

**TOWN OF DAY PLANNING BOARD
PUBLIC HEARING – APPROVED MINUTES
JULY 7, 2014**

Members Present:

Ted Mirczak, Chairman
Mary Ann Johnson
Jack Vaillancourt
Eileen Brennan
Richard Traeger

Absent:

David Avigdor, Town Attorney

Public Present:

Donald and Nancie Cronk
Mark Ottman

Proof of notice having been furnished, the Public Hearing for Mark Ottman and Nancie Cronk, Tax Map #42.11-2 was opened by Chairman Mirczak at 7:00 p.m.

Chairman Mirczak asked Mr. Ottman and Mrs. Cronk if they had anything to say regarding their application for the public record before we close the hearing. Mr. Cronk stated the only thing he had to say was the separation of wells had nothing to do with the separation of property. Chairman Mirczak stated we would have that conversation later. With no further comments being made, the Public Hearing was closed at 7:05 p.m.

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING – APPROVED MINUTES
JULY 7, 2014**

Members Present:

Ted Mirczak, Chairman
Mary Ann Johnson
Jack Vaillancourt
Eileen Brennan
Richard Traeger

Absent:

David Avigdor, Town Attorney

Chairman Mirczak said that the minutes from the June 2nd meeting were revised by him after a draft was sent by Brenda. The corrections were made on this draft and this was posted to our website as a draft. However, the members should get a “final draft” just before the meeting to review. Brenda will send that “final draft” to everyone for you to review and we will approve the June minutes at the next meeting. We will have two sets of meetings to approve for the next meeting.

Old Business:

**Mark Ottman/Nancie Cronk
Tax Map #42.11-2
Subdivision Variance**

Chairman Mirczak said for our meeting tonight, Mr. Mark Ottman is present and also Mrs. Nancie Cronk and Don Cronk. Chairman Mirczak wanted to do a recap regarding the subdivision application that we are considering. At the Planning Board meeting in June we declared this application complete and required a Public Hearing which was held tonight. We’ve closed that hearing and now we are going to consider this application as to whether we want to make an approval or not. Also on recap, the Zoning Board of Appeals also had a Public Hearing for the area variance. The Zoning Board of Appeals declared themselves lead agency for SEQR and declared a negative declaration on this application and granted the variance with the condition that the structures could not expand beyond their footprint. Mr. Cronk said he believed it said “envelope.” Chairman Mirczak agreed.

Chairman Mirczak said that now we have before us a map which shows where the septic, wells, and driveways are going to be placed. Is there any other discussion we should have regarding this application? The Planning Board took the time to look over the map submitted. Chairman Mirczak stated that the concern for our board is that the subdivision be done with buildable lots, has access to roads, and that there is a septic system and a well. With the existing condition we do not have two wells, but we can condition this subdivision approval with the provision of potable water if ownership of this property ever transfers. Member Vaillancourt wanted to know if the existing well would be used for both properties. Chairman Mirczak stated this was true and as long as the ownership of the properties remained as it is, it could remain that way, but if in fact one of the properties is transferred, then we want to be sure

that each of those parcels has their own supply of potable water. The road frontage and the area variances were granted by the Zoning Board of Appeals.

Chairman Mirczak stated he has a proposed motion for this and will read it;

The subdivision is approved with the following condition: In the event that the ownership of either parcel is transferred in the future, the transfer cannot occur unless and until a permanent source of potable water is provided for each parcel.

Chairman Mirczak addressed the applicants and stated that at the moment you are both drawing off the same well and as long as you both own those properties that is perfectly acceptable. If in the future, you transfer this property in any way, shape or form you will have to create a potable source of water so each property has their own.

Chairman Mirczak stated to the board that this was a way that we could condition the approval of the subdivision.

Chairman Mirczak is looking for a motion that this could be approved with the condition as stated before.

Motion by Mary Ann Johnson and seconded by Eileen Brennan to approve the subdivision application with the condition; that in the event that the ownership of either parcel is transferred in the future, the transfer cannot occur unless and until a permanent source of potable water is provided for each parcel.

Ayes: Chairman Mirczak, Mary Ann Johnson, Richard Traeger, Eileen Brennan and Jack Vaillancourt

Carried 5-0

Chairman Mirczak spoke to two people who came in after the Public Hearing was over with to see who they were. They stated they were neighbors of the applicants and were glad final approval was granted.

Chairman Mirczak addressed the applicants; it has been a long time coming and now you can file the paperwork necessary with the deeds. If you have any other questions regarding this, you may contact our attorney. The applicants wanted to know when the attorney would be back and wanted to know if he could take care of this for them or would it be a conflict for him. Chairman Mirczak said he could do this and it would not be a conflict; especially after the fact.

New Business: None

Correspondence: None

Secretary's Report: None

Motion by Eileen Brennan and seconded Mary Ann Johnson to adjourn the meeting at 7:15 p.m.

Ayes: Chairman Mirczak, Mary Ann Johnson, Richard Traeger, Eileen Brennan and Jack Vaillancourt

Carried 5-0

Respectfully submitted,

Brenda Ward
Secretary