

# **TOWN OF DAY PLANNING BOARD REGULAR MEETING – SEPTEMBER 10, 2009**

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

**Members Absent:** Eileen Brennan  
David Avigdor,  
Town Attorney

**Motion** by Ted Mirczak, seconded by Board Member Vaillancourt to approve the minutes of August 3, 2009. Ayes: Cox, Mirczak, Traeger, Vaillancourt. Carried: 4-0.

**Old Business:**           **TRAKS, Edward & Ellen/BLOND, Leonard  
PB08-03BLA, Tax Map #43.14-1-10 & 13**

Chairman Cox stated Mr. Traks responded to the letter of the Planning Board requiring his attendance at the upcoming October meeting to discuss the discrepancy in the maps he submitted to the Planning Board at the March 2008 meeting and the maps which he submitted to the County Clerk in September 2008. Mr. Traks stated in his letter of September 4, 2009: “You are correct in noting a difference, however it is immaterial.” He stated further “As part of the negotiation process... the attorney for the Blonds made a minor change when describing the parcel to be transferred. This resulted in slightly more property being transferred from Traks to Blond. However, since the additional transferred property is small and does not impact any other property owner, I consider it immaterial. I feel that it should not alter the board’s conclusion that the transfer qualifies for a property line adjustment.” Mr. Traks also stated he is unable to attend the October meeting due to a serious medical condition.

Board Member Mirczak read from the minutes of May 2008: “He (Traks) further stated anyone who has legal access over the right-of-way would still have access even if it is transferred to another owner.” Board Member Mirczak stated the Board would need to ascertain from Mr. Traks what provision he has made to back up that statement. The Usher Family is the property owner whose parcel would be landlocked by this property exchange and they have also been notified the matter would be addressed at the October meeting. As of this date, they have not contacted this Board.

The Secretary contacted Carol Osborne at Town Attorney Avigdor’s office and she was advised this Board would determine after the October meeting what measures would be taken if Mr.

Traks or his representative does not appear at the meeting or provide this Board with documentation which indicates the easement rights are protected.

The Board reviewed the maps from the Traks/Blond file and determined Mr. Blond owns Lots 9 and 13 and the property transferred borders these lots and was formerly a part of the right-of-way road. The transferred portion was not to include that portion of the right-of-way at the top of the "T" which allowed Usher access to his parcel. If the right-of-way continues with the land, it is inconsequential whether Blond or Traks owns it.

The Board agreed to table the matter until Town Attorney Avigdor studies the deeds and recommends what action to take. Chairman Cox stated Code Enforcement Officer Metzler should be made aware of this pending action and not issue any permits in connection with the parcels in question.

**New Business: SEQR Review of Town of Day Recycling Grant**

Chairman Cox stated the Town of Day applied for and received a grant from DEC for recycling for approximately \$200,000. This grant included a new recycling truck,  $\frac{3}{4}$  ton truck, wood chipper and pole barn. All of which will be placed and used at the existing recycling center and the new building will be in addition to the existing building and house everything related to recycling. Many of the grant items have been received with the exception of the chipper and the building is not constructed. The grant writer designated the Town of Day Planning Board to complete the environmental study. Chairman Cox stated the new trucks are replacement vehicles resulting in less pollution and repair. The chipper will eliminate or greatly reduce burning. Chips will be available to residents. A portion of the building will be set aside as a "swap" shop.

All Board Members reviewed the SEQR and the Negative Declaration Notice of Determination of Non-Significance. The Town of Day has been designated lead agency.

**Motion** by Jack Vaillancourt, seconded by Board Member Traeger to approve the short form SEQR and declare a negative declaration to be submitted to the Town of Day Town Board at their next regular meeting. Ayes: Cox, Mirczak, Traeger, Vaillancourt. Carried: 4-0.

**Correspondence:** Association of Towns email regarding costs of state mandates was received and noted by all Board Members.

APA letter regarding NYS DEC and APA notification of any shoreline projects which is currently adhered to by the Town.

Capital District Regional Planning Commission letter regarding training programs on accessing and utilizing available Census products. Board Member Mirczak stated he would be interested if there is no cost to the Town in the topic “Data sources: population estimates and projections, or housing estimates.” He stated it would relate to the ongoing review of the Comprehensive Plan. Board Member Mirczak related to the Board the progress of the Comprehensive Plan Committee.

Chairman Cox and Board Member Mirczak stated they would be interested in any GIS training offered by the Town or County.

**Secretary’s Report:** None.

**Public Participation:** None.

**Motion** by Ted Mirczak, seconded by Board Member Vaillancourt to adjourn the meeting at 7:20 p.m. Ayes: Cox, Mirczak, Traeger, Vaillancourt. Carried: 4-0.

Respectfully submitted,

Diane Byrne  
Secretary