

**TOWN OF DAY COMPREHENSIVE PLAN
COMMITTEE MEETING
OCTOBER 15, 2008 – 10 A.M.**

Members Present: Ted Mirczak, Chairman
Mary Ann Johnson, Supervisor
David Davidson
Larry DeRubbo
June Dixon
Judy Traeger

Members Absent: David Cox
Richard Lamb
Consultant

Others: Carla Kolbe, Sacandaga Express
Ken Metzler, Code Enforcement Officer
Scott York, Highway Superintendent

Chairman Mirczak opened the meeting at 10 a.m.

Minutes Review:

The following changes were made to the minutes: Page 1, first paragraph, change the time from 10 a.m. to 6 p.m.; Page 3, third full paragraph, line 7, change assembly to assemble, Page 4, third full paragraph, line 11, change assembly to assemble; and Page 5, Specific Items from Richard Lamb, line 7, change sentence starting Committee Member Cox to read: Committee Member Cox indicated that the town had changed the width of the Lake(front) Residential zone (LR zone) from ¼ mile to 1/10 mile (528 feet) to correspond to the Viewshed Protection Area, but that the APA had not redrawn its zoning map to reflect this change. Professor Lamb stated that the change will be made on town zoning map he is making.

Motion by Committee Member Davidson, seconded by Supervisor Johnson to approve the minutes of September 22, 2008 meeting with the above referenced changes. Ayes: Mirczak, Johnson, Davidson, DeRubbo, Dixon, Traeger. Carried: 6-0.

**Code Enforcement Officer, Ken Metzler
Highway Superintendent York:**

Code Enforcement Officer Metzler stated the permit system within the Town works very well with no issues presently or in the past. He did have a suggestion for changes in zoning law with the renaming of Planned Unit Development as it is a passé term. If future building moves toward multiple unit development with multiple families, it could include additional green space with trade offs when on site waste treatment systems exist with clear effluent and when off grid solar power units for the septic systems are included. In terms of trade offs, where a parcel is located in RLD where only one unit could be constructed on 8.5 acres, if a solar powered waste treatment systems is

utilized, there could be a trade off on number of units allowed from one to two. He stressed these systems must be truly treatment systems and not merely septic systems. He further stated there is more available in the way of waste treatment rather than simply burying it in the ground. Committee Member Davidson inquired if he would like to see this as part of the code. Code Enforcement Officer Metzler stated while there have not been any "PUDs" constructed within the town, construction is moving to include more green spaces where cluster developments are allowed with each unit requiring the number of acres designated for that zone to exist. Code Enforcement Officer Metzler suggested grouping these developments together hidden behind trees declaring the remainder forever wild with walking paths for those residents.

Code Enforcement Officer Metzler stated in the past there were fees required from larger subdivisions which were dedicated to parks and these fees were not utilized because there were no parks. He suggested reinstating those fees and pooling them to later dedicate it to road development to include bike paths and walking areas since some State land may become available. He would also like to see the State maps be updated to include a newly created Viewshed Protection zone. Committee Member Davidson stated the issue of road frontage for lots with substandard road frontage or landlocked lots has already come before the Zoning Board. Code Enforcement Officer Metzler stated the zoning law may need to be more creative and not simply disallow a project but rather state that these are the requirements that must be met for such projects.

Chairman Mirczak stated since this would directly impact the Highway Department, if cluster developments were allowed with minimal road frontages and private roads being built to access these new homes, how would it affect the budget and staff of the Highway Department? Code Enforcement Officer Metzler stated these developments would not be on private roads but reduced frontage on public roads through trade offs. He further stated private roads do not work. Highway Superintendent York stated due to grandfathering, his department must pick up garbage and recyclables on a private road, Overlook Terrace, with concern being on liability of the Town if any damage is done by Town vehicles. Supervisor Johnson stated the Town currently has a policy where the Highway Department must travel over certain private roads for garbage and recyclable pick-up because it has been done for years and is in effect grandfathered. Code Enforcement Officer Metzler stated private roads tend to "migrate" from their original site due to the deteriorating condition of certain areas of the road such as muddy spots, etc. and eventually it moves more and more to one side and relocates on private land. A survey of the land where this road change has taken place and reveals that the road is located on private land not designated as a private road. However, the other property owners who have been using the road for years do not want it to be moved back to its designated site and the area on the opposite side which was formerly part of the designated road has been replanted with grass and trees. He stated that the problem is an absence of regulation. Supervisor Johnson stated she will provide the resolution on private roads which state which roads are private and have Town garbage pick up. Highway Superintendent York stated the County list of road names and the Town's list have a discrepancy on the name of Sacandaga Avenue which the County lists as Lakeview. Chairman Mirczak stated Professor Lamb will be working on mapping and

when a comparison is done of County versus Town road name discrepancies, it can be corrected at that time. He stated this would be a major concern in the case of 911 mapping.

Chairman Mirczak stated in terms of new roads, does the Highway Department want the responsibility of more roads. Highway Superintendent York stated additional roads would translate to additional manpower and equipment. Supervisor Johnson stated this would be a Town Board decision. Highway Superintendent York stated he would like to see road width increased from 20 feet (which is the standard width for town roads in the Town of Day and in surrounding towns) to 24 feet. Supervisor Johnson inquired if there was room to add an additional four feet? Code Enforcement Officer Metzler states the Ordinance states to construct a road it must be 50 feet with four feet of slope on both sides and cuts on the far side of that. He further stated if a property owner were to construct a road at the present time it would include 24 feet of pavement. Highway Superintendent York stated the County requirement would be 80 feet with 20 feet of pavement.

Chairman Mirczak inquired how well the County and Town Highway Departments interact as the County has roads located within the Town of Day? He indicated the Town has coordinated with the County regarding driveway slopes. Highway Superintendent York stated the Town and County have always enjoyed a very good relationship. He stated the Town does not plow County roads which they must pass over to plow Town roads. Supervisor Johnson stated this should be studied to see if we should be plowing these roads. She stated some of the County roads were previously plowed by the Town and then it was taken over by the County. Highway Superintendent York stated it would not be advisable to take back those County roads for plowing because his staff's schedule is full with the responsibility of plowing Town roads. He further stated it requires three hours to make one pass over 22 miles of Town roads on the North Shore. Supervisor Johnson stated Shippee Road which is located in the Town of Corinth is plowed by Town of Day. Chairman Mirczak inquired if a Town of Day plow has to travel over unplowed County roads, do they drop their plow or not, is it more or less trouble? Highway Superintendent York stated if there is an accumulation of slush, it would be more trouble. He further stated looking to the future, it may be a benefit to the Town if they maintained both the Town and County roads. Chairman Mirczak stated his observation of County plowing would indicate it takes longer for them to plow North Shore Road than it would if the Town trucks traveling past dropped their plows while they are traveling to another Town road to plow. Highway Superintendent York stated there are some incidents when the Town will plow a County road particularly during a heavy storm.

Chairman Mirczak stated there was some discussion previously regarding relocating the Town garage or he asked if the current location adequate? Highway Superintendent York stated the majority of roads are located on the North Shore with 11 miles of road on South Shore including Turner Road, Lakeview (Sacandaga) Road, LeBarron Road Horsehill Road and Shippee Road. He stated the trucks are able to make a complete run on the South Shore without returning to the garage for salt and sand while

the trucks whose routes include Hadley Hill and Yates Hill must reload twice. If the garage would have to be relocated due to expansion or necessity, the ideal location would be on Hollow Road because of adequate space and the sand is located there. Supervisor Johnson stated sheds similar to what the State constructs to shelter sand and salt built on a small scale could be considered for the South Shore in an area off Sacandaga Avenue where the Town currently owns seven to eleven acres or acquire a piece of property on the South Shore. Chairman Mirczak stated it would be an area where there is the most growth.

Discussion continued on the Sacandaga Avenue parcel where sand has already been mined and Highway Superintendent York stated it would be a good location. He further stated it would be more beneficial to also construct a garage to house a plow. Code Enforcement Officer Metzler stated to locate a garage there would be locating a commercial use in the middle of a residential area and would require further study prior to any decision being made to utilize that space.

Committee Member Davidson stated this is an interesting set of trade offs because it would change some of the issues raised on the survey. Supervisor Johnson stated the County resumed plowing their roads located within the Town due to money issues. Committee Member Davidson inquired how many abandoned town roads there were in the Town of Day. Highway Superintendent York stated he did not believe there were any. Committee Member Davidson stated he noticed lines on maps of the Town of Day and they did not indicate what they were and he thought they may be roads. Chairman Mirczak stated some may be paper streets. Supervisor Johnson stated Steve Kathan Road may have been a Town road. Highway Superintendent York stated he checked with Leeman Allen, a previous Highway Superintendent, and he did not maintain Steve Kathan Road. He further stated the resolution regarding private road maintenance of grandfathered roads would include the complete list of those roads. He further stated a only a smaller Town truck is able to traverse these roads. Code Enforcement Officer Metzler stated this is another argument against private roads and that is they are not built to any required specifications. Chairman Mirczak stated perhaps there should be some consideration on whether this practice of road maintenance on private roads should continue.

Discussion continued on garbage pick up at the end of private roads and the accumulation of refuse which is not collected by the garbage trucks and remains at the point of collection and the problems associated with that. Highway Superintendent York stated the Town provided a dumpster on Park Street until such time when tires, refrigerators, etc. began to accumulate and there were complaints from residents and the dumpster was removed.

Highway Superintendent York stated there is the issue of turnaround areas for snowplow trucks on roads. Currently there are turnarounds on Apple Creek, Hunt Club, Green Acres, Turner, Horsehill, Shippee, Munson and Pine Ridge Roads with only the Pine Ridge Road turnaround deeded to the Town. His concern is if a parcel is sold which includes a turnaround and the next owner refuses to allow their land to be used as a turnaround, will the plow be forced to back out of the road? Should the Town actively

pursue more deeded turnarounds? Does the Town want to take over privately constructed roads?

Highway Superintendent York stated his concern was the new developments and how it will impact his budget. Code Enforcement Officer Metzler stated if more parcels are removed from development, what will the property owner be taxed on? He further stated consider the property owner who has paid taxes on property which he wished to develop once he reaches retirement years and then finds he is no longer able to build on it. Highway Superintendent York stated there is a continual problem with a parcel directly on South Shore Road with wash outs after rain storms coming into the road. He stated he felt the Town was growing too quickly and he wished it to retain its current status as a small, quiet town without buildings visible on the sides of the mountains. Chairman Mirczak stated rapid growth is not positive and problems such as those on South Shore Road are now covered by the Viewshed Protection Zone. Code Enforcement Officer Metzler stated he is not anti-growth if done properly with regulated growth and that the zoning ordinance is always a work in progress. He stated further he would not like over regulation. Committee Member Davidson stated the survey addresses the area of growth very explicitly. Committee Member Traeger stated there is a continuing controversy with new property owners from other areas not following the zoning or not being aware of and doing whatever they please on their parcel. Committee Member Dixon stated some new residents complain about the lack of stores or the difference in emergency services from the area where they moved from and she felt this should be a burden for the new property owner to bear to ascertain if services are adequate prior to purchase. She further stated she would like to see controlled growth with an emphasis on retaining the very qualities of why people move here: scenic beauty and atmosphere. Code Enforcement Officer Metzler wished to emphasize that mutual aid fire protection from two different companies and police are present within the community and are well within the State requirements for response time at a reasonable cost.

Chairman Mirczak stated there will be new technologies such as solar panels, wind towers, cell towers, etc. which will impact the Town and the Town must determine how to regulate them in the future. Committee Member Dixon stated some of these are currently under APA regulation. Code Enforcement Officer Metzler stated if the Town doesn't allow growth, it will force the next generation of local homeowners to move, not just prevent non-natives from moving in. Highway Superintendent York stated he is also in favor of controlled growth with an emphasis on retaining the beauty of the area. He is concerned that once an area is destroyed in regard to natural beauty it would be impossible to bring back the beauty of the lake. Code Enforcement Officer Metzler stated engineered septic systems maintain the quality of the water and the water quality has improved in recent years. Committee Member Dixon stated the Viewshed Protection Area has added more green space to the Town. Code Enforcement Officer Metzler stated as more people have relocated to the area, there are more posted signs, which makes more hiking trails and woods inaccessible to the public. He stated he had read an article which stated if an individual were to get injured on unposted property, there is no liability on the part of the property owner. He restated his proposals of trade offs on more restrictive land use requirements if the property owner did not post his property.

Committee Member Davidson stated a map of all public lands within the Town would be something the Committee could work from. Code Enforcement Officer Metzler stated these would be obtained from GIS mapping.

Finalization of Survey (changes in italics):

Committee Member Davidson provided all members with a third draft of the survey and indicated the survey would fit back and front of the two pages. Committee Member DeRubbo stated in the first section of questions relating to place of residence, question b “Do you live on the lake?” could generate confusion as many people do not know the difference between lakeside and lakefront. *After extensive discussion of different ways of posing the question, it was agreed that question b would be removed from the survey.* The following question “Do you have a lake access permit?” would provide information if an individual has an interest in the lake.

Committee Member Davidson stated Supervisor Johnson has expressed concerns regarding Under “Economic Growth”, question g, the statement “existing and new residents” and she felt it should state “current”. However, he felt would make it a different question because how would the Committee know if the resident was existing or new. *It was agreed the statement “existing and new” would be removed.*

Supervisor Johnson stated under Public Safety, she would like the Committee to consider eliminating statement d “I would support a small tax increase if it would help improve Fire, EMS and Police services in the Town of Day.” She stated there may be differences in opinions on the amount of a “small” tax increase. *It was agreed statement d under Public Safety would be removed.*

Supervisor Johnson stated also under Public Safety, statement c “Fire, EMS and Police Services are important concerns of mine, but I don’t believe additional investment is required unless current service levels and response times get worse than they currently are.” *The phrasing “get worse than they currently are” should be replaced with either decline or deteriorate.*

Also, under Public Safety, first paragraph, Supervisor Johnson will provide the 2008 budget figure. *Under the second paragraph, it should be changed to “Please indicate which one of the following...” so respondents chose only one statement.*

Chairman Mirczak stated “viewshed” will always appear as one word.

Committee Member Davidson started under the “open ended questions”, question one “What do you think is the most important thing that the Town of Day Comprehensive Plan Committee should be focused on?”, he requested any suggestions from the Committee Members to replace the word “thing” and “focused”. *Members suggested issue in the place of thing and working on where focused on appears.*

Committee Member Davidson stated he will make all changes and present the final draft via email. Chairman Mirczak stated if all Committee Members felt comfortable with email response, they could send their feedback directly to Committee Member Davidson. All agreed to correspond directly with Committee Member Davidson on the survey. Chairman Mirczak stated it would be added to the Town's website after the mailings were sent out. Committee Member Davidson stated there would be a review of the voter registration list and tax payer list for duplications. The package would consist of a two page survey, a cover letter from Supervisor Johnson and a stamped return envelope. The Secretary will contact Mailings Made Easy for costs and information regarding the mailings. Committee Member Davidson stated he would like a mail box designated within the Town Hall for completed surveys. He stated all surveys should be date stamped when they are received and the originals will not be destroyed for future reference. It was agreed there would be a return date of December 15th for completed surveys with a follow-up postcard to be sent of the second due date of December 31st. Committee Member Davidson stated in Supervisor Johnson's cover letter it should encourage residents to spend thoughtful time on the survey and return it by the specified date. The survey statistics will be on the agenda for the January 20th meeting.

Meeting Dates:

Chairman Mirczak after consultation with Professor Lamb and all Committee Members is setting the following meeting dates which are all on Tuesdays at 10 a.m.: November 18 and December 16, 2008; January 20, February 17, March 17, April 21, May 19 and June 16, 2008. There will not be a meeting on Monday, October 27th.

Chairman Mirczak stated Town Historian Lauren Roberts would require an evening meeting to be determined at a later meeting. He stated Rocky Ferraro, Capital District Regional Planning Commission, would be the guest at the November 18th meeting.

Review of Persons to Meet With:

Chairman Mirczak stated he has included a column for a contact Committee Member on the list with the following members as contact persons:

Supervisor Johnson will contact Duane Nealon, Town Assessor and EMS officials to include: Paul Lent, Wayne Seelow (Edinburg Fire), Rich Reuther (Corinth EMS), James Bowen (County Sheriff) and James Ellis (Hadley Fire). Chairman Mirczak will contact Marilyn Sargent of the Edinburg EMS. It is anticipated all EMS, Fire and County Sheriff will appear at the January 20th meeting.

June Dixon will contact Glen LaFave (Hudson River Black River Regulating District) to meet on February 17th.

Chairman Mirczak will contact Brian Grisi (Adirondack Park Agency) to meet on March 17th.

Larry DeRubbo, with the assistance of Duane Nealon, will contact those large land owners or Lessees such as hunting clubs, paper companies and other private owners to meet at the April 21st meeting.

Supervisor Johnson stated Duane Nealon and David Avigdor will appear at the same meeting on December 16th.

It was agreed the Town Board would be invited toward the end of the information gathering process and be placed at the end of the list. Chairman Mirczak stated he has added Planning and Zoning Board Members to the list for their input (currently there are four members on this committee) and this Committee will make an offer to both boards to attend. Chairman Mirczak stated Department of Environmental Conservation, adjacent Towns, etc. would be added at a later date.

Project Plan:

Chairman Mirczak inquired if this Committee should have a time line to ensure they are maintaining their schedule. He and Committee Member Cox attended the NY Planning Federation Conference in Saratoga last week which included their Comprehensive Plan Update Session and this Committee is on schedule as far as information gathering, maps and surveys. Committee Member Davidson stated it would be helpful to have a checkpoint that states the due dates of information gathering, etc. Committee Member DeRubbo stated if a sudden influx of surveys is received which may change a focus point of the committee, it would be difficult to set a time line since it would be subject to change. Or, he further stated, wait to develop a time line until all the survey materials are received.

The Committee discussed how the information received from the survey would be assimilated. Committee Member Davidson stated the open ended questions could be best analyzed at one meeting with members each reviewing sections of questions with the remainder of the questions categorized. Members agreed it would be very interesting to read all the open ended questions. Committee Member Davidson stated regarding the open ended questions, he could do a content analysis. Supervisor Johnson also suggested enlisting the assistance of Town Assessor Duane Nealon. Committee Member Davidson stated he would ask Assessor Nealon if he had access to a database he could share.

Chairman Mirczak stated Professor Lamb was going to provide him with a project plan which he will share with the committee when he receives it. He was trying to get a sense of whether the Committee would accomplish its goals within 18-24 months.

Training Courses:

Chairman Mirczak stated there are two conferences which would pertain to the Committee's work:

1. Zoning and Planning Breakfast Briefing, The Purchase and Transfer of Development Rights, October 30, 2008, BS&K Albany Office, 111 Washington Avenue, Albany, New York, registration fee of \$20.

2. NYS Office for the Aging/AARP/NY Association of Homes and Services conference, Empowering Communities for Successful Aging, November 12-13, 2008, Saratoga Hilton and Conference Center, Saratoga Springs, New York, registration fee of \$75/one day, \$95/two days due November 7, 2008.

Additional Agenda Items:

Chairman Mirczak stated the Town of Henderson recently revised their plan which was recommended at the Planning Federation session as a good reference and they did a very good assessment of how to address windmills and cell towers.

Chairman Mirczak stated he has been in contact with co-worker of Diane Metz of Saratoga Plan who referred him to a gentleman from the Division of Coastal Resources, which is a part of DEC, and they award planning grants and because the Town is part of the Sacandaga they would be eligible for consideration. The Town of Lake Luzerne has been a recipient. These grants would not be restricted to projects related to the lake but rather for the whole plan because the Town is located on the water. There will be a new round of grants to be awarded in the summer with our emphasis on the focus groups and ultimately hiring a consultant for these groups. The grant would be a 50/50 match.

The Secretary will act as the public relations person to keep the public informed of Committee activities and publications. The meeting was adjourned at 11:40 a.m.

Respectfully submitted,

Diane Byrne
Secretary