davidson said that he did his site review with binoculars from the road.

Member Newton also stated she felt strange without doing a site review.

Member Dixon feels similar to not completing a site review.

Member Graham had no comment.

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Attorney Stockwell gave the following advice after request from Chair Davidson. A decision has to be made within 62 days of closing the public hearing. The public hearing can be tabled until the next meeting or a special meeting can be held.

Chair Davidson said that the APA has 30 days to comment after a variance is granted. It does not become official until then. Mr. Robinson was asked how that would affect him. He stated that it would affect a number of different areas such as lot size, roads, water lines, sewer lines etc. He cannot go back before the Planning Board until the variance is decided upon.

Chair Davidson said that the zoning board members do not want to deal with this until the property lines are walked.

Mr. Robinson would prefer a decision tonight. He feels a walk won't do much.

Chair Mirczak of the Planning Board states that the roads are not part of the 50 foot setback.

Chair Davidson states that he did not hear a compelling reason on why a decision needs to be reached tonight.

Mr. Aldrich did express his concern regarding the water. Mr. Robinson stated that these days there has to be storm water management. They have to know where it is going and they have to treat it.

There was another question regarding a structure versus a road. Attorney Stockwell would like to review before an answer is given. Mr. Metzler felt the road was not included in the setback.

A **motion** was made to adjourn the Public Hearing until the March 19th meeting by Lorraine Newton and seconded by Don Poe at 7:46.

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Ayes: Chair David Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

Carried 5–0.

There was a discussion regarding the site review. Mr. Robinson asked if they could all go together as the owner had concerns regarding liability. Member Poe says that the application has an area that the owner signed giving them permission. It was concluded that the site visits would be coordinated with Mr. Robinson.

The public left at this point.

The regular meeting continued.

CORRESPONDENCE: In regards to the above variance request: (1) The HRBRRD has no issue with the application at the time; (2) Gerry Robinson was notified of a change in property ownership; and (3) an explanation was given by phone call to a receiver of a letter who had no comment or complaint.

A handout was provided regarding the 21st Annual APA Local Government Conference on April 18th and 19th.

SECRETARY'S REPORT: The legal notice to the Post Star was published on 2/9/2018.

Motion, made by Lorraine Newton, seconded by June Dixon to **adjourn** this Regular Meeting of the Town of Day Zoning Board of Appeals was made at 7:55 PM.

Ayes: Chair David Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

Carried 5–0.

Dawn Graham
Clerk