

TOWN OF DAY PLANNING BOARD – MINUTES

Regular Meeting – November 7, 2005 – 7 P. M.

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

Absent: None

Pledge

Motion by Jack Vaillancourt, seconded by Ted Mirczak to approve the Minutes of the October 3, 2005 Regular Meeting. Ayes: David Cox, Nancy Morris, Jack Vaillancourt, Ted Mirczak. Carried 5-0.

Old Business:

Kenyon, Bertha – PB04-04SUB – Tax Map # 30-2-1.11

No action.

Barrett, Edward J. – PB05-03SUB – Tax Map # 25.1-16

No action.

New Business:

Johnsen, Daniel K. – PB05-10BLA – Tax Map # 42.6-1-14.2, 42.6-1-14.12 and 42.10-1-1

Board Member Mirczak recused himself (longtime friend and neighbor). Chairman Cox stated that this was a boundary line adjustment and not a subdivision. All members were presented with two maps indicating the locations of Mr. Johnsen's parcels and Jesse Dinkins' parcel, an adjacent property owner who was purchasing the divided portions of Mr. Johnsen's parcels. Mr. Johnsen is transferring a portion of #42.6-1-14.2 (100' x 300') to be added to Mr. Dinkins parcel #42-1-7.2. Mr. Johnsen is transferring 10 feet of parcel #42-10-1-1 to Mr. Dinkins parcel #42.1-7.2. Chairman Cox stated his main concern was that it is an adjacent neighbor and the map clearly shows it is. Attorney Avigdor inquired if both of these transfers will be incorporated into the existing deeds. Mr. Johnsen stated they would. Chairman Cox inquired if there would be new deeds drawn up and Mr. Johnsen stated there would. Mr. Johnsen read a portion of the

deed change referring to the conveyance of the ten feet on the shoreline as a conveyance and not merely as a right-of-way. He also inquired if Attorney Avigdor would be available to assist in the wording of the deed. Attorney Avigdor stated he would be and provided Mr. Johnsen with contact information.

Motion by Jack Vaillancourt and seconded by Dick Traeger that this Application No. PB05-10BLA is for a declaration that the proposed change is a boundary line adjustment and not subject to this Board's jurisdiction. The application is approved on the understanding that the applicant proposes to merge part of parcel # 42.6-1-14.2 into his remaining parcel # 42.6-1-14.12 and proposes to merge the remainder of # 42.6-1-14.2 into the current # 42-2-7.2. Further the applicant proposes to move the boundary line between parcels #42.10-1-1 to #42.10-1-7.2 by ten feet so to increase the size of # 42.10-7.2. These changes are approved on the condition that new parcels are created as indicated in this resolution and that no new tax parcels are created except as set forth herein. Ayes: David Cox, Nancy Morris, Dick Traeger, Jack Vaillancourt. Abstention: Ted Mirczak. Carried 4-1.

Paula Ryan/ Donald Cichon – PB05-08SPR – Tax Map #32.17-1-30

Chairman Cox stated the application had been amended to delete the pipe and line the existing ditch with riprap as required by the submitted Hudson River Black River Regulating District letter which was submitted on October 20, 2005 as a addendum to the application. Board Member Mirczak stated he was in complete agreement with property owners trying to preserve their shorelines and also he was very pleased with the completeness of this application. Chairman Cox stated the application included the DEC permit, and correspondence from the Army Corps of Engineers and Hudson River Black River Regulating District. Board Member Mirczak inquired if the fee had been paid. The Secretary stated the \$35 fee was paid.

Motion by Ted Mirczak to accept the application as complete along with the amended addendum deleting the pipe and adding riprap and approve the site plan as requested in Application No. PB05-08SPR, seconded by Jack Vaillancourt. Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt, Nancy Morris. Carried 5-0.

Correspondence

Chairman Cox stated he wished to have a copy of the Saratoga County Minutes for August and September. The Secretary provided him with copies of each.

Chairman Cox stated there were ongoing meetings on first countywide Open Spaces Plan and that the next meeting would be this Thursday night in Greenfield. He stated anyone wishing to attend may do so, that he was very supportive of this Plan and that Supervisor Johnson was instrumental in organizing it. Board Member Vaillancourt stated he would attend the Thursday night meeting.

Chairman Cox stated he receives "Quality Communities News", a periodic newsletter published by the Lieutenant Governor's office and a letter had been received along with three additional copies inquiring if any members of the Planning Board wished to be added to the mailing list. All members wished to receive copies and the Secretary will write the Lieutenant Governor's office to have their names added to the mailing list.

Secretary's Report

The Secretary stated she had "Saratoga County Planning Board Training Certification" forms, which Board members needed to fill out in order to receive credit for attending conferences presented by Saratoga County Planning Board. Chairman Cox stated that the forms were not available at the January 2005 conference; and, due to number of conferences attended by all members, did not feel it was imperative to apply for those credits from January 2005. Discussion ensued on the different conferences presented by Planning Federation, etc. and the lack of forms available to be presented at the time of the conferences for signature by the instructors to receive credit.

Public Participation

Mr. John Jordan inquired if anything further had been received by the Planning Board in regard to the illegal subdivision of Bertha Kenyon. Attorney Avigdor stated that Mrs. Kenyon's attorney was in the process of filing the proper paperwork. Mr. Jordan inquired if there was a time limit on that. Attorney Avigdor stated there was not and that in the meantime, no building permit or land use would be considered until the paperwork was done. Attorney Avigdor continued that this is a problem between Mr. Jordan and his neighbor and Mr. Jordan should consult with a private attorney. Chairman Cox stated that this Board had notified the Code Enforcement Officer to look into this matter and that this Board has no jurisdiction over illegal subdivisions. This Board only has the power to approve or disapprove subdivisions.

Motion to Adjourn by Dick Traeger, seconded by Ted Mirczak to adjourn the meeting at 7:30 p.m. Ayes: David Cox, Nancy Morris, Dick Traeger, Jack Vaillancourt, Ted Mirczak. Carried 5-0.

Respectfully submitted,

Diane R. Byrne
Secretary