

TOWN OF DAY Planning Board
REGULAR MEETING MINUTES – Final

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September 5, 2019

Members Present:

Ted Mirczak, Chairman
Gary Newton
Ellen Taylor
Craig Trombley

Counsel: Jeffrey Meyer

Members Absent:

Mary Ann Johnson

Other Attendees:

John Shea

Chairman Ted Mirczak opened the meeting at 7:00PM

Pledge

Motion made by Gary Newton, seconded by Ellen Taylor, to approve the meeting minutes from the July 1, 2019 regular meeting of the Planning Board.

Ayes: Gary Newton, Craig Trombley, Ellen Taylor and Chair Ted Mirczak.

Carried 4:0

Old Business: None

New Business: Application for a Boundary Line Adjustment

John & Chrissy Shea

Tax Section 33.18 Block 1 Lot 58 & 33.18-1-75

Chairman Mirczak explained to Mr. Shea the process for filing the Boundary Line Adjustment application. He asked Mr. Shea to explain in greater detail what he is looking to do.

Mr. Shea explained that he owns the two properties that are back to back, and he wants to build a bedroom off the back and a carport so they are looking for a property line adjustment so that they will have the proper setbacks. He submitted two maps that showed the existing structure and the proposed structure. They want to add on to their home and will need to build onto his other property. Chairman Mirczak noted that it appears that he is moving the line by 15 feet to give him the appropriate setback for the structure.

Chairman Mirczak questioned Mr. Shea and he confirmed he owns both properties and the buildings on them. Chair Mirczak, asked about the other property and the existing structure and if that would that affect any future setbacks. Mr. Shea said no he doesn't have any plans to do anything differently with that existing property. Chair Mirczak said that if he did have plans for that property that he would probably not be able to build anything because it wouldn't have the appropriate setback and would likely require a variance. Chair Mirczak asked if there were any that changes to wells and septic's on the properties and Mr. Shea confirmed that there are no changes.

Chairman Mirczak said that Planning Board needs to determine if the Boundary Line Adjustment application that the Shea's submitted is complete. All board members reviewed the application. **Motion** made by Board Member Craig Trombley and seconded by Gary Newton to declare the application as complete.

Ayes: Ellen Taylor, Chairman Ted Mirczak, Gary Newton and Craig Trombley.

Carried: 4-0

Chairman Mirczak said that the Planning Board will also review SEQR that was completed and submitted by Mr. Shea. He asked for a motion to declare that the Planning Board is the lead agency on SEQR for this application.

Motion made by Board Member Ellen Taylor, seconded by Craig Trombley, to declare the Planning Board as lead agency on SEQR.

Ayes: Craig Trombley, Ellen Taylor, Gary Newton and Chair Ted Mirczak.

Carried 4-0

Chairman Mirczak read through and reviewed all of the line items listed on Part 1 of the Short Environmental Assessment Form (SEQR) with the Planning Board members. This review included the completion of the Part 2 Impact Assessment. All answers were checked as no.

Motion made by Board Member Ellen Taylor, seconded by member Craig Trombley, to declare a negative declaration.

Vote: All in favor

Ted Mirczak: aye

Craig Trombley: aye

Ellen Taylor: aye

Gary Newton: aye

Carried 4-0

Board Member Ellen Taylor asked what size the lots were and it was noted that one is .29 acres and the other one is .25. If the line is moved it is a very small amount of acreage, 1/10th of an acre. One of Mr. Shea's lot would become less substandard, and the other more substandard.

Attorney Meyer had a concern that the Planning Board would be making a substandard lot worse. He said that by making one lot worse would require a zoning variance from the Zoning Board of Appeals. He also said that the exact setbacks would need to be confirmed. He said that the setback is actually 20 ft. in RL zone and not 15 ft. because a side yard setback is 20 ft., and that a corner lot is considered a side yard. It was determined that Mr. Shea needs to go before the Zoning Board of Appeals for a variance. Counsel also confirmed that the Planning Board does not need a resolution to refer Mr. Shea to go to the Zoning Board of Appeals.

Chair Mirczak asked if Mr. Shea's large map had a dimension on it and Mr. Shea reviewed the larger map with the Board. Chair Mirczak did not see any dimensions which showed what is proposed and how far it was to the line. Counsel confirmed that the Zoning Board of Appeals requires a survey plan from a certified land surveyor that shows the before and after boundary change. Chairman Mirczak said that the Planning Board can't act on this Boundary Line Adjustment application unless the area variance is granted. If granted, Mr. Shea will not need to file another application with the Planning Board when he appears before the board again.

Mr. Shea said that he will submit the Zoning Variance application and can meet with the ZBA on September 16, 2019. It was noted that he will need to get his application with survey in by Wednesday, September 11, 2019 in order to be on the ZBA agenda. Once the application for a Zoning Variance is reviewed by the ZBA and found complete, a public hearing will be scheduled by the Zoning Board of Appeals which will be held during their next regular meeting in October.

Chair Mirczak said that since our board finds the paperwork complete, but that we can't act on this unless the variance is allowed, and that there will be a Public Hearing held by the Zoning Board of Appeals, that the Planning Board will not require another public hearing.

Continuing Business: None

Correspondence: None

Secretary's Report: None

Motion, made by Board Member Gary Newton, seconded by Craig Trombley, to **adjourn** this regular meeting of the Town of Day Planning Board was made at 7:28 PM.

Ayes: Chairman Ted Mirczak, Gary Newton, Ellen Taylor and Craig Trombley

Carried 4-0

Diana Edwards
Clerk