

# TOWN OF DAY PLANNING BOARD – MINUTES

## Regular Meeting – May 1, 2006 – 7 p.m.

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

**Absent:** None

### Pledge

**Motion** by Jack Vaillancourt, seconded by Dick Traeger to approve the Minutes of the April 3, 2006 Regular Meeting. Ayes: David Cox, Dick Traeger, Nancy Morris, Jack Vaillancourt. Abstention: Ted Mirczak. Carried 4-1.

### Old Business

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

George and Mary Archaumbeault appeared before the Board to inspect the application and map submitted by Elaine Crooks and finding all materials in order, signed the consent certification. Chairman Cox inquired if any Board Members had any comments or questions. There were none.

**Motion** by Jack Vaillancourt, seconded by Nancy Morris to accept the application as complete for a minor subdivision and set it for a Public Hearing on June 5, 2006 at 7 p.m. Ayes: David Cox, Ted Mirczak, Jack Vaillancourt, Nancy Morris, Dick Traeger. Carried 5-0.

### New Business

#### **BROWN, William A. PB06-03BLA – Tax Map #43.6-2-50**

Chairman Cox stated Mr. Brown had been approved for a two-lot subdivision and was presently submitting a new map for a boundary line adjustment. Mr. Brown stated that his plans had changed and he was now going to build on Lot A which would change the boundary line to a straight line rather than a jog in it and increase the size of Lot A. Both lots would more than conform to lot size requirements. Board Member Mirczak inquired if there would be any changes in the shared driveway. Mr. Brown stated it would be the same as previously approved in the subdivision application.

**Motion** by Ted Mirczak, seconded by Dick Traeger finding this would be a boundary line adjustment on Mr. Brown's parcels. Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt, Nancy Morris. Carried 5-0.

**HANSTEIN, George – MATTHEWS, William  
PB05-04GL – Tax Map #42.2-25.1**

Mr. Hanstein presented a map to the Board reviewing the history of the above referenced parcel on Horsehill Road and the adjoining parcels he and Mr. Matthews own on either side of it. Mr. Hanstein stated at one time, he was encroaching on his own property line, which resulted in a boundary line adjustment of 15 feet on the above referenced parcel, which would leave 201 feet of road frontage on his half of the parcel. Mr. Hanstein stated he spoke with Code Enforcement Officer Metzler and he suggested that Mr. Hanstein and Mr. Matthews gift their portion to each other.

Attorney Avigdor stated that a gift for a gift is not truly a gift in the sense that the law was written and that in this case this would be an application for a subdivision. A gift is an attempt to donate without a quid pro quo, not striking a deal for a land swap. Attorney Avigdor also inquired if Mr. Hanstein was merging this into his existing parcel. Mr. Hanstein stated both he and Mr. Matthews wished to keep these parcels separate as they meet the minimum requirements of Residential Moderate Density District where they are located. Attorney Avigdor stated creating another tax map number would prevent this from being a boundary line adjustment.

Attorney Avigdor stated when the new map is drawn up by Dave Barrass, Mr. Hanstein's surveyor, he should only include this divided parcel and not the parcels on either side. This would avoid confusion at the County level when the maps are filed. Mr. Hanstein stated he had been provided with an application for a subdivision and would submit that application in the future.

**LEDIGER, Catherine M. PB06-05 – Tax Map #31-1-9.1**

Ms. Lediger stated a home was erected by Robert and Jodi Smith, which was partially on Ms. Lediger's lot. Board Member Mirczak presented the Board with a GIS map, which showed the boundary lines more clearly than the maps Ms. Lediger's attorney had provided. There was a jog in the line, which is not material to this application, but Board Member Mirczak felt the correction should be made. Board Member Mirczak stated there was 153 feet of frontage, which met the requirement. Chairman Cox stated the

100' x 150' area indicated on one of the submitted maps would be transferred to the Smiths from Ms. Lediger's parcel #31-1-9.1 creating no new tax map number because it would be merged into the Smith parcel. Chairman Cox inquired how large Ms. Lediger's parcel was. Ms. Lediger stated it was 5.47 acres. Board Member Mirczak stated this would conform to the requirements of Lakefront Residential District and would result in bringing the Smith parcel into compliance with the code.

**Motion** by Ted Mirczak, seconded by Jack Vaillancourt that this would be a boundary line adjustment on the Lediger parcel. Ayes: David Cox, Jack Vaillancourt, Ted Mirczak, Dick Traeger, Nancy Morris. Carried 5-0.

Attorney Avigdor stated this transfer should not be made as a transfer to a separate lot but appear on the original deed incorporating it into the existing lot. He stated if Ms. Lediger's attorney, Ms. Charles needed the correct terminology to call him. Attorney Avigdor wished to avoid it being filed as a subdivision, which would result in a notification from the County and result in an investigation, and he wished to avoid that situation.

**Correspondence** A workshop for Stormwaters Program Managers and Regulators had been received which was not something this Board would be interested in attending.

**Secretary's Report** There was no report from the Secretary. Board Member Mirczak inquired if the meeting set for July 3 would still be scheduled for that date being it falls on the holiday and he may have a conflict. All other Board Members would have no conflict in attending so the meeting would remain on Monday, July 3<sup>rd</sup> at 7 p.m.

**Public Participation** None.

**Motion to Adjourn** at 7:40 p.m. made by Dick Traeger, seconded by Jack Vaillancourt. Ayes: David Cox, Dick Traeger, Jack Vaillancourt, Ted Mirczak, Nancy Morris.

Respectfully submitted,

Diane R. Byrne  
Secretary