**TOWN OF DAY – PLANNING BOARD**

**REGULAR MEETING NOVEMBER 5, 2018**

**APPROVED**

**7 PM**

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**Members Present: Members Absent:**

Chairman Ted Mirczak

Gary Newton

Craig Trombley

Mary Ann Johnson

Ellen Taylor

**Also Attending:**

Mary-Ellen Stockwell, Attorney

Donna McGraw

Jerry McGraw

Lynda Buckley

Chair Ted Mirczak opened the meeting at 7 PM.

**PLEDGE**

**ROLL CALL**

**Motion,** made by Ellen Taylor and seconded by Gary Newton to **accept** the minutes from the September 6, 2018 Regular Meeting of the Planning Board.

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

**Carried: 5-0**

There was no Planning Board Meeting in October.

**OLD BUSINESS: Murray & Joan Hennessy**

 **Tax Map #33.09-1-5**

 **N.D, Kathan Realty Corporation**

 **Tax Map #33.05-1-9**

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Chair Mirczak explained that on October 10, 2018 the planning board clerk received a call from Attorney James Brody, who represented Murray and Hennessy for a Boundary Line Adjustment at our June 4th meeting. (The actual resolution was signed on August 6, 2018 when the mylar was received in Town Hall.) Attorney Brody stated he did not submit the mylar to the County within the 62 day limit. The County recommended that the map be brought back here for a new date and signature.

**Motion** was made by Craig Trombley, seconded by Ellen Taylor to **ratify** the resolution granting the Boundary Line Adjustment signed on August 6, 2018.

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

**Carried: 5-0**

Chair Mirczak questions if there should be a penalty attached if the map was not brought to the County in a timely manner and the matter had to be brought before the planning board again. Counsel Stockwell did say that other areas did attach a penalty of either a resubmission of the application fee or actually bringing the whole matter back before the board.

Chair Mirczak will discuss the matter with Town Supervisor Allen for his input and to possibly bring it before the Town Board for their approval.

**NEW BUSINESS:** A preliminary consultation was recommended by Code Enforcement Metzler for Donna McGraw, Jerry McGraw and Lynda Buckley before the planning board.

Prior to beginning Members Craig Trombley and Mary Ann Johnson relayed that they know the McGraws.

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Jerry McGraw came before the board. He did give a copy of the Tax Map to them. Parcel 28 is presently owned by his daughter Allison. Parcel 29 is owned by Lynda Buckley. He wants to change the size of both lots.

Chair Mirczak asked by what amount would the changes be.

Parcel 28 is 100 x 100 and Parcel 29 is 1.0 acres. The changes would increase Parcel 29 with an additional 100 x 75.

Chair Mirczak stated that the board would need to know the exact dimensions and changes if they decide to file. He asked what district it was in. Mr. McGraw did not know.

Chair Mirczak explained the process for a Boundary Line Adjustment. The application is filed with a fee. It comes before the planning board and a decision is made if a public hearing is needed. The application does need to be completed which includes items one through four on page one of the application.

The board questioned Mr. McGraw to clarify that they were not trying to make a third lot. They were decreasing one lot and increasing the other. There is a structure on each lot. The roads involved are Kathan Road and Cameron Road.

Counsel Stockwell did interject that it was RLD and the requirement for that is 8.5 acres. She feels that we need a determination from the Zoning Administrator before proceeding. A new lot cannot be created in the district without a variance.

Chair Mirczak did have questions on this.

Mr. McGraw did say they got a variance on lot 28 for a garage. That is done.

Chair Mirczak clarified that if the planning board did this, there could not be another structure put there. That would be stipulated.

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Mr. McGraw did want to submit the application to the clerk at the meeting. He was reminded that he needed to include more detail on lot sizes etc.

The McGraws and Lynda Buckley did leave the meeting.

Counsel Stockwell did reiterate the importance of getting input from the Zoning Administrator. It is his job to do this. It is important to get it in writing. The Boundary Line Adjustment rule states that in all cases you must satisfy the minimum lot area requirements in the zoning district. This does not.

Chair Mirczak did agree to speak with Ken Metzler, the Code Enforcement Officer.

**CORRESPONDENCE:** None

**SECRETARY’S REPORT:** None

**Motion,** made by Gary Newton, seconded by Mary Ann Johnson to **adjourn** this

regular meeting of the Town of Day Planning Board was made at 7:35 P.M.

Ayes: Chair Ted Mirczak, Gary Newton, Craig Trombley, Mary Ann Johnson and

Ellen Taylor.

**Carried: 5-0**

Dawn Graham

Clerk