

**TOWN OF DAY-ZONING BOARD OF APPEALS  
REGULAR MEETING-APPROVED MINUTES  
JANUARY 21, 2016  
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**Members Present:**

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

**Members Absent:**

None

**Also Present:**

Attorney David Avigdor  
Attorney Susan Bartkowski  
Sharon Nachbauer

**Pledge**

**Motion**, made by Donald Poe, seconded by June Dixon to **approve** the minutes from the December 21, 2015 Regular Zoning Board of Appeals meeting.

Ayes: Chairman Dave Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

**Carried 5-0**

**OLD BUSINESS:**

**NACHBAUER, Craig and Sharon  
S/B/L: 33.17-1-40  
Area Variance Application**

Chairman Dave Davidson opened the discussion clarifying that the reason for tonight's meeting is to decide whether to accept the variance application as complete and schedule a public meeting. A concern is that there was already a previous building permit and is that still in effect. Attorney David Avigdor stated that that permit was only relevant for those plans. It is now a totally new process.

The second concern was the documentation showing the drawing of a septic system. It was stated that the drawings are only of interest to Ken Metzler, Zoning Enforcement Officer. Attorney David Avigdor clarified to Sharon Nachbauer that we are not interested in the septic but he does want her to have talked with Ken Metzler and not proceed with a variance that may have a problem. Sharon Nachbauer said she had talked with Ken Metzler and they were using one that he recommended. She did not expect to have a problem with the septic.

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Thirdly, the original rejection letter from Ken Metzler said Front setback which put the front of the house on the lakeside. Current codes state that the front of the house faces the road. So a letter was sent to reflect that.

The proportional setback is computed based on 150 feet of road frontage.

The application was determined to be complete.

**Motion**, made by Donald Poe, seconded by Lorraine Newton to **accept** the application.

Ayes: Chairman Dave Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

**Carried 5-0**

The public hearing is on February 18<sup>th</sup>. Sharon Nachbauer will be unable to attend as she will be out of the country. She and her husband will be represented by Attorney Susan Bartkowski. Attorney David Avigdor said that we could wait until the March 21<sup>st</sup> meeting if the Nachbauers would prefer that. It would still be under the 62 day requirement. If she wants to change to March she can call the Zoning Board of Appeals Clerk.

Sharon Nachbauer had a question about the number of property owners that she was to notify about the public meeting. She thought some people were beyond the 500 feet statute. Attorney Avigdor stated that we can't compel her to send the notices to everyone on the list 10 days prior to the next meeting. However it might be prudent to talk with Ken Metzler and clarify the information.

Chairman Dave Davidson asked Sharon Nachbauer for some informal information on what she was trying to achieve with this variance.

Ms. Nachbauer stated that the original house was too small because of a massive fireplace that did not allow enough room. She and her husband plan to retire here but want a home that is large enough to accommodate their family for visits.

They would like to put the house down closer to the lake where they feel it would not be so obtrusive. They do not want to upset their neighbors.

Chairman Dave Davidson declared the Zoning Board of Appeals is the lead agency for SEQR.

**Motion**, made by Donald Poe and seconded by Lorraine Newton **approved** that.

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Ayes: Chairman Dave Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

**Carried 5-0**

The "Application for an Area Variance" had some slight changes made. The Board was asked to review the changes and discuss/adopt at the February meeting. One change to this application was it asks people why they want the variance. There is no specific date that the application has to be in the clerk's office prior to the meeting. The members of the Board thanked the Chairman for all the work he put in on the application.

**NEW BUSINESS:** New member Al Graham was welcomed. He questioned the new member book in one area. He felt that references to section 11 should be section 10. That will be looked into and taken care of as needed.

**Motion**, made by June Dixon , seconded by Lorraine Newton, to **adjourn** this meeting of the Zoning Board of Appeals was made at 7:40pm.

Ayes: Chairman Dave Davidson, Member Lorraine Newton, Member Al Graham, Member Donald Poe, and Member June Dixon.

**Carried 5-0**

Dawn Graham  
Clerk