

**TOWN OF DAY PLANNING BOARD
PUBLIC HEARING
MAY 5, 2014**

Members Present:

Ted Mirczak, Chairman
Jack Vaillancourt
Eileen Brennan
Dick Traeger
MaryAnn Johnson

Also Present:

David Avigdor, Town Attorney

Members Absent:

None

Public Present:

John Korusek
Mark Ottman
Donald Cronk
Dave Barrass
Alan Clark

Proof of notice having been furnished, the Public Hearing for Weiss, Clark and Birnbaum, Tax Map #33.18-1-1 was opened by Chairman Mirczak at 7:00 p.m.

While no other adjoining property owners attended the Public Hearing, Chairman Mirczak asked Mr. Clark if he had anything to add to his application. Mr. Clark stated he had originally come to the Planning Board in February and the one lot he has is a little bit smaller than required, (60,000 square feet), therefore I was referred to the Zoning Board for a variance. We did go to the Zoning Board and went through a Public Hearing. I was about 3,600 square feet short of the required footage and they said anything under 10% they did not see a significance. The Zoning Board did approve the area variance. A map was prepared by David Barrass, who is here tonight. The new lot will be a conforming lot, which is the one without the house, 60,000 square feet it has good drainage, and is a good size for a building lot. The driveway has good visibility. The other lot has the old house which has been a cherished vacation home for generations and was bought by my wife's grandfather when the reservoir was built in the 1920's. We are hoping that the creation of this new lot will help not only me and my family, but future generations of our family to be able to enjoy it.

Chairman Mirczak declared the Public Hearing closed at 7:05 p.m.

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING
MAY 5, 2014**

Members Present:

Ted Mirczak, Chairman
Jack Vaillancourt
Eileen Brennan
Dick Traeger
MaryAnn Johnson

Also Present:

David Avigdor, Town Attorney

Members Absent:

None

Public Present:

John Korusek
Mark Ottman
Donald Cronk
Dave Barrass
Alan Clark

Chairman Mirczak asked if there were any additions or revisions that need to be made before the April minutes are approved.

Motion by Jack Vaillancourt, seconded by Dick Traeger to approve the minutes of April 7, 2014. Ayes: Ted Mirczak, Jack Vaillancourt, Eileen Brennan, Dick Traeger, MaryAnn Johnson
Carried 5-0

Chairman Mirczak wanted to let everyone know that there will be a change with how the minutes are being distributed. Brenda will be preparing a draft as soon as possible to distribute to the board members. These will be labeled draft and will be posted on the web site as a draft. We only have a two week window to put minutes on the web page, so they will be on as a draft. Before our next meeting, if you have any revisions you would like to make send them to Brenda. At our next meeting she will give us a final draft of the minutes with your revisions. That will be the copy you will look at and review. You can then also make other changes, if need be, and once we've approved the minutes, they will be the approved minutes to be put on the web page.

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

Chairman Mirczak stated that the Public Hearing has been closed for this application. He would like to know if the board members have any other questions? MaryAnn Johnson wanted to know for the proposed house, what is the slope of the land for the property? Chairman Mirczak said he went on the EAF site and he got about 7% slope

for the lot. Town Attorney David Avigdor said that the APA is not concerned about slopes that are less than 15%.

Chairman Mirczak read two pieces of correspondence that were received regarding this application. One was from the Hudson River Black River Regulating District saying that they had no opposition to the application. Also, a phone call to the secretary on April 16th by Mr. Tim Wilson, a neighbor, who wanted clarification if he had to attend the meeting. He has no opposition to the subdivision and will not be attending.

Chairman Mirczak stated that since the board is the lead agency for SEQR, we have to make a determination as to whether or not this is a negative declaration. In each of the board members folder there was a SEQR form. With all of our applications, a short form EAF is attached and the applicant fills out the first 3 pages and that is what Mr. Clark did in presenting his application.

Chairman Mirczak stated that recently at the APA Local Government Day session we were provided with a tool to go on the web that lets us fill out this form for portions that we have to complete. When you go on this site, it will fill in answers for some of the questions that we need to answer. Chairman Mirczak went over Part 2 of the Impact Assessment and because all of the questions were answered "No", no explanations were necessary. Chairman Mirczak stated if the board all agreed with this, we can declare a negative declaration unless anyone has something to add.

Motion by MaryAnn Johnson, seconded by Eileen Brennan to declare a negative Declaration for the project. Ayes: Ted Mirczak, Jack Vaillancourt, Eileen Brennan, Dick Traeger, MaryAnn Johnson
Carried 5-0

Chairman Mirczak asked if there was any further discussion before we declare this application complete? Dick Traeger asked if there was going to be a garage on the second lot? Mr. Clark stated he did not know, maybe. Town Attorney David Avigdor stated that the applicant is not asking for any building plans just for the subdivision, any future plans would have to go through the proper channels.

Motion by Jack Vaillancourt, seconded by Dick Traeger that the application is complete and approved. Ayes: Ted Mirczak, Jack Vaillancourt, Eileen Brennan, Dick Traeger, MaryAnn Johnson
Carried 5-0

Mr. David Barrass has the Mylar map and that will be stamped at the end of the meeting.

**Old Business: Ottman/Cronk
Tax Map #42.11-2
Subdivision Variance**

Chairman Mirczak explained that we received this application in September 2013 and we denied it because it was inadequate frontage for the subdivision. We also at the time indicated that the map that we would need for approval would have to show the placement of wells, septic systems and driveways. Subsequent to that, the Zoning Board of Appeals saw them and had a Public Hearing. They were the lead agency for SEQR and declared a negative declaration for this. They then granted the variance with certain conditions and we have that in our file, which states that they have to keep everything within the envelope of the houses. At our December 2, 2013 meeting we then declared the application incomplete pending the map.

Chairman Mirczak stated at this time we do have all of the information that we need. And asked if there are any questions as to whether this application is complete at this time? As MaryAnn Johnson is new to the board, Chairman Mirczak went over the process of the application to this date.

Jack Vaillancourt had concern with the septic being in the street. Town Attorney, David Avigdor explained that it is legally a right of way which is physically a road. The legal right is wider than the built road, therefore what Mr. Cronk is telling you is that the septic is within the legal right of way within the built road and no one is driving on it.

MaryAnn Johnson wanted to know if the wells shown on the map are good distances apart. Town Attorney, David Avigdor stated that there is no required distance between wells. Each well has to be at least 100 feet from septic.

Chairman Mirczak stated that the proposed location on the map may not be the actual location of where the well was going to be, depending on where the well company can get in.

Town Attorney, David Avigdor said that typically we don't require applicants to show exactly where the well locations are going to be, but only to show at least one location that meets the separation requirements.

Chairman Mirczak said as far as the Planning Board is concerned we need to ensure that the lots each have a well and septic system or an option that we make it a condition on approval that at the time either of these properties is sold out of the family, a well must be drilled. This is something we have to consider.

Mr. Cronk stated that part of the agreement between the two families is that they will drill a separate well.

David Avigdor stated that the board could wait on this if they are not comfortable with the septic/well determination. Typically we do not ask where septic systems are on other properties. The only one that could grant a variance for a septic would be the health department. A technical problem is that septic systems are varied and not everyone knows where their septic system is and we cannot legally go on someone else's property to dig. Ken Metzler may have insight to how he does this when he is issuing building permits.

Chairman Mirczak feels the board needs more information to determine this completely. He will meet with Ken Metzler for information with the septic situation. There are concerns because both lots are substandard and the wells and septic systems are in question.

At this time the application will be put on the agenda again in June.

Chairman Mirczak wanted everyone to know that we are now putting our minutes on the Town of Day website.

New Business: None

Correspondence: None

Secretary's Report: Note to all members to make sure they are filling in their training hours in their folders. Training hours have to be reported to the Town Board on a quarterly basis.

Motion by Mary Ann Johnson, seconded by Dick Traeger to adjourn the meeting at 8:15 p.m. Ayes: Ted Mirczak, Jack Vaillancourt, Eileen Brennan, Dick Traeger, MaryAnn Johnson
Carried 5-0

Respectfully submitted,

Brenda Ward
Secretary

