

TOWN OF DAY PLANNING BOARD – MINUTES

Regular Meeting – March 6, 2006 – 7 p.m.

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

Absent: Jack Vaillancourt

Pledge

Motion by Dick Traeger, seconded by Ted Mirczak to approve the Minutes of the February 6, 2006 Regular Meeting. Ayes: David Cox, Ted Mirczak, Dick Traeger, Nancy Morris. Carried 4-0.

Old Business: **Barrett, Edward J. – PB05-03SUB – Tax Map #25.1-16**

After conducting the Public Hearing, Chairman Cox reopened the Regular Meeting at 7:05 p.m. asking if all Planning Board Members were familiar with the maps and if there was any further discussion. The Planning Board Members indicated they were familiar with the maps and there was no further discussion.

Resolution #PB05-03SUB offered by Ted Mirczak, seconded by Dick Traeger to approve the three-lot subdivision. Ayes: David Cox, Nancy Morris, Ted Mirczak, Dick Traeger. Carried 4-0.

Brown, III, William A. – PB06-01SUB – Tax Map #43.6-2-50

Mr. Brown stated he wished to subdivide his 3.25-acre parcel into two lots on North Shore Road. He received a letter from the Planning Board stating his map needed to reflect the location of the driveway for the second lot and the location of the well for that parcel. Mr. Brown presented the Board with a letter from Ted Serbalik, Saratoga County Department of Public Works regarding the location of the second driveway. Mr. Brown stated he understood that the grade must be 12 degrees and the site could be graded to that with a bulldozer. However, he was hoping that prior to actual excavation, he would receive approval for the subdivision in order to purchase his new home. If the Board were not acceptable to that, Mr. Brown was willing to put a covenant in the deed for a shared driveway to meet the requirements of the Ordinance.

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Mr. Brown stated it was not his intention to sell his property but in the event, he is unable to meet the expenses of his property, he would have the option to sell the second lot. Board Member Mirczak reviewed the shared driveway site with the applicant as being that circular driveway as indicated as the submitted map. Mr. Brown stated it was. Attorney Avigdor stated that Mr. Serbalik was concerned with sight distance as how the driveway would impact traffic flow on North Shore Road and safety. Attorney Avigdor stated the discussion of the driveway and how it would be handled in regard to the application at this time would be preliminary as a Public Hearing has not taken place. He inquired if this Board wanted to grant preliminary approval at this time for the driveway. Board Member Mirczak inquired if it would be possible to grant approval contingent upon meeting the requirement of 12 degrees.

Attorney Avigdor stated this Board should not grant a contingent approval. He further stated a driveway is not a requirement of the subdivision and that an area where a vehicle could simply pull off the road would be sufficient. Attorney Avigdor stated the applicant should be directed to put a legend on the map that there would be a shared driveway used by both lots. Chairman Cox stated that he would not want to approve a subdivision in which the shared driveway does not comply with Town regulations. Board Member Mirczak stated there would be an agreement that the potential location has not been determined with the understanding that there is an existing shared driveway, which appears on the map and in the deed. He felt that the Board would be acceptable to a shared driveway while it would not encourage them.

Attorney Avigdor inquired of the Board if they wished to work on the language of the resolution regarding the shared driveway: i.e. the Board is comfortable with an agreement which stated it will be a shared driveway in the event the newly constructed driveway could not meet the requirements of the Ordinance and let the buyer negotiate the conditions of the shared driveway. Board Member Mirczak stated he does not wish to dictate what the resolution should state at this time but wait until the Public Hearing. Chairman Cox stated his concern is that there is a suitable driveway.

Motion by Ted Mirczak, seconded by Dick Traeger, to accept the application as complete and set it for a Public Hearing on April 3, 2006 at 7 p.m. Ayes: David Cox, Ted Mirczak, Dick Traeger, Nancy Morris. Carried 4-0.

Attorney Avigdor stated he was in agreement that the language of the resolution not be discussed at this time in the event someone appears at the Public Hearing with more information on the driveway. He stated that the County should have a sample of a shared driveway agreement. Chairman Cox directed the Secretary to obtain a copy of a shared driveway agreement from the Department of Public Works.

New Business: None.

Correspondence: Adirondack Park Agency Local Government Day to be held March 23rd and 24th and to be attended by Chairman Cox.

Board Member Morris cannot attend due to health reasons and wished to be notified of the October Planning Federation Conference to meet her training requirement.

Chairman Cox stated the Capital District Regional Data included a comparison of median home sales, tax rates, etc. if any board members were interested.

Board Members received information on a 1-day conference about Local Planning and Agriculture to be held on March 22nd in the Town of Easton. There was no interest in this conference by board members.

Saratoga County Minutes and accompanying correspondence indicating no longer granting approval for certain sewage hook-ups which do not pertain to this Board along with information on roundabouts.

Secretary's Report None.

Public Participation None.

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Motion to Adjourn by Nancy Morris, seconded by Dick Traeger to adjourn the meeting at 7:20 p.m. Ayes: David Cox, Ted Mirczak, Nancy Morris, Dick Traeger. Carried 4-0.

Respectfully submitted,

Diane R. Byrne
Secretary