

**TOWN OF DAY ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES - Approved
July 19, 2021**

Pledge

Roll Call

Members Present:

Dave Davidson
Al Graham
Steve Edwards
Harry Brennan
Don Poe

Members Absent:

Counsel: not in attendance

Others Present: Nick Zeglen of Environmental Design Partnership, LLP

Chairman Dave Davidson opened the meeting at 7:00PM

Motion, made by Al Graham and seconded by member Steve Edwards to approve the meeting minutes from the May 17, 2021 Regular Zoning Board of Appeals meeting.

Ayes: Al Graham, Dave Davidson, Harry Brennan, Don Poe, Steve Edwards

Carried: 5-0

Old Business: None

New Business: Area Variance Application from Joseph & Jackie Kennedy, SBL 41.1-52.12

Continuing Business: None.

Correspondence:

1. Supplemental Response from EDP
2. Copy of Deed
3. Short Environmental Assessment Form Part I
4. Survey Plan, and preliminary building plan
5. Letter of denial from Code Enforcement Officer

Secretary's Report: None

Nick Zeglen who is representing Joseph and Jackie Kennedy came before the Board and summarized their project. He noted that it will be a 3BR single family house which will be built on a vacant lot at 1090 North Shore Road. The Kennedy's are seeking a variance for relief for a building height of 40 ft., 10 ft. over the 30 ft. maximum. The reason they are here is the way the grade is on the site and the way it slopes the building was designed for a more efficient design. To get the square footage they wanted, if they went out instead of up it would create a larger footprint on the site. The way the land is graded the back of the house is at the standard 30 ft. height and as the grade goes down it will be a walk-out basement. The front of the house will be at 40 ft. Nick mentioned that the neighboring houses are within the same peek heights.

Chair Davidson noticed that the letter of denial dated March 3, 2021 stated that the building height was 42 feet. Nick said that since that time the architect revised the drawings and lowered the roof line. An amended letter of denial will be re-submitted by the Code Enforcement Officer.

Chair Davidson mentioned that at tonight's meeting the only action we would take is to determine if the application is complete and review the drawings to get a better understanding of the proposal and answer any questions. We would then schedule a Public Hearing. He also noted that the APA reserves the right to review our decision and they can overturn or modify them. The ZBA will provide them with a copy of the application and they have 30 days to review our decision and they can modify or deny our decision.

Board members then reviewed the building plan with Nick, and it was determined that the back side of the house is 30 ft. to peek, front side is 40 ft. to peek of roof, to lowest grade of house is 40ft. Steve Edwards noted that you need to figure in the average height, which appears to be 35 ft. We would need the elevation drawings to see this. Nick Zeglen will provide us with elevation drawings and with the average height and corresponding calculations prior to the Public Hearing. It was also requested by the Board the elevations show the chimney.

Chair Davidson said that the Public Hearing for this application will be held at our next meeting on August 16, 2021, a 7PM at Day Town Hall.

Motion made by Harry Brennan and seconded by Steve Edwards to accept the variance application as complete.

Motion made by Steve Edwards and seconded by Al Graham to **adjourn** this regular meeting of the Town of Day Zoning Board of Appeals was made at 7:35 PM.

Ayes: Dave Davidson, Steve Edwards, Don Poe, Harry Brennan, Al Graham,

Carried 5-0

Respectfully Submitted,

Diana Edwards, Clerk