**TOWN OF DAY ZONING BOARD OF APPEALS**

**MINUTES–PUBLIC HEARING**

**JULY 21, 2014**

**Members Present: Members Absent:**

Chairman, Dave Davidson None

Donald Poe

Judy Traeger

Lorraine Newton

June Dixon

**Also Present:**

Town Attorney, David Avigdor

**PUBLIC HEARING:**

**Richard Lampert**

**Tax Map #32.20-1-6**

**Area Variance**

With proof of notice available that the legal notice for the Public

Hearing for Richard Lampert was published according to law, the

Public Hearing commenced as follows:

Chairman Davidson acknowledged Mr. Richard Lampert and

Mrs. Carol Lampert who were the only ones in attendance for

the Public Hearing. He asked Mr. Lampert if he had anything to

add to his application and Mr. Lampert stated he did not.

Chairman Davidson asked the board members if they were

able to do a site visit. Judy Traeger said that she was not able to.

Chairman Davidson noted that we had a letter from the Hudson

River Black River Regulating District stating they had no

objections to the proposed application.

With no other applicants appearing at the Public Hearing

and no other information opposing the application;

**Motion** by June Dixon and seconded by Lorraine Newton to

close the Public Hearing at 7:10 p.m.

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**MINUTES–REGULAR MEETING**

**JULY 21, 2014**

**Members Present: Members Absent:**

Chairman, Dave Davidson None

Donald Poe

Judy Traeger

Lorraine Newton

June Dixon

**Also Present:**

Town Attorney, David Avigdor

Chairman Davidson asked the board members if they had

anything to add to or amend for the last meeting minutes

of June 16, 2014.

**Motion** by Judy Traeger and seconded by Lorraine Newton

to approve the June 16, 2014 meeting minutes.

Ayes: Chairman Davidson, Judy Traeger, Donald Poe, Lorraine

Newton, and June Dixon.

Carried 5-0

Chairman Davidson asked the board members to review why they feel that

this variance should be approved. June Dixon stated that he has enough

property for this to be accomplished and no neighbors close enough to be

in disagreement with it. Lorraine Newton also agreed with this statement.

Chairman Davidson said that at the edge of their property there is such a

drop-off that it would not affect anyone else.

Chairman Davidson requested that the members go through the checklist

for the area variance criteria;

**Whether the benefit can be achieved by other means feasible**

**to applicant;**

All members agreed no. Lorraine Newton stated that she believes

that this is truly where he has to put it. Chairman Davidson said this is the

extension of his kitchen and that is where he has to put this.

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**MINUTES–REGULAR MEETING**

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**Undesirable change in neighborhood character or to nearby**

**properties;**

All members agreed that it would not be an undesirable change and this

property cannot really be seen by any other nearby property.

**Whether request is substantial;**

The variance is supposed to be 15’ and he has 8’. Town Attorney

David Avigdor stated to the board members; you have to balance this

criteria against all other criteria, but in making a decision on this criteria,

I think it’s substantial. All the members agreed; it is substantial.

**Whether request will have adverse physical or environmental**

**effects;**

All members agreed that there were no adverse physical or environmental

effects.

**Whether the alleged difficulty is self-created;**

Chairman Davidson stated that while there is a preference for wanting this

in a certain place based on the conditions; but all members agreed; no.

**Motion** by June Dixon and seconded by Lorraine Newton to grant the

variance because while the setback requirement is a substantial variance

the steepness of the adjacent slope and the lack of visibility make it a

reasonable alternative.

Ayes: Chairman Davidson, Judy Traeger, Donald Poe, Lorraine

Newton, and June Dixon.

Carried 5-0

Chairman Davidson explained to Mr. and Mrs. Lampert what happens next;

that we will send the variance application to the APA and if they have an

objection we will know within 15 days. Town Attorney David Avigdor stated

that it may be 20 days. They have already been notified regarding this

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and we won’t be able to sign off on the approval until they have had a

chance to get back to us. Mr. Lampert stated he understood this as he is

a real estate developer.

Town Attorney David Avigdor explained to Mr. Lampert that we send this

to the APA and they have the right to overturn our decision, which he said

in the 30 years he has been Town Attorney, they have only done this once.

**Motion** by Lorraine Newton and seconded by June Dixon to declare

ourselves lead agency for SEQR.

Chairman Davidson stated that our next order of business is to do the

SEQR requirements. The board members took a moment and filled out the

form together.

**Motion** by Lorraine Newton and seconded by Judy Traeger for negative

declaration.

**Old Business:** None

**New Business:** None

**Correspondence:** None

**Secretary’s Report:** None

Respectfully submitted,

Brenda Ward

Secretary