

**TOWN OF DAY PLANNING BOARD
REGULAR MEETING
SEPTEMBER 5, 2013**

Members Present:

Chairman, David Cox
Jack Vaillancourt
Ted Mirczak
Dick Traeger
David Avigdor, Town Attorney

Members Absent:

Eileen Brennan

Motion made first by Jack Vaillancourt and seconded by Dick Traeger to approve the minutes of August 5, 2013. Ayes: Cox, Traeger, Vaillancourt, and Mirczak.

Carried 4-0

New Business:

**CRONK, Nancie
OTTMAN, Mark
Tax Map #: 42.11-2
Subdivision Approval**

Dave Cox addressed Nancie Cronk and her husband regarding the above request. Nancie, her brother Mark Ottman (who could not be here tonight), and her other brother Jeff Ottman were the 3 siblings of 8 that bought into the property after their father died in 2000. Jeff decided he no longer wanted to be a part of the property, so Nancie and Mark bought him out. At this time, there are two houses on the property and Nancie and Mark would like to subdivide this property so each family has their own parcel.

The Board Members took a moment to look over the survey map that Nancie presented to them.

Ted Mirczak asked if these properties were use seasonally and the Cronks' live in Florida in the winter, so they only use the house in the summer. There is a road by the property, however it is not a town road. David Avigdor explained that it is a subdivision paper street, a private right of way, but the town does not maintain it.

Ted Mirczak stated that this is a pre-existing, non-conforming property. However, David Avigdor explained that even though this is a small property it is grandfathered in because it existed before the new regulations. This is one parcel with two owners and two houses.

David explained that because the land was owned before 1973, the property because of its size was merged into a single lot. This lot is smaller than the zoning laws allow and it's legal because it pre-existed but dividing it into two lots wouldn't be legal because it's already smaller so to divide it would make it smaller. However, the Zoning Board may give you a variance on the grounds that there are already two houses and nothing is going to be changed in granting the variance. One of the problems is the smaller road frontage.

David Cox feels that this will need to go to the Zoning Board as they will need a variance for the subdivision for the area and the road frontage. Dave also questioned the septic for each lot. They would have to drill another well for one of the lots. Dave stated he would have to see where the new well is going to be. They are planning on using Hawk Drilling for the well. Planning Board will need to see sewage, driveways and wells and where they are going to be placed. Also, need to determine whether this would affect their neighbors and what structures are by them. They were advised by the board to look at the sample map for septics, etc. Jack Vaillancourt wanted to know if there is a town road by the property and would the one parcel be landlocked? It was established that there is no town road and the property will not be landlocked.

Again, it was reiterated that the subdivision has inadequate front road footage and acreage, so this needs to be presented to the Zoning Board for approval first.

Nancie stated that she would get the application for the Zoning Board filled out as soon as possible and this will be put on the agenda for the next Zoning Board Meeting which is Monday, September 16th, 7:00 p.m.

David Cox said he needed a motion to deny this application. Ted Mirczak made the first motion to deny the application for the subdivision at this time and Jack Vaillancourt seconded the motion.

David Cox did mention that the fee for the subdivision may be reimbursed if they are denied a variance at the Zoning Board and cannot proceed with the subdivision again at the Planning Board. Nancie then may write a letter requesting the money (all or partial) for the subdivision be reimbursed.

Correspondence:

Brenda put the information flier from the Adirondack Explorer regarding the APA Conference being held on Thursday, September 26, 2013 in each of the board members folder.

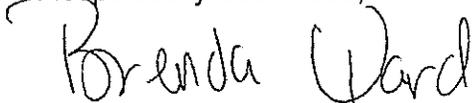
Secretary's Report:

Request from Mary Ann Johnson for information on budget for Planning Board for 2014. Mary Ann would like input from the Planning Board Members as to whether they would project more expenditure for the Year 2014 or if they feel it would be pretty much the same. Board members stated it should be the same.

David Cox announced that he is resigning as Chairman and will not be on the Planning Board in 2014. December 2013 will be his last meeting unless they get someone else before then.

Motion first by Ted Mirczak and seconded by Jack Vaillancourt to adjourn the meeting at 8:15 p.m. Ayes: Cox, Traeger, Mirczak, Brennan, and Vaillancourt. Carried 5-0.

Respectfully submitted,



Brenda Ward
Secretary