

**TOWN OF DAY-ZONING BOARD OF APPEALS
PUBLIC HEARING-DRAFT MINUTES
NOVEMBER 18, 2024
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A **PUBLIC HEARING** of the Zoning Board of Appeals of the Town of Day, County of Saratoga State of New York, was held in Day Town Hall, 16510 North Shore Road Hadley, NY 12835 on November 18, 2024.

Chairman Dave Davidson called the public hearing to order at 7:00pm with the following answering roll call: Steve Edwards, Tina Seibert, Rob Zeglen, Chairman Dave Davidson and Attorney Matt Fuller.

Motion, made by Rob Zeglen to approve as written in the October 21, 2024 regular meeting minutes, 2nd by Steve Edwards

Ayes: Steve Edwards, Tina Seibert, Rob Zeglen and Chairman Dave Davidson.

Carried: 4-0

Chairman Dave Davidson explained that James Leitner at 2768 South Shore Rd. applied for a 3 foot height variance. Chairman Davidson said he had several conversations with James about the project. Dave had asked Mr. Leitner to resubmit an application and fill in the blanks which was received.

Eric Bender is representing Mr. Leitner and explained that they are coming out with a 3-foot variance but when they do the measurements they are coming out with a different number.

Eric explained by reducing the pitch it will flatten out the dormers which will cause more problems in the future.

They are trying to come up with a solution to meet the variance and are willing for any suggestions to solve the issue.

Chairman Dave Davidson stated he has not seen a drawing for this project. Dave explained that plans are needed to move forward. He said this house will be built on an existing foundation. The application is still incomplete.

Dave explained once a complete application and plans are received we can move forward.

Chairman Dave Davidson opened the public hearing for Carl Thurnau at 7:14pm.

Chairman Dave Davidson explained that Carl Thurnau at 1178 Kathan Rd. applied for a 2% area variance.

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Carl Thurnau said the house with a 2 car garage and porch is 3,761 sq ft. which is 319 sq ft over which represents 2% over the 25% max. on .3 acres. If you take off the porch and the garage it is 2,200 sq ft of living space. As lot sizes decrease it becomes more difficult to meet the requirements. The lot is 150/100 ft on original deed but is actually smaller per survey 143/90+ ft. Carl stated he has owned the property for 32 years. Carl believes this does not have any impact on the character of the community or on the neighborhood. He also feels that a 2% area variance is minor. Carl Thurnau did go through numerous revisions, he mentioned doing a 1 car garage instead of a 2 car garage but feels that him and his wife both have vehicles and would like the 2 car garage especially during the winter. Carl would like to avoid trying to squeeze down living quarters.

Tina Seibert asked if the side setback variance was needed for a 2 car garage? Carl Thurnau stated the side setback variance that was granted did not have anything to do with the attached garage, it was needed either way.

Chairman Dave Davidson received 3 written letters regarding the area variance for Carl Thurnau's property. Two neighbors do not have an issue with the board granting the 2% area variance and one neighbor does oppose. The letters are attached to these minutes.

Public Comment:

James Pieniazek said he owns the property across from Carl Thurnau and does not have an issue with the board granting the 2% area variance.

Motion, made by Steve Edwards, 2nd by Tina Seibert to close the public hearing at 7:32pm.

Ayes: Steve Edwards, Tina Seibert, Rob Zeglen and Chairman Dave Davidson.

Carried: 4-0

Steve Edwards feels that Mr. Thurnau has done everything he is supposed to, and the paperwork is intact and would like to move forward.

Tina Seibert feels that Mr. Thurnau has done his homework but is not in favor of the proposed area variance.

Rob Zeglen stated that Mr. Thurnau has been cooperative during this process and 2% is minor and feels a 2 car garage is needed.

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Chairman Dave Davidson had said he has never seen an area variance request like this before and stated that there are a lot of substandard lots in our town.

Chairman Davidson stated that Carl Thurnau applied for 4 variances on this one property, a front and side yard setback were granted, A height variance which was denied and now an area variance. Chairman Davidson stated a 2% area variance is not substantial but he does see it problematic with you look at all 4 variances together.

Tina Seibert is concerned about all the variance requests on the lake and does not want it to become another Saratoga Lake.

Chairman Dave Davidson went over the balancing test with the board.

Question1 -Whether benefit can be achieved by other means feasible to applicant

Steve-Yes changes can be made

Tina-Yes by shrinking size of garage

Rob – No Carl does not want to downsize.

Dave – No cannot be achieved unless plans are changed

Question2- Undesirable change in neighborhood character or detriment to near nearby properties

Steve – No, it would fit in fine with other homes on Kathan Rd.

Tina – Yes

Rob – No

Dave-Yes pretty dramatic change from what's going on the property

Question3-Whether request is substantial

Steve-No

Tina –No

Rob - No

Dave – No, a 2% area variance is not substantial.

Question4-Whether request will have adverse physical or environmental effects

Steve – No

Tina – Yes

Rob – No, if the property has proper drainage and septic

Dave – Yes

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Question5-Whether alleged difficulty is self-created (which is relevant, but not determinative).

Steve – Yes

Tina – Yes

Rob – Yes

Dave – Yes

Chairman Dave Davidson stated the lot does not accommodate a large house.

Motion, made by Rob Zeglen to grant the 2% area variance, 2nd by Steve Edwards.

Ayes-Rob Zeglen and Steve Edwards

Nays-Tina Seibert and Chairman Dave Davidson

Carried 2-2

Motion, made by Rob Zeglen to table the application until Decembers meeting, 2nd by Steve Edwards.

Ayes- Steve Edwards, Tina Seibert, Rob Zeglen and Chairman Dave Davidson.

Carried 4-0

Tina Seibert mentioned to the board about updating the zoning application that would include more information. Attorney Matt Fuller sent the board a sample of a zoning board application and agreed to write up a sample application.

Next meeting will be December 16,2024 at 7:00pm.

Motion made by Steve Edwards to Adjourn the meeting, 2nd by Rob Zeglen at 7:55pm.

Ayes- Steve Edwards, Tina Seibert, Rob Zeglen and Chairman Dave Davidson.

Carried 4-0

Carma Hilicus
General Clerk