

ZONING BOARD OF APPEALS

April 6, 2010

Present: Michael Dudick, Chairman, Dale Gleason (arrived at 7:27 p.m.), Robert Ritter, Douglas Strother, Christopher Lemire, Brian Telesh, James Whalen, Deborah Ferro (alternate member)

Also Present: Joel Peller, Esq., ZBA Counsel
Derek Miller, Building Department (for Steve Myers)

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

PLEDGE OF ALLEGIANCE

Mr. Dudick referred to there being a number of items on the agenda and rearranged the schedule to hear the shorter, residential items first.

Regarding the application from Raoul Desy, Mr. Dudick recused himself due to his knowledge and relationship with the applicant. Mr. Whalen chaired Mr. Desy's application. Deborah Ferro, alternate member, voted in place of Mr. Dudick.

Mr. Strother advised that he will be recusing himself from the Parkway Music application when it is heard, as he had recused himself on Parkway Music's prior application. He also asked if prior decisions would have to be referenced when considering applications presently before the board. Mr. Dudick advised that it may be possible.

NEW BUSINESS:

An application from Raoul Desy, requesting a variance from Section 208-11 for a proposed 2-car garage at residence on a corner lot in an R-1 zone. 50 ft. setback from both streets is required, 38 feet are available – variance requested = 12 feet. The property is located at 10 Kashmiri Ter, Clifton Park. (Permit #80762)

The secretary read the legal notice as it appeared in the Daily Gazette on April 1, 2010.

Mr. Raoul Desy presented his application. He and his wife would like to add a two-car attached garage to the south side of their home. If he tries to squeeze it in it has to go to the back of the house and will be within 10 feet of his neighbor's property. He believes his plan is more aesthetically pleasing and that having a corner lot makes it more difficult to place the structure. If he were to relocate it in the only area he has, he would have to move the gas lines, electrical feed to the house, sewer and water.

Mr. Strother asked if his neighbors had been noticed and if the view would be obstructed for traffic on the corner lot. Mr. Desy replied that his neighbors had not been noticed and there would be no obstruction of the view. Mr. Strother and Mr. Desy discussed this point.

Mr. Whalen asked if there is currently a garage that he would be replacing. Mr. Desy replied no. The house is a raised ranch with a one-car garage underneath. There are other neighbors with a one-car garage underneath or an attached two-car garage.

Mr. Whalen asked for public comment and there was none. Mr. Ritter made a motion to close the public hearing. Mr. Strother seconded. Approval unanimous.

Mr. Ritter made a motion to approve the application as presented. Mr. Telesh seconded. Ayes: Ritter, Whalen, Strother, Lemire, Telesh, Ferro. Noes: None.

While preparing for the next application, Mr. Dudick introduced Mr. Derek Miller, building inspector, appearing on behalf of Steve Myers.

Mr. Peller asked Mr. Miller, for the record, if he had any comments regarding the application just heard. Mr. Miller believes this was straightforward and had nothing to add.

An application from Craig S. Benson, requesting a variance from section 208-11, front setbacks in R-1 zone, for the construction of an attached garage. The minimum setback affected is from Patroon Place, a paper street from the original subdivision approval. This street will probably never be developed, but it is still town owned. Fifty (50) feet required - 24 feet available = 26 foot variance required. Variance is required due to a proposed addition. The property is located at 6 Settlers Lane, Ballston Lake, New York. (Permit #80765)

The secretary read the legal notice as it appeared in the Daily Gazette on April 1, 2010.

Craig Benson of 6 Settlers Lane, Ballston Lake, presented this application. He would like to add a two-car garage to his split level home in Dutch Meadows. The only practical place to add on a garage is to the left side of the existing house. This would provide the best access to Settlers Lane, which is the only street accessible to the property. The current building line follows Patroon Place which is a non-existing street consisting of mature trees and shrubbery. He does not believe that the granting of the variance would affect his neighbors and stated they have signed off on the request. There would be no obstruction of visibility for traffic.

Ms. Ferro asked about the dimensions of the proposed garage. Mr. Benson replied 30 x 30. Mrs. Ferro asked about the height. Mr. Benson replied that the garage doors would be 7 feet tall. There would be a roof on top of that, so probably about 8 feet high. It would be under the existing chimney line of the house.

Ms. Ferro asked Mr. Benson if he has anything from the Town indicating that they intend to abandon the proposed paper street. Mr. Benson replied that he had contacted the building department which had contacted the planning board and there are no plans for the street. Mr. Benson referred to the map he provided with his application showing the property owned by the Wheelers who signed off on the application.

At this time Mr. Dudick advised that Ms. Ferro is voting in place of Ms. Gleason who has not yet arrived.

Mr. Dudick asked Mr. Benson how long he has lived in the home. Mr. Benson replied 14 years. Mr. Dudick asked if it was new construction when he moved in and Mr. Benson replied no. The home was built in 1975. Mr. Dudick believes that based on this he does not believe that the paper street will be developed, but technically his property is considered a corner lot.

Mr. Lemire asked if there should be two variances requested, one off Settlers Lane and one off Patroon Place. He feels it should be 50 feet from both streets and there is 35 feet from one street and 24 feet from the other. Mr. Miller replied yes. Mr. Miller advised Mr. Benson that as a matter of course in his building permit he will be required to hire a surveyor to do an as-built plot plan to make sure he is 35 feet.

There was discussion about the two variances needed and how the application was written up. After discussion, it was decided and agreed to that this matter would be renoticed as an amended application with the two variance requests to be heard on April 20th.

Mr. Dudick asked if there was public comment regarding this application and there was none. Mr. Dudick held the public meeting open for the next time the application is heard.

An application from Ray Sign, Inc., requesting variances from Chapter 171 – signs of the Town Code for signs at Walgreens Pharmacy. Applicant proposes 2 wall signs at 66 sq. ft. each, totaling 132 sq. ft., 60 sq. ft. total is allowed – variance requested = 72 sq. ft.; applicant proposes 1 window sign at 35 sq. ft., 8 sq. ft. is allowed – variance requested = 27 sq. ft.; applicant proposes 2 directional signs (“Drive Thru Pharmacy” and “Exit”) which are 6 sq. ft. each (4 sq. ft. each is allowed) – variances requested = 4

sq. ft. per directional sign (8 sq. ft. total), and directional signs are mounted at 12 ft. above grade (6 ft. allowed) – variance requested = 6 ft in height per sign. The property is located at 125 Old Route 146, Clifton Park. (Permit #80760)

The secretary read the legal notice as it appeared in the Daily Gazette on April 1, 2010.

Mr. Dudick advised that since Mrs. Gleason has arrived, she can now vote. Ms. Ferro stepped down for this application.

Mr. Bob Miller of Windsor Development and Mr. Tim Prescott of Ray sign presented this application. Mr. Miller explained that they were before the board about 18 months ago for area variances.

Mr. Prescott got into specifics about signage. They would like 2 wall signs on both sides of the building. In the front of the building above the entrances is an interior sign that is inside of the window. That sign cannot be seen from the outside of the building. They would also like a road sign, which has the main Walgreens logo sign. Underneath that, there would be a double-sided LED text board.window sign. It would only be for text, no video or messages. They would like directional signs placed above the drive-thru, an enter and exit sign – small signs to direct the public to the drive-thru.

Mr. Peller asked if the LED sign would have image capability. Mr. Prescott replied that the software that comes equipped with the sign is capable of putting still images on it. For example, you can put an image that says “buckle up” with a seatbelt that closes. Outside of that, you would have to get additional software put in to make digital images, but it would be a monochromatic board. It is not designed to show pictures or video, but mainly for text.

Mr. Strother asked about the hours of operation. Mr. Bob Miller replied that it is a 24-hour store. He does not know if they will be open for 24 hours, however.

Mr. Strother asked what the total square footage for signage is allowed on a business such as this. Mr. Dudick explained what was requested in the application for signage.

Mr. Lemire asked if the LED sign is the wall sign. Mr. Prescott replied no, that it will be the road/pylon sign.

Mr. Dudick asked if it will be like the one at the Walgreens on Route 9 in another town. Mr. Bob Miller replied yes.

Mr. Peller advised the board that the Town Code is silent on LED signs at this point so there is no hard and fast rule right now. He believes that the Town is looking at amending the code. There was discussion about whether there is a difference between a still image and a moving image, words or pictures.

Mr. Lemire asked if the pylon sign has a total area of 74.32 sq. ft. Mr. Derek Miller replied yes, and that this is not an area variance for the pylon sign – that is compliant. But there are two issues with that sign. The first is that is presented that it will be non-animated. Mr. Derek Miller would condition the variances on adhering to that. The second issue is that John Scavo had spoken to Mr. Bob Miller with concerns about the brightness of the LED. Mr. Derek Miller thinks there can be discussion about how bright it can be and where that light would go.

Mr. Bob Miller replied that it is hard to measure, but the brightness issue can be handled by having a dimmer. Also, the light can have more of an amber tone than a red tone. Mr. Prescott added that it can come with a photo eye built into it to dim it.

Mr. Peller asked Mr. Bob Miller if he had any issues with a contingency on the variance that the LED sign cannot have visual pictures on it, only words. Mr. Bob Miller replied that it would be fine.

Mr. Lemire asked for clarification of Section 171(4)(h), which has specific prohibitions in the sign law, such as no sign shall be illuminated by or contain flashing or intermittent rotating or moving lights except to show time and temperature. Mr. Lemire asked if moving lights of words are allowed. Mr. Derek Miller stated that it would be considered animated and require a variance. His feeling is that as long as it is displaying information about a product or that type of thing, and it has graphics and is scrolling, it is considered animated. In this case the applicant is stating that they have the capability but they will not utilize it. There was further discussion about whether the code indicates that the LED sign is prohibited.

Mr. Telesh believes that if the applicant upgraded their sign they would be in violation from a code enforcement standard of the existing code. There was lengthy discussion about the code and whether the sign would be permitted.

Mr. Ritter's understanding is that the pylon sign is allowed, with the exception of animation, which is why there is no variance being requested for it.

There was more discussion about whether this sign is considered animated and whether it is allowed. Mr. Prescott explained that although the messages on the sign can change, you will not see them change. Mr. Dudick believes that this means the lights are moving. Mr. Strother is concerned that technology improves and this variance goes with the property. He would like some conditions placed.

Mr. Dudick read a letter from the Saratoga County Planning Board pertaining to this variance, which decided no significant county-wide or intercommunity impact.

Mr. Dudick asked for public comment and there was none. Mr. Ritter made a motion to close the public hearing. Mrs. Gleason seconded. Approval unanimous.

Mr. Dudick asked Mr. Derek Miller for his comments. Mr. Derek Miller replied that the pylon sign has been discussed in length, but the other signs for which variances were requested have

not been discussed. Regarding the pylon sign he is just concerned about the issues of animation and brightness. Mr. Bob Miller stated that they are open to resolving any issues there may be.

Mr. Dudick asked how the size of the signage asked for compares to other variances granted. Mr. Derek Miller believes that the request is reasonable based on other projects, for example, Staples and Mooradians. There was discussion about the size of those buildings and their signage. Mr. Bob Miller advised that he has already had the size of the lettering reduced. Mr. Dudick believes that the signage requested is more than typical for a building this size. Mr. Bob Miller stated that this building fronts on two sides and he thinks the signage is in line with other buildings in the general area.

Mr. Lemire asked for clarification regarding the placement of the wall signs. Mr. Bob Miller replied that they would be on the south and west side. There would be nothing on the east side because the Hollywood Video store would block the view. There would be no sign on the north side. There was discussion about the pylon sign and the surrounding area.

Mr. Strother asked Mr. Derek Miller about the sizes of Staples and Mooradians. Mr. Derek Miller replied that this building is 14,800 sq. ft.; Staples is 20,400 sq. ft.; and Mooradians is 30,000 + sq. ft. There was discussion about the variances granted to Staples and reducing the size of the signs being asked for. Mr. Bob Miller stated that Walgreens has already reduced the size of the sign to what they need. Mr. Dudick felt more comfortable with the application after this discussion.

Mr. Telesh made a motion to accept the application as presented with the condition that the wall signs are only placed on the south and west side. Mrs. Gleason seconded. Ayes: Gleason, Ritter, Whalen, Dudick, Strother, Telesh. Noes: Lemire.

At this time there was a brief recess from 8:15 p.m. to 8:20 p.m.

An application from DCG Development, requesting variances for a 4-story hotel proposed above a section of existing building at Clifton Country Road, Clifton Park, (permit #80763). Since the hotel will remain a contiguous part of the shopping center, the following variances are required:

Parcel #1(one variance) – 208-89E: Gross floor area (defined as the sum of gross horizontal area of several floors) = 200 x 110 x 4 floors = 88,000sf

88,000 divided by 5 = 17,600 parking spaces required. Even if only considering the “footprint” of the building or 22,000sf. 4,400 spaces would be required.

Only approximately 45 spaces shown.

Variance needed = 17,550 spaces +/-

208-89G – applies to parcel #1 & #2 (2 variances per parcel).

-No building closer to property line than 100’- variance required = 100’.

-No parking space closer to property line than 50’ – variance required = 50’.

208-46A: Parcel #1 (2 variances)

- Minimum area required = 43,560sf.
Available area = 33,977sf (0.78 acres)
Variance required = 95,835sf.
- Minimum width at front building line = 150'.
Available width = 110'.
Variance required = 40'.

208-46B: Applies to parcel #1 & #2 (2 variances).

- 80' front building setback required.
40' available.
40' variance required (see variance #80724 for front parking setback).

208-46C: Applies to parcel #1 & #2 (8 variances, 2 each side).

- 30' side building setback required.
0' available – both sides.
30' variance required both sides.
- 20' side parking setback required.
0' available both sides.
20' variance required both sides.

208-46D: Parcel #1 (1 variance).

- 30' rear building setback required.
0' available.
30' variance required.

208-46E: Parcel #1(3 variances)

- 35' maximum allowed, for every 1' over 35' requires additional offset from side and rear property lines of 2'.
Proposed Building height = 63'+/- which is 28' over allowable
28' requires 56' of additional offset from side and rear property lines which are already seeking variances down to 0' of offset. (additional setback requirements are not addressed in this section for the front of the building) In theory the granting of this variance would be for an offset of 30' + 56' or 86'. The offsets would cross each other if placed on paper since the building is only 110' wide so I believe this variance should be covered by granting the side and rear setback variances. For the legal notice this should read "Building Height variance requested = 28' above 35' maximum allowed."

208-46F: Parcel #1 (1 variance).

- Greenspace required = 35%.
Mall is approved with 12% greenspace.
New lot will result in 0% greenspace for parcel.
Variance required = 35%.

208-48: Parcel #1 & #2 (4 variances).

- Landscaping buffer 15' wide required along sides of building from front to rear property

lines.

0' available

15' variance required.

208-49: Parcel #1 (2 variances).

-Minimum land area for group of establishments = 5 acres.

0.78 acres available.

4.22 acre variance required.

-400' minimum at building line.

110' available.

290' variance required.

The secretary read the legal notice as it appeared in the Daily Gazette on April 1, 2010.

Mr. Peller clarified that parcel #1, the variance from 2208-89E the number of parking spaces was listed as 17,550 spaces, which was a typographical error. It appears that the variance needed is much less. It was later determined that the variance requested would actually be 164 variances. It was also pointed out that on parcel #1, the variance requested from 208-46A should be 9,583 sq. ft., which is less than what was published.

Mr. Joe D'Annibale of Environmental Design Partnership, consultant for DCG Development, presented this application along with Mr. Paul Goldman, attorney for DCG.

Mr. D'Annibale believes that the variances requested are unsubstantial. This is no more than putting 3 lines on paper for an approved site plan for the existing mall. The Hotel as shown in plans provided has already been approved by the Planning Board, according to Mr. D'Annibale. Due to franchise requirements, one requirement is to have a subdivided parcel from that lot. There will be no change to the physical characteristics of the approved plan, and therefore, no detriment to the community. Mr. D'Annibale stated that they cannot achieve these goals by any other feasible means to comply with zoning.

Mr. D'Annibale pointed out that similar applications for zero lot lines have been approved within the Town. He believes that Hannaford and K-Mart have similar situations.

Mr. Paul Goldman added that he was the attorney for Windsor for K-Mart awhile ago and that was separated with a zero lot line. He was also the attorney for the Crossings for Kohls. They are making this request to create a separate lot for financing purposes.

Mr. Dudick believes that this application is different because this entity cannot support itself with parking, unlike K-Mart and Kohls. In this case, there are only 12 parking spots. Mr. Goldman replied that he discussed this with John Scavo and that there is declaration of reciprocal easements and restrictions. This document provides for parking, cross-parking and cross-access. The entirety of the mall is subject to that cross-parking easement. All of the parking field at the mall is devoted for common use for all of the improvements.

Mr. Dudick asked what would happen if down the line the hotel still stands but DCG no longer owns the current mall property and sell it to someone else who would develop it differently. Mr. Goldman replied that they cannot take away the parking because it is devoted for common use. It is an easement. There was further discussion on this point.

There was discussion regarding the business in the surrounding area. Mr. Goldman discussed the 6 tax lots – 4 small and 2 main. They are carving out a portion of the second one, parcel 2. Mr. Lemire and Mr. Dudick asked about alternatives. Mr. Goldman replied that to finance, you need a separate lot and tax parcel.

Mr. Lemire feels that there is other space on that parcel where a hotel can be built where variances such as these would not be required. Mr. D'Annibale replied that part of what this application is hoping to do, which is new for the area, is by putting the hotel attached to the mall, there would be 2 access points into the hotel, an external entrance and an internal entrance within the mall in the existing mall corridor into that space. By doing that, you give people staying at the hotel an opportunity to travel in the mall and use the stores.

Mr. Dudick asked for public comment and there was none. Mr. Ritter made a motion to close the public hearing. Mr. Dudick requested that it remain open for the time being.

Mr. Dudick asked Mr. Miller for his comments. Mr. Miller brought up the parking issue. If you add up all the parking spaces shown, there are only 122, which is still less than the requirement. The other question is about whether the theater will be made larger. Mr. Goldman replied that an application is still being worked on. Mr. Miller raised this because of the parking issue. Mr. Goldman replied that there is still plenty of parking. Mr. D'Annibale discussed the 3 entrances and parking areas, which he feels will be ample.

Mr. Don MacElroy of CCM Associates addressed the parking issue. The hotel flights he has spoken with do not see a problem and they would generally be the first to raise an issue. What they are trying to create is a lifestyle center which incorporates hospitality, accommodations and entertainment into a single unit to create a kind of synergy. The site plan has been examined and the parking has not been deemed as a problem.

Mr. Dudick read a letter from Jason Kemper of the Saratoga County Planning Board, which feels there would be no significant countywide or intercommunity impact as a result of this project.

Mr. D'Annibale stated for the record that he has had conversations with the Town Planning Board and Planning Department and they are in full support of this application as proposed.

Mr. Dudick referred to parking and area variances being requested 18 months ago for this project. At that time the board did not have an issue. The issue now is subdividing and whether this is a self-created hardship or whether this hotel needs to be connected. Mr. Dudick wanted more time to review and reserve a decision until the next meeting.

Mr. Telesh believes that if they were not subdividing it out for financing it could be built with everything being approved through the Planning Board. Mr. Telesh feels this is a great use for

the property. It helps the viability of the mall. It will be a positive for the community and for business travelers who will use the facility. They will have access to movies, restaurants and shopping without having to walk. He feels it is a well thought out way to integrate and enhance the use of the mall.

Mr. Lemire does not think this is a bad use but 25 or so variances are requested at 100%, which he feels is extreme, and that small landowners do not get the same treatment.

Mr. Strother agreed with Mr. Dudick that the board should have more time to review. Mr. D'Annibale stated that the building has already been approved where it is without the subdivision. Whether these variances are granted or not, there will never be greenspace on the subdivision lines. He does not feel there would be a substantial change to the character of the community with the variances requested. Mr. Goldman added to Mr. D'Annibale's point that the plan has already been approved and will go forward and this is being lost in the 3 pages of variance requests.

Mr. Strother again stated that he would like more time. Mrs. Gleason did not feel that more time was needed. She is in favor of the application. She referred to the board granting similar variances last month. She feels that DCG has done a great job in the community and this should be valued.

Mr. Dudick would like time to determine if the benefit can be achieved by any other feasible means as these variances are substantial. Mr. Strother agreed.

Mr. MacElroy replied to board members' concerns about why they are building it in the proposed location. What they are trying to do is create some synergy. He discussed all of the improvements made to the mall. This will be an inviting place where people can shop, dine and be entertained without having to drive. He again discussed the lifestyle center concept. The hotel will also attract people to the mall. There will be banquet and meeting facilities as well.

Mr. Lemire again stated that these variances are extreme and a homeowner who wanted to subdivide his property would not be allowed to do it. Mr. Goldman explained the distinction that this has already been approved to be built where it is, but they want it subdivided for financing.

Mr. Ritter believes this will be an economic generator for the town and he likes the project. By putting it in the proposed location it will entice people staying at the hotel to spend money in our town. He is prepared to vote in favor of the application.

Mr. Whalen is prepared to vote, as well.

Mr. Dudick made a motion to close the public hearing. Mr. Ritter seconded. Approval unanimous.

Mr. Ritter made a motion to approve the application with the correction of 164 parking spaces variance and the 9,583 sq. ft variance corrections to parcel 1. Mrs. Gleason seconded. Ayes: Gleason, Ritter, Whalen, Dudick, Strother, Telesh. Noes: Lemire.

An application from Parkway Music, requesting area variances for a music store at 14 Biette Road, Clifton Park (permit #80766) as follows:

208-98: 130' front setback from centerline Rt. 146 required/102'(+ or -) available/28' variance required.

208-50.3B: 80' front setback required/2' available front, 18' available rear.

Controlling setback and only 78' variance required (49' granted previously) change from previous variance.

208-50.3B: 30' front parking setback required/27' variance granted. No further variance required. Minimum setback to parking is 3' at Northwest corner.

208-50.3C: 30' side setback required. Building meets side setback requirements.

208-50.3C: 20' side parking setback required/12' variance granted. No further variance required. Minimum available is 8' at northwest corner.

208-50.3F: 35% greenspace required/38.4% available. No variance.

208-50.5: 15' landscaping buffer required/10' one available. Fifteen (15) foot variance granted. No further variance required.

The secretary read the legal notice as it appeared in the Daily Gazette on April 1, 2010.

Before the application was heard, Mr. Peller disclosed that he has represented Mr. Hatfield in his personal legal practice for unrelated matters. He asked Mr. Hatfield if he felt it was a conflict. Mr. Hatfield did not.

Mr. Strother recused himself from this application. Ms. Ferro voted in place of Mr. Strother.

Mr. Tom Andres of ABD Engineers and Surveyors presented this application on behalf of the applicant/owner, Tom Hatfield. Mr. Andres reminded the board that the applicant was before the board last September. ABD was not representing him at that time. The original plan that was before the board was conceptual and preliminary. When he was hired he looked at the plan and made more changes to accommodate the use, which is for both the sale of instruments and also for lessons. An elevator would be necessary for this two-story building. Also, the elevation of the road is severe and the proposed parking was far away. What they are proposing now is a more logical redesign of the site. They would like to move the building more in the middle between the Rusty Nail and Appliance Giant and set up a parking lot at grade. There would be a better flow for a tractor trailer. The other proposal did not have a good loading set up. The rear parking lot would be used for employees. They have addressed the greenspace issue and have eliminated the need for that variance as well as some other variances from the prior application. He explained the variances needed by referring to a map.

The secretary asked for clarification of the 78 foot setback requested. Mr. Andres responded that it is actually 62 feet, that they have 18 feet and not the 2 feet originally interpreted.

Mr. Peller asked if Biette Road is a town road. Mr. Andres replied yes. It is a very narrow road and the current proposal makes it easier for access for a tractor trailer. There was discussion about loading and road access from the prior application.

Mr. Lemire asked for clarification regarding the rear setback, which Mr. Andres provided.

Mr. Dudick asked for public comment and there was none. Mr. Dudick made a motion to close the public hearing. Mr. Ritter seconded. Approval unanimous.

Mr. Dudick asked Mr. Miller for his comments. Mr. Miller had nothing to add.

Mr. Ritter feels that this is a better version than the original approved version. Mr. Dudick agreed.

Mr. Dudick read a letter from the Saratoga County Planning Board pertaining to this variance, which decided no significant county-wide or intercommunity impact.

Mr. Miller added that ECC meets tonight and we do not have their comment. It was discussed whether the motion would be contingent upon ECC's determination. Mr. Peller stated that the ECC's comments are advisory.

Mr. Ritter made a motion to approve the application as amended with the 62-foot front setback variance instead of the requested 78-foot variance. Mr. Whalen seconded. Ayes: Gleason, Ritter, Whalen, Dudick, Lemire, Telesh, Ferro. Noes: None.

Mr. Ritter made a motion to approve the minutes of March 16, 2010. Mr. Telesh seconded. Ayes: Gleason, Ritter, Whalen, Dudick, Strother, Telesh. Noes: None.

Mr. Dudick made a motion to adjourn the meeting at 9:42 p.m. Mr. Strother seconded. Approval unanimous.

Respectfully Submitted,

Jessica McCarthy
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