

**TOWN OF DAY COMPREHENSIVE PLAN
COMMITTEE MEETING
AUGUST 13, 2008 – 10 a.m.**

Attendees: Ted Mirczak, Chairman **Absent:** June Dixon
David Cox Professor Richard Lamb
Dave Davidson
Mary Ann Johnson, Supervisor
Judy Traeger
Larry DeRubbo

Others: Jason Kemper, Director, Saratoga County Planning

Chairman Mirczak opened the meeting reviewing the email list and making corrections.

Minutes Review:

Chairman Mirczak asked for any comment on the July minutes and made one correction to Page 3, first sentence from overlaps to overlays. Chairman Mirczak also stated a statement was incorrectly attributed to him on Page 7, and should have been attributed to Dave Cox in regard to Hadley Hill attendance.

Jason Kemper, Director, Saratoga County Planning:

Chairman Mirczak stated the Committee in its initial stages, wished to gain the County's perspective regarding comprehensive planning, what our relationship to the County would be, what the Committee should be considering in order of importance, and any other matters the Committee would like to interact with Director Kemper. Chairman Mirczak stated this Committee may also be considering changes to Zoning and Subdivision Law along with changes to the Comprehensive Plan and how it would relate to the future. Director Kemper stated part time staff with volunteers in small towns makes this review more difficult than in towns with full time staff. Comprehensive Plans tend to be vague and the committee may have subsequent changes in mind for Zoning Law once their review progresses. He recommended that the committee only address the Comprehensive Plan which may result in changes to the existing overlay district around the lake but not any changes to Zoning Law during this process.

Director Kemper stated he would provide staff from County Planning whenever this Committee requested it. A review of future meetings was discussed with meetings each month with one or two meetings. Director Kemper requested electronic copies of the minutes. Supervisor Johnson stated the current Comprehensive Plan is 25 years old, there has been growth in the Town and the general feeling was that it was time for a review. Director Kemper had studied previously under the Town consultant, Professor

Richard Lamb. Supervisor Johnson stated the Town applied for a grant prepared by Professor Lamb through the Adirondack Park Agency which was not received and was continuing to seek other forms of funding. She further stated a contract had been signed with Professor Lamb which she will provide to Director Kemper. Director Kemper stated he would review the contract and try to provide any information or maps which Professor Lamb would not be preparing in an effort to keep the Town's costs at a minimum. Supervisor Johnson stated Professor Lamb would be updating zoning text, prepare maps, and appear before APA.

Chairman Mirczak stated he would be interested in arrangements the Town could make to obtain the use of the GIS mapping. Director Kemper stated ARC/GIS servers may be obtained through a grant next year but the current grant was not received and it is very expensive. Chairman Mirczak stated the Committee would like to know what the ultimate build out of the Town would be with emphasis on which lots are vacant. Director Kemper stated he should be notified by email what the Town's needs are for the next meeting and he would be certain the Committee would be in receipt of the information. It was established the Town does have a steep slope ordinance which would affect the results of a build out projection and Director Kemper and his staff would interact with the Committee to input all pertinent information in order to establish the correct projection. Director Kemper also felt an environmental constraints map which would include wetlands, steep slopes, and whatever features which would prohibit development. Professor Lamb would be delivering an electronic version of the new map and Director Kemper stated he and his staff would assist Professor Lamb with any additional information he may need to complete the mapping. He stated ARC is continually developing and at the same time becoming more expensive and complicated and he would assign a member of his staff to assist the Committee. Director Kemper stated he would need a list of best case scenario of what he could assist the Committee with.

Supervisor Johnson inquired how many towns were reviewing their Comprehensive Plans. Director Kemper stated a review of every 20-25 years in a town the size of Day is common. He stated Clifton Park, Malta and Halfmoon do bi-annual reviews; these towns are building 900-1,000 homes per year. Director Kemper stated Galway just completed their comprehensive plan and he would provide the Committee with their plan. The Town of Corinth is in the process of review at this time. He felt when the AMD Plant first announced intentions of moving into Malta, there was a rush of reviews because of the impact it may have on the surrounding areas. He also stated some towns were completing environmental impact statements on large vacant land areas by passing the comprehensive plan review. He stated some of the studies in these three towns cost from \$225,000 to \$325,000 but were necessary if AMD does come into the area. Chairman Mirczak stated it was the intention of this Committee to do the best it could and inquired if the publication, "A Practical Guide to Comprehensive Planning" was a beneficial tool for the Committee members to work with. Director Kemper stated he was familiar with the author who may be speaking at the County Conference in

January and it would be a good guidebook for the Committee. Director Kemper stated CDRC and AFEFC in Glens Falls are metropolitan planning agencies which are very hands off and leave the process to home rule with decisions left to the town with recommendations by Saratoga Planning and this publication is written with more emphasis on downstate metropolitan areas which are more involved in the planning process. Chairman Mirczak stated the general forms, format and contact persons listed in the publication are things which he felt would be of the most value and Director Kemper agreed.

Chairman Mirczak stated he has found Professor Lamb to be oriented to maps, data and details with this Committee charged with the gathering of the data to be provided to Professor Lamb. Director Kemper agreed that Professor Lamb would be most realistic in his approach than some other consultants he has worked with who have dragged the process out over 24 to 36 months with no results in sight and is very frustrating to a community. He further stated Professor Lamb has completed plans in North Alba and other extremely rural towns and he has the most rural town experience. Chairman Mirczak inquired if the Committee would require any additional or different consultants. Director Kemper stated he did not believe so because there would not be the traffic studies which may have been required in a larger town such as Malta. He further stated while he does not believe any additional consultants would be required, it is not possible to anticipate all which may be involved in this comprehensive plan and the Committee should always leave open that possibility.

Committee Member Cox inquired if the County would know by the first of the year if AMD is going to build its plant in Malta. Director Kemper stated by June or July we will know but if they do not, some other big announcements are anticipated to take over the site and there are still other large projects in Saratoga County. Committee Member Cox stated if the plant does move into the area, primary and secondary homes may be built by those employees. Director Kemper stated while it would be beneficial to consider the impact of AMD, this Committee should not base their new comprehensive plan on how it would impact this area. Committee Member Cox stated we should know before this Committee is too far into the process and Director Kemper agreed. Director Kemper stated an important aspect to consider is how large population changes will impact the Town. Committee Member Davidson stated even a ten percent increase in this Town's population would be significant and it would greatly affect the services the Town would need to provide those residents.

Supervisor Johnson inquired how much small towns budget for their comprehensive plan including those expenses above what is being paid to consultants. Director Kemper stated from \$12,000 to \$30,000 and the County could handle all printing of mailings and surveys for the Town which. He further stated the comprehensive planning is the vision what direction the Town would take and engineers or other consultants would not be needed for that process. In order there is no overlap of

duties, Director Kemper requested a copy of Professor Lamb's contract be forwarded to him.

Review List of Potential Persons to Meet With:

Chairman Mirczak stated the Committee had begun a list of potential individuals it would want to meet with and he requested Director Kemper review it. Chairman Mirczak inquired how the County interacts with Saratoga PLAN. Director Kemper stated he deals with PLAN with partnership agreements. He further stated the County provides \$750,000 per year to preserve open space or farms and the County does not have mechanism to partnership agreements so they partner with PLAN to do this. PLAN holds the easement and development rights on those parcels, which are mostly agricultural with some recreation.

Director Kemper also suggested Capital District Regional Planning Commission (Rocky Ferraro, Todd or Lee) or Adirondack Glens Falls Transportation Corporation which is similar to CDRPC. He stated these organizations consider how the Town would be affected by broader regional issues in Malta or other large surrounding municipalities such as Fulton County and Montgomery County. In regard to AMD in Malta, for every job at the plant, 50 additional jobs within a 75 mile radius would be created, which could affect growth in Fulton and Montgomery Counties. He stated he could also set up a meeting with CDRPC.

Director Kemper stated DEC (Tom Martin) would consider forests but do not have land use planning. Committee Member Cox stated DEC and Nature Conservancy is working with the Town on scenic trails easements (overlook on Clute Mountain) from the owner with both agency volunteering funds. Director Kemper stated if Committee Member Cox could provide him with information, he could assist on a County perspective. He stated he is working with Edinburg on parcels on Fox Hill. He stated further details on what is available for trails, etc. could be obtained from Green Infrastructure. A recreational trails map could be generated on the Town of Day with the boat launch identified and any other recreational hubs and features. He did not believe Professor Lamb would be able to generate that map. Committee Member Cox stated Shippee Ledge may be another location to be added to the recreational list. The property owner had proposed a home there but no building took place and it may be available. Director Kemper stated a separate meeting with the group could identify what some of the Town's resources are.

Director stated the comprehensive plan should be kept broad as possible with land use, services within the town, etc. Chairman Mirczak stated Professor Lamb has been kept informed with copies of minutes, email correspondence, etc.

Supervisor Johnson stated the Town only has two contracts for fire service at this time with Edinburg and Hadley. Corinth EMS is on the list of Potential Persons to Meet

With but is not under contract for fire service, only emergency services. Committee Member Davidson stated he was informed that Corinth would be a responder in his area.

The Committee agreed it would meet with two to three persons listed at each subsequent meeting:

1. Town Staff such as Scott York, Highway Superintendent and Ken Metzler, Code Enforcement Officer could attend one meeting.
2. David Avigdor, Town Attorney and Duane Nealon, Town Assessor, should be scheduled separately because of the volume of information they may have for the Committee.
3. Lauren Doherty, Town Historian, works during the day and would be available for night meetings.
4. APA would have to formally approve our Comprehensive Plan so Brian Grisi should be invited to attend a meeting.
5. Chairman Mirczak stated the bigger, broader overviews should be addressed as soon as possible and that would mean inviting DEC, APA, Parks and Recreation and Saratoga Plan soon. Professor Lamb will be presenting the plan to APA and Director Kemper stated he would contact Brian Grisi to advise him that he would be assisting the Town also. Chairman Mirczak stated Professor Lamb should attend the meeting with Brian Grisi and it should take place in the evening.
6. All EMS and Paul Lent, Saratoga County EMS could attend one meeting when this Board begins its finer detail work.

Director Kemper, in the County review, will be in contact with surrounding towns regarding the Town of Day's review of their plan. He stated the biggest mistake made is not taking into consideration regulations in surrounding towns with minimal time spent on what their regulations are. Planning Board Chairs should be considered for attendance at a meeting. Chairman Mirczak will notify Director Kemper if he feels it's necessary for a member of County Planning to attend.

7. In regard to soil types, septic systems, etc. Committee Member Cox inquired who this Committee should meet with. Director Kemper suggested Jeb from Soil and Water, George within County Planning or Julio at Cornell for storm water management. He stated it would be difficult to have someone from the Department of Health interact with the Committee but any matters could all be completed within the County.

Review the List of Topics for Consideration:

Committee Member Davidson stated in listening to the comments from last meeting, he compiled Draft 2 for the Committee's perusal. He stated a mailed survey

serves as an announcement if mailed early in the process of reviewing the plan. He stated a cover letter from Mary Ann could explain the process stating that the Committee meets on a regular basis and its meetings are open to the public, and list the Committee's duties. Chairman Mirczak stated the cover letter could also address if any member of the public wished to be a member of a focus group in an area which interested them. Committee Member Davidson stated he did feel it would be advisable to mix both issues. He stated it should focus first on the survey and then on the focus groups. The survey would reveal what the focus groups would be. Chairman Mirczak stated he would be appearing before the Homeowners Group meeting this Saturday, August 16th to provide them with some information on the Committee. Committee Member Davidson stated some issues which are important to the community may be revealed at that meeting. Supervisor Johnson stated one of the questions would be when are the surveys going out and will they be mailed to their address here in Town or at their permanent address elsewhere. Committee Member Davidson stated he would recommend they be mailed to their home address where they receive their tax bills.

The mailing list would be compiled at Real Property and demographics would include questions such as: Are you a year round resident or seasonal, live on the lake or off and if a seasonal resident may become year round or a year round resident may now become seasonal? A phone survey may be considered if an issue raised much concern which would involve randomly selected persons which may provide a different perspective from a public meeting where persons make a decision to attend. Training may be necessary. Committee Davidson stated he is not bound by the wording of the survey or the suggestion of a phone survey but wished to express that some means of gathering information are not as expensive as the Committee may have thought.

Focus groups issue would target an invited audience with a particular interest or expertise (not necessarily a professional) which comes about when there is hot button issue. It was established lakeside is directly on the water and lakefront would across the road. Chairman Mirczak inquired if it would also be helpful to know if someone has access to the lake such as a back lot property owner who would have significant opinions and how long a resident has lived in the Town of Day which are issues the Committee must determine their significance.

Economic Growth:

The issue of where the economic growth should occur would be relevant. Director Kemper stated this may be under the control of APA or Hudson River Black River Regulating District and does the Town wish to involve their residents in an issue over which the Town has no control? He further stated economic growth is an important issue to residents in the Town and should be addressed. Committee Member Davidson stated it becomes an issue of "not in my backyard".

Supervisor Johnson questioned why commercial growth is focused toward new residents and not the population as a whole. Committee Member Cox stated the commercial growth which is now occurring in the Town is sufficient and but would it meet the needs of increased population. Committee Member Davidson stated growth would be assessed by increase in housing, services such as grocery stores, industries not directly related to the lake, travel and recreation, and forest products. Supervisor Johnson stated she was trying to determine what was being sought by this question and if she were not a new resident, she would not answer this question. Committee Member Davidson stated it would be helpful to ascertain where the Town would be promoting and investing in that growth.

Encourage Development of New Industries:

This would include industrial, car crushing site, or what kind of industries the community would like encourage or if they wish to encourage industry to come into the area. It was determined if 45% or more the community would like to see new industry, a focus group would be necessary. The survey would be reflected on a scale to five or six points which would force a person to take one side of the issue or the other. Committee Member DeRubbo stated response to surveys is usually very low with 10-15% of the population responding. The Committee agreed the survey should be anonymous, include a pre-stamped return envelope and be followed up with a post card. Committee Member Davidson stated examples of economic growth should be included in the survey. Supervisor Johnson stated the population included in the census is based on permanent residents and not seasonal residents. Director Kemper stated in the last census the population was counted on whoever filled out the cards and some seasonal residents were counted in two places. Supervisor Johnson stated the median age in the Town of Day is 43 while the County is 36 which indicate our population is aging.

Housing:

Committee Member Davidson stated in the survey draft, it is indicated that the population is aging and becoming increasingly located along the shoreline. Director Kemper stated the Committee may wish to consider the number of people who can afford to live in the Town of Day and travel to work. Committee Member Davidson stated the categories can blur between seasonal and year round in that seasonal driveways are plowed throughout the winter for use and fire truck access and seasonal residents are here more frequently in the winter. Chairman Mirczak stated it does seem the population is increasingly seasonal and occupied by retirees or potential retirees. Committee Member Traeger stated more camps are being converted to year round homes. Committee Member Davidson stated he feels the difference between seasonal and year round is not as distinct as in years past.

Supervisor Johnson stated under Housing and Population trends, Item 3(a), we need to define “affordable” housing. She stated 12% of the population is under the poverty level and what is affordable to one person may not be to another. She also stated we needed to define “housing”, would it include modular homes and mobile homes. She stated we may need to put a range in pricing. The data for 2005 states 25% of the housing is permanent with additional data available from CDRPC.org for more recent years.

Public Safety and Infrastructure:

Supervisor Johnson referring to Item 4(a) states “Fire, EMS or Police Service are important concerns”, how effective would that question be as these services would be an important concern of any resident. Committee Member Davidson stated he could provoke different responses to this statement depending on how the statement is worded as it could bias the respondent in several ways. Supervisor Johnson stated if any individual feels there are serious problems with these services, they should be substantiate their claims. In these issues, the bottom line is the cost involved in wider roads, increased EMS services, fire department, etc. which would increase taxes. It was agreed that this Committee would need to address these issues. Director Kemper stated in a Malta survey, the question was posed as “would you be willing to support these services by an increase in taxes?” Chairman Mirczak stated it would point to the importance of this issue but then how it would be paid for and while it does not have to be addressed within the questionnaire, it needs to be addressed.

Road Width:

Committee Member Davidson stated this may not be an issue to many property owners but if it should be, they would need to access the increased cost in the Highway Department budget. He further stated the Comprehensive Plan would only speak to road width as a goal and not to the funding.

Cell Phone and Internet Service:

Director Kemper stated this is another area where another agency would regulate height, location, etc. and the Town would not any real controls over it. Chairman Mirczak stated this is an issue to some residents and very important. Director Kemper agreed it was. Supervisor Johnson stated internet service is becoming more of an issue with more people moving in and not being able to access internet service because they are located on roads with low population. Currently, there are two towers for emergency services planned near the dam and one in Edinburg.

View shed:

Chairman Mirczak stated in either the original Comprehensive Plan or revised version, it was stated the view shed was the single most important asset of the Town. In reviewing the questionnaire, the question is posed "Sacandaga Lake, and its view shed" and Chairman Mirczak stated it should be stated "Sacandaga Lake and the view shed" denoting its importance. Chairman Mirczak stated the questionnaire should reflect how important it is to protect the view shed. Supervisor Johnson stated it is already protected by law. Chairman Mirczak stated it is but there has never been a test of that law. Committee Member Cox stated if the questionnaire does reflect an interest in protecting the view shed, the Committee could look at the law and make modifications. Director Kemper stated the Comprehensive Plan would identify issues with changes to zoning to take place in another context. If it does not draw any interest, the law will stand as it is. Chairman Mirczak stated at the time of the public hearings for the View Shed Protection, some individuals did not like the additional restrictions placed on property owners. Committee Member Davidson stated because it was such a volatile issue, this Committee may not wish to resurrect it. Supervisor Johnson stated some people may not know or understand what the view shed is. Director Kemper stated he agreed it may become more of an issue and would be best not addressed.

Supervisor Johnson inquired on Item 2, Economic Growth, it states "The Town of Day...", would this statement mean the Town Board? Committee Member Davidson stated it would be the Town Board. Supervisor Johnson also stated the questionnaire states the Town should act proactively to affect the Hudson River Black River Regulating District and does not specify what. She inquired what would be done to affect them. The Town Board does not have relations with HRBRRD currently and if a group approached the Town to do so, how do we know that is the desire of the majority? Committee Member Davidson stated he considers it the opposite, in that HRBRRD does not take into consideration the towns surrounding the lake when making their decisions and Saratoga County does not have a standing committee on the Regulating District Board. He states there no political mechanism for relief. Supervisor Johnson stated town boards wish to stay out of negotiations because the permit system is for individuals. Committee Member Davidson stated this would bring to light if it is an individual issue or a community one. Supervisor Johnson stated she was be wary of bringing an issue before HRBRRD with only a few people responding. Chairman Mirczak stated if there were a ground swell within the Town, there would be hearings, etc. to ascertain the interests of the majority as opposed to a few individuals. Supervisor Johnson stated the Town has been involved as far as she wrote a letter to HRBRRD regarding the permit system and Dave Cox was a representative on that Committee without much emphasis placed on their recommendations to HRBRRD.

Supervisor Johnson inquired if the word “thing” in quotes should be replaced with another word. Committee Member Davidson stated he needed alternatives and was open to any suggestions. Committee Members suggested “issue”.

Chairman Mirczak read the question, “In one word, what brought you to live in the Town of Day or what keeps you here?” Committee Member Davidson stated he found that some people will write only one word. Chairman Mirczak stated he would not be able to express his answer in a single word. Supervisor Johnson stated if an individual wishes to elaborate, they will.

Chairman Mirczak stated there may be one additional question to be added: What don’t you like about the Town of Day? Committee Member Davidson stated it could be changed to stated “If you had one issue you would like to change, what would it be?”

Committee Member Davidson inquired if the County had any templates he could use in preparing the surveys. Director Kemper stated he would contact him with further information via email.

Supervisor Johnson stated the Committee should be doing advertising before the surveys are mailed and how important it is. Chairman Mirczak stated the word of mouth advertising would begin on Saturday at the Property Owners Association. Supervisor Johnson stated we could advertise in Sacandaga Express, Edinburg Newsletter, Property Owners Association Newsletter and the Pennysaver.

Meeting dates are as follows: September 17th at 10 a.m. and September 22nd at 6 p.m. with this meeting to be confirmed by Chairman Mirczak.

List of Topics for Consideration:

Chairman Mirczak stated he had reviewed the list of topics which were discussed at last month’s meeting and refined the list. He stated some of the subject had already been covered under the survey discussion. Those which had not and were still important for discussion in the public venue were: Inventory of build out (which will be provided by the County including the growth effects of AMD and locally significant historical structures or places to be provided by the Town Historian. Others which were not going to be in the public venue but this Committee wished to include are: Adult entertainment locations, outdoor wood burners and all outdoor wood burning, and historical markers. Chairman Mirczak requested that members continue to add items to the list as we make progress and he will update the list.

Chairman Mirczak inquired why the Gift Lot Exemption and Subdivision by Road were referred to this Committee. Supervisor Johnson stated Town Attorney Avigdor felt this Committee should review these subjects and recommend any changes they felt necessary. The Planning Board has passed a resolution on the subject of Gift

Lots recommending changes and the Town Board agreed with those changes. Committee Member Cox felt if it were important to make the changes as soon as possible, it may be necessary to handle these changes through Public Hearings at this time. Otherwise, they could be handled as a group within zoning law changes. Chairman Mirczak stated this Committee would review these two subjects but the changes if they were to take place would be in the context of the discussion of the zoning law. Director Kemper felt the Town should be proactive regarding these issues and make the changes prior to any issues coming up. Committee Member Cox stated he believed any changes to Subdivision Law must be submitted to the County, APA and Department of State.

Other:

Chairman Mirczak stated each Committee Member will be provided with a copy of "A Practical Guide to Comprehensive Planning".

Chairman Mirczak stated June Dixon has not been in contact with him after repeated emails. Supervisor Johnson stated Mrs. Dixon was not able to attend the last meeting because she was out of town and she would be in touch with her to ascertain if she would be able to attend day time meetings.

Supervisor Johnson expressed her appreciation to the Secretary for assimilating all meeting materials and Director Kemper for his attendance at this meeting and guidance in assisting the Committee in this process.

Chairman Mirczak will furnish all members with corrected copies of the email address list.

Respectfully submitted,

Diane Byrne
Secretary