

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING
JULY 2, 2012, 7 P.M.**

Members Present: David Cox
Ted Mirczak
Jack Vaillancourt
Dick Traeger
David Avigdor, Town Attorney

Members Absent: Eileen Brennan

Motion by Ted Mirczak, seconded by Board Member Vaillancourt to approve the minutes of May 7, 2012. Ayes: Cox, Mirczak, Vaillancourt, Traeger. Carried: 4-0.

New Business: None.

Old Business: **Cochrane, Robert/Garrahan, Colleen**
Prior Tax Map #42.8-1-55
New Tax Map #42.8-1-55.1 & 55.2
Possible Illegal Subdivision

Town Attorney Avigdor stated he contacted the law office representing the parties and they have not received the signed documents from their clients, some of whom reside in Florida. Town Attorney Avigdor stated he informed the law office that he was copied on their letter of April 12th and believed it was a fair amount of time to complete the paperwork. He further stated he informed the office that he did not believe there would be any negative actions taken by the Planning Board at this evening's meeting, but perhaps the office could accelerate the process.

Town Attorney Avigdor stated if the issue is not resolved prior to the August meeting, he would suggest a letter stating this would be considered an illegal subdivision until the issue is resolved and Code Enforcement Officer Metzler has flagged his files. All Board Members agreed to take this action at the August meeting if necessary.

Correspondence: Bond, Schoeneck and King Spring 2012 Land Use Case Law Update was provided to all Board Members.

Secretary's Report:

The Secretary stated the Zoning Board was currently updating their application forms and she reviewed the forms for the Planning Board for subdivision and site plan review.

Subdivision application suggested change:

- ∞ Page 2 of the cover letter: Remove the Certification and end the cover letter with the paragraph: "A copy of the Zoning Ordinance and Subdivision Regulations are available for review at Town Hall or a copy may be purchased for a nominal fee."
- ∞ Move the Certification to Page 1 of the application following the listing of the Applicant and Owner with all of the existing application information to remain the same.
- ∞ Form letter for notification of all property owners within 500 feet: Change the year from 200__ to 20__.

Motion by Dick Traeger, seconded by Board Member Vaillancourt to accept the changes in the subdivision applications. Ayes: Cox, Mirczak, Vaillancourt, Traeger. Carried: 4-0.

Site Plan Review application suggested change:

- ∞ Change to one font.
- ∞ Cover letter, "In addition to above items, one or more of the following may be required:" Item 1. Break down the requirements with a series of bulletined items for clarity.
- ∞ Same category: The current application states the applicant may obtain adjoining property owner's addresses from the Assessor's Office, Saratoga County Real Property, etc. The list of adjoining neighbors will continue to be furnished by the Secretary. Also, it has been the experience of the Secretary that even when applicants submit their own listing of adjoining neighbors, in some cases it has contained omissions. She can access this information from Saratoga County Planning Map host website to check accuracy. This has been the procedure since the Secretary has been employed by the Town of Day (2005).
- ∞ Same category: Originally Item 3, Other, stated "Any other supporting documentation may be necessary for, or required by the Planning Board to render a decision on the proposed request. Refer to Article 6, Section 2A of the Town of Day Zoning Ordinance for further required documentation." Change to "Any other supporting...request. This would refer to Article 6.3,2(a) of the Town of Day Zoning Ordinance, a copy of which will be provided upon request."
- ∞ There was a notation at the bottom of the cover sheet "A copy of the Zoning Ordinance is available for review at Town

Hall, or you may purchase a copy for a nominal fee". This has been eliminated in lieu of the preceding statement. Site Plan Reviews for the most part do not require public hearings and in the one instance when a public hearing was required, pertinent sections of the ordinance have been provided to applicants without charge. This is a two page section of the ordinance.

- ∞ Chairman Cox inquired of Town Attorney Avigdor: Under the SEQRA requirement, on the SEQRA short form there is a block for signature of an official, would that be an individual from the Planning Board? Town Attorney Avigdor stated it should be the chairman with the lead agency which would be the Planning Board and not the Town Board. The Planning Board Members would authorize the chairman to sign the SEQRA form. Board Member Mirczak stated in the course of his training, it has been stressed this form should be signed and for all applications a determination should be made and voted on. This would avoid any comeback which would state this Board did not consider the environmental impact of an application. Town Attorney Avigdor stated the completion of the SEQRA form followed by a negative declaration resolution or further research if required would satisfy the requirement.

Motion by Ted Mirczak, seconded by Board Member Traeger to accept the changes in the site plan review applications. Ayes: Cox, Mirczak, Vaillancourt, Traeger. Carried: 4-0.

Status of Local Law Changes:

Board Member Mirczak stated the members of the Local Law Review Committee met with the Town Board to review the final versions of the zoning and subdivision law. The Town Board declared negative declarations on both zoning and subdivision changes, passed resolutions with an intent to adopt those laws. Those laws have been prepared in final draft form (all strikeouts, colors, etc. have been removed).

The package has been or will be transmitted tomorrow to the Adirondack Park Agency for formal approval. The Committee is anticipating that APA will not find any issues with the final draft versions due to the fact that the Committee has kept them informed throughout the change process. Once APA has notified the Town Board of their approval, a public hearing can be scheduled. If there are not any issues at the public hearing, the laws can be adopted.

If APA does notify us of any substantive issues, it may require additional review by the Local Law Review Committee and there may be additional changes. No comment from APA was received after the second informal review. While their informal reviews were concluded within three weeks, it is not possible to anticipate what the time frame will be at formal review. APA must also prepare resolutions and there is also Board of Directors review.

Motion by Jack Vaillancourt, seconded by Board Member Mirczak to adjourn the meeting at 7:12 p.m. Ayes: Cox, Mirczak, Vaillancourt, Traeger. Carried: 4-0.

Respectfully submitted,

Diane R. Byrne
Secretary