

**TOWN OF DAY COMPREHENSIVE PLAN
COMMITTEE MEETING
JANUARY 20, 2009**

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

Others: Suzanne Denn
Paul Lent
Ed Trembley
Mike McEvoy

Chairman Mirczak opened the meeting at 10 a.m.

Minutes Review:

The following changes were made to the minutes: Page 8, Private Road and Shared Driveways, paragraph one, line 2 “buildable, but lake” change to “buildable, but lack”; same page and paragraph, line 4 “contructs” change to “constructs”; and, Page 10, first paragraph, line 4 “as drafters as” change to “as drafters of”.

Motion by Chairman Mirczak, seconded by Supervisor Johnson to approve the minutes of December 16, 2008 with the above referenced changes. Ayes: Mirczak, Johnson, Davidson, DeRubbo, Cox, Dixon, Traeger, Metzler. Carried: 8-0.

Survey:

Receipt of Surveys: Each returned survey is date stamped and retained in batches which are available for review by Committee Members after completing the sign out sheet in the Secretary’s office. Committee Member Davidson is entering every survey response on a spreadsheet. Response to date has been excellent with approximately 425 received so far. Mailing of the post card reminders will be held due to the adequate response. Returns will be investigated for better addresses and resent. If any committee members are made aware of an individual who has not received a survey, they are to contact the Secretary with contact information.

The single most frequent response is the desire to change nothing about the town, next would be the need for cell service. Supervisor Johnson will be putting an article in the Edinburg Newsletter regarding the survey. An article appeared at the end of

December in the Sacandaga Express which will be posted on their website (www.sacandagaexpress.com).

Professor's Lamb-Buildout Analysis and First Draft of Plan:

Professor Lamb provided a paper copy and CD of the first draft of the Town of Day Comprehensive Plan. Part I which contains all background information, series of maps and statistics, etc. and Part II which consists of map amendments. The projection of the third part of the Plan would include the survey results and Part 4 would be comprised of the goals and recommendations. Committee Members will be provided with a copy and will review the draft and forward any comments or suggestions to Professor Lamb. The Committee will add their comments when discussions begin on goals and recommendations. Items which have not been discussed are not included in the draft (i.e. emergency services).

**Paul Lent, Director, Saratoga County Emergency Services
Ed Trembley, Fire Service and Mike McEvoy, EMS:**

Director Lent, Mr. Trembley and Mr. McEvoy reviewed the following items:

Staff: In the past, most volunteers lived in the area and were very familiar with families, road names, etc. Many EMS and fire crews consist of paid service from outside of the area. There are two volunteer paramedics in the County (currently paid paramedics earn \$16-20 per hour). The expectation is that the volunteer staff must be trained on their own time and be available to respond on any time. Aspects of volunteerism have changed from the time when one member of family remained within the home during the working hours of the day to respond to calls. When considering the time commitment involved in training, volunteers wish to be involved but are not able to devote the necessary block of time.

Standards for EMS Response: The standard for a town the size of the Town of Day would be 20 to 30 minutes which is an acceptable standard and may not include a paramedic. The population has grown in the area along with the expectation of services. Many property owners have moved into the Town of Day from larger towns and cities where there is shorter response and delivery time due to a larger EMS staff. There is a practical response which is predicated by the area the EMS Service has to travel along with the location of those volunteers at the time of call. Therefore, delivery time in a large city cannot be compared to response time in the Town of Day.

Individuals expect the "TV show" response which includes a paramedic on board. Consideration must be given in the training for such individuals and salary. Recently more hospitals have been closed so transport times are also longer. There has been a ten percent jump in EMS calls within Saratoga County just in the last year.

Fire Service must also respond to ambulance calls which are much greater than fire service calls. Report for 2008 shows 27-28 EMS only calls which is not cost effective for 24 hour service. The numbers are impacted by the summer season when they are much higher. In considering participation in a consortium, the combination of

calls from surrounding towns may justify an EMS staff on call for 12 hours off season and 24 hour service during the summer months. The next consideration would be the operational aspect (where the vehicle is housed, where is the response from, etc.). Mr. McEvoy stated the response times are well within the norm for this area.

Options for Fire District and Ambulance Service: Satellite substations would include the expense of the building and whether a piece of apparatus would be purchased for the substation or taken from the main station which would at the discretion of the Fire District. (Cost estimate would be in excess of \$200,000 for equipment only.) This would be determined by response times. It would be contingent upon whether or not staff would be sufficient to man the substation. Another issue would be which side of the lake to locate the substation on. If the Town had to make a choice, it would be for an ambulance to be located within the Town rather than fire apparatus

The northern towns could investigate forming a consortium to fund Advance EMS Response which may not include the actual transport but only early intervention. Using the current Hadley/Lake Luzerne consolidation (which covers two towns in two counties); they have the option of setting up in either town. A Fire Department cannot bill while an ambulance corps has that ability. When the wording “consolidated fire district” is utilized, a tax cannot be levied. Director Lent stated Hadley and Lake Luzerne may be forced to set up two EMS districts in each town as two separate districts served by one entity to satisfy legal requirements and have the ability to levy an EMS district tax. The Town of Day would be able to contract with both and present circumstances would not change except for on paper.

Access for fire apparatus: Driveways and private roads which can accommodate not only size but weight of emergency vehicles. The Committee will check with Edinburg and Hadley for size of fire trucks to determine the weight and height. Vehicles require a turnaround area and if driveways are long, it may require a tanker shuttle. Driveways and right-of-ways should be required to be built to DOT Specification H20 (any driveway 500 feet or one which would have the ability to be built over 500 feet must be built to those specs) with the town engineer agreeing to this specification. H20 requires a road must be built to bear the weight of a Town road but not require blacktop. This would also require a 14 foot height clearance with the finished portion of the road being 14 feet wide with two foot shoulders capable of bearing weight for vehicles to pass. The requirement could include a turnaround or a hammerhead at the top of the driveway.

House Markings: House markings must be clear. On signs, the number must be visible from both sides. When mail boxes are grouped, there should be clear numbering on houses. Street names are also an issue when they are known by more than one name.

Private road identification: Town of Day is made up of many private roads and signs are not provided by the Town. It was recommended the Town should consider private road signs which are a different color from public road signs so it would be obvious they were private roads. Cell phone technology exists but is not available for identification at the present time. All ambulances have GPS onboard. Databases are being put in assessor’s offices so within 3-4 years those coordinates would be available to assist in pinpointing the house within 20-30 feet.

Shared Driveways: Have numerous issues with access, maintenance, keeping it clear of snow and debris, neighbor relations, etc. Consideration to requiring over 500 foot driveways to be part of the site plan with a notation that it must conform to the specifications. There are issues with very long driveways over 1000 feet with shuttling of water where no public water supply exists.

Retroactive legislation on private roads: Town of Day has considerable infrastructure designated as private roads and could regulations be imposed retroactively? This would be difficult to do retroactively but if the property owner applies for permit to do any new construction, the issue may be addressed at that time. To try to impose regulations without new permits being applied for may trigger an Article 78 because the Town would be acting arbitrarily and capriciously. The minimum width for private roads with four to five houses on a street would be classified as having to meet Town road specifications which are 50 feet right of way with 24 feet pavement, five foot ditches and 80 feet cul de sac. Director Lent stated the County Highway may recommend shared driveways in an advisory role but the Town can make their own determination. Consider rules for clearing of branches so emergency vehicles can get access, i.e. recent ice storm where if sufficient clearing was not done, emergency vehicles could not gain access.

Keyhole lots: Not recommended by County officials for the same reasons as long private driveways.

Cell towers: A cell provider could request permission from the County to attach their antennas to existing towers which have been designed to accommodate the same. These additions would not affect the County permit. If the height were raised, it would affect the permit. Construction has commenced on Fraker Mountain, construction on the Horsehill tower will begin in summer '09 and the tower in Lake Luzerne is currently eminent domain proceeding where no property is being taken but APA is requiring the County to do a no cut buffer outside of the lease zone to prevent clearcutting (easement is required which property owners will not provide). While these towers are short compared to standard cell towers, in order to obtain a permit from APA, it was necessary to limit the height. APA also required exhaustion of all existing resources prior to granting permission to build new (i.e. if a tower built on Horsehill Road required ten additional feet to accommodate cell service, APA would be much more amenable to that extension than the construction of an entirely new tower). There would be a minimal amount of work required to extend the existing tower. There would be a capital expense cost charged to the cellular companies (i.e. if the County must spend over \$250,000 to bring electricity, etc. to the site of the cell tower, the cellular companies would be expected to share in that cost). The cellular companies would not be able to construct a site for the amount of the capital expense cost and it would be a pre-approved APA site. The down side is at the present time none of the cellular companies are investing in additional service. The approved sites on the Northway may not be built because the cellular companies have stopped investing capital funds. Even though the towers may be built, market forces will drive what is installed on them. Director Lent stated the County receives more than 50% wireless 911 calls than line calls.

Reverse 911 system: This is an outbound system which would provide critical information to residents in a flash call with hundreds of calls being made within minutes. It utilizes the 911 database which is refreshed twice a year, however, no wireless database exists. The County subscribes to a service in California and it is all computer driven with all software and hardware provided by the service. If property owners do not have hard wire phone and electrical service, they cannot receive the information. There was a high failure rate with calls to Time Warner subscribers who are in the “3 in 1” service package. The County receives a print out of failure rates in their report which also includes information on calls answered, calls unanswered, etc. In the last Reverse 911 calling, 90% of those calls which failed were Time Warner subscribers. A specific area can be targeted for calls if there is an incident specific to that area only.

The Future of EMS/Fire Service: It is anticipated EMS Services will change dramatically within the next ten years. Mr. McEvoy stated it is projected that several towns surrounding the lake will see their ambulance services collapse and larger services will absorb the smaller services when they do. When Saratoga Springs EMS stops services (which will occur in the very near future), it would be the determining factor for the future health of the services around the lake. The Fire District will be controlling EMS Services with paramedic services being offered similar to the model Albany currently uses.

This vision for the future EMS and Fire Services is not popular with the County which will be compelled to make this change. It will make the most sense for the County to insert itself in this situation and take on the role of some form of EMS delivery service. It was stressed that all of this is to be determined and not just unique to this area but also larger areas within Saratoga County (General Schuyler and Stillwater are two examples). Mohawk EMS Service currently has a license to cover the entire County.

A “town” has the authority to declare it will begin an ambulance service and obtain their certificate within a year. The town could contract with Mohawk or a nearby town for EMS services. The situation would be similar to the Sheriff’s office; i.e., the Town of Day does not have its own law enforcement but contracts with the County who would provide services.

Funding for small towns would be on an economic scale and what the requirements would be for the town. Due to the great expense of such services, the option of a consortium appears most beneficial. Director Lent stated it would be exorbitant for the Town of Day to try to assume these expenses themselves and he would suggest Providence, Edinburg, Day and possibly Hadley sharing funding for a paramedic. There would need to be pre-negotiated agreements with the towns involved in this consortium if EMS services fail and the consortium would assume those services. Currently Edinburg EMS is self funded and the Town of Edinburg would not require them to join a consortium. Mr. McEvoy stated in areas where collapse is eminent, local government initiated discussions in advance to avoid a lapse of services. In some cases, this collapse may never occur but it is important to have a plan in place if it does happen.

Director Lent stated if the County were involved it would require an enormous political effort due to this funding adding a burden to the County's budget. Saratoga County has been fortunate over the years because of the availability of funding.

Professor Lamb – Buildout Analysis:

The Buildout Analysis is a calculation of the number of buildings which would be allowed on all existing parcels in the Town of Day. If the lot is currently vacant, it was assumed one building would be allowed regardless of size. Wetlands, state owned properties, nature conservancy (Clute Mountain) and rod and gun clubs were factored out.

Buildout Scenario 1: Road frontage buildouts which would be allowed by meeting the road frontage requirements which would include 1,105 north of the reservoir and 1,180 south of the reservoir totaling 2,285.

Buildout Scenario 2: Includes interior lots with hypothetical subdivisions on the map. While it is very unlikely this buildout would occur because it would be unrealistic, this map would represent a total buildout. Some lots may be located on steeper slope which is economically prohibitive for development. However, if something close to this buildout would occur, it would have a dramatic economic effect on the Town. Comparing this buildout to growth rate projections would also not indicate this type of buildout in the near future. The total number of building north of the reservoir would be 2,298 and south of the reservoir would be 1,736 for a total of 4,034 total buildings.

Table 21 – Buildout Calculations: The number of existing buildings is 1,280 and the total buildout figure would more than triple the number of buildings. There are 1,005 building sites along road frontages which include the paper streets in the lakeview area (which consist of 204 small, vacant lots). Some building lots were located along old, existing logging roads which created a dramatic impact. There were not as many along the lakeshore.

A question on the survey has indicated residents wish to keep the Town as it is now and with the prospect of so many available building lots, how would the Committee address that desire of many in the community? It would have an impact on the rural atmosphere of the Town creating additional traffic, additional runoff and erosion from new house construction and may have a significant impact on the water quality. The Viewshed Regulations may be able to assist in controlling runoff and erosion by its requirement of number of trees allowed to be cut. New state legislation was recently passed regarding stormwater pollution prevention plan.

Vacant Lands: There are few vacant lots along the shoreline while there are some substandard lots in the lakeview area. There are larger properties with one or two buildings which have the ability for construction of additional buildings. There are 594 vacant lots and 80% are non-conforming to the existing zoning regulations. One area which may be included in "Goals and Recommendations" is would the interior lots be allowed to be developed or should the interior be protected from further development to protect the Viewshed Area? While this buildout of available lots may never happen, does

the Committee wish to consider any regulations of interior development? Most of the very large areas shown on the maps do not include additional lots because they are located in the 42 acre Resource Conservation District.

Development on Slope: Current Town and APA regulations do not limit development but only driveway regulations. There are economic limitations and some steep slope may prevent building construction.

Dedication of Town Roads: Currently the Town is not accepting any new road dedications. This item along with driveways will be discussed in depth at a future meeting.

Non-conforming lots: Great majority of non-conforming lots do not meet the road frontage or acreage requirements. In the Lakeview area, where many existing homes are built on non-conforming lots, there are many existing vacant non-conforming, pre-existing building lots which have the ability to have a building located on it. Pressure for new growth will most likely come from those non-conforming lots located on the lake. With the great number of these lots existing, the Committee will have to address what direction they would like to go. The survey has so far revealed that most of the respondents wish the Town to remain the same. However, the property owner of any of these lots will wish to be able to develop them and will not want those zoning districts to become stricter to prohibit them from building.

The maps of the buildout projections and availability of vacant land will be useful at Public Hearings to exhibit to the property owners what the future could look like if a large number of these lots were developed. In regard to Viewshed Areas, the wider the road would be, the more visible it would become. The dilemma would be more tree cutting would increase runoff and erosion versus what is required to accommodate emergency vehicles. Discussions with large landholders and their intentions regarding their parcels may impact the buildout maps.

Persons to Meet With List:

February 17, 2009 Committee Meeting: Guest will be Glen LaFave, HRBRD representative; James Bowen, Saratoga County Sheriff and Rich Reuther from Corinth EMS. Supervisor Johnson will contact Edinburg Fire for a future appearance before the Committee. Chairman Mirczak made several attempts to contact Edinburg EMS with no response.

March 17, 2009 Committee Meeting: Guest will be Brian Grisi, APA. Mr. Grisi would also like to meet in the afternoon with Planning, Zoning and Town Boards to review the new APA rule changes with a greater level of detail at the Boards' meeting.

April 21, 2009 Committee Meeting: Committee Member DeRubbo compiled a preliminary list of large landowners. There are 178 parcels with 40 acres or more and 25% of those own 200 acres or more. He will narrow the search down to 100 acres or more. A mailing to these owners will be discussed at the next meeting. Professor Lamb suggested representatives from the Nature Conservancy or Adirondack Land Trust be

invited to the same meeting in the event that landowners have an interest in preserving open space on their properties by donating conservation easements.

Questions for guests should be forwarded in advance (at least one week) to Chairman Mirczak.

Website:

Currently, the website posts the minutes from the Committee Meetings. The Secretary will contact the web hosts to ascertain how many hits the website receives and the Committee will make a decision after that information is received on whether to post any additional information. It was agreed that information which Professor Lamb forwards to Committee Members should be held until after discussion at a meeting. The workshops, focus group sessions and public hearings will be posted on the website as well as with local publications. Information used by the Committee to arrive at certain conclusions as it relates to changes in the Comprehensive Plan should be posted prior to the public hearings.

Workshops should be scheduled regarding public recreation or other focus group subjects. Professor Lamb has not received feedback related to what has been posted on other towns' websites during the process. He suggested a list of Goals and Recommendations which would be considered the heart of the plan should be in place prior to any posting along with any proposed regulations or revisions to the list of uses within a zoning district. Chairman Mirczak stated he felt it would be important to have some public information meetings prior to making the list of Goals and Recommendations. Professor Lamb stated much of the information would be gathered from the results of the survey. In order to make the meetings more productive, it would be necessary to compile a list of Goals and Recommendations to build upon and modify rather than start from scratch. Committee Member Cox stated he did not believe it should be referred to as Goals and Recommendations prior to any meetings but consider the information generally as subjects the taxpayers wish the Committee to address and ask for feedback from those attending workshops. Labeling the subject matter as Goals and Recommendations gives the impression that the Committee has made a decision and is not open to further discussion.

Whether the meetings should be conducted by a facilitator, will be determined. Professor Lamb suggested breaking up into small discussion groups of 5-6 individuals in various categories (i.e. recreation, etc.) with each group coming up with a series of suggestions. The Committee will decide if the conclusions will be recommendations in general or specific in light of the possibility of a different administration making decisions in these areas. If grant money becomes available (i.e. for the Town Beach), it should have appeared in the Town Plan. Goals and Recommendations could be relabeled "Alternatives and Suggestions" which would suggest a more open discussion. Professor Lamb stated a checklist would facilitate the discussion with some knowledge of the issues to be used at the workshop and would determine if additional workshops broken down into smaller segments of discussions of issues were necessary.

The time frame for the workshops would be summer 2009 with checklists being compiled from the survey results in the upcoming months. This would make compilation of the survey results a priority. Public Hearings would be held during the summer of 2010. Targeted workshops would be broken up into groups. Information meetings would be comprised of one large group. Some subjects lend themselves to workshops, i.e. recreation which does not require specific knowledge on the subject whereas road standards do require such knowledge and the attendance of engineers.

Draft List of Recommendations: To be compiled by Professor Lamb with additional information to be added once the survey results are tabulated.

Items to be Discussed at February Meeting:

Survey – Discussion of results of survey which Committee Member Davidson will key, open ended questions to be analyzed on the strength of the answer, the difference between seasonal and lakefront residents' response and the pattern of responses. He will also provide item and content analysis for the February meeting. A separate meeting to discuss the survey results will be determined at the next meeting.

Schedule Meetings for the Remainder of 2009: To be discussed at the February meeting.

Motion by Chairman Mirczak, seconded by Committee Member Dixon to adjourn the meeting at 12:25 p.m. Ayes: Mirczak, Johnson, Davidson, DeRubbo, Cox, Dixon, Metzler. Carried: 7-0.

Respectfully submitted,

Diane Byrne
Secretary