

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING MINUTES – Approved**

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June 3, 2019**

Members Present:

Ted Mirczak
Gary Newton
Ellen Taylor
Craig Trombley

Members Absent:

Mary Ann Johnson

Counsel: Jeffrey Meyer

Other Attendees:

Lynda Buckley
Jerry McGraw
Donna McGraw

Chairman Ted Mirczak opened the meeting at 7:00PM

Pledge

Motion made by Gary Newton, seconded by Ellen Taylor, to accept the meeting minutes from the May 6, 2019 regular meeting of the Planning Board. Motion

Ayes: Gary Newton, Craig Trombley, Ellen Taylor and Chair Ted Mirczak.

Carried: 4:0

Old Business: Chairman Mirczak mentioned that the April 1, 2019 Planning Board meeting minutes, that were approved, do show a minor discrepancy that we need to revise. It was in regard to the informal discussion about the Oakridge subdivision and the number of pieces that were recorded was incorrect. This error will be amended and reposted on Town of Day website.

New Business: Donna McGraw submitted a formal Boundary Line Adjustment Application, a SEQR form and new land survey for property on Tax Map #33.7.1-28-29. Chair Mirczak noted that the McGraw's initially came to the Planning Board for an informal discussion. The Planning Board referred them to the Zoning Board of Appeals because the areas were insufficient. The McGraw's did appear before the ZBA and a Public Hearing was held on April 15, 2019. There was a review made by the APA and an area variance was granted. The Zoning Board voted on a Resolution granting the area variance, so now they can come before the Planning Board for the final review.

Board Member Craig Trombley went on record to recuse himself from this case because he does a lot of work in the area where the McGraw's reside and does know them, but he feels he can make an impartial decision in this matter.

Chair Mirczak confirmed with Jerry McGraw that the survey maps were updated with a drawing that depicts what will be after the boundary line adjustment. The new survey shows that one substandard lot became a little less substandard, and the other a little more substandard. Chair Mirczak did make it clear that all of the correspondence and documents from the Public Hearing, Zoning Board and APA indicates that even though the property line has moved it does not change as to what can be done. The structures that exist on the property are all that are allowed, it can't be built on anymore. He asked the McGraw's if they understood this and they said that they did understand. Chair Mirczak asked about the location of the septic and well and confirmed that none of that was changing so there is no concern in that regard.

Chairman Mirczak stated for the record that even though the boundary line has moved, the McGraw's can't change what can be done on the property and that there can't be anymore construction on the lot(s). There is nothing on the two parcels that is changing.

Chairman Mirczak noted that Planning Board needs to determine if the Boundary Line Adjustment Application that the McGraw's submitted is complete. Upon review it was determined that everything is complete on the application submitted by the McGraw's.

Motion made by Chairman Mirczak, seconded by Gary Newton, to confirm that the Planning Board is the lead agency on SEQR.

Ayes: Craig Trombley, Ellen Taylor, Gary Newton and Chair Ted Mirczak.

Carried 4-0

Chair Mirczak then read through and reviewed all of the line items listed on the Short Environmental Assessment Form (SEQR) with the Planning Board members. Chair Mirczak noted that the Planning Board is the lead agency in SEQR.

Motion made by Board Member Ellen Taylor, seconded by member Craig Trombley, to vote on SEQR. Chair Mirczak reviewed with the board members SEQR part 2 and it was determined that the board will vote on it. **Part 2-Impact Assessment**, and it was determined that we can declare a negative declaration on this that we have no concerns.

Vote: All in favor

Ted Mirczak: aye

Craig Trombley: aye

Gary Newton: aye

Ellen Taylor: aye

Carried 4-0

Chairman Mirczak said that we can now declare this application as complete. The only issue is to decide if we need to have another public hearing on this matter. The Planning Board has the right to waive the public hearing. It was noted that there already was a public hearing at the ZBA and people that were concerned were at that hearing, and that Zoning Board went to the APA and they didn't see any problems with the variance request.

Motion made by Board Member Gary Newton, seconded by Ellen Taylor, to waive a public hearing for this procedure.

Ayes: Chair Mirczak, Ellen Taylor, Gary Newton, Craig Trombley

Carried 4-0

Chair Mirczak explained to the McGraw's that they will need to get a mylar drawing from the surveyor which will need to be stamped. They will submit this to their attorney who will contact Meyer & Fuller. The McGraw's have 62 days to file it in Saratoga County. We will need this before we can declare it a boundary line adjustment.

Motion made by Chairman Mirczak, seconded by Ellen Taylor, to create a **Resolution** to declare that this boundary line adjustment is subject to approval of appropriate deeds, which will be created by our town counsel Meyer & Fuller.

Ayes: Gary Newton, Craig Trombley, Chair Mirczak and Ellen Taylor.

Carried 4-0

Continuing Business: None

Correspondence: None

Secretary's Report: None

Motion, made by Ellen Taylor, seconded by Gary Newton, to **adjourn** this regular meeting of the Town of Day Planning Board was made at 7:45 PM.

Ayes: Chairman Ted Mirczak, Gary Newton, Ellen Taylor and Craig Trombley

Carried 4-0

Respectfully Submitted,
Diana Edwards
Clerk