

TOWN OF DAY PLANNING BOARD – MINUTES

REGULAR MEETING – JULY 5, 2006 – 4 P.M.

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

Members Absent: Nancy Morris

Pledge

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

Old Business

Crooks, Elaine – PB06-02SUB – Tax Map #23-1-16

Chairman Cox noted Ms. Crooks was present and reviewed her application for a two-lot minor subdivision of land. Ms. Crooks is representing Mr. and Mrs. Archambeault, owners of the parcel to be divided and that the Certification on the application authorizing Ms. Crooks had been signed.

Motion by Jack Vaillancourt, seconded by Ted Mirczak, to accept the application for a minor subdivision as complete and set it for a Public Hearing on August 7, 2006 at 7 p.m. Ayes: David Cox, Jack Vaillancourt, Ted Mirczak, Dick Traeger. Carried 4-0.

Allen, Cheryl & Buddy – PB05-01SUB – Tax Map #25-1-23

Chairman Cox stated Attorney Avigdor had prepared an “Affidavit Pertaining to Subdivision by Gift” and a stamp for the maps to be filed.

Motion by Ted Mirczak, seconded by Dick Traeger, to adopt the “Affidavit Pertaining to Subdivision by Gift” and stamp language. Ayes: David Cox, Jack Vaillancourt, Ted Mirczak, Dick Traeger. Carried 4-0.

Board Member Vaillancourt inquired if this would resolve the problem for Cheryl Allen in order to file her map for the gift lot for her son. Chairman Cox stated it would and inquired if any Town Board action was required. Attorney Avigdor stated no Town Board action was required. Chairman Cox directed the Secretary

to notify Mrs. Allen when the stamp was due to arrive in order to have the map signed. It was noted that Mrs. Allen would need to complete the affidavit.

New Business

**Hanstein, George & Matthews, William – PB06-04SUB
Tax Map # 42-2-25.1**

Chairman Cox stated this was a two-lot subdivision on Horsehill Road. Board Member Mirczak stated it met the acreage requirement in Residential Moderate Density Zone and also met the road frontage requirement of 200 feet.

Motion by Dick Traeger, seconded by Ted Mirczak to accept the application for a minor subdivision as complete and set it for a Public Hearing on August 7, 2006 at 7 p.m.
Ayes: David Cox, Dick Traeger, Jack Vaillancourt, Ted Mirczak. Carried 4-0.

Radcliffe, Michael – PB06-07BLA – Tax Map #33.18-1-36

Chairman Cox stated Mr. Radcliffe's application for a boundary line adjustment was to convey 25 feet of his property to Mr. Kyarsgaard to accommodate the location of his driveway. Mr. Radcliffe stated it was his impression that Mr. Kyarsgaard wished to sell his property and was unable to do so. Board Member Mirczak stated it was important to know the zone this parcel was located in because of the road frontage requirement. It was noted that Mr. Radcliffe was in the lakefront residential zone where 150 feet is required. Mr. Radcliffe currently has 160.3 feet of road frontage and transferring 25 feet would reduce his frontage below the requirement.

A search of the tax maps failed to reveal the size of the Kyarsgaard Property. Mr. Radcliffe stated that Building Inspector Metzler had assured him that even after this boundary line adjustment he would retain enough property to build. Attorney Avigdor agreed due to the fact that the lot is substandard but grandfathered because it pre-existed the Zoning Ordinance. Board Member Mirczak stated he would not want to create a substandard lot unless it turns out that the Kyarsgaard parcel is more substandard and granting this boundary line adjustment would while lowering the standards of the Radcliffe, bring the Kyarsgaard parcel closer to compliance. Chairman Cox concurred with Board Member Mirczak.

Board Member Mirczak stated he would want to know how much acreage Mr. Radcliffe owns and what will it be reduced to after a boundary line adjustment. Mr. Radcliffe stated the total acreage now is 1.84 acres and after the transfer it would be reduced to 1.64 acres. Board Member Mirczak stated the requirement is 60,000 square feet and 1.64 acres would be substandard. Chairman Cox stated it was a pre-existing, non-conforming parcel and Board Member Mirczak agreed.

Attorney Avigdor stated because the lot pre-existed zoning, it would be grandfathered. However that is different from making it even smaller. If you are making this lot smaller to make the already smaller Kyarsgaard lot larger, the Board may look favorably on that. If Kyarsgaard is substantially more than the lot size for that zone, it would change the Board's consideration and it may be advisable for a referral to the ZBA. He further stated he cannot predict that the ZBA will approve it but the applicant does have that avenue to pursue an area variance. Attorney Avigdor stated that Ken Metzler is correct that the Radcliffe parcel would be substandard but approved by the Board.

Mr. Radcliffe was directed to bring all of the Kyarsgaard deeds before the Board.

Motion by Ted Mirczak, seconded by Jack Vaillancourt to declare the application incomplete until this Board receives the Kyarsgaard deeds. Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt. Carried 4-0.

Thurnau, Carl #PB05-02SPR

Chairman Cox stated the current permit is in effect until September 7th. Mr. Thurnau stated he wished to extend it to January 31, 2007. Mr. Thurnau stated he had suffered additional damage and was unable due to high water levels to complete the work. Board Member Mirczak reviewed the permits Mr. Thurnau currently had from Hudson River Black River Regulating District which was in effect until January 1, 2007 and a DEC permit which was in effect until 2007.

Motion by Jack Vaillancourt, seconded by Ted Mirczak to extend the shoreline permit until January 31, 2007. Ayes: David Cox, Ted Mirczak, Jack Vaillancourt, Dick Traeger. Carried 4-0.

Correspondence

Chairman Cox stated a letter had been received from the APA regarding MacArthur Park on County Route 10, Major Project Public Notice expansion of greater than 25% of a group camp (1120+ square foot addition to the dining hall, installation of two new on-site wastewater treatment systems as required by NYS Department of Health and construction of a 2880 square foot horse barn). Chairman Cox stated this was an application to the APA and not this Board but they were asking for our comments. Board Members were concerned about where the treated water was disposed of and the Secretary was directed to write a letter to the APA regarding it. Discussion ensued regarding the location of the construction, which was found to be entirely in the Town of Corinth, and that part of the parcel was located in the Town of Day.

Chairman Cox reviewed the Planning and Zoning Summer School being held in Hyde Park and Geneseo and there was no interest in attendance.

A Stormwater Management conference to be held in Albany in January and April was reviewed and Board Member Mirczak requested additional information.

Board Member Mirczak stated at a recent breakfast conference attended by himself and Chairman Cox, there was a discussion of code of ethics and did the Town of Day have one. Attorney Avigdor stated the Town had a code of ethics. Board Mirczak also inquired if the Planning Board was covered if any individual members were personally sued. Attorney Avigdor stated the Town would defend the members if a resolution had been made. He believed such a resolution had been made but a he should check with the Town Clerk.

Chairman Cox notified the Board that John Jordan had requested information about the Carbone stump dump, which is located on Mr. Jordan's property and that material was provided to him by the Town Clerk.

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Motion to Adjourn at 4:55 p.m. by Jack Vaillancourt, seconded by Ted Mirczak. Ayes: David Cox, Dick Traeger, Jack Vaillancourt, Ted Mirczak. Carried 4-0.

Respectfully submitted,

Diane R. Byrne
Secretary