

**TOWN OF DAY ZONING BOARD OF APPEALS
REGULAR MEETING - Approved
March 18, 2019
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Members Present:

Dave Davidson
Al Graham
June Dixon
Donald Poe

Members Absent:

Other Attendees:

Donna McGraw
Jerry McGraw

Motion, made by June Dixon and seconded by Al Graham to approve the minutes from the December 17, 2018 regular Zoning Board of Appeals meeting.

Ayes: Chairman Dave Davidson, board members Al Graham, Donald Poe and June Dixon.

Old Business: Wahrlich County response still pending.

New Business: **Area Variance**
Tax Map #33.7 Block 1 Lots 28 & 29
Allyson McGraw

Donna McGraw is the official representative on this Application for an Area Variance and is attending this meeting today as Allyson McGraw's representative.

The variance request is for a property line adjustment.

Correspondence:

1. Determination Letter from Kenneth J. Metzler, Code Enforcement Officer
2. Completed Area Variance Application Form
3. List of property owners within 500 feet
4. Property Deed Donald W. Buckley and Lynda S. Buckley (dated February 2, 2013)

5. Saratoga County Map
6. Survey Plan from Darrah Land Surveying, PLLC
7. Planning Board Meeting Minutes dated November 5, 2018

Jerry and Donna McGraw came before the board with a completed “Application for an Area Variance” form for a property line adjustment.

Chair Davidson noted that the variance is required as per Kenneth Metzler, Code Enforcement Officer’s, letter dated November 7, 2018 stated because of zoning ordinance that speaks to transfer of acreage between two substandard or non-conforming lots. Both lots are non-conforming.

Chair Davidson did acknowledge that he knows the McGraw’s as he lives in their neighborhood, but that he will not recuse himself from the case.

Chair Davidson explained the process is such that the Zoning Board of Appeals (ZBA) will review the Area Variance Application and speak to applicants. ZBA can approve application as complete or reject. If complete, the ZBA can schedule a public hearing for next month, and if the variance is granted, the McGraw’s then would be required to go before the Planning Board.

Jerry McGraw said that what he wants to accomplish is that where the property is as shown on survey, that both properties will be about the same acreage. The two lots will be about the same at .6 acres.

Chair Davidson stated that the map is clear to him (property sits right on corner) lot in question is L-shaped and goes behind the house that is adjacent to the McGraw’s.

All ZBA board members reviewed the maps and concluded that the zoning ordinance states that land transferred between sub-standard lots requires a variance. We are not creating substandard lots -- there are two non-complying lots, zoning in that area is 8 acres.

Mr. McGraw questioned the board if they answered everything as he felt the application does not necessarily fit what they are trying to do. Chair Davidson confirmed that either applicant of adjoining property can apply for the variance.

Chair Davidson noted that the application is complete so we can schedule a Public Hearing for the next ZBA meeting on April 15. Prior to the Public Hearing, the law says that McGraw’s will need to notify property owners within 500’ of their property via certified mail and submit

certified mail receipts to Planning and Zoning Clerk. Clerk will post a notice of Public Hearing in the newspaper no later than 10 days prior to meeting date.

Chair Davidson noted that the Zoning Board of Appeals role is to absolve of requirements. If we grant variance, then property owner would need to go before the Planning Board. The law says the Planning Board does boundary adjustments. If variance is not granted then there would be no need to go before the Planning Board.

Motion, made by Donald Poe to accept the application as complete, seconded by June Dixon.
Ayes: Chair Dave Davidson, Al Graham, June Dixon and Donald Poe.

Continuing Business: None

Correspondence: None

Secretary's Report: None

Motion, made by Al Graham, seconded by Donald Poe to **adjourn** this regular meeting of the Town of Day Zoning Board of Appeals was made at 7:30 P.M.

Ayes: Chairman Dave Davidson, members June Dixon, Al Graham and Donald Poe.

Carried: 4-0

Respectfully Submitted

Diana Edwards
Clerk