

## ZONING BOARD OF APPEALS

April 7, 2015

Present: Michael Dudick, Chairman, Denise Bagramian, Michael Bloss, Randy Gifford, Chris Lemire (7:09), Jennifer Vucetic, Mario Fantini

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

Absent: Jerry Cifor, Jennifer Vucetic

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

### PLEDGE OF ALLEGIANCE

Mr. Dudick informed the applicants this is a seven member board with one alternate. Tonight five members are present, plus the alternate, Mr. Fantini, who is designated to sit in for Mr. Cifor. To receive approval, an application one must receive 4 yea votes regardless of the number of members present. There are six voting members present tonight so the applicant must receive four out of six votes for approval.

### OLD BUSINESS

none

### NEW BUSINESS

*The secretary read the legal notice as it appeared in the Daily Gazette on April 2, 2015*

**An application from Ray Sign Inc. for a variance from Chapter 171 Table 1, sign law. Applicant requests second wall sign at 32 sq. ft. 6100 sq.ft building allowed 32 sq.ft. maximum wall signage. Variance requested = 32 sq. ft. second sign. Property is located at 3 Northside Drive, Clifton Park, NY 12065 (Permit #81013)**

Mr. Russ Hazen with Ray Sign Co, and Mr. Bill Weir, representing Delmonicos, presented the application. Mr. Hazen informed they are looking to place a 32 sq. ft. sign on the north side of the building, explaining there have been foot traffic concerns they have run into. The sign will match what is on the other side of the building, non-illuminated panel letters internally lit.

Mr. Peller inquired the nature of Mr. Weir's relationship with the owner of the property, 3 Northside Drive LLC. Mr. Weir apprised he is a management employee of Delmonico's. Mr. Peller pointed out they may have an issue as the owner of the property is not present and Mr. Weir needs authorization. Mr. Myers and Mr. Weir assured they would take care of getting the authorization. Mr. Dudick asked if his employer had given him authority to speak on their behalf, and Mr. Weir confirmed "absolutely".

Mr. Weir apprised they have had people, on a weekly basis, coming into Delmonico's, thinking it is Chili's as well as many people driving in to pick up take-out orders. He explained that theirs is the first driveway as you come into the parking lot and there is no identification to show they are Delmonico's Steakhouse. He asserted it has become an ongoing issue at the restaurant.

Mr. Dudick commented about the directional sign in the picture and asked if there is another directional sign where they make the turn into their parking lot. Mr. Weir answered there is a small directional sign next to their mailbox but often people pull into the first turn, first or second traffic lane so they don't notice the other sign. He repeated a lot of those people are picking up takeout from Chili's.

Mr. Dudick suggested they must be first time buyers of takeout or they would know where Chili's is. Mr. Weir agreed they could be. He said they also have people coming in looking to meet other people in their party, thinking Delmonico's is Chili's. He reiterated they want a sign so people know it is Delmonico's.

Mr. Gifford asked how people could think it is Chili's when they come up Rt 146 and see the Delmonico's sign. Mr. Weir agreed it sounds crazy but it happens. He related a story about a person who left a hat in Chili's and came to Delmonico's to pick it up, insisting she had called them about it.

Mr. Dudick commented there is one directional sign on Northside Drive and asked Mr. Myers if the problem could be addressed if they allowed multiple directional signs. Mr. Myers answered its possible as there is no limit on the directional signs and a 1' x 2' would be acceptable.

Mr. Dudick pointed out his medical business has multiple signs on his building yet people are still going into the vacuum store, the baseball card shop and the gold/silver exchange store looking for him. He summarized that sometimes it is not a matter of signage but people not paying attention.

Mr. Dudick mentioned the fact that this particular business has signage variances already. Mr. Myers agreed they have an existing freestanding sign and have a second one in front of the building. He stated that normally businesses are allowed to have one freestanding sign and two on the building for 32 sq. ft.

Mr. Lemire put forward the suggestion they could have two signs on the building of 16 sq. ft. each or they could put a lighted directional sign at the driveway and they wouldn't need any variance.

Mr. Weir argued the problem with lighting a sign is it is a long way from the building to the sign for electrical wiring and they would possibly have to run it through the pavement.

Mr. Lemire referred to a previous applicant who wanted a second wall sign when they already had a freestanding sign and a wall sign facing Rt 146 and they were denied.

Mr. Fantini interjected he thinks this is different because the other applicant already had a sign and they decided it would be a driving distraction. Mr. Dudick disagreed saying this is different because this sign would be facing north.

Mr. Dudick remarked he recognizes their problem, but reminded that with two restaurants side by side they are still going to have people pulling up and not paying attention and ignoring the signs.

Discussion ensued about Chili's signage and whether a directional sign would solve the problem.

Mr. Dudick questioned Mr. Weir as to how often people come into their restaurant thinking it is Chili's. Mr. Weir answered "a couple times a week".

Mr. Dudick advised that the board looks at the least intrusive solution with the least amount of variance and pointed out the zoning code allows directional signs. He stated his opinion, that if there was a failure of directional signs pointing to Delmonico's it would be a much better argument for needing the wall sign. He asserted since this hasn't been attempted, he is reluctant to go with a wall sign without a large directional sign being tried.

Mr. Lemire asked Mr. Weir if he has the authority to take the large sign off the south side and make it 16 sq ft and put another 16 sq. ft. sign in the back. Mr. Weir responded he does not.

Mr. Dudick suggested a few options: the board can either vote on this tonight and if it is approved they get what they ask for, but if it is denied they cannot come back and ask for it again or they can table it and go back to his employer and suggest trying the directional sign. He reminded if the directional sign does not work they can come back.

Mr. Hazen asked if they can put the name of the business on the directional sign and if there is a height restriction. Mr. Dudick said yes they could put their name on it and the height is 6'.

Mr. Myers instructed if that is the direction they want to go, they should send him the information as to what they want to do. Mr. Hazen pointed out if it is too low, it would defeat the purpose.

Mr. Weir stated they would like to defer and waive the 61 day rule. Mr. Peller requested they bring authorization for Mr. Weir to represent Delmonico's.

Mr. Dudick asked for public comment. There was none. He announced the public hearing will remain open in case the applicant comes back.  
Application adjourned.

*The secretary read the legal notice as it appeared in the Daily Gazette on April 2, 2015*  
**An application from Whitney Lane Holdings, LLC for a variance from Chapter 171 Table I. Applicant previously obtained variance for 233 SF freestanding sign, 150 maximum normally allowed, wishes to increase area of sign by 17 SF. Variance = 17 sq ft. Property is located at 1208 Route 146, Clifton Park, NY 12065 (Permit #81014)**

The application was presented by Howard Carr, President of the Howard Group Management, managing agent of the property. He informed they are authorized to execute any and all assets and documents as it relates to the property and verified written authorization. Upon Mr. Peller's query, he explained North Country Commons is the name of the shopping center and Whitney Lane Holdings is the owner of the property. Mr. Peller informed that they need documentation that Whitney Lane Holdings is giving Ray Sign authorization on behalf of North Country Commons.

Mr. Carr asserted North Country Commons is the name of the shopping center and Whitney Lane Holdings is the owner of the property and also the applicant. Mr. Peller explained the issue is Mr. Carr needs authorization from Whitney Lane Holdings LLC that he can represent them. Mr. Carr agreed to provide.

Mr. Hazen, Ray Sign Corp, informed they are looking to add an additional non-illuminated sign to the existing freestanding sign at North Country Commons. The size is 20 x 132" and approx. 18 ½ sq. ft.

Mr. Carr explained that originally it was two separate buildings, one of which was Joy Department Store later joined in the middle with a strip of stores and later the bank was built. The property is in transition and the current owners now have about 85% occupancy and part of that is from dividing some of the larger spaces. He asserted the tenants are severely impacted because of low visibility due to the property sitting below the road and they have no signage on the property. There are three tenants Cartwheels (on the Vischer Ferry Road side) Chase Hockey (next to Ocean State) and a Neoworks Tattoo Piercing business which will be leaving and replaced with another tenant. They are looking for a non-illuminated panel for each of the tenants (on both sides of the sign) so they can have some representation on the highway.

Discussion ensued as to the current signage arrangement for Ocean State and other businesses and where the new signs would be placed.

Mr. Gifford asked what will happen to the Northway Church sign. Mr. Carr replied that panel would be moved down. Mrs. Bagramian inquired about their other sign. Mr. Carr informed they did not put up the one with the picture of Joel Olsteen and they have notified the church, in writing, they must remove it. He added they have also put up a sign on Vischer on occasion which they have instructed them to remove.

Mr. Dudick questioned the size of the signs, asking if the sign for Ocean State was larger than the concert hall sign, and that of the church. Mr. Carr told him it is a little bit larger explaining the church is 28,000 sq. ft. and Ocean State 32,000 sq. ft.

Mr. Dudick commented the Ocean State sign looks twice as large and asked if they could give up some of the blank red space and make the sign smaller, pointing out they wouldn't have to reduce the size of the letters. Mr. Carr indicated he appreciates Mr. Dudick's point, however the sign is in the Ocean State's lease. He said they had approached them and asked them and were told a two letter answer.

Mr. Dudick announced the public hearing asking for comments. There were none.

Mr. Fantini asked if the signs they propose to add will be smaller in square footage than the others. Mr. Carr responded they are, reminding the three to be added are not illuminated.

Mr. Gifford asked why they do not just remove the Northway Church's sign. Mr. Carr answered "because it is not ours." Mr. Gifford suggested that, as a landlord, you can. Mr. Carr informed the problem is the sign is not on their property, but instead, is in the State right of way. Mr. Gifford remarked they would then need a DOT permit for that.

Mr. Dudick opined that if a sign were to go up advertising a building that has not been approved by the Town or Zoning Board he doesn't not know that it isn't the landlord's responsibility for the tenant.

Mr. Carr said he does not disagree with him but they don't own the State's right of way and based on where the sign is and where their survey shows, it is not on their property. Mr. Dudick asked if he had been in contact with the DOT. Mr. Carr said he has not.

Mrs. Bagramian asked if the three tenants have the signage in their lease. Mr. Carr answered they have rights for signage as long as they get municipal authority and, yes, it is in their lease.

Mr. Dudick re-read the application and asked why they refer to the addition of the sign as temporary until the new sign is proposed. Mr. Carr explained they are working on another re-development plan for the property and if it comes to fruition, they will substantially modify the property at which time they would come back for a new program. Mr. Dudick asked if it is within five years, and Mr. Carr responded "yes".

Mr. Myers said it is already one of the largest signs in town, but it is a fairly minor addition. He continued:

Discussion ensued regarding the Northway Church sign and its non-compliance.

Mr. Carr promised that if the Zoning Enforcement Officer determines that the sign is non-compliant and he informs him, in writing, he will be happy to enforce and abide by all rules. He added that he is not the Zoning Enforcement Officer.

Mr. Dudick commented he drives up and down Route 146 and he sees the applicant's client (Northway Church) putting signs up and down the roads to promote its location. He asserted they are not allowed to do that and they go up every Friday night, remain throughout the

weekend and it has been going on for a long time. He said it would be untenable if every house of worship decided to advertise this way. He pointed out that, in addition, there is the sign they put up that Mr. Carr says is not on their property and therefore feels he doesn't have the responsibility to take it down. He opined this is their tenant and they feel they have no say in their putting up signs all over town, which creates a problem.

Mr. Dudick suggested that if they rename the plaza to Ocean State Plaza it would leave a lot more space for signage and resolve the problem, pointing out it is not unheard of to name a Plaza after the largest tenant. He reiterated that the problem right now is that they are requesting a sign larger than it is now despite the fact that one of their tenants is placing signs all around the town.

Mr. Carr asked how that relates to the application because they are here for a variance to an existing structure for 18 ½ feet of sign. He asserted if the tenant is placing signs around town it is the job of the town to stop it because the landlord cannot police their tenant when they are not in town. He pointed out that it is not fair to penalize the other tenants for someone else's actions and repeated it is the Town's responsibility to enforce the laws if they are placing signs around town.

Mr. Lemire suggested that if the tenant removes the additional sign, then the variance could be granted. Mr. Carr answered that is what they want and all they are asking for is the town's help because this tenant has been doing this for a long time.

Mr. Gifford said he finds this amazing and disrespectful to Whitley Lane Holdings that the church will not listen to you. Mr. Carr invited Mr. Dudick to come to his office to view the 40-50 letters they have sent to the church asking them to remove the signs, adding they will not listen to them or comply.

Mr. Lemire asked Mr. Carr if the Board were to approve the application on the condition they remove the illegal Northway Church sign, would he be willing to do that.

Mr. Peller pointed out the issue is the sign is in an area that is not in Mr. Carr's jurisdiction but rather a DOT area so that condition cannot be met.

Mr. Gifford suggested a call to the DOT would resolve that. Mr. Hazen asked what authority has to be contacted to make them to take it down.

Mr. Myers informed if it is in the right of way, the town has no authority to make them remove the sign, but he knows the person at the DOT who does. He stated they first have to find out if it is in the right of way.

Mr. Peller advised Mr. Lemire, that if it is, the Board cannot make removal of the sign conditional for the variance. Mr. Lemire disagreed, saying they can approve the variance but make the removal of the sign conditional if it is not in the right of way. He added if it is in the right of way, then Mr. Myers has other remedies to deal with it. He stated this suggestion only if they are so inclined to do that.

Mr. Gifford expressed concern that the church could call the DOT and ask if they could have a permit to have a sign there, and then pay a yearly fee to do it, and the town would have no say about it.

Mr. Lemire said he doesn't understand how they can do that if the town doesn't allow it.

Mr. Gifford disagreed, saying he knows this to be true because he has a sign on DOT property with their permission and it can remain as long as he does what they tell him. Mr. Myers confirmed he (the Town) does not have a say in that.

Mr. Carr promised he would have the surveyor stake it out to be sure which property it is on as he has been measuring it with a tape measure. . Mr. Carr said over the years the sign has fallen down numerous times and the church puts it back.

Mr. Dudick pointed out that even if it is on the shopping center property the church might just move it closer to the road and the town does not want businesses to start putting signs in the right of way. He questioned if the church has it in their lease that they can have a sign on the freestanding signboard.

Mr. Carr confirmed that in the lease they have the right to a space, but it also says they have to comply with all municipal laws and rules and to his knowledge they do not have a permit from the town or anyone else for the big sign. He asked Mr. Myers to share the phone number of the DOT because he would like to call them as well. He stated the church is the only tenant to do that and it isn't fair to the other tenants. Mr. Dudick added that the other tenants in the town don't have extra signs.

Mr. Carr asserted that Friday afternoon all the yard signs go out and there is nothing they can do about it. He informed they had finally gotten them to stop putting up the A-frame sign on Vischer Ferry road, at least for the winter.

Mr. Lemire repeated he would be uncomfortable approving the application until this is resolved about the sign.

Discussion ensued as to what is meant by the "temporary" sign request. Mr. Dudick clarified it means it will change some time in the future.

Mr. Fantini asked, if the other sign is on the shopping center property which would make it the 2<sup>nd</sup> freestanding sign, then wouldn't the request become a use variance. Mr. Peller confirmed it would because then it would be a request for a third freestanding sign.

Mr. Peller questioned if Mr. Carr is asking the town for help. Mr. Carr responded that if the town notices him that there is a non-conforming sign on his property he will enforce it and make them take it down, and if they don't take it down, he will.

Mr. Peller asked Mr. Carr if he wanted to adjourn, and Mr. Carr said he would, adding he also agrees to the 61 day waiver. Mr. Peller recapitulated it will be determined if the sign is not in the DOT right of way and if it is on the shopping center property, Mr. Myers will exercise his enforcement powers.

Mr. Dudick asked what if it is half on and half off the DOT. Mr. Carr answered “its pretty clear, if its on our property, it is not allowed and if it is on DOT property without a permit, its not allowed.”

Mr. Peller asked who will make a determination where it is located. Mr. Myers responded Mr. Carr will determine the location with the surveyor and Mr. Myers will speak with the DOT. Application tabled and 61 day rule waived.

*The secretary read the legal notice as it appeared in the Daily Gazette on April 2, 2015*

**An application from Saxton Sign Corp for variances from Chapter 171 Table I which allows 2 wall signs maximum for total area of 60 sq. ft. 1) proposed = 2 signs total at 44 sq.ft each = 88 sq. ft.; variance = 28 sq. ft. 2) wall sign height limit = 20’; proposed=39’; variance required = 19’ 3) accessory structure sign not permitted, proposed 9 sq. ft. sign on entrance structure. Property is located at 41 Old Route 146, Clifton Park, NY 12065 (Permit#81015)**

The application was presented by Terry Meisner with Saxton Sign Corporation. He informed they would like to re-face the sign on the clock tower and put up a 9 sq. ft. sign for identification.

Mr. Dudick asked if the small Red Roof Inn sign was already up, and Mr. Meisner confirmed it is.

Mr. Peller queried whether there is anything in the contract that requires Red Roof Inn to have certain signage. Mr. Meisner stated he does not know but that they only want to reface the signs so they are visible to I87.

Mr. Myers informed he told them to put up the small sign in front for identification until they get approval for their signs.

Mr. Lemire asked about the size of the signs formerly there. Mr. Meisner answered they were the same size as the ones they want to put up now. Mr. Myers informed they do not need a variance for that. He explained to the board that a sign on the accessory structure is not in the code and they need a variance for that and for the height. Mr. Myers stated he was not able to find any permits for the old signs that had been there.

Mr. Dudick commented he seems to remember hearing an application for the signs. Mr. Myers said there are no records. A comment was made that the building dates from the 1990’s.

Mr. Dudick summarized that Mr. Myers is just cleaning up the record. Mr. Myers said “correct”. Mr. Dudick repeated they are just asking to replace what is already there.

Mr. Meisner confirmed that is what they are asking, just to reface the building.

Mr. Myers described the “accessory building” as an archway which is just a frame with siding on it.

Mr. Dudick commented he can't see a reason to oppose re-facing the signs that were already there. He said it is reasonable and appropriate for same size signs and for a new name.

Mr. Dudick asked for public comment. There was none. Mr. Dudick made the motion to close the public hearing, seconded by Mr. Gifford, all approved. Public hearing closed.

Mr. Bloss made the motion to approve the application as submitted and Mr. Gifford seconded the motion.

Ayes: Bloss, Gifford, Dudick, Fantini, Bagramian, Lemire Noes: none

Application approved as submitted.

*The secretary read the legal notice as it appeared in the Daily Gazette on April 2, 2015*

**An application from Paul Pipino for variances to demolish existing house & garage and rebuild new with attached garage. 1) Section 208-111 minimum lot required=40,000 sq. ft.; available=28,812 sq. ft.; variance required =11,188 sq. ft. 2) Section 208-98 minimum lot width required on special road= 200'; available=99.23'; variance required=100.77' 3) Section 208-98 minimum setback from road centerline=100'; available=48.49'; variance required=51.51' 4) Section 208-11 requires 50' front setback from property line; available=16'; variance required = 34'**

**Property is located at 969 Main Street, Clifton Park, NY 12065 (Permit #81016)**

The application was presented by Mr. Duane Rabideau, VanGuilder Associates, representing Paul Pipino, applicant.

Mr. Peller asked if there is any historic significance to the building.

Mr. Rabideau responded it is a 50 year old building in poor condition and it needs to be removed. Mr. Peller questioned whether there has been any contact with the Historic Preservation Commission. Mr. Rabideau replied the owner has been in touch with Tom McCarthy and has agreed to allow the Commission to inspect the house.

Mr. Myers explained this all started when he declared the house unsafe and the Town Board tabled making a decision since the current owner had a potential sale. He stated everything has been held in abeyance for the purchaser until a decision is made. The Historic Preservation Commission has viewed the house from the outside, and will document what they can when they go inside but it is agreed the house has to come down.

Mr. Peller asked Mr. Myers if the Board can agree to take the house down. Mr. Myers clarified that the variance is only for the setbacks. Mr. Peller expressed concern over the jurisdiction of the Zoning Board over the jurisdiction of the Historic Preservation Commission. He speculated that if the applicant agrees to the review by the Historical Preservation Commission it would be a condition beyond the reach of the zoning board?

Mr. Myers informed the Historical Preservation Commission has no regulatory authority. He summarized an e-mail from them which stated, that although they would like to see it renovated,

they understand the poor condition of the house and the expense that would be required to renovate it. They would like to get inside and record as much as they can, and also would like some input into the construction of the new structure to try and make it blend with the neighborhood. Mr. Myers added that is the reason for the setback variance.

Mr. Peller said his concern is he doesn't want this board to be at cross purposes with the Commission. Mr. Myers assured the Town Board would be involved and there shouldn't be a problem.

Mr. Dudick read the e-mail to Mr. Myers from the Historic Preservation commission which described Jonesville as an historic area and recognized the home had been designated endangered. Although they would like to see it restored, they recognize it is probably beyond repair. (e-mail placed in the record)

Mr. Rabideau informed the home on 969 Mail Street is set to be demolished and replaced with a new structure. He summarized the variances as listed in the legal notice and agenda. He explained they are requesting the variances because of the existing build-out in Jonesville as a historical area. He specified the lot width and front setback variances requested are because of the build-out and that the pre-existing homes are on small lots and close to the road. He asserted they are trying to mimic the existing house which is 48' from the road centerline and the house to the North is the same distance from the road. He informed they had spoken about it with Mark Kaczmerzack (past chairman of the Historical Preservation Commission) who gave them advice on what the house should look like and Mr. Rabideau opined that Mr. Pipino has done a good job mimicking what is there now.

Mr. Lemire asked if the lot drops off in the back and Mr. Rabideau confirmed it does and the map shows the bank there plus that is where the septic system has to go. He pointed out that all the homes down up to the firehouse are built close to the road and that is what they are trying to do if they can get the variances.

Mr. Peller asked for clarification of the relationship between Paul Pepino, Carolyn Turner and William Millington. Mr. Myers explained Mr. Millington is deceased and Mrs. Turner is the administrator of the estate. Mr. Rabideau confirmed Mr. Pepino is under contract to purchase the property, contingent on obtaining the variances. Mr. Myers will obtain the authorizations Mr. Peller requested.

Mr. Lemire commented it is his understanding that this lot is not buildable based upon the current zoning without the variances requested. Mr. Myers confirmed that is correct explaining because there is no sewer there they would need the lot size variance, if nothing else. He said that although it is a long lot, it is not very big lot.

Mr. Dudick asked Mr. Myers if the Town had ever considered changing the zoning for this area. Mr. Myers answered not to his knowledge. Mr. Dudick noted it reminds him of East Side Drive with old homes and small lots.

Mr. Dudick observed this is an attempt to retain the look and integrity of the neighborhood. Mr. Rabideau affirmed that it is and referred to the rendition, pointing out the windows, porch, and other features designed to make it look like the original.

Mr. Dudick declared he doesn't see anything that disturbs or bothers him and this is exactly what the zoning board is all about, preserving the character and integrity of neighborhoods but doing it in a way to make the building safe. He added he sees nothing to oppose from what he is seeing.

Mr. Myers had no comments to add.

Mr. Fantini reminded the role of the Historical Preservation Commission is provide input. Mr. Myers corrected, saying that the Commission's role is to provide input and make recommendations and advise the Planning and Zoning Boards but there is nothing in town building law that says you have to do it. Mr. Fantini persisted, asking if they shouldn't have input. Mr. Myers informed they have had discussions with them. Mr. Peller and Mr. Myers assured that the Town would have input and a memorandum of understanding.

Mr. Peller referred to an e-mail from the town attorney (Tom McCarthy), addressed to Mr. Rabideau, discussing the project. The e-mail was read into the record and documented. The e-mail referred to the Historic Preservation Commission's input and comments.

Mr. Dudick asked for public comment.

Mr. Frank Berlin, 980 Main Street, spoke, informing his home is over 200 years old. He indicated his lot is narrow and deep also. He asked if the new home would be built on the same footprint. Mr. Rabideau answered it would be centered on the lot. Mr. Dudick added that it would be more centered on the property than the current home but the setback would be the same.

Mr. Berlin asked if there is something they can do to make the garage doors look less like a garage. Mr. Dudick commented that, in the era of Mr. Berlin's home, they had stables rather than garages.

Mr. Berlin mentioned the former owner had talked about old photos of the home which no one had seen, and if the Commission can get into the house and the neighbors would like to see anything they find of historical interest.

Ron Winters, 966 Main Street, referred to the discussion about the existing structure being unsafe, asking what is the basis for the decision. Mr. Myers answered it is his opinion. He explained there is lack of facilities, and inside there is severe deterioration of the roof, the walls and the foundation, also the floor, but that is covered up. He explained he had to make a call and no one has been able to prove different. He said if it is savable, it would cost three times what it would cost to build a new home.

Mr. Winters disagreed, saying the cost to repair, and whether it is savable are two different things. Mr. Myers answered, the way it is now, in his professional opinion, the house is unsafe. He said his observations have been fully documented, given to the Town Board, and the Town Board agrees with him. He explained Mr. Winters isn't the first person to disagree with him, and repeated that the house is in poor shape and they have received several complaints about it.

Mr. Winters answered it is dirty. Mr. Myers responded it is more than dirty, that there is a hole in the roof and he is sure there are animals in the attic. Mr. Winters argued you can cover holes and Mr. Myers said it is more than covering holes.

Mr. Dudick made the motion to close the public hearing. The motion was seconded by Mr. Gifford. All approved. Public hearing closed.

Mr. Fantini made the motion to approve the application as submitted. The motion was seconded by Mrs. Bagramian.

Mr. Dudick recognized Mr. Winters' concerns, admitting almost everything can be fixed, but it comes down to the property owner's ability and decision. He said he has no problem with an owner maintaining a property as well as they can until they can no longer maintain it. He opined this is reasonable as far as maintaining the character of the neighborhood.

Mr. Peller commented he thinks it is important that the Board recognizes that Mr. Myers is open to anyone coming forward and showing that the house is safe and can be saved, but no one has done that. He explained the Board is basing its opinion on what Mr. Myers has personally observed.

Mr. Dudick asked Mr. Myers if the building were old and there was no safety issue would there any prohibition for the owner to take it down. Mr. Myers confirmed there is not. Mr. Dudick recapitulated his point, that it is the owners right to have a structure on their property however they see fit, whether it is an old structure or if they want to rebuild.

Ayes: Bloss, Gifford, Dudick, Fantini, Bagramian, Lemire Noes: none  
Application approved as submitted.

Next meeting: April 21, 2015

Mr. Fantini made the motion to approve the minutes for the March 17, 2015 meeting, seconded by Mrs. Bagramian. All approved.

Mr. Dudick made the motion to adjourn. The motion was seconded by Mr. Gifford. All approved. The meeting was adjourned at 8:42 pm.

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