

# TOWN OF DAY PLANNING BOARD – MINUTES

## REGULAR MEETING – JANUARY 4, 2007

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

**Members Absent:** David Avigdor  
Attorney

### Pledge

Chairman Cox welcomed new Planning Board Member, Charles Dreyer.

**Motion** by Jack Vaillancourt, seconded by Dick Traeger to approve the minutes of December 4, 2006. Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt, Charles Dreyer. Carried 5-0.

**Old Business**            **RATCLIFFE, Michael – KYARSGAARD, Matthew**  
**PB09-07BLA – Tax Map #33.18-1-36**

Board Member Mirczak inquired if the letter received by the ZBA had been approved by Town Attorney Avigdor. His concern was that Mr. Ratcliffe be aware that no other variances would be entertained and not only sideline variances. The Secretary stated she did not hear back from Attorney Avigdor due to a family illness but would bring that to his attention.

**PERRYMAN, Arthur & Kristine**  
**PB06-08SUB – Tax Map #25.1-22.2**

The Secretary notified the Board the Perryman's would be having a Public Hearing on January 18<sup>th</sup> before the ZBA.

**FEDOROWICZ, John & Laura**  
**PB06-09SUB – Tax Map #43.6-2-1**

The Secretary notified the Board that this application would be appearing on the agenda for the last time this month. She has not received anything further from the Fedorowicz.

**KLOSS, Charles – Tax Map #33.6-1-29.12**  
**Town Turnaround on Pine Ridge Road**

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The Secretary notified the Board that she has not received any further information from Mr. Kloss.

### **Mandatory Training Notification of the Town Board**

Chairman Cox stated all Board Members were in receipt of the recent change to State Law which requires Planning and Zoning Board Members to receive four hours of training each year. He stated the Town Board would be approving training instead of the Town Attorney and they would be expecting a resolution. He further stated it would be a blanket resolution to cover all training. Chairman Cox suggested the following resolution: "Whereas the Town Board has been authorized to approve training for the Planning Board and the Planning Board would request the Town Board to include blanket approval for training at any conferences or training seminars conducted by Saratoga County Planning, New York State Planning Federation, Adirondack Park Agency, New York State Association of Towns and Bond, Schoeneck & King, PLLC." The Secretary will forward this resolution to Attorney Avigdor for approval.

### **New Business**

#### **Adult Entertainment**

Chairman Cox stated the Town Board will be holding a Public Hearing at their next meeting on proposed local law dealing with adult entertainment. Code Enforcement Officer Metzler stated that Public Hearing had been postponed to February 12<sup>th</sup>. Town Clerk Vaillancourt stated the legal notice needed to be published for a specific numbers of days and it could not be met.

Chairman Cox stated an adult entertainment facility would require a special use permit which would be reviewed by the Planning Board and may require a field visit of the site of the facility. The site plan review would follow the same procedure with a completed application, etc. Chairman Cox stated this review would be completed within the 62 day requirement. He stated that while this law is not currently in effect, he wished to bring it to the attention of the Planning Board Members.

### **Correspondence**

Received an invitation to attend a conference "The Environmental Clearinghouse Conference "Sustainable Development II: Strategies for Growth in the Capital Region" on February 2<sup>nd</sup> but it was determined not to pertain to this Board.

Chairman Cox stated the APA reviewed the proposed local law on tree cutting with two minor changes and while they were not substantive, Attorney Avigdor will review and incorporate them into the Ordinance. Chairman Cox stated the Public Hearing was conducted with no action taken and it will be on the agenda at the next Town Board meeting. There will be no extra Public Hearing required.

Chairman Cox stated members were provided with a memo from the Secretary stating Mr. Sitterly, a logger, had invited any members to a log harvesting site to observe the project and they would need to contact Mr. Sitterly if they wished to do so.

**Secretary's Report** The Secretary provided all members with Saratoga County Planning Training Certifications for the upcoming conference. Board Member Dreyer will also attend.

**Public Participation** Rick Carbone appeared and requested that the Board assist him in obtaining a new permit for the Stump Dump he utilizes off Military Road. Mr. Carbone inquired if Chairman Cox had spoken to Attorney Avigdor and Chairman Cox stated he was unable to reach Attorney Avigdor. Mr. Carbone stated he had received a letter from Code Enforcement Officer Metzler informing him that the permit had not been filed as required and to cease dumping.

Chairman Cox stated this was a Class B Regional Project administered by the Town of Day and he was unaware of any action this Board could take to continue the permit after it was closed by the Code Enforcement Officer. Mr. Carbone was advised to reapply for a new permit. It would take a minimum of two months to complete the process. Mr. Carbone was provided with a Site Plan Review application and the time constraints he must follow to have it placed on next month's agenda. Mr. John Jordan also requested a copy of the same application and was provided with one. Board Member Mirczak stated that in the permit it stated that there are APA and/or DEC regulations Mr. Carbone must adhere to and requested the Secretary obtain a copy of same. Mr. Carbone also requested a copy of the same regulations.

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**Motion to Adjourn** at 7:30 p.m. by Ted Mirczak, seconded by Charles Dreyer. Ayes: David Cox, Ted Mirczak, Dick Traeger, Jack Vaillancourt, Charles Dreyer. Carried 5-0.

Respectfully submitted,

Diane R. Byrne  
Secretary