

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

## **Regular Meeting – September 7, 2005**

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

**Absent:** Ted Mirczak

### **Pledge**

**Motion** By Jack Vaillancourt, seconded by Dick Traeger to approve the Minutes of August 1, 2005, Regular Meeting. Ayes: David Cox, Nancy Morris, Jack Vaillancourt, Dick Traeger. Carried 4-0

### **Old Business**

#### **Thurnau, Carl, PB05-02-SPR- Tax Map #44.5-1-23**

Mr. Thurnau reviewed his application with the Board to place 25 cubic yards of rip-rap from the top of the bank in compliance with the current moratorium of the Hudson River Black River Regulating District on shoreline excavations. Mr. Thurnau informed the Board that he has secured permits from HRBR Regulating District and DEC.

**Motion** by Dick Traeger to accept the application as complete and approve construction requested by Mr. Thurnau in his Application No. PB05-02-SPR, seconded by Jack Vaillancourt. Ayes: David Cox, Nancy Morris, Jack Vaillancourt, Dick Traeger. Carried 4-0.

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

Attorney Avigdor stated he has been in contact with Mrs. Kenyon's attorney, Michael Poulin, and the new deed will be drawn up to combine the offending parcels.

### **New Business**

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

**Motion** by Jack Vaillancourt, seconded by Dick Traeger, that Application PB05-03SUB is incomplete and a letter is to be sent to Mr. Barrett stating that he needs to indicate

where the 300 feet of road frontage is for the third lot and that the deed contains right-of-way clauses, which must also be shown on the map. Ayes: David Cox, Nancy Morris, Jack Vaillancourt, Dick Traeger. Carried 4-0.

**Hoffman, Richard – PB05-04SPR – Tax Map #33.14-2-1.2 and 33.14-1-17.2**

Chairman Cox recused himself as this applicant is a very close neighbor. Discussion ensued on location, previous owner, deeds, right-of-ways, etc. Chairman Cox explained that Mr. Hoffman intended to place 20 cubic yards on each beach where it had eroded working from the top. Board Member Vaillancourt stated Mr. Hoffman had a previous application for similar work, which was also approved.

**Motion** by Dick Traeger to accept the application as complete and approve construction requested in Application No. PB05-04-SPR, seconded by Nancy Morris. Ayes: Nancy Morris, Dick Traeger, Jack Vaillancourt. Abstention: David Cox. Carried 3-0.

**Johnson, Ken**, 1362 North Shore Road, stating he owned two parcels next to Board Member Mirczak, which he wished to subdivide. Discussion ensued on grandfathered lots, obtaining a survey, etc. Chairman Cox stated this Board would need a sketch with dimensions of what Mr. Johnson intends to do and he could appear at the next meeting on October 3.

**Dreyer, Charles** Attorney Avigdor stated a recent subdivision for Charles Dreyer, which had been approved, was not submitted to the County for submission within the required 60 days and he was requesting a new resolution with a new stamp and a current date on the map.

**Motion** by Jack Vaillancourt, seconded by Dick Traeger to issue a new resolution this date for the subdivision of Charles Dreyer, Application No. PB-05-01-SUB. Ayes: David Cox, Jack Vaillancourt, Nancy Morris, Dick Traeger. Carried 4-0.

**Art Perryman** stated he purchased property from Charles Dreyer, which he wished to subdivide. Attorney Avigdor stated he wished the record to reflect that he acted as the attorney in this sale representing both parties. Attorney Avigdor stated if Mr. Perryman wished to subdivide he might have to apply to the ZBA first for a road frontage variance.

**Correspondence**

NYPF Conference, October 10-12, 2005, Saratoga Springs, New York. Chairman Cox will be unable to attend, Ted Mirczak and Dick Traeger will attend. Other members will notify the Secretary if they wish to go.

Local Officials Farm Tour – September 24, 2005- Ballston Spa, New York – Board members will notify the Secretary if they wish to attend.

Zoning and Planning Breakfast Briefing Building Moratoria, September 30, 2005, Saratoga Springs, New York - Chairman Cox will attend. Other Board Members will notify the Secretary if they wish to attend.

**Family Subdivision Exemption** – Chairman Cox received a letter from Larry Benton, Saratoga County Planning, referring to notations on mylar filings of family subdivisions and the Chairman’s stamp. Attorney Avigdor stated he would send a letter to Saratoga County Planning. He stated this creates an obligation on the part of this Board where we have no jurisdiction. He further stated while it would be appropriate for the family to file a survey map, it was not necessary to file the mylar. These parcels are transferred between family members and not sold but there is always the risk that the parcel may then be sold by the family members. Discussion ensued on sales, Department of Health regulations, legalities involved in future sales of same, etc.

**Motion to Adjourn** by Dick Traeger, seconded by Jack Vaillancourt to adjourn at 5 p.m. Ayes: David Cox, Nancy Morris, Dick Traeger, Jack Vaillancourt. Carried 4-0.

Respectfully submitted,

Diane R. Byrne  
Secretary