

Approved

ZONING BOARD OF APPEALS

August 16, 2011

Present: Michael Dudick, Chairman, Deborah Ferro, Randy Gifford, Chris Lemire, Eric Prescott, JenniferVucetic

Also Present: Joel Peller, Esq., ZBA Counsel
Steve Myers, Director, Building & Zoning

Absent: Douglas Strother

Mr. Dudick called the meeting at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mr. Dudick informed the applicants that the board has seven members and an alternate, and there is currently one vacant seat. One sitting member is not present tonight. He said that Ms. Ferro, who is the alternate, has been designated to sit in for the vacant seat leaving six members. He notified applicants they would need four yea votes to approve their application. He informed them that they could choose to defer the application in the hopes that there might be a full seven member board at the next meeting, however he could not guarantee how many members would be present at any meeting. No applicants chose to defer.

OLD BUSINESS:

An application from CIMA Network Inc for variances for exterior sign package.

- 1) A use variance from Section 171-4H (4) (c) – projecting signs specifically prohibited. Requesting projecting sign = 154 square feet**
- 2) Area variance from Section 171-4G (3) exempt directional signs; maximum allowable area = 2 square feet, proposed = 20 square feet, 18 square foot variance required; Maximum height allowed = 6 feet, proposed height = approx 12 feet**

3) Area variance for wall sign - 60 square feet allowed, 234 square feet proposed =174 square feet variance requested; Wall sign height 16 feet maximum allowable, 30 feet proposed, 14 foot area variance req

Property is located at 22 Clifton Country Road, Clifton Park Center, Clifton Park, NY (Permit #80828)

Mr. Dudick read a memorandum from John Scavo from the Planning Department. The letter informed that the planning department had not seen the plans for the projecting wall sign. It also mentioned complaints regarding the gaps in the trees on the buffer area with regard to the hotel. The letter was submitted for the record and the applicant said he had received a copy of the memo from Mr. Peller. The letter was in reference to the tower structure which they are trying to obtain the use variance for.

Bill Lockett representing CIMA Network presented the application. Donald MacElroy from DCG and Kate Wentworth from Regal Movie Theaters, Director of Signage were also present. Mr. Lockett requested relief for a use variance for the projecting sign and an area variance for additional signage that exceeds allowable size.

It was decided that the use variance would be discussed first. Mr. Lockett stated Regal had invested in a state of the art theater. He referred to the letter regarding the structure not being approved at the Planning Board stage. Mr. Dudick informed it was from the planning department informing that the Planning Board had not reviewed the structure.

Mr. Dudick asked if there was now proof of notification of neighbors within 500 feet. Mr. Lockett stated they had and submitted proof of mailings to the secretary for the record.

Mr. Lockett mentioned efforts by their attorney that had been made regarding the interpretation as to whether the structure required a use variance. Letters from attorneys were discussed and the final decision that a use variance was required was the final decision from the board. Mr. Peller submitted the letter from July 29, 2011 from the CIMA attorney, and the August 9, 2011 response from Mr. Myers for the record.

Mr. Lockett said he would make the case for the use variance for the projecting sign. He also filled out a use variance application for Mr. Myers. They wish to add channel letter signage on both sides of the tower structure. He stated it was his understanding that the structure was approved by the Planning Board prior to construction.

Mr. Myers stated that the August 15, 2011 letter from the Planning Board seems to suggest that the tower and flag structure were not seen by them. He asked if Mr. Lockett's understanding is that they did see it. Mr. Lockett stated he has a copy of the plans.

Mr. Myers reiterated that the Planning Board never saw the structure. He said he had copies of what they did see, which were renderings, and there is no structure on that. He explained that the plans with the tower were submitted to the building department for a permit, but not the Planning Board.

Mr. Lemire asked if this is what Mr. Scavo's memo is referring to, and was told it is.

Mr. Dudick asked if the Planning Board needs to approve of it before or after the ZBA sees it. Mr. Myers answered that the Planning Board deals with aesthetics and architectural features and they might be interested in knowing about it.

Mr. Peller said that the board needs to take into consideration that the Planning Board has not seen it and consider what happens if they don't approve it.

Mr. Dudick stated he would like to make an argument on behalf of the applicant that if they approve the sign tonight and the Planning Board has not seen it, it is not a guarantee of signage. He went on to say that if they deny the sign then it remains an architectural element which goes to planning or they might decide they don't want it. He indicated he feels the board can make a decision tonight.

Mr. Lemire asked if the tower is being built. Discussion ensued that the tower is the mall entrance and has nothing to do with the theater.

Mr. Dudick said that if he understands what Mr. Myers is saying, if they approve use variance for the projecting sign, he doesn't think it is an issue with the Planning Board. He continued that there is a concern if it is not approved, then the applicant will have to either remove it or keep as an architectural design. At that point, planning may wish to have some input on it.

Mr. MacElroy from DCG Development stated he didn't want the board to think there was any misrepresentation on Mr. Lockett's part, and that there was a misunderstanding and he mixed up the Planning Board and Zoning board departments. Mr. Dudick said he accepts that as to how they got to this point.

Mr. Lemire asked if there are architectural codes the Planning Board would consider and wondered if it had been considered and approved, would the applicant need a use variance? Mr. Myers said that on rare occasions planning has approved the signage as part of the building and in that case, the answer would be "no" they would not have to go to Zoning. He stated he just wanted the board to know Planning had not seen it. He went on to explain that if John Scavo had told him they had seen it and considered it part of the building, it would have been a whole different light on what he presented tonight.

Mr. Peller said they need to be fair to the applicant. Use variances are difficult to get, and having said that, would it make sense for them to go to the Planning Board and present this? Mr. Dudick asked if approved by them, would it be an area variance and not a use variance. Mr. Myers said if Planning Board approves it as part of the building (the "blade" sign) he doesn't know if it would be considered signage at all.

Mr. Peller told Mr. Lockett he should have the opportunity to do that if he would like. He suggested they might like to speak to Regal. Mr. Dudick asked if this board denies the sign and then they go to the Planning Board, could they come back.

Mr. Peller said “no” as he would see no difference in the variance. He said if the Planning Board approved the structure with the sign, then there would be no need for a use variance, only an area variance. He added that the Zoning Board of Appeals is narrow and Planning has more leeway.

Mr. Lockett stated that he doesn't think Regal would take the structure down. He needs to see how they want to handle it. He was informed that the Planning Board meets on September 27, 2011. He said that was close to their opening.

Mr. Dudick asked if anyone in the audience would like to speak. There was no comment.

A recess was called for off record discussion and to give Mr. Lockett a chance to talk to Regal.

Upon return Mr. Dudick asked Mr. Lockett whether he would like to proceed or table and go to the Planning Board in September.

Mr. Lockett wants to go before the Planning Board with regard to the projecting structure. He would like to continue with the area variance so they have signage for the opening. Discussion ensued as to timing so the theater would have some signage.

Mr. Dudick asked Mr. Myers if there is an accommodation that could be made for a banner. Mr. Myers said a banner would be allowable.

Mr. Peller pointed out if Planning denies it, the board should have an opportunity to review the whole package. Mr. Lemire suggested putting a sign up to meet the code and come back later, but Mr. Lockett dismissed that idea because it is expensive to put up and take down signs.

Mr. Peller said he thinks they should wait. He summarized that, between now and Sept 6 there will be off line meetings with the Planning Board group to discuss the opportunity of getting it approved.

Mr. Myers stated that he will speak with John Scavo who could poll the members of the Board and not wait for the Sept meeting.

Mr. Dudick said that if the PB approves, they they could come back to the Zoning Board on September 6 with only an area variance or if Planning does not give the green light, they are back to the same situation they are in now. Mr. Peller clarified that he means they would have to present a use variance at that time.

Mr. Dudick said he would like to have a memorandum from Rocky as to how the board members feel.

Mention was made that there is a possibility that if the Planning Board gives a positive informal answer, someone from the public could still go to their meeting and protest.

Mr. Lockett asked what they would be asking the Planning Board for. Mr. Dudick said to submit to them the visual rendition of the building and other architectural designs.

Mr. Myers said he will approach Mr. Scavo and ask if the Planning Board will approve this as a modification, as you see here in this picture, which includes the tower structure.

The public hearing aspect of the meeting will remain open, and they will return to the board on September 6, 2011.

Mr. Lockett asked if the board would reconsider reviewing now. Mr. Dudick stated they can't review it.

Mr. Peller asked if they will waive the 61 day rule, and Mr. Lockett said he would.

NEW BUSINESS:

The secretary read the legal notice as it appeared in the *Daily Gazette* on August 11, 2011.

1) An application from Richard L. Harlow for a variance from Section 208-16 (a) (3) which requires a minimum of 5 acres to keep livestock in a CR Zone. Applicant has 2.38 acres, variance required = 2.62 acres.

Property is located at 838 Grooms Road, Rexford, NY (Permit #80831)

Mr. Richard Harlow presented the application. He stated he had grown up in Grooms Corners but moved away. His mother passed and he has come back and taken over and is rebuilding the house and four acres. He stated that he asked about having livestock as he is tired of mowing the grass. He found out he has to have five acres to have goats and chickens. He pointed out they have three hours of traffic noise morning and night and also people riding four wheel vehicles in back. He plans to have the animals only in the summer and would make arrangements for them in winter. He cited that he was told he needed five acres for the open space plan. Scott Hughes informed him that he needs a use variance.

He added that they are paying taxes on 2.38 acres on one parcel when it is actually 2 acres and has had no assistance in correcting this. He pointed out the map is also incorrect.

Mr. Peller asked how many acres he owns. Mr. Harlow stated he has a total of four acres on two parcels, two acres each.

Mr. Peller asked if he wants a variance for one parcel. Mr. Harlow said he didn't know how to complete the application for two parcels.

Mr. Peller asked if he is paying taxes on two parcels and if the livestock would be on two parcels. He said yes.

Mr. Peller said they need to be clear on how large a variance they are looking for. He pointed out the aerial map. He asked Mr. Harlow if the property is in trust and if he is getting two separate bills. He was told yes.

Mr. Dudick said that they were bought at separate times. He said they are looking at a use variance and they have to change it from one parcel to two parcels. He informed Mr. Harlow he needed to notify neighbors 500 feet around both parcels.

Mr. Harlow said he had done that. He confirmed that he had proof in the form of letters from all the neighbors for both parcels.

Mr. Peller told Mr. Harlow that he has four acres and the way the application is stated he owns 2.3 acres so the variance is 2.6 acres, which is not true if he owns four acres. It is his position as counsel that it needs to be "re-noticed" and that he should be given the benefit of the two parcels and the four acres. He explained that it needs to be published again and unfortunately he will have to come back to the board at that time.

Mr. Dudick explained the legal reason for a notice in the paper and on the town website. He said Mr. Harlow asked for a variance to change the use for 2 acres, when really it should be four which is a substantial change.

Mr. Dudick asked if the variance is granted for two separate lots, is it for the life of the land and can it be stipulated that is for as long as the parcels are together. Mr. Peller said he can craft the stipulations as they wish.

Mr. Lemire said that he cannot sell one piece of property and keep the sheep on the other parcel.

Other options were discussed, such as purchasing an acre from a neighbor or leasing. Mr. Peller said leasing would not help, as they would still have to come to the board. Common ownership was also discussed.

Mr. Dudick told Mr. Harlow he would like him to come back on September 6 after the notice is published and he agreed.

Mr. Dudick asked if anyone in the public wished to speak. No one spoke.
Mr. Harlow will return on September 6, 2011 meeting.

The secretary read the legal notice as it appeared in the *Daily Gazette* on August 11, 2011.

2) An application from Kostas Klementzos for a variance for a rear yard setback per 179-37D(2) and 208-11 to build a deck. Cluster subdivision setback established by Planning during site plan review. Underlying zoning is R-1. Required setback is 25 feet, proposed is 16 feet, variance required = 9 feet.

Property is located at 3 Kendra Drive, Clifton Park, NY (Permit #80832)

The secretary read the legal notice as it appeared in the *Daily Gazette* on August 11, 2011.

Mr. Bill Klementzos, Mr. Kostas Klementzos' son presented the application. He stated Mr. K and his mother purchased the house in October with the intention of building a deck. They were unaware of a problem with the rear yard setback. They are asking for a setback variance. The property in the back is woods and there is fence on both sides so it shouldn't bother the neighbors.

Mr. Lemire asked for clarification of the location of the door. It was explained that if you move the deck, because of the door, there would only be access to it from the yard.

Mr. Dudick informed this is a public hearing and asked for comments. There were none. Mr. Dudick made the motion to close the public hearing. Mr. Lemire seconded. All approved. Public hearing closed.

Mr. Myers said he had no problem with the application.

Mr. Dudick made the motion to approve the application as submitted. Mr. Prescott seconded. A vote of yes is a vote to approve.

Ayes: Ferro, Prescott, Gifford, Dudick, Lemire, Vucetic Noes: none

Application approved as submitted for 9' rear setback for deck.

3) An application from Russell Chase for an area variance to re-construct a collapsed garage and a use variance to expand existing house on a non-conforming lot.

Area variances from Section 208-12:

1) front setback required = 80', 27' available, variance requested = 53'

2) side setback required = 10', 0' available, variance requested = 10'

Use variance from Section 208-97B(2) (b) & (c) needed due to the proposed additional square footage & increase in non-conformance of property.

Property is located at 38 Bluff Road, Rexford, NY (Permit #80834)

The secretary read the legal notice as it appeared in the *Daily Gazette* on August 11, 2011.

The application was presented by Marsha and Russell Chase, owners of the home. Mrs. Chase stated they have two requests, one is to construct an upstairs bathroom and the other is to replace a collapsed garage, which they would like to make larger. They purchased the house in 2002 and ran piping upstairs. They put in a Wisconsin Mound septic system which has the capacity for four bathrooms and they have 1 ½. It is not changing the footprint of the property.

Mr. Chase stated the bathroom would go in a dormer and be about 60 square feet.

Ms. Chase said they purchased two lots and combined into one lot. The lot is non conforming but they were allowed to build because there was already a house on one of them which was grandfathered. Putting the lots together made it less non conforming.

She stated there was a small garage (12' x 20') and last winter it collapsed. They would like to replace it and make it bigger. She mentioned there is a stream along the line, so they would like to curve the garage along it so they can get a bigger garage there.

Mr. Peller asked if it is on a slab. Ms. Chase said it is not.

Mr. Dudick asked about placing it close to the stream and if they could put the garage elsewhere. He was told the septic takes up the whole front of the property.

Mr. Lemire asked where is the driveway and was told it runs right into the garage. Ms. Chase said it can't be located on the other side because of the septic.

Mr. Lemire asked the reason for the angle of the garage and was told it was to get around to the back of the house.

Mr. Peller inquired if they would pour a foundation and was told they would.

Mr. Lemire asked if they got variances to build the house and was told it was built to the setbacks.

Mr. Dudick questioned if they could put it behind the house and was told there is no room and no turning radius. Ms. Chase said there would be no yard.

Mr. Myers said he has no problem with the structure. He explained that the lot is limited and he has no issue with it as there is no other logical place for the shed. He had a little concern about the stream as it is an outlet for a large wetland, but he thinks a new structure is less of an impact than what is there now.

Mr. Dudick said the bathroom will increase the square footage and not the footprint.

He asked about the size of the garage.

Mr. Myers said they are proposing 12' x 42'.

Mr. Peller stated it is 22 feet additional to what was there. Mr. Myers added they are doubling the size it was.

Mr. Lemire inquired as to whether, if they rebuilt the garage the same size would they still need the variance. Mr. Myers said they would still need the setbacks.

Mr. Dudick announced the public hearing and asked for comments. There were none. Mr. Dudick made the motion to close the public hearing. Seconded by Ms. Vucetic. Motion approved by all. Public hearing closed.

Mr. Dudick made the motion to approve the application as submitted. He stated he does not think this is a substantial change. Mr. Dudick seconded. A vote of yes is a vote to approve.

Ayes: Vucetic, Lemire, Dudick, Gifford, Prescott Noes: Ferro

Application approved as submitted.

The secretary read the legal notice as it appeared in the *Daily Gazette* on August 11, 2011.

4) An application from Lindsay Knickerbocker for a setback variance from Section 208-12 for an above ground pool. Setback for pool required 80' from front property line, 60' available, 20' variance required.

Property is located at 1 Southbury Road, Clifton Park, NY (Permit #80835)

The application was presented by Lee Knickerbocker, representing himself and his wife, owners of the property. He stated that they want to install an above ground pool. They have the yard enclosed by privacy fence and they have alarms.

Mrs. Knickerbocker informed that they had received approval from a person in the Building Department to build the pool and had the installers come on Monday. The installers came, and later called them, stating another zone enforcement officer visited the property and told them they couldn't build and had to shut down.

Mr. Knickerbocker stated they had applied for the building permit five days before they started to build. He got the ok on Friday. He said the installer said they were sent home.

Mr. Peller asked if they had installed it partially. He was told it was just a hole and they he had to pay the installers for that day.

Mr. Myers informed there was a mixup in the office, one inspector said it was ok, another saw it in the process and didn't think it was, and he was correct. There was a misunderstanding in the setback requirement and there was an error when it was submitted initially.

Mr. Dudick asked if there is anywhere else to put the pool. Mr. Myers said there is not unless they put it right up against their back fence.

Mr. Myers clarified that the error did not cause the need for the variance but was due to misinterpretation about the pool being an accessory structure.

Ms. Ferro asked about the measurements from the property line. She asked if they are going to put decking around it. She was told "not at this time".

Ms. Ferro asked where the deck would go and referenced past problems with people coming for a variance for a pool and then coming back for a variance for the deck. She asked if they would put a deck on at any point and if so, where.

Mrs. Knickerbocker said they are not planning it.

Mr. Dudick added that if they did, if they put it in the back they wouldn't need a variance.

Mr. Dudick announced the public hearing. There were no comments. Mr. Dudick made the motion to close the public hearing, seconded by Mr. Prescott. All approved. Public hearing closed.

Mr. Dudick stated this is not a big issue with regard to placement and commended the Knickerbockers on their efforts to make it safe. He apologized for the confusion and delay.

Mr. Dudick made the motion to approve the application as submitted, seconded by Mr. Gifford. A vote of yes is a vote to approve.

Ayes: Vucetic, Lemire, Dudick, Gifford, Prescott, Ferro Noes: none

Application approved as submitted.

The secretary read the legal notice as it appeared in the *Daily Gazette* on August 11, 2011.

5) An application from The Windsor Companies for variances from Chapter 171-sign law Table I. Maximum wall signage allowed = 32 sq ft (5985 sf building) and a maximum of 2 wall signs, total are of 2 signs not to exceed maximum area of 32 sq ft. Applicant requests: 1) 3 wall signs, variance = 1 sign 2) wall sign area of (2 x 100) + 63 = 263 sq ft, variance = 231 square feet.

Property is located at 24 Park Avenue, Clifton Park, NY (Permit #80837)

Mr. Bob Miller from the Windsor Companies presented the application. He stated **Mens Warehouse** is a national tenant. He said he wanted to talk about two points: why the sign is important to the tenant and the second point is the uniqueness of the building and its location to the street.

He stated that signage helps to generate sales and this tenant wants to be successful and it is important for the town that it be successful. With respect to the uniqueness of the building, it is a building that fronts on two streets and the entrance is on the East side. He states there is a letter from the Planning Department that says they support their proposal.

He pointed out that some buildings in town do not have signs on the back, for example Borders and Walgreens and the buildings look like warehouses. He showed pictures of the buildings and asked the board which they would prefer to see, the building with or without the signage. The board viewed the pictures.

Mr. Lemire asked for the square footage of the building and was told it is 6,000 square feet. He asked the square footage of Staples and was told it is about 20,000 square feet.

Mr. Peller submitted a copy of the letter from Mr. Scavo for the file record which indicated he supports the three signs but suggests they be smaller. Mr. Dudick read the letter aloud.

Mr. Gifford asked why they want such large signs with signs on all three sides of the building. Mr. Miller stated that they could talk about the size and the tenant would be willing to reduce the size.

Mr. Dudick informed him that 263 square feet signage would be a lot, with the three facade signs and total amount of signage. He continued that the board has traditionally shied away from that. He said there are numerous businesses that had come before the board over the years asking for three signs making arguments they could be seen circling their building. He said it can become a cumulative effect if every business had three sides covered with signs. He doesn't think it creates an enhancement of beauty by having more signs throughout the town. By having two signs it would be much more in line with every other business in the town. He added that, by increasing the number of signs, you increase the square footage and he is not in favor that more signs make better looking buildings.

Mr. Miller responded that it is more than that. He said he thinks what should be focused on is the scale of the signs on the buildings and how does the sign look. He said the town should be opening their arms for more business success and asking how can we help their businesses

succeed. He said the square footage can be reduced but if there is no third sign on Park Avenue how will that look.

Mr. Dudick informed that the town does not have sales tax. He added that there is a county sales tax and a formula by which the town gets a share. Mr. Miller said it gets property tax, and Mr. Dudick agreed it does.

Mr. Gifford stated he doesn't think signage matters and mentioned Pene Pasta. Mr. Miller responded their owners had come to them and asked how they could get more signage.

Mr. Dudick said the board has been asked for all sorts and sizes of signs, including giant produce 3D on top of buildings. He said there is no limit to types and kinds of signs and he understands that they want to increase the business. From a municipal standpoint, to grant every business every wish, there has to be some balance or there is no zoning.

Mr. Miller suggests it go to scale and design on the building.

Mr. Lemire asked him which was more important, number or size of signs. Mr. Miller answered "both".

Mr. Dudick said there must be some limitations to keep appearance of the town. Mr. Miller responded if a town has to grant a lot of variances a lot of times then the zoning should be updated. He continued to suggest three signs were necessary.

Mr. Lemire asked him if he thought that if they grant only two signs someone would not know where the door is. Mr. Miller said he is saying that the sign on the north side is about aesthetics but it will help generate sales.

Mr. Dudick repeated he is not comfortable with three signs.

Mr. Myers said he has no problem with three but the size is an issue and he agrees with Mr. Scavo. He added that they also have application for a freestanding sign on the south side, which he is holding until a decision is made here.

Mr. Peller asked if there is a pylon there now. Mr. Myers said there is, and he only brings it up because in the past when they have granted three wall signs, the applicant waived the pylon. He suggested that they have a reduction of 25% in square footage (197 sq ft).

Mr. Peller asked if they would waive the pylon. Mr. Miller responded that the tenant wants the pylon. He discussed other local business examples such as McDonalds and Walgreens.

Ms. Vucetic asked if they would consider not doing the pylon if the board gave them three signs. She cited other examples of similar issues they had resolved in that way.

Mr. Miller said the pylon sign is a deal breaker. He offered that he can tell what he needs in the least, that the client knows what it needs and if they don't do well they will relocate.

He said what he needs is signage that is 1' 6" x 23' 8". He showed a picture of the east elevation as an example.

Discussion ensued regarding square footage and the reduction of the signs.

Mr. Dudick stated that they have told several businesses that they could not have three signs so it is not as though they have not been in the situation before.

Mr. Peller asked if the lease was contingent on those minimums. Mr. Miller said no, it was contingent on two but in his opinion getting a sign on the north side of the building makes it nicer and it will not look like a warehouse.

Mr. Peller questioned if the deal is dead if they get the two signs and minimums. Mr. Miller said it was not.

Mr. Dudick repeated he is not in favor in voting for three signs but would not have a problem with two signs of 36 square feet each.

Mr. Peller asked Mr. Miller if he wanted to amend his application to two signs.

Mr. Miller responded that he wanted to know what the options were.

Mr. Dudick summarized that the board can vote on the present application of three signs with footage variance or it can vote on the modified application asking for two signs of 36 square feet each (72 sq ft total) which is a variance of 40 square feet. He said they could decide which two sides of the building they wanted the signs. He added the other option is he could ask for something more and it would be discussed or he could ask for something in between if he wanted to.

Mr. Miller asked if they could talk about the aesthetics and asked the board's opinion.

Mr. Dudick said sometimes these things look like buildings. Ms. Ferro suggested that since the name of the store is Men's Warehouse that it would be ok to look something like a warehouse.

Mr. Lemire added that he would expect that there will be something in the windows that would make it look like a store not just empty glass.

Mr. Myers said it is a display area.

Mr. Dudick said there is a certain expectation people have that when they go to a shopping center it looks like a shopping center.

Mr. Miller did not agree and said the building could be nicer looking.

Mr. Dudick said he credits Windsor that they do a good job, have flowers, maintain the parking lot, etc.

Mr. Miller said he would amend the application for two signs of 36 square feet and go forward.

Mr. Dudick opened the meeting for public hearing.

Mr. Tim Prescott from Ray Signs, who will install the signs spoke. He said that the material used in the signs are low light and subtle. He continued that the signs are designed to have a soft subtle look.

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

Mr. Dudick summarized the amended application to two signs with a total of 72 square feet with a variance modified to 40 square feet. Mr. Dudick made the motion to approve the amended application. Mr. Gifford seconded. A vote of yes is to approve the application.

Yeas: Ferro, Prescott, Gifford, Dudick, Vucetic Noes: Lemire

Amended application is approved for two signs with a total of 72 sq ft and variance of 40 sq ft.

Mr. Dudick made the motion to approve the minutes of July 19, 2011. All present at that meeting approved. Minutes approved.

The next meeting is September 6, 2011.

Mr. Dudick made a motion to adjourn the meeting at 10:00 p.m. Ms. Vucetic seconded. Approval unanimous.

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, __, ECC, Assessor, Highway