

TOWN OF DAY COMPREHENSIVE PLAN WORKSHOP AUGUST 25, 2009

Members Present: Ted Mirczak, Chairman
Mary Ann Johnson, Supervisor
Dave Davidson
Judy Traeger
David Cox
Richard Lamb, Consultant

Members Absent: Larry DeRubbo
Ken Metzler
June Dixon

Others: Dianne Cox
Suzanne Denn
Monte Bernstein
Hank Lang
Jan & Shellie Kovaleski

Recreation Plan:

Professor Lamb reviewed the recreation handouts and made a PowerPoint presentation of same.

- Monte Bernstein stated he was once a property owner near Lake George and believed providing parking areas to access hiking trails may attract more day visitors. He stated in spite of living in close proximity to the boat launch, there was limited activity there.
- Shellie Kovaleski stated there may be a losing battle with nature to attempt to add a sandy beach at the County Park on North Shore Road. Professor Lamb stated there would be a feasibility study to determine if such a project would be undertaken.
- Jan Kovaleski stated there were buildings located along Sand Creek which were burned down by the County within the last 30-35 years which included a picnic area. Hank Lang stated the Sand Creek area currently is used for snowmobiling and cross country skiing and would be conducive to hiking with family recreation during the summer months.
- Shellie Kovaleski stated since the widening of the shoulders of the road would be expensive; she suggested construction of a seasonal removable boardwalk on particular sections of roadway which are currently utilized by hikers. Professor Lamb stated either widening of the shoulders or adding a boardwalk would be an expensive project and the Town would have to justify its use prior to undertaking it. Supervisor Johnson stated

public safety along the roadway must also be considered as cars may come in contact with such a boardwalk and shoulders may be required regardless.

- Hank Lang inquired why the recreation trust fund from newly created subdivisions was eliminated. Information was received from Code Enforcement Metzler which indicated there were no parks located within the Town of Day at the time of the enactment of Section 277 of Town Law of New York State and therefore no area to dedicate these funds. Monte Bernstein stated a small negligible amount added to the tax base could create such a fund. Professor Lamb stated this would be an alternative a Committee Member could recommend.
- Hank Lang stated kayaking has become a popular activity and there is limited access using either the boat launch, private property or traveling to Hadley and launching at the park near the Conklingville Dam or Stewart's Pond which is a considerable distance. Committee Member Cox stated near the "S" curves on DEC land, there is public access. Shellie Kovaleski inquired if a party can cross that area legally and is the public aware of this access. There was a discussion that if there are DEC signs posted on areas where no permits exist, the public may access the lands. Committee Member Cox stated the Town of Hadley does not restrict anyone from walking across their lands near the dam. Supervisor Johnson stated there are ten areas around the lake which are accessible to the public and the area near the "S" curves may be the only one located in the Town of Day.

Community Development/Community Services:

- Discussion ensued regarding the possibility of cell service being installed towers planned for on Horsehill Road in Day and Fraker Mountain (which is very near the Town of Day border with Edinburg). This would be incumbent upon the cell companies being willing to invest those funds in the area.
- Professor Lamb stated any increase in provided emergency services would require additional revenue in the form of increased taxes.
- Supervisor Johnson stated shared hazardous waste disposal is being discussed with surrounding towns. The fee would be \$80,000 of which \$40,000 would be covered by DEC. It would also have to be determined how often this disposal would be necessary.
- Discussion ensued regarding Senior Citizen needs which currently include Meals on Wheels, transportation to doctor appointment, and shopping.

The senior citizens have made these suggestions in the past and would make concerns or needs known to the Town.

- Discussion ensued regarding Affordable Housing including the connotation of the term “Affordable Housing”. Jan Kovalski stated in his opinion such housing develops into low income housing and can ruin an area. Suzanne Denn agreed.

Committee Member Davidson stated there is a dilemma in finding a solution to making this type of housing available. There are members of the community who grew up in this area who would like to be able to purchase their own home here and remain in the Town.

There is also the increasing tax burden for those on a fixed income and the ability to continue to pay their taxes. Hank Lang stated in Fulton County, this has presented a problem to that aging population forcing some to sell their homes. He suggested Fulton County may ultimately find a solution to this problem and we may be able to use their example. Shellie Kovalski stated the best solution would be to create a system for people to afford to provide for themselves.

Jan Kovalski stated an increase in population would also increase services to be provided by the Town. Monte Bernstein stated at the present time, the Town of Day services the road and provides garbage removal. He did not believe an increase in population would greatly those costs. Supervisor Johnson stated budgets for EMS services may be affected and increased.

- Discussion ensued regarding a “mini-hamlet” to be located in the area around the Town Hall which would increase the NC1 and NC2 zoning districts including what the political ramifications would be to make this change. Professor Lamb stated it would involve a different set of zoning regulations.

Land Use, Zoning and Resource Preservation:

- Professor Lamb stated the survey results clearly show that the population of the Town of Day wishes the town to remain the same and the existing zoning regulations have served the Town well but there may be room for improvement. A change in particular sections of the zoning law would increase the protection to preserve the character of the town.
- Currently, Town law includes a provision which allows Planned Unit Development. This provision would allow a large developer to facilitate a large scale development which is clearly not what is desired by town

residents. It would be a benefit to the Town to study Conservation Subdivision to replace the Planned Unit Development.

- How the unused dedicated acreage of a Conservation Subdivision would be utilized would need to be decided. It could be designated public land; land to be used exclusively by those in the subdivision; or, be attached to one of the lots within the subdivision. Discussion ensued if this would become tax neutral and may raise the value of the surrounding homes; if there is anything in the current regulations which would prevent this type subdivision; and, whether it is restricted by minimum lot size. Professor Lamb stated this is also referred to as a cluster development.
- Creation of scenic travel corridors by increasing setbacks along that designated route. Shellie Kovalski inquired if the current Viewshed Protection would protect those areas. She referred to a parcel located on South Shore Road which had been clear cut and was located within Lakefront Residential District and how unsightly it was. Chairman Mirczak stated the current tree cutting regulations which are in effect would prevent such a situation from occurring again in the Town. Discussion ensued on properties which are located within the Viewshed Protection Act but cannot be seen from the lake or the lands on the opposite of the lake because of the topography of the land. Chairman Mirczak stated site plan review would clear up any ambiguities in the law and the Viewshed Protection Act is a guide which has individual tests.
- Professor Lamb stated the community may wish to include a 50 foot buffer area along streams and brooks which may not be navigable and not fall within the DEC/APA designation. This would protect trout breeding areas. Monte Bernstein stated if the vegetation is allowed to grow uncontrolled, the brook or stream may not be visible any longer or may dry up. He further stated if a property owner's parcel was large and the stream is not visible from any roadway or adjoining property, cutting may take place and no one would be aware of it. He cautioned against regulations which are difficult to enforce or unenforceable. Professor Lamb stated this was an area for discussion. Jan Kovalski inquired if this would include seasonal streams. Professor Lamb stated it would not but specific streams which include such fish populations should be determined and a list drawn up.
- Discussion ensued regarding density on steep slopes in the Residential Low Density District (8.5 acre requirement) which is an area of future potential development; restrictions would maintain water quality and limit erosion; and, it would require an increase in lot size requirement.
- Professor Lamb stated that the keeping of farm animals such as pigs or fowl, and some other uses of rural land, could create problems if not

controlled by zoning. Discussion ensued regarding types of home based businesses which should be allowed within each zone. It was decided that after the completion of the Comprehensive Plan, a committee would be appointed to make recommendations on specific zoning revisions to deal with such issues.

- Hank Lang inquired about the Town's position on the question of adult entertainment locations. Supervisor Johnson stated no action has been taken by the Town on that matter. Comments at the public hearing suggested that if the Town designates a particular area for such business activity, it may attract it to the Town. Discussion ensued on dealing with the matter proactively in order to be in control of the location. Professor Lamb stated the Comprehensive Plan Committee should make a recommendation on this use. It was agreed it would remain on the list for committee discussion.
- Hank Lang stated while wind turbines would fall under APA jurisdiction regarding height, how would they be regulated by the Town? Professor Lamb stated it would require site plan approval.
- Discussion ensued on mobile home parks; allowable length of stay for travel trailers; mobile homes cannot be used for any other use than habitation and not for storage; and, certain sections of the law which are not strictly enforced.

The public was notified that all meetings are posted on the Town of Day website's home page, Sacandaga Express, Edinburg Newsletter and Post Star along with signs located throughout the Town Hall. Any member of the public is also welcome to attend any committee meetings on the third Thursday of each month at 9:30 a.m. in the Meeting Room.

The workshop adjourned at 8:35 p.m.

Respectfully submitted,

Diane Byrne