

# **Town of Day Planning Board – Minutes**

## **Regular Meeting – October 3, 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 Dick Traeger to approve the Minutes of September 7, 2005, Regular Meeting. Ayes: David Cox, Nancy Morris, Jack Vaillancourt, Dick Traeger. Abstention: Ted Mirczak. Carried 4-1.

### **Old Business**

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

Attorney Avigdor stated he had contacted Mrs. Kenyon's attorney, Michael Poulin, was advised that his office was currently working on a document to cure the violation and would contact him as soon as it was completed.

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

The Secretary advised the Board that a letter was sent to Mr. Barrett along with the only copy of a survey map, which required additions (right-of-way clauses) and advised him of the lack of road frontage on Lot 3. Mr. Barrett contacted the office and was advised by Ken Metzler that he could change his application to a two-lot subdivision and then do a boundary line adjustment or apply for a variance from the Zoning Board of Appeals for the road frontage requirement. Mr. Barrett advised that he would contact an attorney but was not certain how he would proceed.

### **New Business**

Chairman Cox stated the Planning Federation conference was next week (October 10-12) and Board Members Mirczak and Traeger would be attending. Board Member Vaillancourt inquired when the Saratoga County Planning conference would be and was advised it would be held January 25, 2006. Chairman Cox emphasized that the forestry section would be worthwhile for members to attend at the Planning Federation conference.

Chairman Cox stated that in each Board Member's packet was a copy of Town of Day's Local Law #2005-02 Amending Town Land Use Laws. This law has been approved by Saratoga County, APA and the Town Board and is currently waiting for confirmation by the Department of State. Attorney Avigdor stated this process could take several weeks.

Chairman Cox stated that Board Members should familiarize themselves with this new law. It pertains to protecting the area beyond 528 feet from North and South Shore Roads or beyond lakefront residential district. Anyone who builds in that area needs site plan review. Attorney Avigdor stated that any Class A regional project would also need APA approval.

Chairman Cox referred Board Members to Page 7, which pertains to travel trailers, blasting and posting signs in blasting areas. Page 8 referring to driveways, in particular Item 6, which pertains to driveway grade, i.e.: "shall not exceed 12 percent average grade over any 150 foot length, shall not exceed 15 percent at any point, and shall not exceed three percent within 25 feet of the intersection of the driveway with the public road." Chairman Cox stated there will numerous areas where this will be difficult to do.

Board Member Vaillancourt stated there has been negative reaction to this new law but once it is explained, the party involved feels it is justified. Chairman Cox stated he and Board Member Mirczak would continue to work on it with more to do on the logging aspect of it. The particular area of concern was clear cutting of areas, which can be viewed from the water. He stated the Town Board has passed over this section without further review. Board Member Mirczak stated that this area needs to be reviewed with all concerned. He further stated that research is needed but fundamentally, if you are looking at the side of a mountain, you don't want to see a big clear-cut area.

Chairman Cox stated the original proposal was to allow 1/3 to be cut and the next 1/3 could be cut in ten years, always leaving 2/3 standing. Attorney Avigdor stated that DEC contends that if the goal is to limit development, you must have an economically viable forest allowing enough cutting for loggers to keep the property and not sell off the land. Chairman Cox stated that under APA regulations anything over 25 acres cannot be clear-cut. Board Member Vaillancourt stated he would like to be involved in any future meetings on this. Discussion ensued regarding logging.

### **Correspondence**

None.

**Secretary's Report**

None.

**Public Participation**

None. (Mr. John Jordan appeared but had no comment.)

**Motion to Adjourn** by Ted Mirczak, seconded by Jack Vaillancourt to adjourn at 7:15 p.m. Ayes: David Cox, Nancy Morris, Dick Traeger, Jack Vaillancourt, Ted Mirczak. Carried 5-0.

Respectfully submitted,

Diane R. Byrne  
Secretary