

**TOWN OF DAY ZONING OF APPEALS
PUBLIC HEARING MINUTES- APPROVED
JUNE 19, 2023
7:00PM
DAY TOWN HALL
PAGE 1 OF 3**

Members present:

Dave Davidson
Harry Brennan
Steve Edwards
April Schmick

Members Absent: None

Chairman Dave Davidson opened the meeting at 7:00pm

Pledge

Roll Call

Old Business: Review and approve May 15, 2023 minutes.

Motion made by April Schmick to approve May 15, 2023 minutes, 2nd by Steve Edwards.

Ayes: 4-0

The updated denial letter and survey was done for Walter Maxfield Rd, which was requested by the board. Garry Robinson completed and updated the new denial letter. Garry determined the property zoned as lake side residential is incorrect. The property is rural medium density, which does affect the variations but not the application.

Jeffrey and Amy Doherty are requesting a 35' front yard setback, a 10' and 42' side yard setback and nothing in the back.

Motion made by April Schick to accept the application as complete. 2nd by Harry Brennan.

Ayes: 4-0a

Chairman Dave Davidson opened the **Public Hearing** at 7:06pm

Jeremy Allen residing at 26 Walter Maxfield Rd stated, he doesn't care where the Doherty's put their house. Jeremy has lived at his current address for 34 years and knows there used to be an artesian well that ran the neighbor's residence, the well has been filled and Jeremy isn't for sure if somehow that filled well did something to the ground water. Meanwhile, Jeremy stated his well now floods, and he is retaining sand due to having too much water in the well. Now sand is in the water coming from the faucets in his home.

Dave Davidson stated this issue doesn't pertain to this situation but could be something for the building codes or health department.

Per Jeffrey Doherty, he did not know if the well on the property was being used for anything. While he was excavating the lid may have been hit and moved over.

Cheryl Allen had a question regarding the property being zoned as rural medium density. Cheryl stated she had thought all properties are zoned lake front, lake side or back woods.

Dave said there is no such zone as lake side, properties on the lake are zoned lake front residential or residential medium density. The Doherty property is the cutoff for lake front and rural, Doherty's property is the first property zoned rural.

Motion made by April Schmick to close the public hearing at 7:17pm, 2nd by Harry Brennar .

Ayes: 4-0

At this point the applicant, Jeffrey Doherty left the meeting.

Regular meeting started at 7:18pm

Dave Davidson was focused on, if the building would affect the neighborhood. Steve Edwards stated the lot was too small for the house and was afraid others would come forward and expect to build a large house on a small lot. Per Dave Davidson the building permit shouldn't have been issued in the first place. Steve stated the plans show the home pushed to one side of the lot and could've been centered to avoid less of a variance or if any at all. April stated this is a special circumstance. April Schmich said when she looks at everything, she would have a hard time not approving the variance. Per the board, they decided a decision was not going to be made tonight. The board wants to review everything again and visit the property again before the July 17th 2023 meeting.

Kimberly Holmes, a notified neighbor arrived at the meeting late. She was coming from Cobleskill and tried arriving on time for the public hearing. Council Matt Fuller stated that the public hearing would need to be reopened for her to speak, and the applicant would need to be present. Tracy the clerk called Jeffrey Doherty to see if he was able to come back to the meeting so we can reopen the public hearing and allow Kimberly Holmes to comment.

At 8:00pm Jeffrey Doherty, the applicant arrived.

Motion made by Steve Edwards to reopen the public hearing, 2nd by April Schmich at 8:00pm.

Ayes: 4-0

Kimberly Holmes residing at 5 Walter Maxfield Rd spoke about the tree roots being disturbed on two sides of her property line. Also a concern was the banks that were dug into were going to wash out, which is currently happening. Kimberly stated the lots too small for the size of the home. Kimberly said the town has rules and regulations for a reason.

Per Jeffrey Doherty he is willing to put a retaining wall up to support the bank and questioned Kimberly on disturbing the trees on her own property when she built her new home. Kimberly said the trees that were cut down were not on her property line or anyone else's.

Dave Davidson asked Kimberly Holmes if she would have concerns if a retaining wall was put up. Kimberly said she would still have concerns because it would need to be a very high wall and there are very large trees there. Per Kimberly there's a reason why the town has rules and regulations and the variance being asked is not reasonable. She understands exceptions and feels this one is extreme and it's a danger with the trees being disturbed to anyone on the property.

Motion made by April Schmick to reclose the public hearing, 2nd by Harry Brennan at 8:13pm

Ayes: 4-0

The board did not want to make a decision tonight at the meeting and will vote in the July 17, 2023 meeting.

Motion made by April Schmick to **adjourn** to close the meeting, 2nd by Steve Edwards.

Ayes: 4-0

Tracy Ladd
Clerk