

TOWN OF DAY PLANNING BOARD – MINUTES

REGULAR MEETING – OCTOBER 2, 2006 – 7 P.M.

Members Present: David Cox, Chairman
Ted Mirczak
Jack Vaillancourt
Dick Traeger

Members Absent: David Avigdor,
Attorney

Pledge

Motion by Jack Vaillancourt, seconded by Ted Mirczak to approve the Minutes of September 5, 2006. Ayes: David Cox, Ted Mirczak, Jack Vaillancourt, Dick Traeger. Carried 4-0.

Old Business

KLOSS, Charles – Tax Map #33.6-1-29.12 Town of Day Turnaround on Pine Ridge Road

Chairman Cox stated Mr. Kloss had submitted information at the September meeting concerning a turnaround on Pine Ridge Road in which the deeds are incorrect. Mr. Kloss presented the Board with his survey map from 1987. Scott York, Day Highway Superintendent, stated former Highway Superintendent Danny Allen was in charge at the time of this transaction. Mr. Kloss wishes to correct the deeds because the turnaround is actually located in a different area than the deed states.

Chairman Cox stated the problem is how the road was built, part of the turnaround is not only located on Mr. Kloss's property but also on the Cebula property. Mr. York stated due to ledgerrock, the turnaround could not be located in the area which shows on the Town deed but is on the deed of Mr. Kloss. Mr. Kloss wishes to switch the deeds so if in the future any of his heirs wish to sell the property, there would be no problem. Chairman Cox stated the Cebulas should be contacted because part of the turnaround is on their property. Both Mr. Kloss and Mr. York agreed that the Cebulas should be contacted. Board Member Vaillancourt stated it appears the Cebulas have been paying taxes on the paved portion of road. Board Member Mirczak stated it makes sense to give this back to Mr. Kloss because the Town is not using it and the Cebulas who have a portion of their property being used by the town should have reduced taxes on that portion of their property. Discussion followed on how the plows negotiate that portion of Pine Ridge Road.

Board Member Mirczak inquired why this Board was involved as it does not appear to be a Planning issue. Chairman Cox stated Supervisor Johnson wanted Planning Board input on this issue. Board Member Vaillancourt inquired if this were a legal road. Mr. York stated it was and there are other roads in the Town which are located on portions of private property, e.g. the Day Country Store's pin is located near the center of the road. Chairman Cox stated it would be a good idea to swap the property but this Board cannot recommend that until the Cebulas are contacted. Board Member Mirczak stated it would be a swap in kind with no money exchange. Mr. York stated it would be better for the Town of Day because it would be a deeded right-of-way. Board Member Mirczak stated that Cebula may not be agreeable to the exchange and would it fall under adverse possession. Mr. Kloss stated it could be eminent domain. Mr. York inquired who should speak with the Cebulas. Town Member Vaillancourt stated it should be turned over Supervisor Johnson. Mr. York stated to place the turnaround in another location would require a lot of fill for an extension. Mr. York suggested the Town could purchase that piece of the Cebula property. Chairman Cox stated they should not pay top dollar for it but the Cebulas should be offered something. Mr. York agreed but stated all other Town turnarounds have been done on a handshake and this would be the first one, which they would have to deal with formally.

**RATCLIFFE, Michael – KYARSGAARD, Matthew
PB06-07BLA – Tax Map #33.18.1-36**

The Secretary stated no further information had been received from Mr. Kyarsgaard and he had not appeared before the Zoning Board at their last meeting.

Chairman Cox stated this was a driveway encroachment by Mr. Kyarsgaard on the property of Michael Ratcliffe. He stated if the ZBA grants the area variance, because this is a boundary line adjustment, this Board would have no jurisdiction. Board Member Mirczak stated Ratcliffe would also have to be granted an area variance. Chairman Cox stated Mr. Kyarsgaard owns three or four individual 50-foot lots. Mr. Kyarsgaard could combine one of those with his existing substandard lot to make his lot standard but it would still leave a substandard lot on the Ratcliffe property. Board Member Mirczak stated this would a better move to eliminate one substandard lot. Chairman Cox stated the feelings of

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this Board should be made known to the ZBA. It was agreed this would be tabled until next meeting.

PERRYMAN, Arthur & Kristine
PB06-08SUB – Tax Map #25.1-22.2

The Secretary stated no further information had been received from Mr. Perryman. No action taken.

FEDOROWICZ, John & Laura
PB06-09SUB – Tax Map #43.6-2-1

Board Member Mirczak stated checking information on the properties located within a 750' radius of the Fedorowicz property reveals there are 21 substandard lots and to add another substandard lot would be wrong. He further stated the force of this Board's opinion should be made to the Zoning Board officially. Board Member Mirczak stated he realized that it was not in keeping the Town Attorney's Avigdor's opinion but in studying planning materials, it appears that this Board would probably turn down the subdivision. Board Member Vaillancourt stated this is not a hardship case that would be considered differently and he is also against granting the subdivision. Board Member Traeger stated he is 100% against the granting of the subdivision and it is not possible to take 81 feet of frontage from one side of the road and apply it to the other side of the road. Board Member Mirczak stated it would be wrong for the ZBA to grant this variance.

Chairman Cox stated a letter should be sent to the ZBA stating this Board's opinion in this application.

Motion by Board Member Mirczak, seconded by Dick Traeger, to send a letter to the ZBA regarding the Fedorowicz application stating "In the best interests of the Town of Day, the Planning Board would recommend against granting any variance in this Application of John and Laura Fedorowicz. There are a number of substandard lots already in this area and creating another one would not be wise." Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt. Carried 4-0.

Correspondence Memo received from Saratoga County Planning for their Annual Conference to be held on January 24, 2007 at the City Center.

Wastewater treatment training seminars, which apply to the Building Department more than this Board.

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Information from APA on an October 17, 2006 training which also applies to the Building Department and Zoning Board of Appeals.

Information on meetings with Hudson River Black River Regulating District and APA regarding regulations on the lake which this Board may want to look into in the future.

Motion to Adjourn at 7:40 p.m. by Dick Traeger, seconded by Ted Mirczak. Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt. Carried 4-0.

Respectfully submitted,

Diane R. Byrne
Secretary