

# **TOWN OF DAY PLANNING BOARD REGULAR MEETING – APRIL 6, 2009**

**Members Present:** David Cox, Chairman  
Ted Mirczak  
Dick Traeger  
Eileen Brennan  
Jack Vaillancourt

**Members Absent:** David Avigdor  
Town Attorney

**Motion** by Ted Mirczak, seconded by Board Member Brennan to approve the minutes of the March 2, 2009 meeting. Ayes: Cox, Mirczak, Traeger, Brennan, Vaillancourt.  
Carried: 5-0.

**Old Business:** None

**New Business:** **MAJESTIC MOUNTAIN MARINA**  
**09-01SPR Tax Map # 32.19-1-18**

John Sajdak, owner of Majestic Mountain Marina, submitted an application for Site Plan Review to add a fenced in patio to his existing restaurant. He had previously appeared before the Planning Board in September 2007 to increase the snack bar to a restaurant serving food and drink including a bar with live entertainment and an 18'x25' patio. At that time the patio and live entertainment were denied.

Mr. Sajdak stated the patio plans are the same with the exception of a fence around the patio in order to define the area where the patrons will be served. The restaurant has been in continuous operation since the last application with no derogatory reports or problems and has proven it is a family restaurant. At the time of the Public Hearing, there were concerns of rowdiness and excessive noise. Mr. Sajdak stated he has received requests from customers for an outside dining area in nice weather.

Mr. Sajdak stated he would be required to revise his liquor license to include the additional area. His concern is this same area has been designated the outdoor smoking area and while he attempts to restrict his patrons from carrying alcoholic beverages out of the restaurant to this smoking area, he is not always able to. He is concerned this may result in losing his liquor license. If he were able to designate this area as part of his restaurant, it would alleviate that issue. The State Liquor Authority would require that he erect a fence around this area.

Board Member Vaillancourt inquired if there would be any bands or DJ's playing music on the patio. Mr. Sajdak stated all live

entertainment was denied at the time of his last application and he only has a jukebox in the inside bar area and does not wish to have anything additional. Board Member Vaillancourt stated he has had dinner at the restaurant and did not realize while he was there that there was a jukebox. Mr. Sajdak stated the volume is kept low and mainly kept in the bar area. Board Member Mirczak inquired if it was Mr. Sajdak's intention to pipe the music to the patio. Mr. Sajdak stated it was not.

Board Member Traeger inquired if there were fire laws regarding access to and from the patio if it were completely fenced in. Mr. Sajdak stated there would be a 3 foot high fence with plantings around it which may raise the fence to 4 feet. He stated there were three French doors and two additional doors near the kitchen and bathroom areas. He stated a gate for emergency exit only could be added to the fence. Board Member Mirczak stated Mr. Sajdak should contact Code Enforcement Officer Metzler regarding what would be required for the fence for access. Member Vaillancourt stated there would be signage on the gate which stated "For Fire Use Only".

**Motion** by Eileen Brennan, seconded by Board Member Vaillancourt to declare the application complete and set the Public Hearing for Monday, May 4, 2009 at 7 p.m. Ayes: Cox, Mirczak, Vaillancourt, Brennan, Traeger. Carried: 5-0.

**Correspondence:** SUNY Delhi Onsite Wastewater Treatment Training Network Schedule was received by the Board Members with no Board Members wishing to attend.

Chairman Cox stated the New York Planning Federation will not be holding its conference in Saratoga this year. It will be held September 13-15 in Lake Placid. If any members wish to attend, they will contact the Secretary.

**Secretary's Report:** None.

**Public Participation:** None

**Motion** by Dick Traeger, seconded by Board Member Vaillancourt to adjourn the meeting at 7:20 p.m. Ayes: Cox, Brennan, Mirczak, Traeger, Vaillancourt. Carried: 5-0.

Respectfully submitted,

Diane Byrne  
Secretary