

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS MEETING MINUTES
APPROVED MINUTES

The following minutes are a written summary of the main points that were made and the actions taken at the Town of Farmington Zoning Board of Appeals meeting held on March 22, 2010.

Zoning Board of Appeals Members :

Edward Hemminger-Chairman

Leslie O'Malley

Raymond Ward

Chris Dunfey

Gary Scribner

Board Officers:

Ron Brand-Director of Planning & Development

Also Present:

Chris Mahan-Thompson Health – 350 Parrish Street, Canandaigua, NY 14424

James Wright-CEO of Canandaigua Medical Group

Open Meeting:

Edward Hemminger called the meeting to order at 7:00 p.m. He explained the emergency evacuation procedures and rules of procedures of the meeting and stated that copies of the evening's agenda and legal notice were available on the table by the door.

Approval of Minutes:

Gary Scribner made a motion to accept the February 22, 2010, meeting minutes and the motion was seconded by Leslie O'Malley. A voice vote was taken and the motion was passed with five (5) Ayes.

BOARD BUSINESS:

Thompson Health

#ZB 0301-10

Area Variance

350 Parrish Street

Canandaigua, NY 14424

The applicant is requesting an area variance to the provisions of Chapter 165, Article V, Section 43.B. (2)(c) of the Farmington Town Code. The applicant wishes to erect a free-standing commercial speech ground sign identifying some of the individual businesses located in the building at 1160 Corporate Drive. The Town Code prohibits ground signs identifying individual businesses where more than one use or activity exists upon a single parcel of land. The property is located at 1160 Corporate Drive and is zoned PD Planned Development District.

Chairman Hemminger read the legal notice for #ZB 0301-10 that was published in the Daily Messenger on March 15, 2010 requesting an area variance.

Ron Brand updated the Board stating that the Public Hearing is a result of a previous Public Hearing held awaiting a resolution to override Ontario County Planning Board and in the interim has had conversations with representatives from Thompson Health and they have submitted a request to withdraw the application for a sign variance for a directory sign (ZB0101-10). He added that by them withdrawing the application it left the door open for them to reapply for a variance that is before them tonight to allow a freestanding sign to have a directory on it. Mr. Brand stated that he did talk with the applicant that if they didn't withdraw and the board took action to deny it then there would have to be substantial concurrence out of the 4 of 5 members to rehear it within a year's time. It's much cleaner this way.

Chris Mahan, from Thompson Health, stated that the building is known as the Thompson Medical Center and would like to indentify the building with a sign showing the tenants name along with Urgent Care as well. They would also like to add Canandaigua Medical Group to the sign since they have been a long standing tenant with them.

James Wright, CEO of Canandaigua Medical Group, stated that their business coincides with the urgent care business even though they have appointments it is still urgent care.

Ron Brand added that the Town Board purposely established the rules and regulations for the control of signs along the high speed four lane Route 332 so as to not distract motorists unnecessarily, however when there is justification for health and safety issues relating to traffic safety and also bringing to the attention of people needing services that are being provided for the benefit of the community and not necessarily a particular business. Mr. Brand added that the Board has ground for justification to grant the application since they have testimony given by graphic specialist. Mr. Brand stated that staff has drafted a resolution overriding the County's recommendation of denial and a resolution to approve a total sign area of 81 sq. ft. and a height of 13.5 ft. for the Board's consideration.

BOARD COMMENTS:

Gary Scribner stated that he is satisfied with the whole package. Chairman Hemminger stated that he liked the look of it but he still feels the Thompson Health sign should be a little higher on the sign because of the berm so it's high enough to see. Leslie O'Malley stated that she had reservations about adding the Pediatric Office on the sign and after talking with Ron Brand, she started to think about all the new development that we have in the town which tends to attract young families and thought about the number of times she has had to find a pediatrician in an emergency she now feels it should be on the sign. Ray Ward agrees with it but the only thing that still bothers him a bit is the overriding factor more than any other message seems to be branding and what is going to happen in two years if the property is taken over by someone else and they have a different logo that they want to get out there in a bigger and better way are they going to be doing the same thing again. He feels they should have a clear signal that this is where urgent care is and has no arguments with that but he is a little taken back the overall tone of the argument of the sign.

A motion was made by Leslie O'Malley and seconded by Gary Scribner to close the Public Hearing at 7:15 p.m. There were five (5) ayes.

ZB 0102-10 and ZB 0301-10 SEQR Resolutions-Type II Action

A motion was made by Gary Scribner and seconded by Ray Ward to waive the reading of the Type II Action Resolutions. All five (5) voted aye.

SEQR Resolution – Type II Action Applicant: Thompson Health File # ZBA – 0102-10

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has determined the above referenced Action to be a Type II Action under Section 617.5(c) of the State Environmental Quality Review (SEQR) Regulations; and,

WHEREAS, Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above Resolution was offered by Leslie O’Malley and seconded by Gary Scribner at a regularly scheduled Zoning Board of Appeals Meeting held on Monday, March 22, 2010. Following discussion, a roll call vote was recorded:

- Raymond Ward -- Aye
- Leslie O’Malley -- Aye
- Chris Dunfey -- Aye
- Gary Scribner -- Aye
- Edward Hemminger-- Aye

SEQR Resolution – Type II Action Applicant: Thompson Health File # ZBA – 0301-10

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as the Board) has determined the above referenced Action to be a Type II Action under Section 617.5(c) of the State Environmental Quality Review (SEQR) Regulations; and,

WHEREAS, Type II Actions are not subject to further review under Part 617.

NOW, THEREFORE, BE IT RESOLVED THAT the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above Resolution was offered by Leslie O’Malley and seconded by Gary Scribner at a regularly scheduled Zoning Board of Appeals Meeting held on Monday, March 22, 2010. Following discussion, a

roll call vote was recorded:

Raymond Ward -- Aye

Leslie O'Malley -- Aye

Chris Dunfey -- Aye

Gary Scribner -- Aye

Edward Hemminger-- Aye

FILES # 0101-10 and #0102-10 RESOLUTION OVER-RIDING

ONTARIO COUNTY PLANNING REFERRAL #9-2010 RECOMMENDATIONS

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has reviewed the public hearing record on the above referenced applications for area variances to: erect a second double sided free standing commercial speech sign, identifying the names of various services located within the building on property at 1160 Corporate Drive (File # ZBA 0101-10); and to have a new double sided commercial speech sign erected, with a total sign area of 81 square feet and a height of 13.5 feet, to replace the existing Thompson Medical Center sign located at 1160 Corporate Drive (File # ZBA 0102-10).

WHEREAS, the Board has reviewed the Ontario County Planning Board Referral # 9-2010 (hereinafter referred to as County Referral) which recommends denial of both requested area variances; and

WHEREAS, the Board has given consideration to the public hearing record on said area variances; and

WHEREAS, the Board feels that it is in the best interests of the community and the safety of the traveling public to grant one of the requested area variances to enable the applicant to have a new double sided free standing commercial speech sign, containing a total of 81 square feet in sign area with a total height of 13.5 feet above existing grade to replace the existing Thompson Medical Center double sided free standing commercial speech sign, based upon the testimony contained in the public hearing record and the Board's open meeting deliberation of said area variance which identifies the need for a larger size double sided free standing commercial speech sign to over-come the sight restrictions to the site for north bound motorists; and

WHEREAS, said sight restrictions are caused by an existing berm located on property to the south of the subject parcel; and

WHEREAS, the Board finds that granting an area variance of 81 square feet to allow the placement of the above described free standing commercial speech sign business identification sign is the minimum variance required to adequately identify the location of the Thompson Health Medical Services Building to the motorists using State Route 332; and

WHEREAS, the Board has decided to take action, by at least a majority plus one vote of its entire membership to over-ride the County Referral recommendation of denial and to approve Application #ZB0102-10 with the modifications to said sign as set forth above herein.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby take action to override the County Planning Board's Referral Recommendation of Denial and approve an area variance for

File #ZBA 0102-10, for the following reasons:

There is a line-of-sight restriction for motorists traveling north along State Route 332 to the existing Thompson Medical Center free standing commercial speech sign. This line-of-sight restriction is created by an existing earthen berm located south of the subject parcel. The Board finds that the existing sign is not legible until motorists are almost at the intersection of State Route 332 and Corporate Drive. Therefore, it is necessary to provide motorists traveling north along State Route 332 with a larger sign so that there will be improved visibility to the sign which will in turn increase the amount of reaction time possible and thus improve the safe exiting of vehicles from along the posted 55 mile per hour two lane highway. It is for the principal reason of improving public safety along this major highway that the Zoning Board of Appeals approves the requested area variance to allow an 81 square foot commercial speech sign, 13.5 feet in height, to be placed upon the subject site. By allowing this larger sized commercial speech sign, the Zoning Board of Appeals finds that it will be the minimum variance necessary to provide improved sight distance to the site and will, in turn, allow motorists increased reaction time for them to safely exit from along this heavily traveled highway.

BE IT FURTHER RESOLVED that the Board agrees with the County Planning Board's denial of an area variance (File #ZBA 0101-10) for a second free-standing commercial speech sign that would identify each of the businesses located within the Thompson Health Medical Center Building located at 1160 Corporate Drive, finding said sign to be excessive and contributing unnecessarily to the distraction of motorists attention from along the heavily traveled and high speed State Route 332.

BE IT FINALLY RESOLVED that the Clerk of the Board is directed to send copies of this resolution to the Ontario County Planning Board, the applicant and to place a copy thereof in the property files for this site.

The above resolution was offered by Leslie O'Malley and seconded by Gary Scribner at a meeting of the Town of Farmington Zoning Board of Appeals held on Monday, March 22, 2010. After discussion, the following roll call vote was taken and recorded in the minutes of the Board:

Gary Scribner-	Aye
Chris Dunfey-	Aye
Leslie O'Malley-	Aye
Raymond Ward -	Aye
Ed Hemminger -	Aye

AREA VARIANCE FINDINGS & DECISION

Thompson Health

File: #ZBA0102-10

350 Parrish Street

Zoning District: PD Planned Development

Canandaigua, New York 14424

Published Legal Notice on: 1/18/10

County Planning Action on: 1/11/10

Public Hearing held on: 1/25/10

Property Location: 1160 Corporate Drive, Farmington, N.Y. 14425

Applicable Section of Town Code: Chapter 165, Article V, Section 43. B. (1) (c).

Requirement for which Area Variance is requested: The applicant wishes to erect a double sided free standing commercial speech ground business identification sign located on their property which has a total sign area of 81 square feet and a total height of 13.5 feet. The Town Code allows for one double sided free standing commercial speech ground business identification sign on a parcel with a total sign area of 64 square feet and fifteen (15) feet in height.

- 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. Yes X No**

Reasons: The purpose for the proposed commercial speech business identification sign is to identify the name of the building, its' street address and two additional medical services located within the Thompson Health Medical Center office complex at 1160 Corporate Drive to passing motorists so they may, in turn, safely exit the highway to the site. In this application, the Zoning Board of Appeals finds that there is a restriction to the passing motorists' line of sight to the existing freestanding commercial speech ground sign. This restriction is caused by an earthen berm located on a separate parcel of land south of the proposed sign. The height of this berm and the restriction to the sign by north bound motorists has resulted in the Board granting an area variance to allow a freestanding commercial speech business identification sign that is larger in total sign area than the sixty-four (64) square feet allowed by Code. The Board finds that the additional total square footage of the proposed sign will allow larger lettering for each sign message and thus improve the public's viewing of all of the information from an appropriate distance and to then permit motorists traveling north on State Route 332 to safely exit the highway. The Board finds that the act of granting the requested area variance would, therefore, contribute to the traffic safety of the general public and would not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

- 2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance. Yes X No**

Reason: The applicant could request another variance for a second double sided commercial speech ground sign to be placed on this site that would be sized to meet Town Code requirements. The placement of a second freestanding commercial speech ground sign would involve the granting of two area variances, one for a second commercial speech sign and the other to allow the display of individual businesses. If such requests were to be granted it would result in the duplication of commercial speech signage and contribute to sign proliferation which is counter to the Town's stated purpose of regulating such signage.

- 3. Whether the requested variance is substantial. Yes X No**

Reasons: The Town Code [§ 165-43.B. (1) (c)] restricts free standing commercial speech signs to fifteen (15) feet in height and 64 square feet in total sign area. The applicant is requesting a free standing commercial speech sign to be thirteen feet six inches (13.5 ft.) in height above existing ground which is smaller than the fifteen feet (15 ft.) maximum height allowed. Therefore, no variance is required for the proposed sign height. The area variance that is needed is for a ground sign area having a total sign area

of eighty-one (81) square feet. This size sign is an increase of twenty-six and one-half percent (26.5%) more than what is allowed by Town Code. The Board finds that, in this instance, granting a variance to allow the applicant to erect a free standing commercial speech sign of this total sign area is not a substantial area variance.

4. **Would the variance, if granted, have an adverse impact upon the physical or environmental conditions in the neighborhood?** Yes **X** No

Reason: The granting of an area variance is defined as a Type II Action under the State Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined not to have an adverse impact upon the physical or environmental conditions in the neighborhood.

5. **Whether the alleged difficulty was self-created.** **X** Yes No

Reason: The proposed sign design, with three individual businesses being displayed, requires a sign larger in total sign area than the sixty-four (64) square feet allowed by Code. The additional square footage allows each business sign to have lettering large enough to be readable from a maximum distance along the highway. The greater the distance the quicker the reaction time will be for motorists to absorb the messages and to then safely react and to exit the highway. In this instance, the Board finds that larger lettering for each sign message in turn improves the safety of the general public along this major highway.

DETERMINATION OF THE ZONING BOARD OF APPEALS

BASED UPON THE ABOVE FACTORS

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

 That the benefit to the applicant **DOES NOT** outweigh the detriment to the Neighborhood or Community and, therefore, the area variance is **DENIED**.

X That the benefit to the applicant **DOES** outweigh the detriment to the Neighborhood or Community and, therefore, the area variance is **GRANTED** with the following conditions.

Reason: The ZBA finds that the granting of an area variance to the requirements of Chapter 165, Article V, Section 43. B. (1) (c) of the Farmington Town Code should be granted. The Board also finds that the granting of an area variance to permit the erection of a free standing commercial speech sign with a total sign area of eighty-one (81) square feet is the minimum variance necessary to allow the three (3) businesses identified in the record on this application to display their service information and to promote the legislative purpose for regulating commercial speech signs as established by the Town Board. The Board recognizes the public participation process that occurred during the creation of the Town's sign regulations. Such involvement establishes the basis for the Board to carefully weigh the benefits for every sign variance application. In this instance, it is clear that the benefit to the applicant DOES outweigh the detriment to the Neighborhood or Community and, therefore, the area variance is GRANTED. However, the Board finds that granting of this area variance will allow the placement of a freestanding commercial speech ground sign that will identify a total of three businesses, including Thompson Health, that must be located within the Thompson Health Medical Facility located at 1160 Corporate Drive.

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code and directs this Resolution be placed in the public file on this Action.

The above Resolution was offered by Gary Scribner and seconded by Raymond Ward at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, March 22, 2010. The following roll call vote was recorded:

Leslie O'Malley --	Aye
Raymond Ward --	Aye
Chris Dunfey --	Aye
Edward Hemminger--	Aye
Gary Scribner --	Aye

FILE # 0301-10 RESOLUTION OVER-RIDING

ONTARIO COUNTY PLANNING REFERRAL #32-2010 RECOMMENDATION

WHEREAS, the Town of Farmington Zoning Board of Appeals (hereinafter referred to as Board) has

reviewed the public hearing record on the above referenced application for an area variance to the provisions of Chapter 165, Section 43. B. (2) (c) of the Farmington Town Code, in particular a request for a variance to permit a ground sign (a freestanding commercial speech sign) to display up to two individual businesses located within the Thompson Health Medical Center office complex, located at 1160 Corporate Drive; and

WHEREAS, the Board has reviewed the Ontario County Planning Board Referral # 32-2010 (hereinafter referred to as County Referral) which recommends denial of the requested area variances; and

WHEREAS, Thompson Health Medical Center is replacing its' existing freestanding commercial speech ground sign; and

WHEREAS, the Board has granted an area variance (File # ZB 0102-10) to permit an over-sized freestanding double sided commercial speech ground sign to be erected with Thompson Health Medical Center and 1160 Corporate Drive displayed upon said sign; and

WHEREAS, the Zoning Board of Appeals has been informed by the applicant (Thompson Health Medical Center) that the two businesses requesting approval to be displayed upon the ground sign are indeed tenants within the applicant's building known as Urgent Care + and CMG Pediatrics; and

WHEREAS, the public hearing record identifies that these two businesses provide services that include a substantial number of unscheduled and in many instances medical emergencies for their patrons on a day to day basis.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that it is in the best interests of the health, safety and general welfare of the general public to display both the Urgent Care + and CMG Pediatrics on the previously authorized freestanding commercial speech ground sign of Thompson Health Medical Center.

BE IT FURTHER RESOLVED that the Board finds that the nature of these two businesses is to provide an important community service and should, therefore, be readily and easily identified to the public during stressful times when the public is attempting to locate them.

BE IT FURTHER RESOLVED that the Board finds that the maximum number of individual business identification messages to be displayed on the above referenced ground sign shall not exceed the two medical treatment services listed herein.

BE IT FURTHER RESOLVED that the Board finds that it is for the principal reason of readily identifying the location of the two medical treatment services to the general public that the Board approves the requested area variance to allow Urgent Care + and CMG Pediatrics to be displayed upon the ground sign.

BE IT FURTHER RESOLVED that the Board finds that by granting this area variance it is the minimum variance necessary to provide a sign that will be adequately sized so as to enable improved identification of these two community services.

BE IT FINALLY RESOLVED that the Clerk of the Board is directed to send copies of this resolution to the Ontario County Planning Board, the applicant and to place a copy thereof in the property files for this site.

The above resolution was offered by Ed Hemminger and seconded by Chris Dunfey at a meeting of the Town of Farmington Zoning Board of Appeals held on Monday, March 22, 2010. After discussion, the following roll call vote was taken and recorded in the minutes of the Board:

Gary Scribner	-	Aye
Chris Dunfey	-	Aye
Leslie O'Malley-		Aye
Raymond Ward	-	Aye
Ed Hemminger	-	Aye

TOWN OF FARMINGTON

ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Thompson Health**File: #ZBA0301-10****350 Parrish Street****Zoning District: PD Planned Development****Canandaigua, New York 14424****Published Legal Notice on: 3/15/10****County Planning Action on: 1/11/10****Public Hearing held on: 1/25/10****Property Location: 1160 Corporate Drive, Farmington, N.Y. 14425****Applicable Section of Town Code: Chapter 165, Article V, Section 43. B. (2) (c).**

Requirement for which Area Variance is requested: The applicant wishes to display two additional business signs on a double sided free standing commercial speech ground business identification sign located on their property which has a total sign area of 81 square feet and a total height of 13.5 feet. The Town Code prohibits freestanding commercial speech ground business identification signs from listing individual businesses.

FACTORS CONSIDERED & BOARD FINDINGS

- 1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. Yes X No**

Reasons: The purpose for the proposed commercial speech business identification sign is to identify the building's street address and two additional medical services located within the Thompson Health Medical Center office complex at 1160 Corporate Drive to passing motorists so they may, in turn, safely exit the highway to the site. In this application, the Zoning Board of Appeals finds that there is a restriction to the passing motorists' line of sight to the existing freestanding commercial speech ground sign. This restriction is caused by an earthen berm located on a separate parcel of land south of the proposed sign. The height of this berm and the restriction to the sign by north bound motorists has resulted in the Board granting an area variance to allow a freestanding commercial speech business identification sign that is larger in total sign area than the sixty-four (64) square feet allowed by Code. The Board finds that the additional total square footage of the proposed sign will allow larger lettering for each sign message and thus improve the public's viewing of all of the information from an appropriate distance and to then permit motorists traveling north on State Route 332 to safely exit the highway. The Board finds that the act of granting the requested area variance would, therefore, contribute to the traffic safety of the general public and would not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

2. **Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.** Yes No

Reason: The applicant could not request any other type of area variance for a multiple tenant business identification sign to be placed on this site that would meet Town Code requirements. The Town Sign Regulations have been enacted to specifically prohibit individual listings of businesses because of the prolonged distractions such signs cause to the removal of motorist attention from along the public highways while reading and comprehending such information. Unless there is a finding by the Board that granting such a sign variance would benefit the applicant while clearly outweighing the detriment to the community, there would be no basis for the Board granting such a request.

3. **Whether the requested variance is substantial.** Yes No

Reasons: The applicant is requesting a free standing commercial speech sign to be used to display the names of two other businesses that are located within the Thompson Health Medical Center Building, located at 1160 Corporate Drive. The Zoning Board of Appeals finds that, in this instance, the variance being requested is substantial since multiple tenant identification signs are not allowed in the Town Sign Regulations.

4. **Would the variance, if granted, have an adverse impact upon the physical or environmental conditions in the neighborhood?** Yes No

Reasons: The granting of an area variance is defined as a Type II Action under the State

Environmental Quality Review (SEQR) Regulations. Type II Actions have been determined not to have an adverse impact upon the physical or environmental conditions in the neighborhood.

5. **Whether the alleged difficulty was self-created.** Yes No

Reason: The proposed sign design, with three individual businesses being displayed, is being requested by the applicant to meet their business needs and not to meet the requirements of the Town Code.

DETERMINATION OF THE ZONING BOARD OF APPEALS

BASED UPON THE ABOVE FACTORS

The Zoning Board of Appeals, after reviewing the above five proofs, finds:

 That the benefit to the applicant **DOES NOT** outweigh the detriment to the Neighborhood or Community and, therefore, the area variance is **DENIED**.

 X That the benefit to the applicant **DOES** outweigh the detriment to the Neighborhood or Community and, therefore, the area variance is **GRANTED** with the following conditions.

Reason: The ZBA finds that the granting of an area variance to permit the erection of a free standing commercial speech sign with two additional businesses displayed thereon is the minimum variance necessary to allow the three (3) medical service businesses identified in the record on this application to display their service information. The medical services are a benefit to the community and to provide clear communication of their locations to residents having to deal with emergency medical conditions does indeed promote the legislative purpose for regulating commercial speech signs as established by the Town Board. The Board recognizes the public participation process that occurred during the creation of the Town's sign regulations. Such involvement establishes the basis for the Board to carefully weigh the benefits for every sign variance application. In this instance, it is clear that the benefit to the applicant **DOES** outweigh the detriment to the Neighborhood or Community and, therefore, the area variance is **GRANTED**. However, the Board finds that granting of this area variance is to allow the placement of a freestanding commercial speech ground sign that will identify a total of three businesses, including Thompson Health, Urgent Care and CMG Pediatrics. Such area variance shall remain in effect and is transferable to other medical services that must first be located within the Thompson Health Medical Facility located at 1160 Corporate Drive.

NOW, THEREFORE, BE IT RESOLVED that the Board in making this Determination has satisfied the procedural requirements under New York State Town Law and the Town of Farmington Town Code and directs this Resolution be placed in the public file on this Action.

The above Resolution was offered by Ray Ward and seconded by Gary Scribner at a regularly scheduled meeting of the Zoning Board of Appeals held on Monday, March 22, 2010. The following roll call vote was recorded:

Leslie O'Malley -- Aye

Raymond Ward -- Aye

Chris Dunfey -- Aye

Edward Hemminger-- Aye

Gary Scribner -- Aye

Public Comments: None.

Other Board Matters: None.

Director of Development Update:

a. Draft Official Zoning Map and Local Law.

Ron Brand stated that the new draft zoning map is much larger so it is easier to read and the color improves the legibility, and indicates when Local Law was adopted. He thanked County Planning especially Kevin Schultz who did a wonderful job for them. He also thanked Michelle Finley for her assistance.

b. Draft Local Law to delete the LC Land Conservation District (Chapter 165, Section 32 of the Town Code).

Ron Brand stated that this section of the Town Code has never been placed on a zoning map and when you look at the permitted uses for that zoning district it brought up some questions on the legality of those uses and the language of the section is not clear. He added that there are other rules and regulations set in place now that they are following in the planning process and believes it is not necessary to have that section in there.

c. Draft Local Laws on Individual Wind Energy Systems and Wind Farms.

Ron Brand stated that he is working on drafting two separate Local Laws because regulations need to be in place.

Next Meeting: April 26, 2010

Ed Hemminger made a motion to adjourn the meeting at 7:47 p.m. and Gary Scribner seconded the motion. The motion was passed with a voice vote of five (5) ayes.

Minutes were respectfully submitted by Michelle Finley, Acting Clerk of the Board.