

TOWN OF DAY COMPREHENSIVE PLAN COMMITTEE MEETING JANUARY 19, 2010

Members Present: Ted Mirczak
Mary Ann Johnson, Supervisor
Ken Metzler, Code Enforcement Officer
Dave Davidson
Judy Traeger
David Cox
June Dixon
Larry DeRubbo
Richard Lamb, Consultant

Members Absent: None

Others: Suzanne Denn, Town Board Member

Motion by Chairman Mirczak, seconded by Committee Member DeRubbo to approve the minutes of the December 15, 2009 meeting with the following correction on Page 5, eighth bullet “There is a hesitation to rely on GPS due to seasonal homes without phones.” Change to “There is a hesitation to rely on GPS.” Ayes: Mirczak, Johnson, Dixon, Metzler, Davidson, Traeger, Cox, DeRubbo. Carried: 8-0.

Review Draft Materials for Section C – “Land Use Plans”:
(changes in italics)

“Vision Statement and General Concepts”:

- First paragraph, second line: Remove “and adopted by the Town of Day”.
- Third paragraph, second sentence: Change from “...desire the town to remain as it *does* today:” to “...desire the town to remain as it *is* today:”
- Fourth paragraph, first line: Change from “To achieve *it, new* growth...” to “To achieve *the vision, growth...*”
- Fourth paragraph, last line add “...particularly in the Day Center *and Brooks Bay areas (existing commercial zones) due to strong public comment for improved retail services and a strong consensus among Committee Members that it should be concentrated in these two commercial zones on North and South Shore Roads.*”

Discussion ensued on the location of small business development and areas other than Day Center such as Brooks Bay (allowable for 3 lots in the vicinity), the vicinity of the Day Country Store allowable for the parcel of the store and North Shore Road between Bovee and Yates. To focus on a “town center” could eliminate restrictions through a new set of rules without foregoing the possibility of businesses such as a bed and breakfast in an area other than the “town center”. The suitability for development of

areas around Day Center conditional upon soils identification for septic and aquifer requirements for water.

Discussion also ensued on the possibility of spot zoning and if it would be challengeable in court; all zones allowing commercial development being subject to site plan approval; and, site plan approval on all proposals (residential and commercial) with the option of a public hearing in particular for non-residential use.

Further discussion regarding which broad decisions would be implemented by the next committee during the rule revision process; the negative impact of restrictions; and, option of creating smaller lot sizes through trade offs vs. survey results stating citizens prefer the spaciousness of larger lot sizes.

The Committee discussed the difficulty maintaining a business within the town and a 15-20 year projection of additional services required for a growing population which may be able to support these services and how does the Town want to accommodate this growth, i.e. centralized or spread out in the Town. The contradiction of Paul River store being more successful 25 years ago when a smaller population lived here than at the present time and contradictory statements included in the survey.

While the Committee would prefer to see businesses concentrated in specific areas, they would not wish to discourage appropriate businesses elsewhere. Discussion ensued regarding the option of creating an additional zone to accommodate businesses in lakefront residential zone; how small a lot size can be in order to handle septic systems; use variances and the requirements for allowing them; and, how a defunct business can be reinstated. The Committee would encourage the development of retail services into selected areas which would underscore what the current codes are and leave open the possibility of other business locations throughout the Town; and, the possibility of allowing tax breaks for upstart businesses for a specified period of time. The consensus of Committee not to recommend a change of zoning law but have the understanding that businesses are encouraged in commercial zones because it is currently allowed and in other areas through site plan review or obtaining a use variance.

Changes on Page 1:

“Changes From The Existing Land Use Plan”:

- Remove first paragraph.
- This section will be reworked by Professor Lamb and discussed at the February meeting. It will not be referred to as a “mini-hamlet” but an expansion of the Day Center Neighborhood Commercial District combining one and two. There will be no mention of the other Neighborhood Commercial Districts. The bullets will be rewritten to reflect the same.

Discussion ensued regarding the term “mini-hamlet” and how it will be viewed by APA and how it would affect their regulations and control over an area; combining commercial districts near Paul River and Day Center; mixed uses being allowable in a mini-hamlet; whether this would create a real change or just be a change in signage; and, existing Day Center be increased to Paul River and also include the loop near the Town Hall.

Changes on Page 2:

- Remove the third bullet which begins “Two smaller Mini-Hamlet....”
- Next committee should be charged with reviewing and revising if necessary each district for consistency with the final draft of the Comprehensive Plan.
- Second paragraph after the bullets will be referred to Town Attorney Avigdor for his opinion.

Discussion ensued regarding Conservation Subdivision would be more explicit regarding open space preservation and applies to residential developments and not commercial developments. Planned Unit Development was developed 30 years ago to facilitate large, mixed use developments which would allow a reduced road frontage requirement. The Town would have more protection under a Conservation Subdivision. Both allow for more flexible design but Conservation Subdivisions could be limited to residential use. While Conservation Subdivisions do not require clustered housing, the zoning law could require that there is a minimum lot size retaining green space. A Conservation Subdivision would also require a use variance for any other use than residential. Conservation Subdivision status was developed more recently with the benefit of newer language and is commonly used now.

- Condominiums would be discouraged.
- Road construction would be the responsibility of the landowner with the caveat that if it is built to town specifications, it could be dedicated to the Town of Day at the Town’s discretion whether to accept it or not. There are also issues with garbage removal which would need to be addressed.

Mini-Hamlet District:

- Remove “Mini-Hamlet District” section completely from Pages 2 and 3.

Changes on Page 3:

Discussion ensued regarding creation of Viewshed Protection, APA did not change their map but allowed Town of Day to change its map and there are available building credits.

Neighborhood Commercial (NC) Districts:

- Retain this District.
- Under Locations: Add *Day Center*.
- Under Minimum Lot Size: Add “60,000 square feet in *Day Center* and in *Conklingville...*” and remove term “Mini-Hamlet.”

Lakeshore Residential (LR) Districts:

- Under Location, third line: Remove “mini-hamlet.”

Changes on Page 4:

- First bullet, second and third lines: Remove “such as restaurants and marinas,” It was noted that marinas require 500 feet of shoreline, three acres of land, a designated number of parking spots and may not have the support of lakefront residents. However, under site plan review, a marina may be able to meet all the requirements.
- First bullet, third line: change from “designed to compatible” to “designed to *be* compatible...”
- Survey results indicated a desire for a boat launch on the South Shore.

Discussion ensued on the negative impact of marinas in a residential area; which uses are allowed in Lakefront Residential zone; the likelihood and probable locations of a new marina; reasons why marinas should not be allowed which include it being a large commercial enterprise, resulting noise, and rowdiness; and, how significant boat traffic hazards or noise on the water created by marinas would be. The survey results indicated the area of economic development which respondents wished an increase was travel and tourism and if this Committee removes all commercial use from that area, it would need a strong reason for doing so. The Committee would allow dockage for restaurants which would be more in keeping with what some members believed was the desire of the survey respondents and reviewed existing definition of marina from zoning law.

Residential Moderate Density (RMD) District:

“Vision”

- Second bullet, line one change from “...undersized lots should be encouraged...” to “...undersized lots *continue to require to be in* conformity...”

“Allowable Uses.”

- Second bullet should read “Cluster development – minimum of 5 lots per cluster development with one acre minimum lot size for a house lot within a cluster and requiring 200 feet of road frontage per lot and the remaining required acreage becoming permanent open space.”

Changes on Page 5:

Residential Low Density (RLD) Districts:

“Vision.”

- Fifth bullet should read “Residential subdivision development on steep slopes should be discouraged.”

“Allowable Uses.”

- Second bullet should read “Cluster development – minimum of 5 lots per cluster development with one acre minimum lot size for a house lot within a cluster and requiring 300 feet of road frontage per lot and the remaining required acreage becoming forever wild.”

Discussion ensued regarding subdivisions on the opposite sides of mountain sides from the lake being allowable; and, further referral to the Planning Board for site plan review which could include the caveat that the Planning Board should have the discretionary power to require a subdivision design to suit the physical characteristics of the land.

Land Conservation (LC) District:

The name would not change and would continue to be referred to as *Residential/Resource Conservation*.

Discussion ensued regarding designating this zone as a residential zone rather than a commercial one and the requirement for a site plan approval for any single family residence in this zone by Town of Day and APA.

Changes on Page 6:

Discussion ensued regarding the second bullet which included new public roads and it was determined the existing regulations would prohibit such from taking place.

Under “Allowable Uses”, cluster development would be allowed only if the acreage and road frontage requirements could be met which would be substantial in this zone.

Viewshed Protection (VP) Overlay Area:

No change.

Review Any Available Sub-Committee Write-Ups.

To be discussed at February meeting.

Additional Agenda Items for the February Meeting:

- Historic resources preservation.
- Mini-hamlet area discussion.
- Boundaries of the Neighborhood/Commercial District.
- Revised Land Use Plan.

The meeting adjourned at 12 noon.

Respectfully submitted,

Diane Byrne
Secretary