

**TOWN OF DAY COMPREHENSIVE PLAN
COMMITTEE MEETING
SEPTEMBER 17, 2008 – 10 A.M.**

Members Present: Ted Mirczak
David Cox
Dave Davidson
Judy Traeger
June Dixon

Absent: Larry DeRubbo
Professor Richard Lamb
Mary Ann Johnson,
Supervisor

Chairman Mirczak opened the meeting at 10 a.m.

Minutes Review:

Chairman Mirczak asked for any comments or corrections on the August minutes. Supervisor Johnson had made two changes: Bottom of Page 3 and continuing to Page 4, change to “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.” Bottom of Page 10 and continuing to Page 11 change to “The Planning Board has passed a resolution on the subject of Gift Lots...”

Report from the Homeowner’s Association Meeting of 8/16/08:

Chairman Mirczak attended the Homeowner’s Association Meeting and stated the members were very interested and supportive of the revision to the Comprehensive Plan. Most members were concerned about where the survey would be mailed as many are seasonal residents. They were informed it would be mailed to their tax mailings address. They inquired where notices would be posted of future meetings and expressed disappointment that it would be only be in the Post Star which many do not receive. They requested we email a notice of meetings. The Secretary stated she has emailed David Smail to notify him of the meetings with copies of agendas and minutes.

Chairman Mirczak stated he stressed the importance of completing the surveys to the Homeowner’s Association Members. He stated that at their meeting next summer, he would provide them with an update of the progress the Committee has made so far. There was some concern the reason for the revision to the Comprehensive Plan would result in a tax increase. Chairman Mirczak stated he reassured them it was not connected in any way to a tax reassessment.

Survey Preparation Discussion:

Committee Member Davidson stated he updated the demographic information to determine the range of data that the Committee would receive from the survey response while remaining anonymous. He stated the more questions are asked demographically, the more difficult it is to conclude what opinions are. It was agreed the survey would remain broad. He anticipates we will receive 100 completed surveys which will cause some issues. When categories are broken down, it brings into play lakeside vs. non-lakeside issues. However, if there are specific issues we need to explore, there is a way to pose the question.

Chairman Mirczak agreed the follow up with a general mailing post card to everyone may generate additional responses. Committee Member Davidson stated people tend to be more open in their responses if the survey remains anonymous. The Committee agreed an article in the Sacandaga Express, Edinburg Newsletter and as many different sources possible regarding the survey would be a good way to notify people of the surveys.

Committee Member Davidson reviewed the scale which answers would be based on would be a six point scale which would force a position on an issue or a five point scale could create too many neutral answers. It will range from strongly agree to strongly disagree with ranges in between. He will make a decision at a later date. He anticipates presenting a formal survey prepared with a template at the next meeting. He also stated the framing of a question would solicit a different answer.

Committee Member Davidson stated the questions are grouped in general categories starting with economic growth. He stated there could be other ways in which the Town of Day could grow economically, the survey includes services for residents, travel and tourism, forestry and new industries. Chairman Mirczak inquired in question 2(f), what would "service centers" be? Committee Member Davidson stated they would be call centers, ordering houses, customer service, etc. Chairman Mirczak inquired if that would be clear to someone completing the survey. Committee Member Davidson stated if it was not clear to the Chairman, it may well not be clear to an individual.

Committee Member Davidson stated he added an element to housing as a consequence of the Zoning Board meeting relating to a subdivision. This would involve the amount of land that is landlocked, what issues this Committee might address and if it is an issue at all.

Chairman Mirczak inquired about the statement under "Economic Growth" which states "we believe the Town has gotten "older" as more retirees move in" and where did he obtain this information? Committee Member Davidson stated it was his conclusion. Chairman Mirczak inquired if Committee Member Davidson thought this was true as opposed to more year round residents retiring. Committee Member Davidson stated

many residents are “snowbirds” who reside here less than six months out of the year. He does not know how the break down in the population is. Chairman Mirczak stated Rocky Ferraro of Capital District Regional Planning Commission would have those statistics along with census information. Chairman Mirczak stated he would like to soften that statement by saying “may be getting older”. Committee Member Davidson stated he would have no problem changing it to “trends would suggest”.

Committee Member Davidson, relating to the genesis of the development of areas that are not located on the lake shore, stated it may be an agenda item and this may be a way of raising that issue in question 3(b) “It is important that the Town encourage development in areas that aren’t around the lake shore.” The Committee agreed on the wording of the Fire, EMS, and Police Service question.

Chairman Mirczak stated in question 4(b), if width should include roads and shoulders. Chairman Mirczak also stated “viewshed” may be referred to as one word. Committee Member Davidson would refer to the “Town of Day” particularly in government issues in questions rather than to just “Town” to address Supervisor Johnson’s concerns about who the survey refers to.

Committee Member Davidson stated the last page includes the last four general questions which he has expanded. Chairman Mirczak stated he felt that the survey is nearly in its final draft. Committee Member Davidson has not heard any comments from either Supervisor Johnson or Committee Member DeRubbo.

Committee Member Davidson stated there should be discussion about the cover letter and who should send it which will be fairly important because it will introduce the residents to not only the survey but the whole process. He is not comfortable writing the cover letter and should have some discussion on it at our next meeting. Committee Member Cox stated it should be signed by Supervisor Johnson, introduce the Committee and discuss the survey. Committee Member Davidson stated he felt that the context of the letter should be decided by the author of the letter and be no longer than a page. He felt it should be signed by Mary Ann as the Supervisor. Chairman Mirczak stated this should be a topic for the next meeting as Professor Lamb may have some examples of sample letters.

Guest Speaker: Diane Metz, Saratoga P.L.A.N.:

Chairman Mirczak stated the acronym P.L.A.N. stands for Preserving Land and Nature and introduced Diane Metz to the Committee. Chairman Mirczak stated what this Committee is interested in how Ms. Metz’s organization could assist the Town in their Comprehensive Plan revision and any previous experience she has had regarding the same. Ms. Metz stated Saratoga PLAN when choosing projects, first consider their planning documents such as the comprehensive plan, green infrastructure plan and open spaces plan which is how they gauge community support. One of the first questions is

what plans are your project in? Funding sources put a large emphasis on comprehensive plans and the fact that this Town is undertaking is very positive and it is obvious that the Town is farther along in the process than she anticipated. Saratoga PLAN's mission is to preserve all of the things that make it wonderful to reside in the Town of Day. It was formed from two organizations which today retain their original land trust structure holding easements and lands in fee throughout the County. She provided the members with general information about Saratoga PLAN along with a map showing their properties which are primarily clustered. Since adding a Conservation Program Manager, it has allowed them to become more strategic to target places which they are interested in protecting under "Special Places" which are ripe for development to allow a balance. Through the Land Trust they provide community planning support. She stated land trust protect important parcels of land realizing that no one can protect as much of the land they would hope to, while not everything that is worthy of protection needs the protection of ownership or easement relating to the Town of Day View Shed Protection where much of the land in the targeted area is privately owned.

Ms. Metz stated today there are 3,000 acres under protection throughout Saratoga County. Under protection means there is some kind of ownership in it, either owned in fee and have a preserve or conservation easement limiting development but allowing traditional uses. A conservation easement can be for habitat, water shed or a working landscape easement regarding agriculture which the owner continues to enjoy but restricts future development. She stated logging is not part of it. Chairman Mirczak inquired if logging would be allowed. Ms. Metz stated it would depend on the sort of easement and what sort of values would be protected. She stated there is some forest land protected in the Town of Day. She was not certain if the County would allow logging and timbering as an agricultural pursuit. She stated lands which are in active lumbering may be able to be considered later to be part of a working landscape and worthy of protection. She said the Town may wish to approach the County about this being allowed under agricultural protection. The Conservation Program Manager may be able to put together some complex partnerships and funding arrangements to allow projects to occur. She provided information on the Round Lake Preserve which will be completed next year as land owned in fee by the Town of Malta and Saratoga PLAN with agricultural plan and a conservation easement. It will have habitat and water shed protection with an agricultural easement.

Committee Member Davidson stated the Round Lake Preserve is of special interest and what makes something of special interest? Committee Member Davidson inquired if on the Saratoga PLAN inventory, was there any place in the Town of Day listed? She stated the Sacandaga River and Lake. She stated what makes them special is that they are included in the plan. New York State Open Space and Recreational plans are important to refer to. She stated local plans would identify properties. She stated view shed was important enough to this community to protect it.

An individual may feel recreational activities are important to protect. She stated as the Committee goes through their survey and through public meetings, what comes up as important to this community is what is fundable. The more plans it is listed in, the more advantageous. If there is a particular area that residents are interested in, it should be included in grant writing.

Ms. Metz stated they are an advocate for smart growth and comprehensive regional planning. She further stated that while they are “tree huggers” primarily, they are realistic in knowing that not everything is worthy of the highest level of protection and realizing that in some places the best use is development, industrial or commercial. She further stated if no one is living here because they can’t work here, it would not have helped it if they protected it. There needs to be a balance. She said she is impressed with the Town and their initial comprehensive plans. She noticed mapping and an inventory, “Natural Resources and Community Report” which should be included in the revision. She stated there will be some areas where it makes sense for housing and/or industrial. She noticed there are many summer residents here and there may be areas which should be developed in a commercial way while still being respectful of the environment.

Ms. Metz stated they are also a collaborative conservation partner trying to find different ways to guide development, reduce sprawl and enhance outdoor recreational activities. Funding for their services is specific project grant funding; for instance, the Fish Creek Trail which Saratoga PLAN is facilitating locating the trail on private land using Federal, State and private funding for eventual maintenance to be done by the Town of Saratoga.

Chairman Mirczak stated that Ms. Metz stated that there is a better chance for funding if a location appears in more plans with different agencies which have plans for open spaces. Our master plan would identify a particular hiking trail and ADK would also list the same area, etc. and if that trail is identified on several plans, it gives it more support. Ms. Metz stated it must support any of the goals of the Green Infrastructure Plan and it meet the criteria that the plan lists as far as countywide interest. The New York State Open Space Plan and New York State Recreation Plan should be checked for listings. Chairman Mirczak inquired if Ms. Metz could provide this Committee with a list of the plans. She stated these plans are general enough to support a goal without necessarily having our specific project listed. She did not believe the Town of Day had an abundance of agricultural land. The Committee agreed that agricultural planning would not pertain to the town. Committee Member Davidson stated that he recalls a discussion which mentioned 85% of the land of the town was either under water or of a grade steeper than 15%. Ms. Metz stated she read that 24,000 acres of the town were constrained for geographical or environmental reasons.

Ms. Metz stated there is a Community Partners Program to fund assistance to municipalities which is a donation from towns which can afford it to either assist their

professional planning staff or volunteers in planning processes and step in with the Town as minor staff as needed and work on some fairly complicated land deals. There are two small non-specific grants which allow them to assist communities that need assistance in planning but not in a position to be a funding partner. She stated Round Lake is very similar to the Town of Day in size and currently in the process of an open space plan and Saratoga PLAN has been able to assist in their open meetings and will be writing the plan. How comprehensive a comprehensive plan is would determine when to do an open spaces plan; and, some open spaces plans are included in their comprehensive plans. It would depend on how detailed the inventory is and how detailed the public support is as to whether two separate plans are needed. During comprehensive planning, it may be revealed that some issues need a different consultant which would indicate that a community would need an open space plan.

Ms. Metz stated she has researched affordable housing and Allen Hips (sp.) Director at the recently created Adirondack Community Housing Trust would be a resource with Senator Little also being involved in this agency. The Trust is being administered by the Essex County Housing Program. This is a housing trust that owns the land the house is built on. The building is privately owned and housing can be built and sold at a much lower rate. Ms. Metz stated affordable housing is an issue for many towns within the Adirondack Park. She will forward any information to the Committee. Ms. Metz stated a staff member has experience working with the APA and while it would not be a right, there is a provision for densities being averaged for projects instead of being absolute (such as 1.3 acre for one building). Saratoga PLAN has held conservation easements or taken the conserved portion of a conservation subdivision which has allowed developers to sell housing less expensively and allowing them to obtain funding. This may be a possibility to preserve land while providing affordable housing. Ms. Metz stated Saratoga PLAN may be able to coordinate with Professor Lamb and take some of the burden off the staff and budget. Chairman Mirczak stated the Committee has APA as a contact person on their list and at that time we may have insight of what our needs would be. He further stated when working on the Viewshed Protection, our relationship with APA was very favorable. Ms. Metz stated APA is offering a program (September 24th, Raybrook) on Conservation Subdivision with Randall Arendt, who is the authority on conservation subdivisions, which she would highly recommend attending. Mr. Arendt is meeting with APA staff with a discussion aimed at APA regulations, how those regulations would apply to conservation subdivisions and it would be her recommendation that a member of the Committee try to attend. She will notify the Committee if she is planning on attending and will report back to the Committee.

Committee Member Cox stated, separate from this Committee, he and Committee Member Davidson are working with Nature Conservancy and DEC; and, they have expressed an interest in obtaining a conservation easement to a particular overlook. He inquired which agency should be contacted within the County in regard to this. Ms. Metz stated Nature Conservancy tend to focus on larger projects and have the most

influence and fundings. She stated the Farmland and Open Space Program within the County is an avenue for funding for acquisition in fee and open space program but the round for County funding for this year is over. She stated it is through the Board of Supervisors and the amount of funds available has been increased to \$750,000 which ended in July. Ms. Metz stated there is NYS Environmental Protection funding through Parks, Recreation and Historic Preservation or DEC. Committee Member Cox stated DEC has funding which would apply to this project which is in its very preliminary stages. There may be funding through Open Space Institute and have a land trust arm and are co-holders in an agricultural easement adding funding in that project. Committee Member Cox stated the project is part of the Finch Pryn parcel which will allow logging.

Ms. Metz inquired if there was a Heritage Trail around the Sacandaga which may have appeared on the Green Infrastructure map. Committee Member Cox stated there some discussion of walking trails or biking trails along county roads around the lake. Chairman Mirczak stated there was discussion of a Day Center to Hadley Mountain trail which was very ambitious and a roughed trail. She stated there is a County Trails Group which meets and she can obtain more information and forward it to the Committee. Ms. Metz stated a portion of trail which Saratoga PLAN was working on was taken by eminent domain so while certain parcels can be protected to perpetuity; it is subject to state takeover. Chairman Mirczak stated that when the Committee begins to assess within the Town what they wish to preserve, they would at that time determine what may be in other plans. He further stated an inventory must be made of places which should be protected. The Committee stated they would appreciate any contact persons or information Ms. Metz can provide.

Ms. Metz inquired if there has been any interaction with surrounding towns or municipalities to work in conjunction with projects with the Town of Day since they all share the Sacandaga as their most important asset. Chairman Mirczak stated we have not but they are also on the list of Potential Persons. Ms. Metz stated that a very popular part of grant preparation is to show inter-municipal, public/private and non-profit cooperation working partners and a diversified base of partners make for a more attractive part of a grant funding application focusing on a shared interest of the lake. Committee Member Davidson stated there was discussion at a previous meeting regarding the survey and what role Town Government should take vis-à-vis the lake and Regulating Board. He stated Supervisor Johnson seemed surprised that the question would appear on the survey. He further stated it was hard to understand why a resource like the lake which defines the area has no standing committee even within Saratoga County. Ms. Metz stated the Town of Day Supervisor along with the supervisors of the two surrounding towns could bring this issue to the County and determine why a committee does not exist. He stated there are no formal relationships now between County and local government at least on this end of the lake. Committee Member Cox stated in his meetings with the Board of Hudson River Black River Regulating District, he found that Northville and Broadalbin were pro-active with their dealing with the Regulating District along with the Fulton County Chamber of Commerce while Fulton or Montgomery Counties

government were not. Chairman Mirczak stated past comprehensive plans have stated the lake is the most important asset of the Town. Committee Member Traeger stated she did not believe there was attendance on the part of the Town of Day at the rule revision meetings. Committee Member Davidson stated Supervisor Johnson regarded the relationship with the Regulating District as an individual, person-to-person issue. It was agreed that the survey would indicate what level of involvement the Town needed to take in this issue. Committee Member Cox stated APA is now involved in the lake in the designation of the lands directly in front of the lakeside properties. Chairman Mirczak stated it is becoming a more complicated issue.

Ms. Metz stated Saratoga PLAN has viewed the Town of Day being a part of the Adirondack Park has already put this area under protection and would not need any further protection which also pertains to the area of planning, in that the Town would not need assistance in that area either. She stated she has seen this is not true and Saratoga PLAN would like to be helpful. Committee Member Davidson stated open space is not really our issue but in the other areas, Saratoga PLAN would be a great resource for us. Chairman Mirczak stated as this Committee gets clearer on their mission and identifies those areas which need protecting, they would at that time be contacting Saratoga PLAN for assistance. Ms. Metz stated if there are projects that PLAN would be administering, they would also assist in the grant writing.

Ms. Metz stated there are waterfront grants available from Local Waterfront Revitalization Program which is part of the Department of State and it is available as an economic and project planning grant. This is a grant which would be useful to apply for in conjunction with neighboring towns with commercial development while protecting the waterfront. She stated Schuylerville was a booming waterfront community which has not continued in the present. Andy LeBruso (sp.) would be a contact person in this program.

Ms. Metz stated New York State Council on the Arts, a non-specific support grant, has an architecture and design program aimed at good architecture and design. Committee Member Cox stated there were architecture constraints in the Viewshed Protection. Ms. Metz stated this grant is either architecture, design or planning which is very flexible.

Information Request for County:

Chairman Mirczak stated Director Kemper offered the services of the County regarding the GIS mapping. Committee Members will be discussing Chairman Mirczak's list further at the September 22nd meeting with Professor Lamb. Committee Member Davidson inquired under "lots allowed yet to be built on with no variance needed," would this lot be conforming? Chairman Mirczak stated it would be

pre-existing, non-conforming or grandfathered which would be allowed to be built on. Committee Member Davidson stated it would be interesting to review conforming lots as a subset of this category and what percentage would be conforming? If we reviewed the non-conforming lot without regard to whether they are grandfathered or not, and whether they are non-conforming due to acreage, road frontage or both, it would give us a clear picture of the land use constraints. He stated he believed that if we produced a map of conforming lots only, it would be a very low. Chairman Mirczak stated Committee Member Davidson should present the list of possibilities of build outs to the September 22nd meeting and Professor Lamb may be able to assist us.

Committee Member Cox stated the County has soil types map and the Town may also have this information. Chairman Mirczak stated Professor Lamb's original grant listed those maps.

Potential Persons for Next Meeting:

Chairman Mirczak reviewed the list of persons the Committee wishes to meet with and discussed with the Committee how many individuals they wished to meet with each meeting. Rocky Ferraro of Capital District Regional Planning Commission would be the next on the list regarding demographics. It was agreed the Committee would meet with the individuals in the order on the list. Committee Member Cox stated Professor Lamb may have additional suggestions for the list. Chairman Mirczak provided the Committee Members with an email from Professor Lamb regarding September 22nd agenda items which would include build out scenarios, slope regulations, etc. The Committee would add three additional items: any additions to the Potential Persons list, information request and how that work would be split, and survey cover letter which we would like to have out to residents by November. Committee Member Davidson suggested Supervisor Johnson be assigned to compose a cover letter if she wishes with Committee review.

Future Meeting Schedule:

Chairman Mirczak stated Professor Lamb would be available for the fourth Monday of each month. Future day time meetings would be on third Wednesdays: October 15th, November 19th and December 17th to be set as tentative dates for 10 a.m. meetings.

Respectfully submitted

Diane Byrne, Secretary