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TOWN OF DAY ZONING BOARD OF APPEALS

MINUTES – REGULAR MEETING

JUNE 18, 2012

Members Present: Dave Davidson, Chairman
Judy Traeger
June Dixon
Donald Poe
Lorraine Newton
David Avigdor, Town Attorney

Members Absent: None

Motion by Donald Poe, seconded by Board Member Traeger to approve the minutes of May 18, 2012. Ayes: Davidson, Traeger, Dixon, Poe, Newton. Carried: 5-0.

Old Business: None.

New Business: **BORST, John, Application No. 12-01ZBA**
Tax Map #42.9-1-17, Area Variance

Chairman Davidson stated the letter from Code Enforcement Officer Metzler refers to an area variance of 13 feet where 15 feet are required. Mr. Borst stated prior to the completion of a survey, he believed that the property line was located in a different area. Subsequent to the completion of the survey, it revealed a different location and therefore a lesser area variance is now being applied for. The application and survey map do agree with the latest figure of 3 feet.

Motion by June Dixon, seconded by Board Member Newton to deem Application No. 12-01ZBA, John D. Borst, Tax Map No. 42.9-1-17 complete and set the Public Hearing for Monday, July 16, 2012 at 7 p.m. Ayes: Davidson, Traeger, Poe, Dixon, Newton. Carried: 5-0.

Motion by Judy Traeger, seconded by Board Member Newton to declare the Town of Day Zoning Board of Appeals as lead agency for Application No. 12-01ZBA, John D. Borst, Tax Map No. 42.9-1-17. Ayes: Davison, Traeger, Poe, Dixon, Newton. Carried: 5-0.

Chairman Davidson inquired why Mr. Borst cannot locate the garage three feet further from the property line which would not require any area variances. Mr. Borst stated there is a substantial woodshed erected on a concrete pad which was constructed on the parcel prior to Mr. Borst's purchase. In order to move the garage

three feet, he would have to relocate the woodshed and concrete pad. While it may be possible, it would be difficult. Town Attorney Avigdor stated in the case of this application, due to the fact that the woodshed existed prior to Mr. Borst's purchase, it would not be considered self-created.

Chairman Davidson asked for any Board Member comments or questions:

- ∞ Board Member Traeger stated she visited the site and noticed a considerable amount of water runoff in the location of the proposed garage where some excavation has begun. She inquired if there may be an issue with this location and water runoff. Mr. Borst stated he hoped it would not since he has tried to mitigate the runoff with newly installed drainage to carry the water around the building.
- ∞ Board Member Dixon stated in regard to the existing woodshed, it would also appear to be impossible to move the garage further back in an attempt to locate the garage behind the woodshed. This location would also require an area variance. She believed the location and its resulting area variance would be the most appropriate solution.
- ∞ Board Member Traeger inquired if a picture or drawing of the proposed garage should be included in the application. Chairman Davidson stated the requirement would be the footprint drawn on the survey map. Assuming that the garage will not exceed the height requirement, this Board would only be concerned with sideline setback requirements. Town Attorney Avigdor stated if this Board decides it would need information regarding the design of the garage; it could be requested from the applicant. He further stated if the garage may be located close to a neighbor and the design could be imposing, it may be beneficial to request that the plans be submitted. It is not an inherent requirement.

Mr. Borst stated the plan for the garage is a nine foot side wall with a standard pitch roof similar to the Town Hall building. He further stated a major portion of the building will be concealed because it will be setback into the bank. It would not be a large or tall imposing structure. Board Member Dixon inquired if the garage will be two stories. Mr. Borst stated it would not. She further stated the height would be an important factor to her because it could be unsightly.

There were no further questions from the Board Members or Mr. Borst.

Chairman Davidson stated he has not visited the site and inquired if there was any issue with Board Members visiting the site or if notification prior of site visits was necessary. Mr. Borst stated there was no issue of Board Members visiting the site and no prior notification was necessary. Chairman Davidson stated it would be very useful for Board Members to make a site visit.

Chairman Davidson inquired if Saratoga County Planning is notified of the application. The Secretary stated both Saratoga County Planning and the Adirondack Park Agency are provided copies of the application as a courtesy. The Town of Day Zoning Board of Appeals has a waiver agreement with Saratoga County Planning which does not require formal submission of routine area variance application. This agency is notified quarterly of Zoning Board activity. If the agency chooses to comment after review of the application, they can do so.

Secretary's Report:

The Secretary received a request from Petra Szyfman for return of the survey map from her recent application file. The Secretary stated that because it was a part of the application, it would need Board approval of its release. Town Attorney Avigdor stated it is a public record and must remain with the file. Chairman Davidson inquired if the area variance was not granted, would the survey map still be required to remain with the file? Town Attorney Avigdor stated a future property owner or a neighbor may be interested in the reason it was not granted. He further stated it is a Town record and Mrs. Szyfman could be provided with a copy of the survey map at the rate for photocopies. Once something is filed with the Town, it is a public record and it is available for the public to see what the Szyfman were applying for, their reasons for an area variance, the reason it was denied, etc.

Chairman Davidson stated the proper way to address Mrs. Szyfman's inquiry was a written reply which would state "under advice of counsel, the survey map is a public record and unfortunately, the Board cannot relinquish it to her but would be happy to provide a copy. The architect or surveyor who did the drawing would also be able to provide a copy." The letter will be sent prior to the end of the week.

Correspondence: Information for a training opportunity in Washington County to be held in Fort Edward on July 11, 2012 was provided to Board Members. There was no interest in attending.

Board Members were also provided with the APA Lecture Series.

Discussion Item: Chairman Davidson stated that at the May meeting, the Secretary provided Board Members with copies of the Zoning Board application to review for possible revisions. He further stated he did not have any issues with the application itself but it could be simplified. The Secretary stated this application has been in use for a number of years. Chairman Davidson stated the cover letter is foreboding which is a styling issue. He will draft a new cover letter for circulation at the July meeting. He requested Board Member participation for any changes/additions to both the application and cover letter. This will be an agenda item for the July meeting.

Board Member Poe stated the statement in the cover letter "Applicants should not take it for granted that applications will be approved" may not be necessary. He further stated it would be advantageous to have the application available online particularly when so many property owners live out of the area. Town Attorney Avigdor stated the Town Board is in the midst of contracting with a new webmaster. Suzanne Denn is chairing a committee investigating a new firm and updating the website. Due to outdated software which firms are reluctant with, it will be a start from scratch effort. Town Attorney Avigdor stated he suggested to Town Board Member Denn that it would be worthwhile for the Town Board to obtain suggestions relating to the website from Zoning Board Members.

Currently, there has not been a decision on which firm to select. There will not be an improvement in the Town's web presence until a new firm is selected. All Zoning Board Members agreed with Town Attorney Avigdor's suggestions. There will still be paper copies of the Zoning Law for sale at Town Hall and paper copies of applications.

Town Attorney Avigdor stated his suggestions are that all applications and laws should be included on the website. The laws in particular should be in a word searchable form.

Board Member Poe suggested that each Board Member research other similar local towns' websites, i.e. Warrensburg and make comparisons to their zoning applications and cover letter. The Secretary stated the Town of Edinburg has a checklist included with their application but not a cover letter. Neither is on their website. Town Attorney Avigdor stated he has found the Village of Corinth website to be very user friendly with all Town Laws organized as a code not only land use laws. There are also all applications in

downloadable form and he finds it easy to navigate and useful. He would also suggest making the cover letter a part of the application and not separate from the application. The applications can be faxed or emailed in addition to Town Hall delivery or postal mail.

Chairman Davidson stated Town Board Members review Zoning Board minutes which will serve as Zoning Board notification of their thoughts/proposals for the updated website with encouragement to move as expeditiously as possible.

Board Member Newton inquired if applicants have always received the short form SEQR form. The Secretary stated it has always been part of the application.

Chairman Davidson stated the requirement for surveys will not be solved with applications available on the website. This is a requirement which he would encourage Board Members to retain.

Board Member Newton inquired if a former discussion regarding badges for Board Members to wear during site visits had been discussed by Town Board Members. The Secretary stated the Town Board Members are provided with all copies of both Planning and Zoning Board minutes. As of this date, she is not aware of any comments or discussions at Town Board meetings of providing Zoning Board Members with badges. Chairman Davidson stated he will discuss the matter with Supervisor Johnson.

Motion by Judy Traeger, seconded by Board Member Newton to adjourn the meeting at 7:30 p.m. Ayes: Davidson, Traeger, Dixon, Newton, Poe. Carried: 5-0.

Respectfully submitted,

Diane Byrne
Secretary