

**TOWN OF DAY PLANNING BOARD  
REGULAR MEETING  
NOVEMBER 05, 2012  
UNAPPROVED MINUTES  
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**Members Present:** Chairman Dave Cox  
Jack Vaillancourt  
Eileen Brennan  
Ted Mirczak  
Dick Traeger  
Attorney David Avigdor

**Members Absent:** None

**Motion**, made by Member Jack Vaillancourt, seconded by Member Eileen Brennan, to **approve** the minutes from the October 01, 2012 Regular Planning Board Meeting as amended. On the first page of the October 01, 2012 minutes a change to the September 2012 minutes was indicated. Member Eileen Brennan has requested a clarification to the change and has asked that the sentence read as follows: Golden parcel is not substandard in road frontage and as a result of this transfer would not loose any existing frontage.

**Ayes:** Chairman Dave Cox, Member Jack Vaillancourt, Member Eileen Brennan, Member Ted Mirczak and Member Dick Traeger

**Carried 5 – 0**

**New Business** – Mr. Hertzal states that in 1979 he had APA approval to sell three parcels of his property which were created from a larger piece of property that he owns. Two deeds were written, and though paid for by the third purchaser, a deed was not written for the third piece of property and remained a part of the original parcel. The people who purchased this piece of property would now like a deed for what they purchased.

Paperwork was recently submitted to Saratoga County to complete the transaction. Mr. Hertzal has been informed that the rules have since changed regarding this type of transaction and have declined to do as Mr. Hertzal requested.

Attorney David Avigdor asked the Day Planning Board if they would like to refer the matter to him for review.

**Motion**, made by Member Eileen Brennan, seconded by Ted Mirczak, to **refer matter** to Attorney David Avigdor for review.

**Ayes:** Chairman Dave Cox, Member Jack Vaillancourt, Member Eileen Brennan, Member Ted Mirczak and Member Dick Traeger

**Carried 5 – 0**

Further discussion regarding the above matter concerned piece of property at top of mountain. Could be a boundary line adjustment. Saratoga County will not allow a lot to be created that spans two school districts. New lot may not meet zoning requirements.

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Attorney David Avigdor says that if acreage complies, Mr. Hertzel could apply for a subdivision. The Town of Day did not originally have a problem with the original issue of the three lots, but requirements have changed since then. Contact with Saratoga County would be advisable to find out exactly what their objections are to the completion of the original transaction. Attorney David Avigdor stated that he would look into this with Saratoga County.

Member Ted Mirczak stated that this item was not on the agenda, and that the Planning Board was done with this issue.

Mr. Hertzel also had a question regarding changing the name of a private road. Attorney David Avigdor informed those present that this issue would be a Town Board matter.

**Old Business** – There has not been any further communication from Robert Cochrane or Colleen Garrahan ( prior tax map # 42.8-1-55 ~ new tax map #'s 42.8-1-55.1 & 55.2) in regards to a possible illegal subdivision.

In regards to the matter involving Harry & Eileen Brennan and John & Geraldine Golden (tax map #'s 16.-1-17.1 & 17.2), Member Eileen Brennan informs the Planning Board that she has not received the mylar copy of the tax map as yet.

**Correspondence** – None

**Public Input** – None

**Motion**, made by Member Dick Traeger, seconded by Member Jack Vaillancourt, to **adjourn** this November 05, 2012 Regular Meeting of the Day Planning Board at 7:37PM.

Ayes: Chairman Dave Cox, Member Jack Vaillancourt, Member Eileen Brennan, Member Ted Mirczak and Member Dick Traeger

**Carried 5 – 0**