

TOWN OF DAY COMPREHENSIVE PLAN COMMITTEE MEETING NOVEMBER 18, 2008

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

Members Absent: None

Others: Ken Metzler, Code Enforcement Officer

Chairman Mirczak opened the meeting at 10 a.m.

Minutes Review:

The following changes were made to the minutes: Page 1, third paragraph, line three “Planned United Development” change to “Planned Unit Development”; Page 1, third paragraph, line five “it include could” change to “it could include; Page 1, third paragraph, line six “affluent” change to “effluent”; Page 3, first partial paragraph, line two “road names and discrepancies can” change to “road name discrepancies, it can be...”; Page 3, third full paragraph, line two “garage or is the current” change to “garage and he asked if the current”; and, Page 7, fifth paragraph, line three “James Brown” change to “James Bowen”.

Motion by Supervisor Johnson, seconded by Committee Member Dixon, to approve the minutes of the October 15, 2008 meeting with the above referenced changes. Ayes: Mirczak, Johnson, Davidson, DeRubbo, Cox, Dixon, Traeger. Carried: 7-0.

Rocky Ferraro – Capital District Regional Planning Commission:

Mr. Ferraro reviewed a history of Capital District Regional Planning Commission with the Committee and provided them with a number of pamphlets, fact sheets, progress reports, etc. along with a packet of information specific to the Town of Day. These fact sheets broke down the statistics according to gender, age, race, age projections, real property tax information, household and income data, and employment by industry.

Additional information reviewed with Mr. Ferraro included:

1. U.S. Census data and information which would be found on their website (www.cdrpc.org).

2. Determine which schools our local children attended since the Town of Day is serviced by several school districts. The school busing programs from each school district would be able to provide that data which would reveal the trends – is school enrollment increasing or decreasing. State Education Department publishes a report each October of five year school enrollment projections.

3. Discussion ensued regarding economic development, foreign trade zone expansion, transportation studies, etc. Regarding the effects the AMD plant may have on the Town, Mr. Ferraro did not see any immediate impact. He stated the plant's first phase will create 1,500 jobs in the first 3-4 years and the total jobs in the region are over 430,000. Of those 1,500 jobs, 75% will be filled within the Capital District Region. The remaining 25% will be relocations from management ranks. He stated the industries that will serve AMD will be within a 50 mile radius (Utica from the west to Greene County to the south and Pittsfield to the east) and these communities are structuring their industrial parks to be attractive to those industries. So the impact will be disbursed throughout the Capital District Region. However, he does see increased growth from the nanotech field in general where there will be extensive relocations. In the next five or ten years, he does not see a spillover in the Town of Day except for growth in the seasonal housing market.

4. Regarding watershed regulations, Mr. Ferraro believes the Town of Day will be reviewing their regulations in the future. Currently, the State has control of these areas and the focus of that review is in urban areas which will not affect the Town of Day at this time.

5. Wind energy regulations are being developed and Mr. Ferraro does not see them having an impact on this region but more so in the western part of New York and deeper into the Adirondacks, Catskills and Helderbergs. Professor Lamb stated these regulations would not be affecting individual household systems. NYSERDA and New York Planning Federation are involved in model ordinances in wind energy. Chairman Mirczak stated he believed this would impact the Town of Day due to the fact that any system would mostly likely be in the watershed. It was agreed this must be addressed within the comprehensive plan.

6. Regarding comprehensive planning, Mr. Ferraro reviewed the Community Fact Sheet information from the latest census. He stated the Town of Day has a special issue with seasonal residents. The permanent resident status is self-identified on the census. The LUCA program is a mapping program of all the roads in the Town of Day to be used for census purposes and is currently in progress. The initial projections reveal an aging population within the Town which is also occurring throughout the Capital District. Their population projection over the next 30 years would be 1/3 of 1%. Some believe that figure will be too low when the AMD plant begins construction. Some economic developers are suggesting that the growth realized by the AMD plant would be from 3-5% per year. He believes the regulatory processes we have in the Capital District will not accommodate that amount of growth. Mr. Ferraro is a proponent of managed growth because without it, we have only to look to communities like Utica, Buffalo, Syracuse, and Binghamton. He compared demographics in the Capital District and the Town of Day and their similar trends. He reviewed migration figures and the effect on

populations of birth and death figures. The younger generation tends to move into an area not just for jobs but for a higher quality of life and that is present in our region. In the same comparison, the age cohort projections reveal a larger aging population in the Town of Day than in the Capital District Region which does not include a count of any seasonal residents. There is no count of that part of the population but it could be three times the year round population or 3,000 people.

Mr. Ferraro stated the only data would be the number of seasonal housing units. Chairman Mirczak stated this figure would be critical to the comprehensive plan because of the effects of this population. Professor Lamb stated based on a graph he did, the seasonal housing units are experiencing a rising growth rate over those of year round housing. He further stated there may be a declining number in the number within a household. Supervisor Johnson stated the seasonal housing would be designated by the Town Assessor. She further stated the assessor has found that many houses were built as seasonal but can be occupied for four seasons and should not be classified as seasonal. Code Enforcement Officer Metzler stated when the standards were established for the current building code; all houses had to meet a single standard meeting the energy code and did not designate one building seasonal and one year round.

7. The committee should consider how many of those homes which were originally constructed with the intention of seasonal use will become year round use when the owner retires. Code Enforcement Officer Metzler stated over the past five years, many property owners have stated they were intending to move to the Town upon retirement. Chairman Mirczak stated this is an area which the committee will have to examine more closely to determine its effect on the community. Professor Lamb stated determining the exact number would be very difficult but the trend must be considered.

8. CDRPC is advocating a concentrated growth scenario from a transportation issue. CDRPC is not advocating growth in the Town of Day but where mass transit is available. Mr. Ferraro stated there would not be any major investments in road improvements and they would focus on concentrated growth in urban centers because mass transit is available in those areas as indicated by all the multiple unit buildings constructed in the City of Saratoga. Committee Member Davidson stated that fact may increase the seasonal population because the Town would present a weekend alternative. Code Enforcement Officer Metzler stated he observes a large number of people coming into the area over the weekends to escape the city environment and that will have an impact on the roads throughout the Town even if they only stay a day and then return to their homes in other communities. Professor Lamb stated the role of homes being used as a seasonal home versus a workforce housing must be considered.

9. The impact of smaller lakeside residences becoming much larger homes must be considered and also the impact of the new APA regulations on those homes existing prior to 1973 and their expansion. Also, if the Town were to allow such large residences, how would it impact the quality of life? If quality of life became an issue, certain restrictions would have to become a part of committee's discussions along with how to regulate them. Mr. Ferraro stated the total vacant units for the Town of Day was listed at 1,125; however, 1,100 were classified as seasonal with 382 occupied units.

Survey:

There were no text changes other than adding directions with the goal of containing the survey to two pages front and back with the real issue being the mailing list. The Assessor's file required resubmission to the Real Property Office which will be generating a new tax roll list within two weeks. A comparison to the voter registration list revealed numerous errors. This list was going to be utilized to reach as many renters as possible but will be impractical to use. If it is decided to use both lists, Mailings Made Easy has a software program to combine the lists which they will complete once at no cost to the Town.

Chairman Mirczak stated the survey would be considered to be in the final draft. Supervisor Johnson is completing the second draft of her cover letter to be emailed to Board Members. Supervisor Johnson stated she had reservations about sending this out at the holiday season. It was agreed to wait until January to send out the surveys with a due date of returns as January 30th and a reminder sent on January 30th with a due date of February 15. Chairman Mirczak stated the Committee Members would begin their review of the survey results at their February meeting.

Supervisor Johnson stated she would like to pursue publicity on the survey to let residents know the survey will be sent out, what the purpose of it is and how important it is that residents respond to it. The media sources would be the Pennysaver, Sacandaga Express, Edinburg Newsletter and the Day Homeowners Association Newsletter. Larry Heslin of Kathan Road requested to be notified as Day Homeowners Association. Chairman Mirczak stated he will be interviewed by Sacandaga Express. Both the Day Homeowners Association and Sacandaga Express are aware of the new deadlines.

Persons To Meet With List:

The following persons are confirmed for future meetings:

December - Town Attorney David Avidgor and Assessor Duane Nealon

January – County EMS (tentative-fire chiefs may not be able to attend)

February - Glen LaFave and Area Administrator Mike Clark-Hudson River Black River Regulating District

March - Brian Grisi of APA (tentative)

Chairman Mirczak will contact Marilyn Sargent of Edinburg EMS. Supervisor Johnson stated Town Attorney Avigdor will be able to address the effect of the recent APA rule change on shoreline development (information available on APA website). Chairman Mirczak also would like to review the effect of taking issue by the Town of Day (Viewshed Protection Area) when a zoning applicant requests a variance in that area. Would the Town experience any repercussions from that and what his recommendations would be? Committee Member Davidson would like to ask Town Attorney Avigdor about statutes of limitations on a variance: if a variance is granted and the project never proceeds, would the variance expire– he believed there is no provision in the ordinance

relating to time limits. Committee Member Davidson stated another question would be who regulates zoning on the water.

Chairman Mirczak asked for suggestions from Committee Members for future persons to meet with which he will circulate to all members.

Large Landowners: No limit on acreage, to include hunting clubs and determine how many property owners have in excess of 40 acres, and what large plots are zoned for. Larry DeRubbo will consult with Duane Nealon and Kenny Metzler and report back to the Committee in January.

Professor Lamb:

Professor Lamb distributed Part II of the Comprehensive Plan which is an analysis of the allowed densities of the current zoning. This would justify possible zoning changes if the Committee decides to recommend that. Environmental Limitations Composite which lists of criteria he used which includes areas which are unsuitable such State Land, wetlands and steep slope (Dark Green) which would remain open space. Good and fair areas (Orange) determined by soils include the location surrounding the Town Hall. Poor areas (yellow) would be a poor area for some onsite septic systems involving greater scrutiny of those systems. This would restrain building densities along with parcels which are more than one half mile from a public road.

Professor Lamb stated in reviewing the concentrated growth map, it indicates the area of concentrated growth within the Town of Day is in the area of Day Center and would the committee consider changing the lot size in this area. Code Enforcement Officer Metzler stated because there are not city sewer systems available, lot size had to be able to support a septic system. Professor Lamb stated it is the amenities of the Town of Day which attract people and that should be considered in the goal formation which will impact on how strict your regulations will be. It would be important to have public meetings during the summer season to determine how those residents' comments will impact the comprehensive planning.

Analysis of Allowable Building Densities Map which would be used if the Committee decided to appeal to APA for map changes through exchanges. The mechanism for changing densities would be to transfer densities within any one APA zoning district at a time. Professor Lamb stated to reduce the requirement for building size, additional smaller lots would be added to the desired area and within the same zoning districts on steeper slopes or inaccessible land, the same number of lots would be decreased and the total number of allowable lots would remain the same. This would all have to be approved by APA. He stated the density transfer with tradeoffs is more obtainable than map amendments. This would also require property owner notifications and public hearings. Committee Member Cox stated pre-existing lots of smaller size would be grandfathered. Professor Lamb stated even on a grandfathered lot, there would be one allowable building lot under today's zoning law and the ability to build would not be removed. Professor Lamb stated this is controversial and the Committee would have to decide if they wished to add this to their considerations. Committee Member Cox

stated this could be considered in the Viewshed Areas because that requirement has been approved. Professor Lamb would have to identify specifically what districts this could be applied to and how many units would be located in that area. The fundamental effect of this would be to locate the houses in the most appropriate areas. Large lots with steep slopes (problem exists with slope for driveways) located in lakefront residential which could be traded off with some parcels in RMD and these changes would require a map amendment. Professor Lamb would complete a technical analysis for APA.

Professor Lamb would be providing the Committee with a new build out map and a map of non-public lands for recreational discussions within the next few months. Final plan documents would include fold up versions of maps. He stated a Geological Survey Map included what he believed to be old logging roads which may be suitable to trails. Nature Conservancy has contacted DEC regarding Clute Mountain through which the Town may decide to pursue an easement. Saratoga County Heritage Corridor has included Hadley Hill Road, Saratoga County and there may be consideration to increase the acreage requirement with a goal of retaining the area as a scenic area. Professor Lamb can prepare scenic overlaps on zoning map for these scenic areas requiring special provisions such as houses screened by trees and requiring larger road setbacks. He stated once the survey results are analyzed, it will reveal that the taxpayers would like to see addressed.

Professor Lamb's research revealed 475 non-conforming vacant lots and with a total of 594. He removed lots which were less than 5,000 square feet but included 152 lots between 5,000 and 10,000 square feet. Code Enforcement Officer Metzler believed those landowners bought these lots as buildable lots but they may not be. Setback requirements would reduce proportionately. Most are located on the South Shore in the Horsehill Road area and Kathan Road area.

To be discussed :

Replace the Planned Unit Development portion of zoning law with a conservation subdivision or residential clustering development adopted by the Town of Johnsburg to be discussed at the next meeting.

The meeting adjourned at 12:35 p.m.

Respectfully submitted,

Diane Byrne
Secretary