

ZONING BOARD OF APPEALS

September 7, 2010

Present: Michael Dudick, Chairman, Robert Ritter, Deborah Ferro, Christopher Lemire, Douglas Strother, Brian Telesh

Also Present: Louis Renzi, Esq., ZBA Counsel
Steve Myers, Director, Building & Zoning

Absent: James Whalen

Mr. Dudick called the meeting at 7:08 p.m.

PLEDGE OF ALLEGIANCE

Mr. Dudick informed the board and applicants that Dale Gleason has resigned. He stated that she will be missed and that she did an outstanding job during her many years of service. He told the applicants that Deborah Ferro will be filling the vacant seat and one member, James Whalen, is absent. Ordinarily there are seven members and four yes votes are required to approve an application. Today there are six voting members which means that to approve an application, four yea votes are needed out of six. He informed the applicants if they so choose they could table their application until the next meeting when more voting members might be present. Applicants chose to remain and present their applications.

OLD BUSINESS:

None

NEW BUSINESS:

The secretary read the notice as it appeared in the *Daily Gazette* on September 2, 2010.

1. **An application from John Lucarelli for a new motel proposed in B-4A zone. Previous variance #80750 approved for this location. Motel orientation and land involved changed. Additional variances required:**
 1. **208-50.3B Front parking setback required = 30' Setback available = 27' Previously granted by #80750 = 20.5'. Additional variance of 6.5' required**
 2. **208-50.3C – Side parking setback required = 20' Setback available = 3.3' Variance required = 16.7'**
 3. **208-50.3C Rear parking setback required = 30' Setback available = 27' Variance required = 3'**
 4. **208-50.5 15' landscaping buffer required along sidelines 3.3' available Variance required = 11.7'**

Property is located at Old Route 146, Clifton Park. (Permit # 80791)

Don Ariko, from Boswell Engineering (site engineers) presented the application. He stated there were a handful of layout variances requested. He informed the board that the project is the same but due to the fact the adjacent land is not going to be purchased, the acreage is reduced from 2.97 to 2.37. They had to rotate the building. He explained the setbacks that are now needed. Mr. Dudick asked for public comments, there was none.

Mr. Lemire asked what was approved in October when the project was first brought to the board with application #80750. Mr. Ariko presented two maps showing the original plan and the current proposed plan.

One change to the plans is the reduction of parking spaces from 111 to 105. The greenspace is about the same. The building has been rotated and the building setbacks are different.

	Previous	Current
Front	48.1 ft	47.3 ft
Side	51.7	59.8
Rear	78.8	90.5
Greenspace	47%	51.9%
Parking	111 spaces	105
Lot width	400 ft	290 ft

They are trying to pull the building as far forward as they can, but the lot is narrow. The planning board wanted the building pulled forward to minimize the parking in front for visual reasons.

Mr. Dudick clarified that the area will be a hotel next to another hotel. The three buildings next to it are vacant.

Mr. Ritter asked if there are any other changes beside the building being rotated and setbacks.

Mr. Ariko stated there are not, except for reducing the number of parking spaces.

Mr. Dudick made the motion to close the public hearing, seconded by Mr. Strother. All were in favor.

Mr. Myers stated there are only minor changes to the variances. He has a couple of issues, which will be addressed in Planning.

Mr. Strother asked if the county had indicated that there is any impact. Mr. Myers stated there were some issues with access for emergency vehicles that will be addressed in Planning.

Mr. Dudick asked if they would revert back to the original plan if the price of the adjacent land changed and was purchased. Mr. Ariko said they definitely would. Mr. Dudick asked if the purchase was dead or possible and Mr. Ariko said it was be possible since the lot is undersize.

Mr. Ritter made the motion to accept the application as presented. It was seconded by Mr. Telesh.

Ayes: Ritter, Ferro, Dudick, Strother, Lemire, Telesh Noes: none

Application approved.

The secretary read the notice as it appeared in the *Daily Gazette* on September 2, 2010.

- 2. An application from Stephanie & Brian Ranze requesting two (2) variances from Section 208-12 accessory buildings. Parcel has two (2) fronts and requires 80' setback for accessory structures. Shed placement at 40' from property line requires a 40' variance. Pool placement at 62' from property line requires an 18' variance. The property is located at 2 Fairleigh Way, Ballston Lake. (Permit #80793)**

Brian Ranze, owner of the property, presented the application. They are seeking a variance of 40' for a shed purchased by his wife. The shed requires an 80' setback and the shed is currently sitting 40' from the line. The second request is a 17' setback variance from Trethorn for a swimming pool. He stated they will be working with a contractor to put in berms to shield the pool from the road.

Mr. Dudick asked for comments from the board. Mr. Strother stated he reviewed the application and he is in support.

Stephanie Ranze stated that the opposite side of the property is forever wild. Mr. Dudick clarified that the property is undeveloped residential but is shortly going to be purchased by the town.

Mr. Dudick asked why the shed needed to be closer to Trethorn. Mr. Ranze explained that moving it would put it in proximity to the neighbor's property line and they don't have 80' there. Mr. Telesh asked if it were not a corner lot, how far would it have to be. Mr. Myers stated it would be 5'.

Mr. Dudick asked for public comment. There was none. Mr. Ritter made the motion to close the public hearing. Seconded by Mr. Strother. All approved.

Mr. Ritter made the motion to accept the application as presented. Seconded by Mr. Strother. Ayes: Ritter, Ferro, Dudick, Strother, Lemire Noes: none

Application approved.

The secretary read the notice as it appeared in the *Daily Gazette* on September 2, 2010.

3. An application from W.Roy Scott, R.A. for setback variance. Parcel is located in Woodcliffe Estates PDD (A217-188). This PDD has underlying zoning of R-1. Variance requested from Section 208-11 side yard setback required = 10'. Three feet (3') requested, 7' variance required. The property is located at 63 Glenbrook Court, Clifton Park. (Permit #80794)

Roy Scott, architect, presented the application for David and Helen Wolf. The application requests a side yard setback variance of 7' for the construction of a three or four season room on the back of their townhouse. Plans and photograph were presented. The room would be built off the back of the patio door and window and would be a one story heated 12 x 20' addition. The issue is that in this district the setback is 10' unless the townhouses are side by side. The firewall is between the two dwellings. You can extend the firewall and build right up to it but the architect suggested building up to 3' from the property line. Building to 10' would make it impossible to install a door. The request is for 3' setback variance.

David Wolf stated that he checked with the neighbors, neither has a problem with the construction.

Mr. Myers stated that the PDD code has a restriction of 10', which is why they need the 3' variance.

Mr. Renzi asked if there was a deed restriction on the building.

Mr. Wolf stated that other homes in the area have already done what they are doing. Mr. Dudick asked if it is in the same development and was told "yes".

Mr. Ritter asked that there are other structures similar to his with three/four season rooms. Mr. Wolf answered "yes".

It was discussed that if you want to build, you can extend the firewall and build up to the line.

Mr. Lemire asked why they were not doing that and asked if might be for aesthetics.

Mr. Scott said they could do that, but then they would not be able to have any openings. Mr. Lemire stated the 3' variance would be nicer in appearance.

Mr. Strother indicated that if the firewall was extended and the neighbors did the same, there would be 6' between.

Ms. Ferro said she would like to see the deed to be sure they could build.

Mr. Dudick asked if there was anything in writing from the Vincents (neighbor) stating they were ok with it. Mr. Wolf said he had verbal confirmation.

Mr. Dudick explained that sometimes the board would ask for documents to be sure. He said if there were a deed restriction, it wouldn't be logical to approve the application.

This is an area variance, which means that there is no requirement to notify the neighbors, but the board can ask for it if it thinks it is relevant, which he feels it is, in this case..

Mr. Wolf invited him to call the neighbors to verify they had no problem.

Mr. Wolf informed the board that the builder is ready to start construction on Monday.

Mr. Strother stated that they are trying to build something that would look better than extending the firewall. Mr. Ritter agreed.

Mr. Telesh asked if they could put in a stipulation they would approve provided deed and written signoff by the neighbors.

Ms. Ferro would like to see the deed as well.

Mr. Renzi attempted to contact the Vincents, but the phone number was unlisted.

Mr. Lemire stated that stipulations are good, but if the board makes it a requirement, it becomes a legal requirement, and if the board does not make it a requirement and grants the application, there is nothing in the lawbook to say that the neighbors have to agree.

Mr. Dudick stated he does not need the neighbors written permission to make a decision and is fine without it.

Mr. Dudick asked for comments from the public. There were none.

Mr. Ritter made the motion to close the public hearing. Mr. Strother seconded. All in favor.

Mr. Dudick stated that he would agree to approval of the application with the stipulation that there is a review of the PDD or the deed to be sure there is no restriction.

Mr. Renzi suggested this should have a time limit. Mr. Myers said he could review it tomorrow if he had the deed. Mr. Wolf said he could provide the deed, and Mr. Myers said he would pull the PDD. Mr. Renzi stated that the reason for the concern is that due to PDD, it is incumbent that they be sure there is nothing in the deed that would preclude him from doing what he wants to do. Mr. Wolf stated he understands.

Mr. Ritter made the motion to approve the application provided documentation is supplied within 45 days. Mr. Telesh seconded the motion.

Ayes: Ritter, Ferro, Dudick, Strother, Lemire, Telesh Noes: none

Application approved with above stipulation.

The secretary read the notice as it appeared in the *Daily Gazette* on September 2, 2010.

- 4. An application from Robert Mackey requesting two variances; First variance is a setback from Section 208.11 for attached garage addition. Fifty feet (50') required in R-1 zone. Variance required = 11'. Second variance is for accessory structure; new carport not attached to the house. Setback required from Section 201-12 is 80' feet, proposed setback is 18', 62' variance required. The property is located at 40 Male Drive, Clifton Park. (Permit #80795)**

Mr. Dudick informed that Mr. Strother is detained and asked if any applicants who wish to postpone could do so. The board needs 4 out of 5 votes, should Mr. Strother not return.

Robert Mackey, owner of the property, presented the application. Mr. Dudick ask Mr. Mackey would like to continue or postpone. Mr. Mackey indicated he wanted to continue. He stated he wants to build a garage and carport. He owns 43 acres on a dead end road and wetlands across the street. He said the board granted him a variance two years ago for a structure that he hasn't built yet. He has one neighbor who shares a driveway with him and one who is farther away. He wants the garage outside his front door and a carport behind it which could be attached. The side will match the house. He states that he has items stored between his house and the neighbors, and that the items would be put inside the structures and shielded from view.

Mr. Myers stated this is a pretty drastic variance for the carport part. The greatest effect is on the neighbor next to him. He suggested the board might consider that. He has a lot of stuff in the

yard which would be placed out of sight. He said he told Mr. Mackey he wants the corners definitively marked to be sure the setbacks are met. Mr. Mackey informed that the surveyor was coming the next day to set the corners.

Mr. Lemire asked about the last permit for a carport/garage for which he already has a variance. Mr. Mackey informed that the garage changed from a wood structure to metal and isn't built yet. He stated that his intention is to build it and has an application submitted and the materials on site. He said he will use it for his backhoe. He spoke about the driveway which is legally split and there is an incline up to the garage and is difficult to get up in winter. He is digging to put it level to the road.

Mr. Lemire asked what the garage and carport were for, and what is the other garage for. Mr. Mackey said the garage and carport are for his car and for working on his car. The other garage is for his dump trucks and other vehicles.

Mr. Lemire asked if there is a driveway to the proposed garage. Mr. Mackey said there will be as he is getting 100 tons of black shale delivered tomorrow.

Mr. Lemire asked why he is putting the garage on the front of the house instead of the back. Mr. Mackey told him he can't do that because of the septic system.

Mr. Dudick asked for clarification as to which map to use. Mr. Myers indicated the older map is a Planning Board original map from several years ago. Mr. Mackey had a new survey done. Mr. Myers asked what he was doing with the hydrant. Mr. Mackey said he was leaving it where it is.

Mr. Dudick summarized that he looking for approval for 2 proposed carports 2 garages and exercise/workshop room. He asked if it was for commercial use. Mr. Mackey said it was not.

Mr. Dudick asked for comments from the public. There were none. Mr. Dudick made the motion to close the public hearing. Mr. Ritter seconded the motion. All approved, public hearing closed.

Mr. Mackey stated that the only flat area is where he is excavating and to get up the incline in bad weather using the shared drive, he has to "floor it". He said he cannot do anything with the land across the street because it is wetlands.

Mr. Myers expressed his concern about adding so much to the front of the house. Mr. Mackey said it will be more aesthetic and he had talked to his neighbor and said he was all for it. Mr. Dudick asked if this was in writing. Mr. Mackey said he just spoke with them.

Mr. Ritter asked where the "stuff" between the houses will be placed. Mr. Mackey said they are mainly patio blocks which he will use.

Mr. Telesh said this has an impact on the neighbor and he would feel more comfortable if he could see something in writing from the neighbor saying he has seen the site plan and has no objections to it. Mr. Dudick agrees about neighbor impact.

Mr. Dudick asked if the problem would be eliminated if Mr. Mackey built the other garage that has already been approved. Mr. Mackey said it would not because that site is a long walk away from the house and he wants a garage nearby.

Mr. Dudick stated he came to the board two years ago with the case about a garage and carport and the reasons he needed it and is now arguing against those reasons and asking for another one. He is wondering why he requested it and decided against it. A discussion ensued regarding building the structure for other purposes, ATV, kayak, etc. Mr. Mackey said he wants something close so he doesn't have to go up the incline.

Mr. Lemire asked how long he had owned the property. The answer is 1995.

Mr. Telesh asked if there are restrictions for him putting in blacktop in the open area. Mr. Myers said there is not.

Mr. Dudick asked if anyone was ready to vote. Mr. Strother said he was ready.

Mr. Dudick explained that he would need four out of the six people to vote for the application, or he could table it or he could have his neighbor come by and speak with them. He said he would want to know if the neighbor put in writing that he was against the structure being built.

Mr. Mackey told the board that he has a friend waiting to start building and doesn't want to delay it. Mr. Dudick stated that it is two years since the last variance and the structure is not built.

Mr. Mackey said he would be willing to have them vote on just the garage attached to the house.

Mr. Ritter stated he thinks separating the two does not make sense. Mr. Telesh had reservations on building the garage in front of the house and putting the deck on top as there are impacts to Mr. Mackey's neighbor. He stated both structures are in front of the neighbor's house and there is a significant variance as the Building Department has pointed out. Mr. Dudick pointed out that the neighbor has the same rights as far as the property is concerned.

Mr. Dudick stated the next meeting is September 21, 2010 and gave Mr. Mackey the choice of having the board vote with their reservations, or he could table it for two weeks so they could have something from the neighbor in writing.

Mr. Dudick explained the 62 day rule which is not an issue if they come back in 2 weeks. If he does not show up at the meeting or for 62 day, then the board has to come to a decision. Lack of decision would be a non approval. Mr. Renzi asked Mr. Mackey if he understood it, and he said he did.

Mr. Strother asked if the variance is granted, would a time limit be set on how long he has to build the structures. Mr. Renzi asked what the game plan is to complete it. Mr. Mackey stated that his friend will start on it soon if it is approved.

Mr. Dudick stated they will table the application until September 21, 2010.

Mr. Telesh said that if the neighbor signed a copy of the site plan or something like that it would help with his decision. Mr. Dudick agreed.

Application tabled.

The secretary read the next notice as it appeared in the *Daily Gazette* on September 2, 2010.

- 5. An application from Paul & Lynn Spillane requesting setback variance from Section 208-11 for a screened in porch. Setback requirement is 50' from front property line. Setback requested is 41', requiring 9' variance. The property is located at 17 Barney Road, Clifton Park. (Permit #80796)**

Paul Spillane owner of the property, presented the application, requesting a 9' variance for construction of a screened in porch. He provided a plat of the property and signatures and comments from his neighbors. He needs to clip the setback line to build a symmetrical porch with a matching roof to wrap around the side of the house.

Mr. Dudick asked for public comments or questions. There were none.

Mr. Ritter made the motion to close the public hearing. Mr. Telesh seconded. All approved.

Mr. Myers had no comments.

Mr. Strother commended the applicant for being so well prepared and for providing neighbors' comments. He said the benefit is that he will have a certificate of compliance. Mr. Dudick agreed and stated that Mr. Spillane had addressed everything. He said after reviewing the application, he does not see any adverse effect.

Mr. Ritter made the motion to approve the application as presented. Mr. Telesh seconded.

Ayes: Ritter, Ferro, Dudick, Strother, Lemire, Telesh Noes: none

Application approved.

The secretary read the notice as it appeared in the *Daily Gazette* on September 2, 2010.

- 6. An application from Megan H. Feith requesting two variances for increasing area of current non-conforming residence. House is in R-1 zone requiring 50' front setback. Footprint to remain the same, second story to be added. Variance required from 208-11, 50' setback required, 29' available = 21' variance requested. Variance required from Section 208-11 and 208-97 B (2)(a), expanding/increasing area of non-conforming use not allowed, variance required to build second floor. The property is located at 15 Dyer Drive, Clifton Park (Permit #80797)**

Megan Feith, owner presented the application. She requests a variance to build a second story on her home, making it from a ranch to cape with the same footprint. The house was purchased in June 28, 2010. All other houses on the street are capes, except hers.

Mr. Dudick asked for public comment. There was none.

Mr. Ritter made the motion to close public hearing. Mr. Strother seconded. All approved.

Mr. Myers stated the reason for the application is to get it on paper. The house was built in 1954, before the zoning department existed.

Mr. Telesh stated they see a lot of these in Jonesville where all the houses on Dyer Drive have the same setback were built before the zoning changed.

Mr. Dudick did not see any problem with the application as it doesn't change the nature of the neighborhood, and is just of matter on increasing the area of living space.

Mr. Dudick made the motion to accept the application as presented. Mr. Telesh seconded.

Ms. Ferro asked for clarification of the law regarding the use variance. It is non conforming due to the setback requirement, not because of the use. The regulation requires she get a variance before increasing the area of a non conforming structure. While the vertical issue is dealt with, you take care of the setback issue as well. Mr. Renzi stated that this is giving regularity to non conformity.

Ayes: Ritter, Ferro, Dudick, Strother, Lemire, Telesh Noes: none

Application approved.

The secretary read the notice as it appeared in the *Daily Gazette* on September 2, 2010.

- 7. An application from One Fairchild Square, Inc. requesting variances to further subdivide property into 5 parcels (currently 3 parcels) 1. Section 208-65E(1) No parking allowed in the front yard, Lots C,D & E all show parking in the front yard (3 variances)**
 - 2. Per 208-65C and 208-65E (2) there shall be a 25' buffer of vegetation along the side and rear property lines. Variances required.**
 - Lot C – East & west sides of property (2 variances)**
 - Lot D – West side & rear of property (2 variances)**
 - Lot E – North side of property (1 variance)**

Notes: Only one curb cut is allowed per lot per 208-661. The same curb cut is proposed for all 3 properties. Access is provided per a common roadway. The property is located at 1 Fairchild Square, Clifton Park. (Permit #80792)

Tom Andress, from ABD Engineers and Surveyors, representing the owner of One Fairchild Square presented the application. There are currently three lots, with two additional lots, one lot was sold, and one under contract. Since the prior appearance before the ZBA and Planning Boards, the owner has purchased the additional property creating 2 parcels which they want to subdivide into 3 lots. A common road would be created. There is a common easement which was sent to the Planning Board.

Mr. Strother asked for clarification of how the subdivision was created. Mr. Andress explained on the map. He stated that the representation was always that these were all lots that were to be subdivided specifically so they could be sold. Mr. Strother stated that his memory was that they were specifically subdivided because there were setbacks that were created. He asked how there would be access to the properties.

Mr. Andress said that as part of the approval from the Planning Board that access to the property would be from Van Patten Drive.

Mr. Ritter asked that the previous minutes from the last approval be checked. He stated that he believed they were in agreement as long as emergency access and all the access was coming from one direction.

Mr. Andress stated there would be signage directing trucks, but that the Planning Board decided not to make the access one way in or out. They will eventually be applying for a variance for signage on Van Patten, so that the trucks know to turn on Van Patten.

Ms. Ferro asked if there would be a lot of trucks on Van Patten and Ushers. Mr. Andress stated they did a traffic study and that is not the case. There are trucks from Everett Charles, but the rest are high tech. They are trying to maintain the park to look nice. Mr. Dudick stated it is zoned industrial, but it is now tech industrial.

Mr. Andress states that each lot meets the code for subdivision, but that they need to get variances for setbacks.

Mr. Lemire reviewed the minutes of October 20, 2009. He indicated that in the minutes it mentions that the tenants on A & B would be encouraged to use the Van Patten Road entrance. Mr. Lemire stated that you cannot control what they will do once the land is purchased.

Mr. Dudick said he remembers when they appeared before the board in October 2009, that the purpose of the application was for eventual subdivision and sale.

Mr. Andress agreed that is the case. He said people do not want to lease, they want to purchase their own property and build their own building. He indicated that no one will buy or finance the property and buildings as a whole.

Mr. Telesh asked where the signage would be. Mr. Andress stated it is not going to be a Van Patten address, but Fairchild Square.

Ms. Ferro asked if there were 3 buildings instead of 4 would you still need variances. The answer was “yes” or they would have to be offset 25 feet from the property lines.

Mr. Renzi asked if Lot A is physically separated from the others so that the driveway is contained. Mr. Andress said “no” the driveway goes right through the middle and is mostly on Lot B. He stated the only way in and out used to be through Everett Charles until the fire safety

required that they put that access road in. They are taking that road and paving it to make it paved access.

Mr. Lemire asked if Lot B is 25 feet from the property line. Mr. Andress said it is and no variance is needed. They are not asking for any variances for building setbacks.

Mr. Strother stated this access would increase traffic. He said that signage is necessary because otherwise trucks will blow by and have to turn around somewhere on Ushers Road.

Mr. Lemire asked if each building is one business. Mr. Andress said it is.

Mr. Telesh stated you don't want roads too restrictive for emergency vehicles. He asked if you could do signage like "no right turn" etc"

Mr. Strother discussed his concerns about more traffic on Ushers which could be an issue.

Mr. Andress stated they did a traffic study.

Mr. Ritter asked how much more and was told a minimal of 20-30. Mr. Ritter asked what the threshold was for light industrial. Mr. Andress said it was "way under the threshold".

Mr. Telesh asked what type of devices or traffic control could be used to control use of that additional road and alleviate the members concern, without compromising fire safety. Mr. Andress said the Planning Board was discussing putting a sign that says "no trucks". He said it is a steep slope.

Mr. Ritter asked how trucks would access Lot A. Mr. Andress indicated that there is a full gravel drive, and when the site is complete A & B will have paved access.

Mr. Strother stated that if there is a motion to accept the application, he recommends approval without restriction and referral to the other agencies.

Mr. Lemire stated that the request for the variances is self created and substantial. He stated it does not meet 3 out of the 5 tests and should be denied. Ms. Ferro said she agreed.

Mr. Strother made the motion that the application be approved without further conditions. The motion was seconded by Mr. Telesh.

Mr. Dudick made the motion to close the public hearing. Mr. Ritter seconded the motion. All were in favor. Public hearing is closed.

Mr. Dudick asked Mr. Lemire to review the three points he said the application didn't meet. They were 1) the alleged difficulties of the variance are self created 2) the requests are substantial and 3) the benefits can be achieved in other ways; if the applicant doesn't need to subdivide then the applicant can meet the setbacks 4) because of the traffic he believes there is an adverse physical effect on the neighborhood. By subdividing, it will increase the traffic.

Mr. Telesh mentioned that he lives in the area, and despite concern about traffic, he is trying to separate his feelings from the role of the board. He feels it is not his role to circumvent or substitute his belief in what the traffic patterns should be. He recommended the board make decisions based on the variances with regard to property lines drawn.

Mr. Lemire said, assuming the property is already subdivided they haven't discussed the actual variances that are requested. The board has not talked about whether the 25 foot planted buffer on each side is good or not, or whether there should be parking in the front yard.

Mr. Address stated the Planning Board has asked them to look at it as integrated site to maintain access on Van Patten Drive. It can be a group of buildings or different properties. The owner purchased the additional land so there is a large enough area so it would work. He states the purchase pretty much guarantees they will not now have to use Ushers Road. Without it, the property only had access to Ushers. He said the internal design is a significant benefit to the neighborhood by not having access to Ushers Road. He asked Mr. Myers whether the buffer required is 15' or 25' for the planted buffer. Mr. Myers verified it is 25' on each side.

Mr. Dudick stated that regarding the adverse physical environmental effect, they are making the assumption that subdividing would create more traffic than it would otherwise.

Mr. Ritter stated that if there is a vote, he has unanswered questions and he would have to vote "no". He recommends that the board does not take action before it talks to the Planning Board, SEDC and to Mr. Scavo to resolve issues.

Mr. Strother reminded there is a motion on the table.

Mr. Dudick stated that they have the option of withdrawing the motion to vote and Mr. Address can table the application. Mr. Address said he would like to table and will provide additional information. The motion to accept the application, and the seconding of the motion was withdrawn.

Mr. Dudick said he will reverse the closing of the public hearing. Mr. Renzi stated that is reasonable.

Mr. Ritter will check for the information that he needs. Mr. Strother will research the history of the Planning and the statement from the SEDC and economic assessment. Ms. Ferro would like that provided to all.

The application will be heard on September 21, 2010. Mr. Address waived the 62 day rule in the event if this cannot be put on to the agenda.

Mr. Ritter made a motion to approve the minutes of August 17, 2010 as presented. Mr. Telesh seconded. Ayes: Ritter, Dudick, Telesh, Strother. Lemire Abstain: Ferro Noes: None.

The next meeting is September 21, 2010.

The meeting was adjourned at 10:35 p.m.

Respectfully Submitted,

Susan White
Secretary

cc: Town Clerk, Town Board, Town Attorney, Zoning Board Members, Joel Peller, Counsel,
Steve Myers, Department of Building and Development, Planning Board, ECC, Assessor,
Highway