

**TOWN OF DAY – PLANNING BOARD**  
**REGULAR MEETING March 4, 2019**  
**DRAFT**  
**7:00 PM**  
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**Members Present:**

Mary Ann Johnson, acting Chair  
Gary Newton  
Craig Trombley  
Counsel, Mary-Ellen Stockwell

**Members Absent:**

Ted Mirczak, *Chairman*  
EllenTaylor

**Other Attendees:**

Todd Morrow, Esq. (Sole Member of Jonajul Properties LLC)

Acting Chairperson Mary Ann Johnson opened the meeting at 7:00PM

**PLEDGE**

**ROLL CALL**

**Motion**, made by Acting Chairperson Mary Ann Johnson and seconded by Gary Newton to accept the minutes from the February 4, 2019 Regular Meeting of the Planning Board.

Ayes: Acting Chairperson Mary Ann Johnson, Gary Newton, Craig Trombley

**Carried: 3-0**

**OLD BUSINESS:** None.

**NEW BUSINESS:** Informal discussion was requested by Todd Morrow for property on **Tax Map #24-2-4.1**, owned by Jonajul Properties LLC. Since no paperwork has been filed yet, Board did not hear any application on the table, but had an informal meeting at the request of the applicant to discuss the subdivision process with the town.

Mr. Morrow wanted to gain a better understanding of the Town of Day planning regulations for a subdivision should Jonajul Properties LLC decide to pursue such action on said property. Mr. Morrow has not yet met with the Town of Day Code Enforcement Officer, Kenneth Metzler, and it was recommended by the board that he should connect with him if he plans on moving forward and to see if the property can be subdivided, what the interpretations of the boundaries are, etc.

The property is a unique parcel in that is in two different zoning districts: The back portion of the lot is a zoned RLD and the front portion of the lot is zoned LR. The zoning requirements for these districts are as follows and were defined to the potential applicant:

- Minimum requirement for the LR residential portion would be 60,000 sf.
- Minimum for the RLD would be 8.5 acres
- The line where one district ends and the other begins would need to be determined by the Zoning Administrator/Code Officer. The Board does not interpret zoning boundaries.
- The board directed the potential applicant to the zoning regulations for further clarification

The potential applicant speculated that the location where he thought might be the portion of the property where the LR residential property is currently has four trailers and a small A-Frame house on the site. Mr. Morrow further speculated that the potential RLD portion of the property has two trailers and a farm house and a barn on the site, but this is really unknown until he would have a clear definition as to the boundaries.

Property owner is considering the options available should the number of trailers on property be reduced and/or the updating of existing structures. Potential applicant was not aware of the restrictions for 8.5 ac. zoning in the RLD for the property and was speculating that this was more in the area of 4 ac. which the PB could not act on as that is a ZB issue. He was again directed to speak with Mr. Metzler.

Mr. Morrow also questioned if the property can be subdivided into 2 parcels with the road. Without knowing where the current line is that separates LR from RLD we can't tell if the creation of that new parcel would be separated by Min Allen Road.

Mary-Ellen Stockwell, Esq. noted the following article from the "Town of Day Subdivision Control Law, adopted 10-11-12, **Article 2- Definitions**, pg. 3, **Subdivision**

**Section (b)** "The sale of a landowner's entire ownership on one side of a dedicated public road will not be considered a subdivision requiring approval. Any lot created pursuant to the preceding sentence will be deemed created as of the date of the conveyance which divides the lands along the road. Any lots so created, therefore, will not be preexisting lots under the Town Zoning Ordinance, and will not be buildable lots unless they meet the requirements of the Zoning Ordinance".

Board reviewed the parcel with minimum lot width requirements. Applicant needs clarification where the two zones start and end. We are not an agency for interpretation, code is what it is, and the Town Code Enforcement Officer determines it. The Planning Board does not have the authority to make that determination.

If Mr. Morrow moves forward with an Application to Subdivide, he will need to discuss it with the Town Code Enforcement Office, Kenneth Metzler. He will need a determination from Town Code Enforcement Officer in writing.

**CORRESPONDENCE: None.**

**SECRETARY'S REPORT: None.**

**Motion**, made by Mary Ann Johnson to **adjourn** this regular meeting of the Town of Day Planning Board was made at 7:45P.M. Seconded by Craig Trombley and agreed by Gary Newton.

Ayes: Acting Chairperson Mary Ann Johnson, Gary Newton, Craig Trombley

**Carried: 3-0**

Diana Edwards  
Clerk