

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING
FEBRUARY 3, 2014**

Members Present:

Ted Mirczak, Chairman
Jack Vaillancourt
Eileen Brennan
Dick Traeger

Also Present:

David Avigdor, Town Attorney

Absent:

Our Chairman, Ted Mirczak explained that our last meeting was canceled so we still have the December meeting minutes that need to be approved. He wanted to know if anyone had any corrections to be made for these. Eileen Brennan stated that on page 3, paragraph 4; Chairman David Cox stated that, one we could tell them that the well and septic have to be split before the subdivision is approved and tell them that the next time the property changes hands the well and septic has to be done before the transfer. This should be changed to say Chairman David Cox stated that the well and septic do not have to be split at this time but that the next time the property changes hands, the well and septic has to be done before the transfer.

Chairman Ted Mirczak also had a minor correction for page 3 paragraph 4, 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; **of years** was missing.

Also Chairman Ted Mirczak referred to page 6, for the resolution it should state on the end;

The resolution was adopted unanimously by the board.

Motion first by Jack Vaillancourt and seconded by Dick Traeger for the December minutes to be approved as amended.

Ayes: Chairman Ted Mirczak, Dick Traeger, Eileen Brennan, and Jack Vaillancourt.
Carried: 4-0

Old Business: **Cronk/Ottman
Tax Map #42.11-2
Status Update on Subdivision Application**

Chairman Ted Mirczak stated that at our last meeting the board indicated clearly that we needed a diagram of where the septic and wells were going to be placed with the subdivision. This information was not supplied by the application

and until we receive it, the application is incomplete. Chairman Ted Mirczak sent them and the board members an email indicating that until we receive all information requested the application is incomplete. He explained to the board that as soon as we receive all the necessary information we will put them back on the agenda.

**New Business: Weiss-Birnbaum-Clark
Tax Map #33.18-1-1
Application for Subdivision**

Chairman Ted Mirczak spoke to the public, who were recognized as Mr. Alan Clark and Mr. John Weiss. They are here for the above application. Chairman Ted Mirczak stated that all the board members should already have a copy of this application which appears to be complete. A map done by land surveyor, David F. Barrass, that was mailed in with the application, was looked over by the board members so they could all see where the subdivision was going to be.

Chairman Ted Mirczak said it appears that the application and information seems to be in order and complete, however, the property that is going to be subdivided needs to have 60,000 square feet for each piece to be split. In this case we have a subdivision that has a substandard lot, lacking 3,600 feet. Due to this, the application will have to be turned over to the Zoning Board.

Motion by Eileen Brennan and seconded by Jack Vaillancourt to decline the application and refer them to the Zoning Board of Appeals for a variance.

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

Carried: 4-0

Chairman Ted Mirczak asked the board members if they had any objection to agreeing that they feel that this application is otherwise complete and we declare ourselves lead SEQR for this application. He went on to explain that this is a new form and the applicants did fill this out. These are also now accessible on line at our new website. There is also a website that allows you to put in the tax map number of the property to see if there are any wetlands, etc. involved with the property.

Town Attorney David Avigdor wanted to let the board know that he also represents Weiss and Clark and wanted to make sure there would be no conflict of interest with either party.

Motion first by Dick Traeger and seconded by Eileen Brennan to declare the Planning Board the lead agency for SEQR.

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

Carried: 4-0

Chairman Ted Mirczak stated that we now need to determine whether we grant or deny the application.

Motion first by Jack Vaillancourt and seconded by Dick Traeger to deny the application. Ayes: Chairman Ted Mirczak, Dick Traeger, Eileen Brennan, and Jack Vaillancourt. Carried: 4-0

Chairman Ted Mirczak explained to the applicants that the fee would be waived when they came back to the Planning Board as they have already paid the Planning Board for the subdivision application.

Town Attorney David Avigdor explained to Mr. Clark and Mr. Weiss that the letters for Public Hearing are not sent out until it is determined either by the Zoning Board or the Planning Board. At that time they will have to send notice to the neighbors. The next step at this point is to go before the Zoning Board of Appeals which is on Thursday, February 20th at 7 p.m. Brenda will give you the application that has to be filled out for the Zoning Board of Appeals.

Chairman Ted Mirczak asked about an assigned # for the application. Brenda said they would be considered #1 for 2014 as this is our first application for the year.

Chairman Ted Mirczak asked if the board had any other questions for the applicants or do the applicants have any other questions for the board. He explained that Brenda will convey to the Zoning Board of Appeals that we denied your application and have referred you over to them.

New Business #2:

Chairman Ted Mirczak stated that he wanted to appoint the Planning Board Vice Chairman who will be Dick Traeger. Ted explained that he will not be at the March meeting and Dick Traeger will lead the next meeting.

New Business #3:

Application submission deadline discussion was opened up by Chairman Ted Mirczak. Town Attorney David Avigdor stated that at one point there was a resolution that all paperwork had to be submitted the Tuesday or Wednesday before the Monday meeting so the secretary of the board could copy and get it to the board members. You should check with Brenda and what hours she is working to get the paperwork out to the board members. We do have email now and most of the board members have email, however, some still get their information through the mail. Sometimes we get walk-ins and the board will see them right away, however, the board doesn't have to say it is complete at that time. They will have the applicant come back to the

next meeting. Through discussion with all the board members it was decided that the best option was to ask for the applications to be mailed in the Tuesday before the Monday meeting.

Motion first by Eileen Brennan and seconded by Jack Vaillancourt to require the applications in on the Tuesday before the Monday meeting.

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

Carried: 4-0

Chairman Ted Mirczak discussed the new SEQRA Forms which are now four pages. These will be sent with each new application. Chairman Ted Mirczak said that it would be easier to get these filled out before starting the meeting. He also said that there are applications on the web site, EAF Mapper, that shows you what is on the proposed property.

Correspondence:

Information regarding the 2014 Adirondack Park Local Government Day Conference for April 9th and 10th was given to each board member in their folders.

Motion by Jack Vaillancourt and seconded by Dick Traeger to adjourn the meeting at 7:45 p.m.

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

Carried: 4-0

Respectfully submitted,

Brenda Ward