

TOWN OF DAY PLANNING BOARD MINUTES

REGULAR MEETING – APRIL 17, 2007

Members Present: David Cox, Chairman
Ted Mirczak
Jack Vaillancourt
Dick Traeger
Charles Dreyer
David Avigdor, Attorney

Members Absent: None

Pledge

Motion by Jack Vaillancourt, seconded by Ted Mirczak to accept the minutes of March 5, 2007. Ayes: David Cox, Ted Mirczak, Jack Vaillancourt, Dick Traeger, Charles Dreyer. Carried 5-0.

Old Business None.

New Business **GOODSPEED/MATTISON** **SITE PLAN REVIEW (Dog Kennel)**

The Secretary stated Carol Mattison had contacted her in response to a letter with a site plan review application she received. Ms. Mattison stated she has a permit from Agriculture and Markets to breed Shelties for an address in Queensbury which does not expire until August. Ms. Mattison stated she does not bred dogs with the intention of selling, she does not board dogs and the expense she incurs caring for the dogs far exceeds the very occasional puppy she has sold. She stated she has not sold any of the dogs at her present location.

Code Enforcement Officer Metzler stated the Dog Control Officer had received a complaint and in responding to it, found Ms. Mattison had 27 dogs of a single bred on the premises and zoning law requires a site plan review for operating dog or cat kennels in that zoning district.

Chairman Cox directed the Secretary to send Ms. Mattison another letter stating she must complete the site plan review application.

Motion by Jack Vaillancourt, seconded Ted Mirczak to send a letter with site plan review application to Ms. Carol Mattison. Ayes: David Cox, Ted Mirczak, Jack Vaillancourt, Dick Traeger, Charles Dreyer. Carried 5-0.

Correspondence

There was no interest in attending any of the conferences the Board Members were provided materials for.

Chairman Cox also received from Adirondack Research Consortium information on their 14th Annual Conference on Sustainability, Climate Change, and Protected Areas. No Members would be attending.

Secretary's Report

None.

Cox

Chairman Cox stated he wished to make a disclaimer regarding the Carbone application. He stated he previously had a working relationship with Peter King, the engineer for Mr. Carbone. Attorney Avigdor inquired if this was an engineer/client relationship or engineer/engineer relationship. Chairman

himself

stated an engineer/engineer relationship. Attorney Avigdor stated Chairman Cox should also disclose this at next month's Public Hearing. He further stated Chairman Cox should recuse

public.

if this relationship would impede him from maintaining impartiality or would give the same impression to the

this in the verify

Code Enforcement Officer Metzler stated he would no longer be providing applicants with lists of adjoining property owners because his lists are too far out of date. He stated he did past with the disclaimer that the applicant would need to these lists. In light of the problems incurred in the Carbone application, he would no longer provide these lists.

Discussion these lists but to statute requiring Attorney Avigdor if a property owner did view the sign and be

ensued of the State's intentions of no longer using post on the property. Chairman Cox stated this certified notification had not been amended. agreed. Board Member Vaillancourt stated not live in the area, he would not be able to aware of any activity on the parcel.

John Jordan inquired if Board Member Mirczak had made any additional visits to the site. Board Member Mirczak stated he had not. Chairman Cox stated he had been made aware through a conversation the Secretary had with Robert Freeman that notice was not required of a on site meeting with Board Members present as long as no decisions were made. Attorney Avigdor stated his understanding of the law was that no discussions could be had at the site. He suggested that Board Members go to the site in groups

of no larger than two and that would not require notification. The
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Secretary stated Mr. Rider in Ballston Spa legal department stated
only a two day notice would be sufficient for a meeting.

Motion to Adjourn at 7:40 p.m. by Charles Dreyer, seconded by Dick Traeger. Ayes:
David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt, Charles Dreyer. Carried 5-0.

Respectfully submitted,

Diane R. Byrne
Secretary