

TOWN OF DAY PLANNING BOARD REGULAR MEETING – JUNE 1, 2009

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

Members Absent: David Avigdor,
Town Attorney

Motion by Jack Vaillancourt, seconded by Board Member Mirczak to approve the minutes of May 4, 2009. Ayes: Cox, Mirczak, Traeger, Brennan, Vaillancourt. Carried: 5-0.

Old Business: None.

New Business: Board Member Mirczak inquired if the July 4th Holiday would result in a change in the July 6th meeting date. He would not be able to attend. All other Board Members would be able to attend and the consensus was to hold the meeting as planned on July 6th.

Correspondence: Board Members received information on rule changes regarding Hudson River Black River Regulating District and the shoreline property owned by the state.

Information was also provided regarding the determination of navigable waters which state: “Navigable waters of the state as all lakes, rivers, streams and waters within the boundaries of the state and not privately owned, which are navigable-in-fact or upon which vessels are operated, except all tidewaters bordering on or lying with the boundaries of Nassau and Suffolk counties. Navigable in fact is defined as navigable in its natural or unimproved condition, affording a channel for useful commerce of a substantial and permanent character conducted in the customary mode of trade and travel on water. A theoretical or potential navigability or one that is temporary, precarious or unprofitable is not sufficient, but to be navigable-in-fact a lake or stream must have practical usefulness to the public as a highway for transportation.” APA regulations also state “that a stream or river only to be negotiated during the natural flood stage is not navigable by Agency definitions.”

DEC regulations, Part 608.1, (Definitions) Use and Protection of Waters, Section (1) which states “Navigable waters of the state means all lakes, rivers, streams and other bodies of water in the state that are navigable in fact or upon which vessels with a

capacity or one of more persons can be operated notwithstanding interruptions to navigation by artificial structures, shallows, rapids or other obstructions, or by seasonal variations in capacity to support navigation. It does not include waters that are surrounded by land held in single private ownership at every point in their total area.”

Board Members were also provided with “Part 575 – Shoreline Restrictions of the Adirondack Park Agency Act” to be included in zoning law regulations.

Secretary’s Report: None.

Public Participation: None

Motion by Ted Mirczak, seconded by Board Member Brennan to adjourn the meeting at 7:10 p.m. Ayes: Cox, Mirczak, Brennan, Traeger, Vaillancourt. Carried: 5-0.

Respectfully submitted,

Diane Byrne
Secretary