

**TOWN OF DAY ZONING BOARD OF APPEALS  
REGULAR MEETING-DRAFT MINUTES  
DECEMBER 16, 2024  
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**A REGULAR MEETING** of the Zoning Board of Appeals of the Town of Day, County of Saratoga, State of New York, was held in Day Town Hall, 1650 North Shore Rd., Hadley, NY 12835 on December 16, 2024.

The meeting was called to order by Chairman Dave Davidson at 7:00 pm with the following answering roll call: Steve Edwards, April Schmick, Tina Seibert, Rob Zeglen, Dave Davidson and Attorney Matt Fuller.

**Motion**, made by Rob Zeglen, seconded by Steve Edwards to approve the November 18, 2024 Regular/Public meeting minutes.

Ayes: Steve Edwards, April Schmick, Tina Seibert, Rob Zeglen and Dave Davidson

**Carried: 5-0**

Chairman Dave Davidson stated one item of business to address tonight: Lot variance of 2% proposed is 27% where 25% is maximum allowed at 1178 Kathan Rd., Carl and Elizabeth Thurnau Parcel #33.11-2-7.

Meeting on November 18, 2024 to approve above mentioned area variance had 4 board members present: 2 approved, 2 denied so vote tabled and as per Attorney Matt Fuller suggested.

Chairman Dave Davidson suggested to start from the beginning for the request of the area variance.

**Resolution #2024-01** to reconsider the application for a 2% area variance.

**Motion**, made by April Schmick, seconded by Rob Zeglen to move forward and adopt **Resolution #2024-01**.

Ayes: Steve Edwards, April, Schmick, Tina Seibert, Rob Zeglen and Dave Davidson

**Carried: 5-0**

**Discussion:**

April Schmick said at first glance that a small 2% overage for an area variance doesn't seem like something big, but looking at the plans, it actually is.

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Rob Zeglen states that he would be in favor of the 2% area variance.

Tina Seibert states she is conflicted, she appreciates all the work that Carl Thurnau has done. Tina feels it's a slippery slope and wants to keep the character of the lake the way it is. Tina stated she drove around Lake George and Saratoga Lake, and it seems that the homes have been overbuilt compared to cottages that were once there. Tina said she doesn't want the Sacandaga to become as such.

Steve Edwards stated the area variance is feasible and would consider being it would fit in with a lot of the homes on Kathan Road.

Chairman Dave Davidson states collectively he has a problem with the total variances requested by Carl Thurnau. Chairman Davison said there has been four variances needed for this lot, he feels concerned and is not in favor.

April Schmick states she agrees totally with Tina Seibert.

Chairman Dave Davidson went through a balancing test with the board:

**Question 1: Whether benefit can be achieved by other means feasible to applicant:**

Steve Edwards-Yes changes can be made

April Schmick-Yes

Tina Seibert-Yes

Rob Zeglen-No – Carl Thurnau doesn't want to change plans

Chairman Dave Davidson-No

**Question 2: Undesirable change in neighborhood character or detriment to nearby properties:**

April Schmick-Yes, the change will affect all properties

Steve Edwards-No 2% won't be noticed

Tina Seibert-Yes

Rob Zeglen- No

Chairman Dave Davidson-Yes scenic camp before, size, scope and scale do matter

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**Question 3: Whether request is substantial:**

Rob Zeglen-No  
Tina Seibert- Yes  
Steve Edwards-No  
April Schmick- No it's not substantial  
Chairman Dave Davidson- Yes

**Question 4: Whether request will have adverse physical or environmental effects:**

Tina Seibert- Yes not environmental but physical  
Rob Zeglen- No with correct drainage  
April Schmick- Yes no environmental no with proper drainage  
but physical  
Steve Edwards- No  
Chairman Dave Davidson- No

**Question 5: Whether alleged difficulty is self-created (which is relevant, but not determinative):**

April Schmick – Yes  
Steve Edwards - Yes  
Tina Seibert- Yes  
Rob Zeglen- Yes  
Chairman Dave Davidson- Yes

**Motion**, made by Tina Seibert, seconded by April Schmick to deny the 2% area variance.

Ayes: Steve Edwards, April Schmick, Tina Siebert, Chairman Dave Davidson

Nayes: Rob Zeglen

**Carried:** 4-1

**Motion**, made by April Schmick for the board to go into Executive Session to discuss the litigation, seconded by Tina Seibert at 7:40pm.

Ayes: Steve Edwards, April Schmick, Tina Seibert, Rob Zeglen and Dave Davidson

**Carried:** 5-0

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**Motion**, made by Steve Edwards, seconded by April Schmick to come out of Executive Session at 8:17pm.

Ayes: Steve Edwards, April Schmick, Tina Seibert, Rob Zeglen and Dave Davidson

**Carried:** 5-0

Chairman Dave Davidson is retiring and wanted to thank the board for their thoughtfulness and all their hard work.

**Motion**, made by April Schmick to adjourn the meeting, seconded by Tina Seibert at 8:25pm.

Ayes: Steve Edwards, April Schmick, Tina Seibert, Rob Zeglen and Dave Davidson

**Carried:** 5-0

Sandra Mahr  
General Clerk