

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING
AUGUST 6, 2012, 7 P.M.**

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

Members Absent: Eileen Brennan
Ted Mirczak

Motion by Jack Vaillancourt, seconded by Board Member Traeger to approve the minutes of July 2, 2012. Ayes: Cox, Mirczak, Traeger. Carried: 3-0.

New Business: Chairman Cox stated a Public Hearing conducted by the Town Board will be held on the proposed zoning and subdivision laws on Saturday, August 18th at 9 a.m. at Town Hall. The Local Law Review Committee will field questions.

Old Business: **Change of September Meeting Date:**

Chairman Cox stated as a reminder that the next regularly scheduled meeting of the Planning Board traditionally held on the first Thursday of September due to the Labor Day holiday was changed to Monday, August 27th in order to ensure there would be a quorum.

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 the last communication he received from the property owners' attorney was that the attorney sent his clients the deed at least 90 days ago for a signature and it had not been returned. While he believes the attorney is honest and straightforward, the client is not fulfilling his obligation by providing his signature.

Chairman Cox stated it would now be necessary to send a letter stating this is an illegal subdivision and notify Code Enforcement Officer Metzler to flag the file. Town Attorney Avigdor stated the Town of Day can bring illegal subdivisions to the Town Court and prosecute them as violations. However, the Town normally does not because from a land use point of view, if this Board notifies the Code

Enforcement Officer and he does not issue any permits, nothing will occur on the land. Therefore, what is the land use purpose of bringing a prosecution? He further stated the party in question lives in Florida and Scotia, New York.

Motion by Jack Vaillancourt, seconded by Board Member Traeger to direct the Secretary to send a letter to the seller and copy to Fowler Law office that the recent transaction of sale of land appears to be an illegal subdivision which may result in court action; the Code Enforcement Department has been notified of the same; and, no permits will be issued on either Tax Map Number 42.8-1-55.1 or 42.8-1-55.2. Ayes: Cox, Vaillancourt, Traeger. Carried: 3-0.

Correspondence: Capital District Transportation Committee "In Motion" Summer 2012 Newsletter is available for Board Member review.

Secretary's Report: None.

Public Participation: None.

Motion by Dick Traeger, seconded by Board Member Vaillancourt to adjourn the meeting at 7:15 p.m. Ayes: Cox, Vaillancourt, Traeger. Carried: 3-0.

Respectfully submitted,

Diane Byrne
Secretary