

TOWN OF DAY PLANNING BOARD REGULAR MEETING – DECEMBER 1, 2008

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

Members Absent: None

Motion by Jack Vaillancourt, seconded by Board Member Mirczak to approve the minutes of the November 3, 2008 meeting. Ayes: Cox, Brennan, Mirczak, Traeger, Vaillancourt. Carried: 5-0.

Old Business: **HILICUS, Christine/PEEK, Donna
PB08-02SUB Tax Map #31.15-2-16**

Chairman Cox stated this application was referred to the Zoning Board for an area variance for the acreage requirement which was approved. The application is now before the Planning Board for a two-lot subdivision. He stated it will be referred to Saratoga County Planning because it is located on a County road (North Shore Road).

Donna Peek submitted a letter from Christine Hilicus's attorney regarding an easement for Mrs. Peek over Mrs. Hilicus's existing driveway and the need for Mrs. Peek to sign the application to the Board in order for the application process to proceed. Mr. Hilicus stated there is an additional driveway on Ash Frasier Road which is currently being utilized by the Hilicus family and they have no objection to granting the easement.

Board Member Mirczak stated in reviewing the County website's information on the parcel, it includes a photograph of a mobile home which has been replaced. He further stated it states there is a one story home on the site which replaced one of the mobile homes. Mr. Hilicus stated it was a modular home.

Board Member Mirczak stated when the lot is subdivided; the result will be two substandard lots which will likely prohibit any further expansion of either building due to setback requirements. Chairman Cox stated this would not be an issue for the Planning Board and was discussed at the Zoning Board meeting.

Mrs. Peek inquired if a small garage would be permitted. Mr. Hilicus stated a slab exists which is 12 x 20 or 22 feet where a rundown garage was demolished and replaced with a shed. Board

Member Mirczak stated that would be an issue for the Zoning Board of Appeals.

Chairman Cox inquired if there were any new driveways proposed. Mr. Hilicus stated they would be using the existing driveways. Board Member Mirczak stated the wells and septic systems exist with no changes and the only change would be the line on the map.

Chairman Cox inquired if the applicants would be using the original application. The applicants stated they were.

Motion by Dick Traeger, seconded by Board Member Brennan to accept the application as complete, refer it to Saratoga County Planning for their review and schedule a Public Hearing on Monday, January 5, 2008 at 7 p.m. Ayes: Cox, Mirczak, Brennan, Traeger, Vaillancourt. Carried: 5-0.

New Business

MARA, Lorraine & Joseph PB08-10BLA Tax Map #31.-2-2.2 & 3

Chairman Cox, in reviewing the boundary line adjustment submission, stated there was confusion over what was represented on the map submitted by Mr. and Mrs. Mara. Board Member Mirczak stated in reviewing the Saratoga County website, he was able to ascertain the following information: Tax Map #31.-2-3 was a 141.07 acre parcel with 50 feet of road frontage and Tax Map #31.-2-2.2 was a 3.289 acre parcel. However, it was unclear when the Maras purchased either parcel or the road frontage dimension of the 3.289 parcel. Board Member Mirczak stated the 141 acre parcel was a back lot with 50 feet of road frontage which is not shown on the submitted map. He stated the County website indicates the 3.289 acre parcel was owned by Matthew Wischmeyer which, according to Code Enforcement Officer Metzler, was sold recently. Board Member Mirczak stated it would be necessary for the Board to know who the owner of the smaller parcel is and if the Maras owned either prior to December 11, 1989 (date of commencement of Town of Day Zoning Law). If it were owned by the Maras prior to that date, it would be a pre-existing, non-conforming lot on which one house could be built because there is only 50 feet of frontage.

Town Attorney Avigdor stated he represented Matthew Wischmeyer and Lisa Pearson in a sale to Mr. and Mrs. Joseph Mara which closed in July 2008. However, he would not be able to provide the Board with the acreage amount, where the current property boundary is or the intentions of the Maras nor is he familiar with the purchase date of the 141 acre parcel. Board Member Mirczak stated it is not clear from the application how much frontage and acreage is going to be involved in this boundary line adjustment. Board Member Vaillancourt stated only half of the property was shown on the map. Board Member Mirczak

stated the Board needs to know more details prior to proceeding any further on the application.

Chairman Cox directed the Secretary to request the following information from the Maras and to provide them with Section 8.14 Driveway regulations from the Zoning Ordinance:

1. Detailed map of both parcels which show the dimensions for frontage, boundaries and acreage.
2. When did they purchase each parcel.
3. Information on the driveway slope to be certain it conforms to Town of Day regulations.

Motion by Ted Mirczak, seconded by Board Member Vaillancourt to declare the application incomplete due to insufficient details which will be requested from the applicants. Ayes: Cox, Mirczak, Vaillancourt, Traeger, Brennan. Carried: 5-0.

Board Member Vaillancourt stated the area in question is a very steep grade from North Shore Road.

Correspondence Chairman Cox stated Board Members should respond to the APA Local Government Day Conference survey in order insure all topics which they are interested in would be considered as part of their schedule.

The Secretary stated she would need all registrations to Saratoga County Planning Conference by December 23rd. All Board Members are planning on attending.

Secretary's Report: All Board Members were provided with the 2009 Meeting Schedule.

Motion by Dick Traeger, seconded by Board Member Brennan to adjourn the meeting at 7:20 p.m. Ayes: Cox, Mirczak, Vaillancourt, Traeger, Brennan. Carried: 5-0.

Respectfully submitted,

Diane Byrne
Secretary