

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING
DECEMBER 2, 2013**

Members Present:

Chairman, David Cox
Jack Vaillancourt
Dick Traeger
Eileen Brennan
Ted Mirczak

Members Absent:

None

Also Present:

David Avigdor, Town Attorney

Chairman David Cox started the meeting with a question on the November minutes. He stated there were a couple of corrections to be made. Ted Mirczak noted correction needed to be made on the first page, last paragraph, first line, (David Avigdor would like the **an** old), **an** should be taken out. Also, on the second page the second **Motion** needed to be revised to state; **Motion** made by Eileen Brennan and seconded by Dick Traeger to declare the Town of Day Planning Board lead agency for SEQR. David Cox also would like the paragraph above the first **Motion** to state instead of (We can declare SEQR) to We can declare the Town of Day Planning Board lead agency for SEQR.

Motion made by Jack Vaillancourt and seconded by Dick Traeger to approve the minutes of November 4, 2013 as corrected.

Ayes: Chairman David Cox, Dick Traeger, Ted Mirczak, Jack Vaillancourt, and Eileen Brennan.

Carried 5-0

New Business:

**Cronk, Nancie
Ottman, Mark
#:33.7-1-39.2
#33.7-1-47
#33.7-1-49
Subdivision**

Chairman David Cox explained that the applicants were here a few months ago and were referred to the Zoning Board of Appeals because of inadequate road footage and acreage for subdivision and now they are back as the Zoning Board of Appeals approved their variance for the subdivision. Chairman David Cox asked if anyone was here for this subdivision application and they are not.

Chairman David Cox asked if there was any discussion or questions the board members may have regarding the subdivision.

Ted Mirczak just wanted to make sure that the Zoning Board of Appeals had approved the variance for the subdivision. Ted Mirczak asked Chairman Dave Davidson who was attending the meeting if the Zoning Board of Appeals had approved the variance for the subdivision. Chairman Dave Davidson said that was being put together with only one revision; elevation changed to height. Ted Mirczak confirmed that the variance is granting both size and height.

Chairman David Cox and the board members took some time to look over the survey map that the applicants had submitted.

Chairman David Cox stated that since the houses are there already and since they have been given the variance for the frontage, the only concerns I have is on the wells and septics.

Ted Mirczak stated that we did ask them for that when they came to our September meeting, so I would assume they would have submitted the plans for those at this meeting. The drawings they have submitted are from April 2013 and do not show these revisions.

Chairman David Cox asked the board members if they felt there was anything else that should be included with the above. David Cox stated that his concern is what will happen down the road if one of these properties are sold in the future and in that case septic and sewer would have to be separated. He doesn't care if they are now, but what would be if the property was sold, how that would be handled.

Town Attorney David Avigdor stated that the way David Cox stated the above if that suffices because future capability is certainly necessary but it may not be acted upon, if they are combined at the moment and somebody sells one out of the family, with a combined well and/or septic now you've got a combined situation with two separate owners which is something we would not allow in a subdivision. I don't know if you want to say that just the capability is necessary or the separation needs to be done as a pre-requisite of the subdivision or needs to be done as a pre-requisite before any transfer of the property. I'm not saying you must require, but giving you food for thought because we would never take a vacant lot, combining it into two and let people combine a well or sewer system.

Ted Mirczak stated that the current survey map does not show where the wells and the sewer will be and we did ask for those at their previous meeting with us.

Town Attorney, David Avigdor stated that in this case, if those are not included, the Town of Day Planning Board can declare the application at this time incomplete.

Chairman David Cox stated that the well and septic do not have to be split before the subdivision is approved but the next time the property changes hands the well and septic have to be done before the transfer.

Ted Mirczak stated that he would favor that because he doesn't feel they should have to go through the expense of doing it before because they will probably be there for a number of years and are happy with their arrangement as long as it stays in the family.

David Avigdor said certainly the board can discuss this but it is premature to decide on conditions before you have a complete application and if there is going to be a Public Hearing you may get neighbors input on that. Jack Vaillancourt indicated that there may be neighboring wells

For environmental quality review they submitted a Short Environmental Assessment Form and Chairman David Cox is prepared to sign to authorize that and the Town of Day Planning Board shall declare that this has no significant effect and to prepare a negative declaration.

Chairman David Cox asked for a motion to approve the Short Environmental Assessment Form for his signature and to prepare and sign a negative declaration.

Motion by Eileen Brennan and seconded by Ted Mirczak to approve the Short Environmental Assessment Form and his signature and to Prepare and sign a negative declaration.

Ayes: Chairman David Cox, Eileen Brennan, Jack Vaillancourt, Dick Traeger, and Ted Mirczak.

Carried 5-0

Chairman David Cox stated to Brenda, we need a negative declaration prepared for this and I can sign this up until Friday, my last day. If not done by Friday, Ted Mirczak can then sign it.

Chairman David Cox stated that if we do not need any other action can we have a motion for the store to open.

Motion by Ted Mirczak and seconded by Dick Traeger that the store application is complete and approved. Ayes: Chairman David Cox, Eileen Brennan, Jack Vaillancourt, Dick Traeger, and Ted Mirczak.

Carried 5-0

CORRESPONDENCE:

Invitation by C.T. Male – Session on SEQR regulation Changes

Chairman David Cox asked Town Attorney David Avigdor if the SEQR forms have changed. He said they have but he's not aware of regulation changes, they are in the process. He feels if there are they are probably for larger projects than what we would see.

Ted Mirczak said that an email invitation by C.T. Male was sent for session on SEQR regulation changes and he said he is going to attend that meeting which he stated was on December 11th. Ted will forward that to Brenda and others on the board.

Also on the agenda is the schedule for 2014 presented to the Town of Day Planning Board for their information.

Chairman David Cox asked if there was anything else on the agenda.

Ted Mirczak made a proposed resolution;

Whereas, David Cox has faithfully and effectively served the Town of Day as Chairman of the Planning Board since his appointment in January of 1999, and

Whereas, in all those years he has always put the best interests of the Town of Day and its citizens in the forefront, and

Whereas, in all those years he has also graciously and competently served on numerous committees to advance the mission and the vision of the Town of Day, and

Whereas, he has been an inspiration to all the past and current members of the Planning Board,

Now, therefore, be it resolved that this board extends its heartfelt gratitude for his selfless service, and wishes him well in all his future endeavors.

The resolution was adopted unanimously by the board.

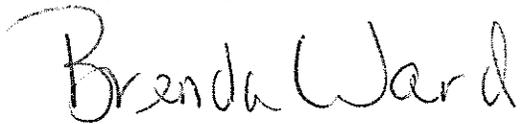
Everyone wished Chairman David Cox well and good luck.

MaryAnn Johnson also spoke to Chairman David Cox and commended his record for training seminars in the past and for his years of service. She also presented him with a plaque and read it to those in attendance.

Member Ted Mirczak, who will now be the new Chairman of the Planning Board, requested that from this day forward he would like to have the minutes of the Zoning Board of Appeals forwarded to him.

Motion by Ted Mirczak and seconded by Jack Vaillancourt for the meeting to be adjourned at 7:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brenda Ward". The signature is written in black ink and is positioned below the typed name.

Brenda Ward