

TOWN OF DAY PLANNING BOARD REGULAR MEETING – JULY 6, 2009

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

Members Absent: Ted Mirczak

Motion by Dick Traeger, seconded by Board Member Vaillancourt to approve the minutes of the June 1, 2009 meeting. Ayes: Cox, Traeger, Brennan, Vaillancourt. Carried: 4-0.

Old Business: None.

New Business: **RIDER, Thomas & Susan/DREYER, Charles & Joan
PB09-03BLA Tax Map #33-6-1-1 & 25-2-22.21**

Town Attorney Avigdor stated he represented Mr. Dreyer on various real estate transactions and would not participate in discussions regarding this application. Chairman Cox stated he also wished to disclose that he had served with Mr. Dreyer on the Planning Board.

Chairman Cox stated this Board must determine if the Rider/Dreyer application would be a boundary line adjustment. Mrs. Rider provided a copy of the survey map to the Board which indicates the location of a driveway which was added to the Rider parcel subsequent to their parents' transfer of the parcel to the Riders. Previously, the Rider family accessed their property by parking on North Shore Road and walking to the house. At the time they added the gravel driveway and a new residence, they were aware that they were encroaching on the Dreyer parcel. She further stated they wished to pave the driveway at this time and were purchasing that portion of Mr. Dreyer's parcel which the driveway was located on. Board Member Traeger inquired how wide the driveway would be at the boundary line. Mrs. Rider stated it was five feet wide and the total area to be transferred from Mr. Dreyer's 1.62 acre parcel would be 9,583 square feet or .22 acres. Both parcels are located in Lakefront Residential Zone where 60,000 square feet are required. Mr. Dreyer's remaining acreage would be 1.550 acres or 67,518 square feet.

Motion by Dick Traeger, seconded by Board Member Brennan to deem Application No. 09-03BLA, Tax Map #33-6-1-1 & 25-1-22.21, Thomas & Susan Rider/Charles & Joan

Dreyer, a boundary line adjustment which is outside the jurisdiction of the Planning Board. Ayes: Cox, Brennan, Traeger, Vaillancourt. Carried: 4-0.

GALLAGHER, Eileen & James
PB09-04BLA Tax Map #42.12-2-53 & 54

Town Attorney Avigdor stated he wished to advise the Board that he represented Mrs. Gallagher in a real estate transaction and would be unable to represent the Board in this application.

Mrs. Gallagher stated she and her late husband purchased the lots in 1969. They constructed a dwelling on Tax Map #42.12-2-53 but located the septic system on Tax Map #42.12-2-54 which also has a dwelling located on it with a separate septic system. Mrs. Gallagher represented by her son, James, provided a copy of the survey map indicating the location of the proposed boundary line. Currently Tax Map #42.12-2-53 is 175 feet x 100 feet or .40 acres and Tax Map #42.12-2-54 is 50 feet x 100 feet or .11 acres. This boundary line adjustment would reduce the road frontage on Tax Map# 42.12-2-53 from 175 feet to 135 feet and increase it from 50 feet to 90 feet on Tax Map #42.12-2-54.

Motion by Eileen Brennan, seconded by Board Member Vaillancourt to deem Application No. 09-04BLA, Tax Map #42.12-2-53 & 42.12-2-52, Eileen and James Gallagher, a boundary line adjustment which is outside the jurisdiction of the Planning Board. Ayes: Cox, Brennan, Traeger, Vaillancourt. Carried: 4-0.

O'BRIEN, John PB09-02BLA
Tax Map #42.9-1-11 * 42.9-1-22.1

The Secretary reviewed the O'Brien proposed boundary line adjustment. Mr. O'Brien owns four parcels: Tax Map #42.9-1-9.1 is a right-of-way off Stone Road and is .03 acres. Tax Map #42.9-1-8.2 is 2.41 acres with a garage and a continuation of the aforementioned right-of-way, neither of these two parcels would be part of this boundary line adjustment proposal with the exception that if this is deemed a boundary line adjustment, this right-of-way would be extended to North Shore Road.

He also owns Tax Map #42.9-1-22.1 which is 1.31 acres and has a dwelling on it which he proposes to reduce by $\frac{1}{4}$ of the total acreage and transfer that portion of the acreage to Tax Map #42.9-1-11 consisting of .42 acres and a seasonal residence. By making this transfer, Mr. O'Brien hopes to gain road frontage on North Shore Road which will allow him to obtain beach rights and an

additional right-of-way to Tax Map #42.9-1-11. Tax Map #42.9-1-22.1 currently has 100 feet of road frontage on North Shore Road and 300 feet of road frontage on Stone Road with 100 feet of HRBRRD beach permit and it is from this permit area, he is hoping to transfer 25 feet to Tax Map #42.9-1-11. The right-of-way from Stone Road would be connected on the transferred portion of 42.9-1-22.1 to the existing right-of-way on Tax Map # 42.9-1-9.1 and 42.9-1-8.2 creating a looping access from Stone Road to North Shore Road.

Town Attorney Avigdor stated Mr. O'Brien is reducing a conforming lot and may need to be referred to the Zoning Board for a variance(s). He stated the deed which was obtained by the Secretary from the Assessor's office is dated July 2001 and the Board would need to see the current deeds on the parcels to confirm the road frontage. He further stated it would be reasonable for the Board to request a survey because a referral to the Zoning Board will generate a requirement for a survey. Town Attorney Avigdor stated the Zoning Board has adopted a resolution which requires survey submission due to a large number of applications recently received for setbacks from roads.

Board Member Vaillancourt stated Mr. O'Brien will reduce one parcel below the 1.3 acre requirement and the Board will in effect be creating a legal lot for resale. Town Attorney Avigdor stated it will make one lot substandard and bring another closer to compliance. The Board discussed the contour of the area being relatively flat.

Motion by Jack Vaillancourt, seconded by Eileen Brennan to direct the Secretary to notify Mr. O'Brien that a survey by a licensed surveyor must be submitted indicating what exists and what he is proposing to enable the Board to determine lot sizes and dimensions and to notify him that his application may be referred to the Zoning Board of Appeals for area variances. Ayes: Cox, Brennan, Traeger, Vaillancourt. Carried: 4-0.

Correspondence Saratoga County Planning Memo from Mike Valentine requesting an update of any changes or additions to the Town's land use documents, regulations and current activity. The Viewshed Regulations will be forwarded.

Secretary's Report None.

Public Participation None.

Motion by Dick Traeger, seconded by Board Member Vaillancourt to adjourn the meeting at 7:35 p.m. Ayes: Cox, Brennan, Traeger, Vaillancourt. Carried: 4-0.

Respectfully submitted,

Diane Byrne

DRAFT