

# Town of Clifton Park

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## Zoning Board of Appeals



## ZONING BOARD OF APPEALS

February 16, 2016

**Present:** Michael Dudick, Chairman, Lisa McCoy, Jerry Cifor, Randy Gifford, Mario Fantini, and Michael Bloss

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

**Absent:** Chris Lemire and Anthony Morelli

Mr. Dudick called the meeting to order at 7:04 p.m.

Mr. Dudick advised that Mario Fantini will be voting in place of Anthony Morelli.

PLEDGE OF ALLEGIANCE

ROLL CALL

### OLD BUSINESS

*The secretary read the legal notice as it appeared in the Daily Gazette on February 11, 2016.*

**An application from Windsor Development Group, Inc. for a use variance from Section 171, Table I which allows only 1 freestanding sign per parcel. Applicant requests 2<sup>nd</sup> freestanding sign for bank. Property is located at Park Avenue and Maxwell Road, Clifton Park, NY 12065 (Permit #81070)**

Mr. Myers stated for the record that due to a Court of Appeals Decision from 2014 (Colin Realty v. North Hempstead, 24 N.Y. 3d 96, (Ct. App. 2014), this type of application is considered an area variance and not a use variance and therefore, the only thing to be considered is the square footage of the sign and it now becomes a Type II action with no further SEQRA review required by the Zoning Board.

Mr. Myers advised that although the application was published as a use variance, the applicant had applied for an area variance and he confirmed that notification to adjacent property owners was not necessary based upon a review of the case law.

Mr. Peller stated the legal notice did not need to be republished because this is a less intrusive application than a use variance.

Mr. Myers advised that the other freestanding sign on the parcel is 231 sq. ft. and an 81 sq. ft. variance had been granted for the existing pylon sign that is there now for the entire plaza, clarifying that the application being considered tonight would be for another 32 sq. ft. variance over and above the allowable square footage.

The application was then presented by Tim Miller, Vice President and General Counsel of Windsor Development Group. Mr. Miller explained that they were seeking an area variance for a pylon sign for Capital Bank's new branch located at Park Avenue and Maxwell Drive.

He explained the proposed pylon sign would contain a 42" x 110" panel to be placed on top of a 31" base and be 86" tall. Mr. Miller stated that retail business is highly competitive and on premises signage is the most cost effective and efficient form of advertising available to small businesses. It is a cornerstone brand identity and helps customers locate services. He further stated this is especially true in light of the fact that retail businesses, including banks, are in considerable distress due to the migration from traditional brick and mortar retailers to the internet. He explained the importance of a freestanding sign to retailers as is evidenced by each and every business up and down that commercial corridor in Clifton Park.

Mr. Miller said that zoning regulations would result in a practical difficulty for Capital Bank, explaining that despite being a standalone pad on that corner of Maxwell Drive and Park Avenue, it is actually part of a larger parcel and because of this, due to the existing Shopper's World pylon sign on Route 146, Capital Bank is not entitled to have its own pylon sign.

Mr. Miller stated that they plan to subdivide the parcel and the proposed sign meets the size requirements for a legal subdivision. However, he noted that there is a timing problem, in that Capital Bank is slated to open in April and due to the subdivision process and some issues relating to the financing and structure of the Capital Bank deal, they are not going to be able to meet that subdivision deadline.

Mr. Miller further noted that a strict application of the dimensional requirements is going to result in significant economic injury to Capital Bank if they don't have a pylon sign. He explained that the existing Shopper's World pylon sign that is on Route 146 is reserved for the tenants of the 236,000 square foot center and was never intended, nor is there room for it, to service the pad on which Capital Bank is located. He indicated that even if there was room on the existing pylon sign, it is not industry practice to use it, as that space is reserved for the center, advising that it would be confusing to put Capital Bank on that sign when it is not part of the center.

Mr. Miller stated that the granting of the area variance is not going to be a substantial detriment to the public interest or the property improvements. He pointed out that it is going to help the public locate the branch; is in keeping with the existing commercial signage in the district; it meets the municipalities zoning objectives; and is in accordance with the Comp Plan and the overall zoning scheme of the community.

Mr. Miller stated that Town Law 267 D 3 controls the area variances and requires the board to engage in a balancing test of the benefit to applicant against the detriment to the health, safety and welfare of the neighborhood and that when balancing that interest, with the recent Board of Appeals case, the Board looks at 5 factors, and said he said he was going to go through the 5 factors quickly.

Number 1 Mr. Miller stated was whether an undesirable change would be produced in the character of the neighborhood. He asserted that here, the granting of the variance is not going to compromise the character

of the neighborhood, pointing out that it is in a town center; it is in a commercial district; and is in accordance with the Comp Plan and zoning objectives.

Factor number 2 Mr. Miller stated was whether the benefits sought by the applicant could be achieved by some other method that is feasible. Mr. Miller reiterated that they are pursuing a subdivision, but given the time constraints in April, they feel an area variance is appropriate in this instance.

Factor number 3 Mr. Miller stated was whether the requested area variance is substantial and explained that when this parcel was subdivided as planned, the sign would meet the legal requirements for a legal subdivision and therefore didn't believe that the variance is substantial.

Factor number 4 Mr. Miller mentioned was whether the proposed variance is going to have an adverse effect or impact on the environmental additions or the physical conditions and explained that because it is just a pylon sign, it is not going to have any impact on the environmental conditions such as drainage, traffic, dust, noise or emergency services.

Mr. Miller stated that number 5, the last factor, is whether this was a self-created difficulty and explained that in his opinion he does not believe that there is a self-created difficulty because they are going to be subdividing the parcel, but due to the timing constraints, are seeking the area variance before the Board and respectfully asked that one be granted.

Mr. Bloss asked if the intent when they subdivide the property would be to then sell it to Capital Bank or if they are just going keep ownership, but because it is separate parcel, the other zoning takes over.

Mr. Miller responded that is exactly right and explained that originally the Shopper's World parcel which is 27 acres, was 1 parcel which is now subdivided into 2 parcels. He further explained that the K-Mart parcel which is appx. 13 acres, sits on its own and the Market 32 parcel, which includes the corner where Capital Bank is now located, is the other parcel and they have plans to now subdivide that Capital Bank portion out of it.

Mr. Fantini asked when the parcel is subdivided whether it would it meet the 32 sq. ft. requirement. Mr. Miller responded that it was their understanding that it would meet the legal size requirements for a legal subdivision.

Mr. Gifford asked if when the parcel is subdivided whether that would be the only building on that parcel or if they planned to put anything else behind it, to which Mr. Miller responded that they had no plans to put anything else behind it.

Mr. Cifor then posed a legal question to Mr. Peller, asking if a variance was granted and then the property was subsequently subdivided, whether the variance would no longer be required.

Mr. Peller responded that the variance would go with the parcel. Mr. Peller asked Mr. Myers if there was any reason to believe that the subdivision would not be approved for the bank parcel. Mr. Myers responded there was no reason that he was aware of and believes that if they didn't have a timing issue the applicant wouldn't need the variance.

Mr. Dudick inquired as to whether the subdivision had been applied for, to which Mr. Miller replied they are in the process of putting things together to do the subdivision, but had not yet applied yet.

Mr. Dudick opined it would not be in the interest of the bank to have their signage on the marquis on Route 146 because he doesn't think anyone would be aware that it was on a separate parcel. Mr. Miller stated that in their experience the existing pylon sign services the Shopper's World center and if a sign is on that pylon, people will go to the center looking for the bank, not outparcels, which they feel would be confusing to people.

Mr. Dudick announced the public hearing and asked for comments. There were none. Mr. Dudick made a motion to close the public hearing and Mr. Cifor seconded the motion. All members voted in favor and the public hearing was closed.

Mr. Dudick asked Mr. Myers if there was anything he wished to add and how he felt about the application. Mr. Myers responded he does not have a problem with it, especially now as an area variance.

Mr. Dudick inquired of counsel if it would make any sense to put a contingency on this application in the event they decide not to subdivide, as the sign would already be in place and there would be no recourse.

Mr. Peller stated that if the Board would be taking the subdivision into account for granting the variance, then absolutely, but that if the Board is looking at the parcel as a standalone parcel, then the subdivision would not have anything to do with the application.

Mr. Cifor stated that the subdivision could take several months and asked how it would be worded with a timeline.

Mr. Myers said we are not talking about a lot of area here and Mr. Peller stated the more conservative approach would be to go with viewing it as a standalone parcel.

Mr. Bloss made a motion to approve the application as submitted. Mr. Fantini seconded the motion.

Mr. Dudick made a further comment stating that from his prospective, it would be a bigger issue if they were looking to put 2 signs on 1 lot, because he wouldn't want to set that kind of precedent and that the extenuating circumstance here is that the Board is taking the applicant's word that this is just a timing issue and that this is going to be a separate parcel sometime within the next 12 months.

Mr. Dudick then asked Mr. Miller to verbally state for the record the applicant's intentions and Mr. Miller stated that they have every intention to subdivide the parcel.

Mr. Myers again advised that the Board that in the future, this type of application will not be a use variance and that if someone with another parcel wants to put a second freestanding sign up, it would be an area variance application instead.

Mr. Myers stated that the Board could have some applications that were rejected in the past come back and they would now come back as an area variance. Mr. Dudick then asked Mr. Myers if they would be allowed to come back with this re-designation and Mr. Myers opined that since we are considering something totally different now, he would say yes.

Mr. Dudick confirmed the motion made by Mr. Bloss to approve the application as submitted and Mr. Fantini had seconded that motion. The secretary then called the vote:

Ayes: Lisa McCoy, Jerry Cifor, Michael Dudick, Randy Gifford, Mario Fantini and Mr. Bloss.  
Noes: None.

Application approved as submitted.

### **NEW BUSINESS**

Mr. Dudick announced that the only item of new business is an application from The G-Box.

*The Secretary read the legal notice as it appeared in the Daily Gazette on February 11, 2016.*

**An application from The G-Box for an area variance from Section 171-6 c. (1) (b) for permanent window signs. Total area of all window signs on each building shall not exceed 50% of the window area or 8 sq. ft., whichever is smaller. 100% of windows are currently covered, (Approximately 234 sq. ft 40% +/- of coverage is written on the door, 60% +/- is mural). Variance required allowing coverage to remain. Property is located at 22 Clifton Country Road, Clifton Park, NY 12065. (Permit #81068)**

The application was presented by Glenn Brown, owner and founder of The G-Box. Mr. Brown explained they specialize in personal and private training and that one of the biggest reasons he wished to keep the existing signage up is because of personal safety issues. He explained that during the warm months the sun glares and beams in and it gets unbearably hot in his facility for at least a few hours a day during the warm months and that he didn't want people who were already sweating, passing out from heat exhaustion.

Mr. Brown indicated that before the decals went up, when the sun glares in it literally blinds people. He explained that a lot of their equipment is facing towards the window, that a lot of training takes place facing towards the window, and that it was dangerous to have people lifting heavy objects with the sun in their eyes. He further stated that he had also put the decals up because of privacy issues, explaining that it would defeat the purpose of private training if the windows were all open and people walking by could look in at his customers. He indicated these were things that his customers had complained about and things that had driven people away.

He advised that at night you can see everything in the facility and that it would be detrimental to have the signage taken down because he felt he would lose a lot of clientele and having that exposure while people were training would defeat the purpose of what they do. Mr. Brown stated he has nothing offensive on the window; that he is not only a startup business, but also a small business; and that with a name like The G-Box people really didn't know what they did. He felt it was a good thing to have a simple description of what they do on the window, which is that they provide fitness and sports specific training, are a strength, athletic and boxing gym and that the current signage gives people that information. He stated that as soon as he put the decals up, he started to see a spike in business, because people could walk by, read the signage on the windows and know what they do. He also feels it is now more inviting for people to come in.

Mr. Brown further indicated that this type of marketing is very cost effective for a small business, stating he simply has words on the window that describe what they do and that the murals were just silhouettes of a man and woman to show that they have both men and women customers. He summarized that as a gym owner his concerns were to make sure that his clients are safe; that they don't have to worry about things like being blinded by the sun, having heat exhaustion or a lack of privacy and that to take down the signage would essentially be more unsafe.

Mr. Dudick asked how many square feet of total window space is available and Mr. Myers indicated that 234 sq. ft. was the total frontage.

While reviewing the photograph attached to the application, Mr. Dudick asked how much of that 234 sq. ft. was going to be the signs and Mr. Brown replied everything but the door.

Mr. Myers stated that about 30% of the current signage is written text describing the type of work they do, that 60% is the silhouette figures and that approximately 10% remains.

Mr. Dudick asked why Mr. Brown's safety concerns could not be achieved by window treatments, blinds, curtains or even just an opaque coloring of the windows so that no one could look in and the sun wouldn't shine in, as that would achieve his safety goals without signage

Mr. Brown responded that the signage goes with the small business and the startup business aspects. He stated that when he opened he was seeing that no one knew who we were, no knew what we did and that people would just see the name The G-Box and not know what they were or did. He explained this gave people the opportunity to see what they do at quick glimpse and that it invites people inside. He again stated that when he put the decals up, business started to spike almost instantly because now people knew what they did. He also said that he looked at it from a business standpoint saying that if he was going to cover up all of the windows, he wanted to do something that gave an insight as to what they did.

Mr. Brown stated he wanted to do something that was cost effective and that one of the reasons he picked this location was because of the foot traffic and shopping. He further indicated he has received nothing but positive feedback on the signage and that his members and prospective members have stated they love the way it looks and that it has done nothing but great things for the business.

Mr. Gifford asked the applicant how he came up with the name G-Box, suggesting that if he had another name using the word gym or something like that, people would know what the business was.

Mr. Brown responded that there is a small area on his sign that says gym training underneath it, but that no one knew specifically what they did and that they are competing against many other gyms in the area.

Mr. Gifford pointed out that the windows at Planet Fitness at Exit 8 are all open and they don't have anything whatsoever covering them up. He agreed with Mr. Dudick's earlier comment as to why he couldn't just have nice thermal window coverings, as they have them for both heating and cooling.

Mr. Brown replied even if his name wasn't a generic name like Glenn, he didn't want to use that in the name of the business, stating that anyone starting a small business wants something that makes their business stand out.

Mr. Dudick pointed out that there are members of the Board who are small business owners and further stated that people generally try to come up with a name that incorporates the things that you want the public to know with the things that need to be said, using Dudick Chiropractic and Giffy's Barbeque as examples. He stated that the name "G-Box" doesn't describe a gym or training but that Mr. Brown chose the name and that no one would know that it has anything to do with a gym or training because the name G-Box doesn't incorporate the word gym or training in it.

Mr. Brown stated that the reason he didn't want to go with the words fitness or gym in the name was because those have already been taken and that his business is very unique and different from those other businesses. He also stated he didn't want to put fitness in the name because there are many other places that have the word fitness in it and he didn't want to be just another gym with the word fitness in it. Mr. Brown explained that the word "box" is actually another word for gym and that a lot of cross fitters call gyms "boxes" which was part of the reason he chose the name and further explained that the "G" in the name came from his name Glenn and that he felt it was a very catchy name.

Mr. Dudick clarified that he only brought up the name issue because Mr. Brown had stated several times during his presentation that it was because of issues regarding signage, further stating that it might actually be issues with regard to not naming the business a name that would identify it. Mr. Dudick noted that Mr. Brown had primarily talked about safety being his chief concern and again pointed out that safety can be achieved without signage and that he was uncomfortable saying the only way to make Mr. Brown's business safe was to put up signs.

Mr. Brown replied that it was a combination of his concerns for safety and the success of his business. He explained that in the gym industry there is a lot of competition and to just put the word "gym" in the title would not describe specifically what they do, as they offer a lot of services other gyms don't. He stated he felt they could never put what they do in just the title of the business, such as the boxing. He said that other gyms do not have the high caliber strength equipment they have. He stated the personal training that they offer, as well as the sports specific training, are basically the core of what they do and it has to be shown somewhere because they are not a franchise where people already know who they are. Mr. Brown stated that whether the name of his business was The Gym or G-Fitness it wouldn't matter, and that he would still need to put the signage up.

Mr. Cifor said the Board previously granted a variance to Red Wing Shoes for a whole wall mural, which is similar to what Mr. Brown is asking for, the only difference being that Red Wing Shoes came in before the fact and asked for permission. He pointed out that in Mr. Brown's situation he had not done that.

Mr. Brown stated that was true and apologized for not doing so.

Mr. Fantini said he thinks the other difference in the applications was that this one has words and actual signs. He stated he had no problems with the imagery which would be consistent with the Red Wing store, but that this has additional things in the windows which he would consider to be signs.

Mr. Cifor stated people are not allowed to cover up more than 50% of the windows, that the signs themselves in this application are less than 50% of the square feet and that he believes the actual pictures would have to be the variance.

Mr. Brown said he knew that there are other businesses who have all of their windows covered as well and again apologized for not coming to the Board first, saying that because he saw that other businesses had their full windows covered, he honestly didn't think that it was something he had to do.

Mr. Cifor said that Red Wing came in for the similar variance because they were going to have their racks up against the window and they felt it would be unattractive to look through the window and see the backs of racks, which was why the Board granted the variance to them.

Mr. Fantini asked whether the allowable 8 sq. ft. was for all of the windows, to which Mr. Myers answered that was correct.

Mr. Fantini went on to say that if you exclude the murals there is a lot more signage than 8 sq. ft. on the window.

Mr. Dudick said that the mural Red Wing Shoes has was generic in nature and showed Mr. Brown a photo of it, stating it just shows a man at work and machinery, and that when it was presented, it was the non-specific issue of the imagery of the signage covering all of the windows which he was comfortable with.

Mr. Dudick stated that Mr. Brown has non-specific silhouettes of a man and woman and that he has no problems with that as it is imagery that goes along with his business. He further stated that what it gets down to is the square footage of signage and that the Town has code describing how many square feet of signage are allowable. Mr. Dudick said Mr. Brown has a G-Box gym and training sign as a wall sign over the door and that he is allowed to put 8 sq. ft. on the windows, but that he has exceeded that.

Mr. Dudick asked Mr. Myers if other businesses that have these type of signs were all within code, to which Mr. Myers replied he would never say that they are all within code, but he does know of other places in Town that have this type of coverage.

Lisa McCoy asked if because of the comparisons of the G-Box generic silhouettes to the Red Wing Shoes imagery, if the Board could possibly look at reducing the amount of sign verbiage and allowing parts of the squares to be more generic in nature.

Mr. Myers stated the problem with that is the way the law reads, which is 50% of the window area or 8 sq. ft., whatever is less. The amount of verbiage on the G-Box signs is less than 50% of the area, but it is greater than 8 sq. ft. He stated the silhouettes, according to the Town Code, are still considered signs and that is where the problem is. He stated that the Red Wing sign was a unique case because there was no verbiage whatsoever and that the Red Wing sign is the whole front of the store which is open with a glass front so you can see in.

Mr. Myers explained that when the law was first put into effect, it was in consideration of safety and the ability to see into the store and that is why they restricted the window signs. He indicated however, that because of this new kind of signage that has come about in the last few years, the Town is discussing changing the sign law to take these type of signs into account because these were never really taken into account in the sign law. He further said that the law is what the law is right now and if you look at just the silhouettes, they are basically the same kind of signage that Red Wing Shoes has, in that it is generic, non-descriptive and has no verbiage. He said the verbiage that Mr. Brown has up around his door is less than what is allowed and confirmed you can see into the store and the door is clear.

Mr. Myers further stated he really doesn't have any issues with what Mr. Brown has done, but it would have been better if he came to the Town first, because then it might have been suggested that the size of the silhouettes be restricted or order to allow more vision into the store. Mr. Myers recalled that the windows were originally one way panels so you could actually see through them if there were no lights on, but that Mr. Brown blocked them off because of the sun, people looking in, etc. Mr. Myers agreed that the applicant had some very valid points about the sunlight, what it does to the store and the privacy of his patrons inside and further agreed that every one of these stores that wants to do something like this, may have unique conditions that warrant them being able to block the view into the store, and that these are all things that are beyond what the law considers at this time.

Mr. Bloss asked Mr. Myers if the mall requires the tenants to get approval for signage like this.

Mr. Myers replied that the mall does require the tenants to get approval for any signage, but that Mr. Brown did not realize this was considered a sign.

Mr. Bloss said that the mall could have told this new business owner to check with Mr. Myers first and Mr. Myers agreed, but said the mall would have had to perceive it as a problem and because of what the Town did with Red Wing Shoes, they may not have seen this as a problem.

Mr. Brown then asked whether I Love Kickboxing's windows were covered too and Mr. Myers responded that was one of the stores he was talking about, as well as one over on Southside.

Mr. Dudick asked Mr. Myers if not having the door covered was enough space to be able to look into the store for safety purposes, to which Mr. Myers responded that he believed it was.

Mr. Myers pointed out that Mr. Brown's store doesn't have a canopy because they have heated sidewalks and it wasn't required. He suggested that Mr. Brown might want to talk to DCG about putting a small canopy in and maybe as a result, he could remove some of the signs to allow more of a view in and that a canopy might assist with blockage of the sun during the problem hours.

Mr. Brown stated that if you are looking through the door you can see the whole facility, because the facility is 100% open and there are no rooms or anything blocked off. Mr. Dudick confirmed that was true, stating he had looked inside.

Mr. Cifor stated he believes privacy is the greater issue, because most people don't want to be on display.

Mr. Myers said that was a very valid point and that the other places on Southside and the kickboxing place have the same issues that Mr. Brown is bringing up right now.

Mr. Dudick announced the public hearing and asked for comments.

Scott Grazda, who lives at 80 Deer Run Hollow in Clifton Park commented in support of the application. He said that with regard to the aesthetics of Mr. Brown's signage, it isn't obstructive in the strip area. He stated that Hannaford puts up signs which take up more than 80 % of their windows and have verbiage on them and that he thought those signs were also blocking the windows. Mr. Grazda said he feels that if it looks

appealing and is not offensive to anybody, it should be approved. He agreed that Mr. Brown should have gotten the approval for it first and that if someone went to a gym they would want to be in a private setting.

Mr. Fantini asked if this were taken to the extreme couldn't the property owner just make the whole front face a window and say they are going to have as much signage as they want, to which Mr. Dudick replied they would still have to come through the Town because the law is still the law and it would be a matter of code enforcement.

Mr. Myers suggested that because more and more of these non-descript murals are showing up, perhaps when the Town decides if they are going to modify the sign law, they could look at coming up with a different definition for them that would take them out of the sign category, pointing out that if you took one of the silhouettes by itself, it really is not a sign, it is just a figure.

Mr. Dudick said that even if the silhouettes were out of the sign category and the Board was ignoring the murals, Mr. Brown would still need a variance based on the worded area.

Mr. Myers responded that because of the 8 sq. ft. requirement, 50% of the window is a much more viable number, but unfortunately they are connected right now.

Mr. Gifford pointed out that the mural has the name "G-Box" 2 more times which in his mind, is 2 more signs that would need to be changed because Mr. Brown already has his 32 sq. ft.

Mr. Myers stated that is a wall sign as versus a window sign and therefore they are different categories.

Mr. Dudick made a motion to close the public hearing and Mr. Gifford seconded the motion. All members voted in favor and the public hearing was closed.

Mr. Cifor made a motion to approve the variance as submitted and Mr. Bloss seconded the motion.

Mr. Fantini asked if when the Board was considering the 50% or the 8 sq. ft. whichever is smaller, whether the Board was to look at 50% including the mural or 50% of the total window area.

Mr. Myers clarified that the Board is looking to grant a variance for 100% coverage and that right now everything on the windows is considered a sign.

Mr. Dudick then asked if the door was considered a window, to which Mr. Myers responded and clarified that the door would take out 10%, thereby making the requested variance for 90% coverage.

Mr. Peller suggested that the Board consider adding a restriction that the door can never be covered. Mr. Dudick asked the applicant if he would have any problem with that and Mr. Brown replied, no not at all.

Mr. Cifor then stated he was amending his motion to approve the variance with a restriction that the door can never be covered with a sign.

Mr. Bloss asked if there were any signs on the door now and Mr. Brown replied no. Mr. Bloss asked what the 5 little boxes shown in the photograph attached to the application were, to which Mr. Brown replied they were just little things he put up showing upcoming events.

Mr. Boss asked if they are pieces of paper taped to the door or, in other words, signs and Mr. Brown said they were temporary and he could take them down.

Mr. Fantini stated he feels more comfortable with 50% of the window area as opposed to 100% but that was just his personal view considering that the law would actually be 8 sq. ft. and that he thought 50% is a relatively large area.

Mr. Bloss stated that in his view he didn't think the sign law addressed store fronts that were 100% fully glassed and Mr. Dudick said that goes to an engineering design issue.

Mr. Dudick reiterated that a motion to approve the variance with a restriction had been made by Mr. Cifor. Mr. Bloss seconded the motion as amended and the secretary called the vote:

Ayes: Lisa McCoy, Jerry Cifor, Michael Dudick, Randy Gifford, Michael Bloss

Noes: Mr. Fantini

Application approved with the restriction that the door may never be covered.

Mr. Dudick then made a motion to approve the minutes from the January 5, 2016 meeting. Mr. Bloss, Mr. Cifor, Mr. Dudick and Mr. Fantini, who were present at that meeting, approved the minutes.

Mr. Dudick then made a motion to approve the minutes from the February 2, 2016 meeting. Mrs. McCoy, Mr. Gifford, Mr. Bloss and Mr. Dudick, who were present at that meeting, approved the minutes.

**Mr. Gifford made a motion to adjourn the meeting. The motion was seconded by Mr. Fantini. Approval was unanimous.**

**The meeting was adjourned at 8:05 p.m.**

**The next meeting is March 1, 2016.**

Respectfully submitted,



M. Kathleen Smith

Secretary, Zoning Board of Appeals

Cc: Town Clerk, Town Board, Town Attorney  
Zoning Board Members, Joel Peller, Esq., Steve Myers  
Department of Building and Development  
Town Assessor, Town Highway Department