

# **TOWN OF DAY PLANNING BOARD REGULAR MEETING OCTOBER 4, 2010**

**Members Present:** David Cox, Chairman  
Ted Mirczak  
Jack Vaillancourt  
Dick Traeger  
David Avigdor, Town Attorney

**Members Absent:** Eileen Brennan

**Approval of  
Minutes:**

Board Members Brennan and Vaillancourt recused themselves due to their absence at the September meeting. Due to a lack of a quorum, minute review will be deferred to the November 1<sup>st</sup> meeting.

**Old Business:**

**Hertzel, Ron  
Tax Map #44-1-8 & 65  
Boundary Line Adjustment  
November 2000**

Chairman Cox stated one of the involved property owners who purchased the parcel from Hertzel had contacted the Secretary for an explanation of why the deeds cannot be filed. The issue of the boundary line bisecting two different school districts was explained and he was directed to contact Mr. Hertzel. A list of APA projects for the Town of Day was provided to the Planning Board for general reference which lists the project number, person applying for a permit, tax parcel number and determination. The list revealed that Mr. Hertzel has received several permits and the Park Agency will forward copies of the same.

The Secretary was contacted by APA after receipt of the September agenda and was provided with Project Permit #P79-370 which states Tax Map #44.-1-65 is subject to the conditions of the permit which included: "Any future land use or development or subdivision of land upon the project site not expressly authorized hereby shall be subject to the independent Adirondack Park Agency review and is in no respect authorized by this permit." Prior to any action on the boundary line adjustment, Mr. Hertzel must meet the conditions of the Project Permit #P79-370.

Chairman Cox stated due to County Real Property Office inability to file the deeds as proposed in the boundary line adjustment application, Mr. Hertzel would have to apply for a subdivision if he proposes the same scenario. While the parcels are 32.3 acres

and 100 acres separately, the 8.5 acre portion would be subdivided into two substandard parcels within the school district boundaries and would be deficient in road frontage and acreage. Board Members agreed it may be a moot issue since one parcel would not have any road access and substandard acreage. Any proposal would require submission to APA.

**New Business:**        **GOLDEN, Geraldine**  
                                 **Proposed Minor Subdivision**  
                                 **Tax Map #16.-1-17.1**

Geraldine Golden's son, James, requested a copy of zoning law and an application for a minor subdivision of land. The Secretary reviewed the requirements of a subdivision which included 300 feet of road frontage per parcel. This would be the only issue for this minor subdivision. Mr. Golden stated this parcel is located on Green Acres Road with a portion of the property is located on Steve Kathan Road which is not a public road. All frontage must be located on a public road. He would have an option to apply for an area variance.

Board Member Brennan is James' sister and she explained the history of the roads. Steve Kathan Road was once a town road and is currently passable with a four wheel drive vehicle.

**Correspondence:**    APA Press Release: Approval of "Horizontal Co-Location"  
                                 General Permit Application for Telecommunications Projects.

CDRPC Planning Overview Workshop to be held in Colonie on November 22<sup>nd</sup>. There was no interest in attending by Board Members.

Chairman Cox stated at the September Town Board meeting, the Comprehensive Plan was approved and is now in effect. There is a hard copy located in Town Hall for public view and CDs available for purchase. The Plan in its entirety, is on the Town of Day website. Chairman Cox requested that the Secretary inform Jim Bogert, Chairman of the Edinburg Planning Board that the Plan is available on the Town's website. Copies of the Plan are available for \$50 or a CD for \$1.

Chairman Cox stated Supervisor Johnson is in the process of forming a committee to review local land use laws to determine which would be required to be changed or modified. The Town Zoning and Subdivision law must be in compliance with the Comprehensive Plan.

**Motion** by Jack Vaillancourt, seconded by Board Member Brennan to adjourn the meeting at 7:15 p.m. Ayes: Cox, Mirczak, Brennan, Vaillancourt. Carried: 4-0.

Respectfully submitted,

Diane Byrne  
Secretary