

**SPECIAL MEETING – JUNE 20, 2012 – DAY TOWN BOARD
UNAPPROVED MINUTES**

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A SPECIAL MEETING of the Town Board of the Town of Day, County of Saratoga, State of New York, was held at the Day Town Hall, 1650 North Shore Road, Hadley, NY on June 20, 2012.

The meeting was called to order at 6:06 PM by Supervisor Mary Ann Johnson with the following Town Board members present: Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer and Councilman Jeff Gray. Attorney David Avigdor was also present as were Local Law Review Committee members: Planning Board member Ted Mirczak, Planning Board Chairman David Cox, Zoning Board of Appeals member June Dixon and Zoning Board of Appeals member Dave Davidson.

Supervisor Mary Ann Johnson and the Day Town Board thanked the LLRC members for the hard work and time that was put into this project.

LLRC member Ted Mirczak reported that the LLRC worked on the changes requested by the APA and have sent the document back to them for review. The APA did not request major changes and LLRC member Ted Mirczak does not foresee any problems with the latest draft of the proposed zoning/subdivision law changes.

LLRC member Ted Mirczak explained the color coding and strikethroughs used to indicate the proposed zoning law changes during various stages of the LLRC review process. LLRC member Ted Mirczak indicated that there were a few changes which had been made since the copies of the proposed Town of Day Subdivision Control Law and the proposed Town of Day Zoning Law had been distributed to the Day Town Board.

LLRC member Ted Mirczak proceeded to explain that there had not been any changes to the proposed subdivision control law and just a few in the proposed zoning law since the previous versions of the proposed laws were received by the Day Town Board. These changes are: Page 3 - keeping the definitions and map the Town now uses the same, on Page 4 Section 3.2 Zoning Map - the paragraph now indicates that the Town Clerk certifies the zoning map, instead it will now read that the certification will be done by the Day Town Board, Page 7 - in the permitted use chart tourist attraction should not be stricken, it will be allowed with site plan review in area's RMD, RLD and RRC. Finally on Page 9 Section 4.6 Viewshed Protection Area – should read as follows: The Town of Day Viewshed Protection Area is the area designated on the Town of Day Viewshed Zoning Map, it should not say Viewshed Protection Area Map.

LLRC member Ted Mirczak pointed out that there is now an index of the contents of the proposed subdivision control law and the proposed zoning law. This change should

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make it a great deal easier for anyone to locate information. Another change has been the addition of the permitted use chart which can be found in the proposed zoning law. Information is in one spot to make it easier to understand what you need and what is or is not permitted in a certain area

LLRC member Dave Davidson wrote a change analysis which had also been distributed to the Day Town Board members prior to the meeting. In his change analysis LLRC member Dave Davidson explains in part that:

1. Article 2 – Regulated Uses under zoning law is a new article but nothing is changed. Article 2 clarifies and codifies existing procedures and policies.
2. Under uses, permitted uses were expanded, but no uses were deleted.
3. The requirements for a site plan review were expanded, but it is hoped that the Planning Board will adopt reasonable site plan requirements, while not over burdening the applicant.
4. The Area section of the change analysis points out that there are dimensional requirements of the existing law regarding shoreline setbacks (there was no requirement in the existing code) to perimeter fences which will be allowed within the set back area without a variance (this was not permitted in the existing law).
5. Under procedures, the time that a variance is useable after it has been granted now expires after 6 months if the “project has not been started.” Under the proposed law this would be extended to one year with the “start time” being when the building permit is issued.
6. Under Subdivision Control Law, the proposed law is different in two ways. First the definitions and descriptions are written to explicitly reflect the values in the Town of Day Comprehensive Plan and will give guidance to someone beginning an application.
 - a. Also, a provision for “clustered housing” in a “Conservation Subdivision” is allowed.
 - b. The change analysis also points out that the proposed Subdivision Control Law requires all “new” lots, created by subdivision, sale or gift, must be approved by the Planning Board as conforming to the lot size required in that particular zone.

LLRC member Ted Mirczak stressed that all new lots must be buildable lots.

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LLRC members Ted Mirczak and Dave Davidson along with Attorney David Avigdor pointed out that nothing has changed regarding “farm animals” not being allowed in certain area’s of the Town of Day.

The proposed Subdivision Control Law and the proposed Zoning Law will be made available to the public at the Day Town Hall and on the Town of Day website. The proposed laws will be available showing what has been changed by the use of strikeouts and the changes will be visible by the use of blue ink. A copy with the parts that had the strikeouts deleted and the changes which were in blue ink inserted in black ink will available as well.

Anyone desiring a copy of the proposed zoning law and/or the proposed subdivision law may have copies printed at a cost of \$0.25 per page. If a request is made to have the copies mailed to them a postage charge will be added to the cost.

When a date for the public hearing on the proposed changes to the zoning law and subdivision control law has been set, notice of such will be published in the Post Star legal section and on the Town of Day website.

Attorney David Avigdor will work with the Town Clerk on special notification letters which will be sent out to neighboring towns, Saratoga County, APA, DEC etc. to inform them of the proposed changes to the Town of Day Subdivision Law and Zoning Law.

Motion, made by Councilman Charlie Dreyer, seconded by Councilman Jeff Gray, to **approve the following resolution:**
#2012 – 24 Declaring the Town of Day lead agency under SEQRA – Proposed Revised Zoning Law

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 5 – 0

Motion, made by Councilman Charlie Dreyer, seconded by Councilman Jeff Gray to

Motion, made by Councilwoman Suzanne Denn, seconded by Councilman Preston Allen, to **approve the following resolution:**

#2012 – 26 Approval by the Day Town Board to prepare a Negative Declaration that will state that the proposed changes to the Town of Day Subdivision Control Law and Town of Day Zoning Law will have no negative impact on the environment

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Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 5 – 0

Motion, made by Councilman Jeff Gray, seconded by Councilman Charlie Dreyer, to **approve the following resolution:**

#2012 – 26 That it is the intention of the Day Town Board to adopt the proposed Subdivision Control law and the proposed Zoning law pending approval by the APA.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 5 – 0

Motion, made by Councilwoman Suzanne Denn, seconded by Councilman Preston Allen, to **approve the submitted vouchers** as follows:

General Fund: \$5,163.71

Highway Fund: \$977.70

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 5 – 0

Motion, made by Councilman Preston Allen, seconded by Councilman Jeff Gray to **adjourn** this Special Meeting of the Day Town Board at 7:31PM.

Ayes: Supervisor Mary Ann Johnson, Councilman Preston Allen, Councilwoman Suzanne Denn, Councilman Charlie Dreyer, Councilman Jeff Gray

Carried 5 – 0

Carol Vaillancourt
Town Clerk

