

# **Zoning Board of Appeals**

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

## **MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD August 18, 2014**

PRESENT were MARTIN STEINBACH, CHAIRMAN, JAMES HANNAN, E. JOHN SCHMIDT, MARK BALISTRERI and CAROLINE TRZCINSKI.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Zoning Board members reviewed the draft minutes of the July 21, 2014 meeting. Upon motion of Member Trzcinski, seconded by Member Hannan, the draft minutes of the July 21, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the area variance application submitted by John Mulinio for property located at 21 Cooper Avenue. John Mulinio was present on the application. Chairman Steinbach inquired of Mr. Mulinio whether there were any changes or new information concerning the application. Mr. Mulinio stated that there were no changes or additional information. The Zoning Board then opened the public hearing on the area variance application. The notice of public hearing was read into the record, noting that the public notice had been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach then opened the floor for receipt of public comment on the application. First, Chairman Steinbach requested any comments in favor of granting the area variances. Peter Watson, 15 Cooper Avenue, stated that he had no issue whatsoever with the area variance application, that the two-story structure had thus far been constructed in a good manner, that the structure was not an eyesore, and that he was fully supportive of issuing the requested variances. Mr. Watson later commented that he had

looked at the site through google imaging, and that there appears to be a lot of other structures on both Cooper Avenue and Mt. Pleasant Avenue that are within the 20' rear property setback. Also, Mr. Watson stated that there had been thefts in the neighborhood, and this storage shed would provide a safe place for Mr. Mulinio's tools. Mr. Watson also later commented regarding the height issue, stating that he was concerned that a 12' height limitation within this neighborhood would not allow homeowners to build a garage with a peaked roof and meet the 12' height limit, and that this was limiting the neighborhood from developing and expanding. Kate Cronin, 23 Cooper Avenue, stated that her property was directly adjacent to the Mulinio property, that she fully supported the application and issuance of the area variances, that the Mulinio children were outside playing all day and that this was positive, that Mr. Mulinio had built a good and safe structure, that the structure was aesthetically pleasing to the neighbors, that this would provide an area for storage of Mr. Mulinio's equipment and also provide a playhouse for the children, and that she fully supported the application. Chairman Steinbach asked whether there were any further comments in support of the application. Chairman Steinbach then asked for any comments in opposition to the application. Dolores Ciannamea, 68 Mt. Pleasant Avenue, said that the structure was unsightly, that the structure was massive, that the structure had a negative effect for the residents on Mt. Pleasant Avenue, that the only pictures Mr. Mulinio had given to the Zoning Board were from the front and sides of the structure but that the back of the structure faces Mt. Pleasant and it is unsightly, that the height of the structure had a negative effect for the residents on Mt. Pleasant, that the requested variances were substantial, that the structure would affect the sale value of the homes on Mt. Pleasant, and that she was speaking on behalf of a number of her neighbors on Mt. Pleasant, and concluded by handing up a memorandum and pictures of the rear of the structure taken from Mt. Pleasant Avenue. Member

Trzcinski asked Mrs. Ciannamea as to how many residents she was speaking for, when she stated she was speaking on behalf of a number of the neighbors on Mt. Pleasant Avenue. Mrs. Ciannamea stated she was speaking on her own behalf, on behalf of the Fitzpatricks at 70 Mt. Pleasant Avenue, the Gavins at 74 Mt. Pleasant Avenue, and the Sommos at 60 Mt. Pleasant Avenue. Mr. Mulinio immediately responded that the back side of the structure is only temporary, that it was installed just to make the structure sturdy while he was working on other parts of the structure, and that the temporary back would be removed and the same knotty pine exterior would be added just as he did on the front and two sides of the structure. Mr. Mulinio also stated that he had resided at his home since 2005, and that the Ciannamea lot had very tall trees along the Ciannamea lot line which were cut down about a day after Mr. Mulinio had built the structure on his lot, and that instead of replacing these trees with similar tall trees, the Ciannamea placed only 6' high trees along their property line. Mrs. Ciannamea responded by saying that the trees were over 20 years old, that they were diseased and needed replacement, and that these were not cut down by choice but rather were required to be cut down because of disease. Mark Danskin, registered land surveyor with office at 74 Bellview Road, Brunswick, stated that he had been retained by Mrs. Ciannamea to look at the structure that was built, that in fact it appeared to Mr. Danskin to be a nicely built structure, but that the visual impact of the structure from the Mt. Pleasant side was significant and that the Zoning Board members should look at this structure from the Mt. Pleasant viewpoint, rather than just the Cooper Avenue viewpoint. Bill Fitzpatrick, 70 Mt. Pleasant Avenue, stated that while no one appears to be complaining about the two-story structure from the Cooper Avenue side, this structure does affect the properties on Mt. Pleasant Avenue. Member Trzcinski commented that it appeared the neighbors on the Mt. Pleasant side were concerned only about the height of the structure, and not

concerned regarding the setback from the side yard and rear yard line. Sissy Gavin, 74 Mt. Pleasant Avenue, stated that this structure results in a terrible view from the Ciannamea lot, and that while it may look good from the Cooper Avenue side, this does not look good from the Mt. Pleasant Avenue side because this structure is so tall. Member Hannan also commented that it appeared the issue was the height of the structure, particularly from the Mt. Pleasant Avenue side. Member Hannan wanted to confirm that this new structure replaced an old shed on the Mulinio lot, and wanted to confirm that this was in the same footprint as the prior shed. Mr. Mulinio stated that the new shed was in the same general footprint of the old shed, and may in fact be a foot or two closer to the house and away from the property line. Mr. Hannan asked about the height of the prior shed. Mr. Mulinio said that the old shed was 10' or 12' high, and that the current shed is 18' high. Member Schmidt asked whether this application needed to be decided as a whole, or whether each individual variance which Mr. Mulinio was seeking, including the rear yard setback, side yard setback, and height, should be addressed and decided separately. Attorney Gilchrist stated that the application sought three variances, including the rear yard setback variance, the side yard setback variance, and the height variance, and that each individual variance needed to be analyzed in terms of the factors to be determined on area variance applications. Member Balistreri wanted to confirm that the storage unit in this structure was on the first floor, and that the children's playhouse was on the second floor. Mr. Mulinio confirmed this. Member Trzcinski stated that with respect to the side and rear yard setback requests, it appears Mr. Mulinio has moved the structure closer to his house and further away from the rear yard and side yard property lines where the former shed was located, but that the height issue was clearly a separate issue in that the old shed was 10' or 12' high and the new shed is 18' high. Member Hannan stated that Mr. Mulinio should have come to the Town before

the start of construction, and that this issue has been self-created. Chairman Steinbach asked whether there were any further public comments. Hearing none, Chairman Steinbach entertained a motion by Member Schmidt to close the public hearing, which motion was seconded by Member Hannan. The motion was unanimously approved, and the public hearing on the Mulinio area variance applications closed. Chairman Steinbach inquired about procedure with Attorney Gilchrist. Attorney Gilchrist stated that as the public hearing has been closed, a final determination by the Zoning Board concerning the area variance application needs to be made within 62 days. Chairman Steinbach was of the opinion that the Zoning Board members should do an additional site visit, and view this structure from the Mt. Pleasant side. The Zoning Board members were generally in agreement with that approach. Mrs. Ciannamea said that she consented to have the Zoning Board members access her property to view the shed from the Mt. Pleasant side. Member Schmidt then made a motion to table the Mulinio area variance applications until the September meeting. Member Hannan seconded the motion. The motion was unanimously approved, and the Mulinio area variance applications tabled until the September 15 meeting. Mr. Mulinio stated in closing that the Zoning Board members should keep in mind that the back of the shed structure which faces Mt. Pleasant is only temporary, and that it will be taken down and replaced with knotty pine siding to match the sides and front of the structure. This matter is placed on the September 15 agenda for further discussion.

The next item of business on the agenda was the area variance application submitted by Ray Sign Co. for the installation of a sign for the Dollar Tree store to be located in the Brunswick Plaza at 720 Hoosick Road. Russ Hazen of Ray Sign Co. was present on the application. Chairman Steinbach asked whether there were any changes or additional information concerning the application. Mr. Hazen stated that there were no changes to the

application, that the Dollar Tree was looking to install 42” letters for the exterior Dollar Tree sign where the Town Code allows 36” letters, and that Dollar Tree was seeking to install a 48” round symbol as part of its exterior sign, and Mr. Hazen did state that the owner of the Brunswick Plaza, Robert Pollock, had simply consented that the application was made and was not the applicant. The Zoning Board then opened a public hearing on the application. The notice of public hearing was read into the record, noting that the public notice was published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach then opened the floor for the receipt of public comment. No members of the public wished to provide comment on the application. After allowing adequate time for the receipt of public comment, Member Hannan made a motion to close the public hearing on the application, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the public hearing closed. Member Trzcinski inquired whether the Dollar Tree store would also be listed as one of the stores on the Brunswick Plaza sign located adjacent to Route 7. Mr. Hazen stated that the Dollar Tree sign would be on the road sign adjacent to Route 7. Attorney Gilchrist then stated that this area variance was for commercial application, and therefore compliance with the State Environmental Quality Review Act was required. Chairman Steinbach stated that he felt the addition of an exterior sign at the existing Brunswick Plaza would not result in any significant adverse environmental impact, and felt that a negative declaration should be adopted. The Zoning Board members generally concurred, with Member Schmidt stating that the only potential impact could be visual, and he was of the opinion that the requested variance would not result in a significant adverse environmental impact. Chairman Steinbach then made a formal motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Balistreri. The motion was

unanimously approved, and a SEQRA negative declaration adopted. The Zoning Board members then deliberated on the factors to be considered in whether to grant the area variance for this sign. As to whether the requested variance would result in an undesirable change in the character of the area or create a detriment to nearby properties, Member Balistreri was of the opinion that there would not be an undesirable change or detriment to nearby properties because this was already an existing mall with plenty of signage throughout the mall. Member Trzcinski stated that she felt the requested size of the lettering for the sign was too big, and that since the proposed layout of the sign had two rows of letters, the requested variance was not simply 6" but combined for a total of 12" which Member Trzcinski felt was significant. As to whether there was a feasible alternative available to the applicant, Member Trzcinski said the applicant could comply with the 36" letter limit and meet the Town Code and still meet its need for exterior signage. Member Hannan did note that the Dollar Tree sign would be on the sign board along Route 7, and that while the applicant wanted additional visibility for the Dollar Tree sign on the exterior of the building, the visibility was also obtained through the road sign adjacent to Route 7. Member Trzcinski felt there was no difference between a 36" lettered sign and a 42" lettered sign in terms of visibility. As to whether the requested variance was substantial, Chairman Steinbach stated that while the request was to add 6" to the 36" limit, he did feel that the request was substantial since all of the other signs within the mall met the 36" letter limit. Member Schmidt felt that while the variance would be more substantial if the building was closer to Route 7, he did note that this was already inside the mall, which makes the need for larger letters for the signage less necessary. As to whether the requested variance would have an adverse effect on the physical or environmental conditions in the area, the Board members generally concurred that there would not be an adverse effect on the physical or environmental conditions.

As to whether the difficulty is self-created, all the Board members generally concurred that the difficulty was self-created, that the Dollar Tree sign could comply with the size limit as the other tenants in the mall have done, and still be competitive. The Zoning Board members also noted that there was an additional Dollar Tree sign on the road sign adjacent to Route 7. The Zoning Board members then considered all of these factors and balanced the benefit to the applicant if the variance was granted for this sign as weighed against the detriment to the general health, safety and welfare of the community, and determined that the detriment outweighed the benefit to the applicant. The Zoning Board members concluded that the applicant was not denied adequate signage, and felt that a lettered sign of 36" was adequate for this location as opposed to increasing the size to 42", and were further concerned that allowing the larger sign for the Dollar Tree store would result in requests from other tenants within the mall to increase the size of their signs which the Zoning Board did not support. Member Schmidt asked Mr. Hazen whether the Dollar Tree store had a set size for its exterior signage on all of its stores. Mr. Hazen stated that the Dollar Tree stores did not have a set size for its signs, but simply wanted maximum affect for competition with the adjacent Price Chopper store. Mr. Hazen did confirm that the Dollar Tree sign could be made any size that the Town supported. The Zoning Board members generally concurred that there was not a significant hardship to the Dollar Tree store in light of its ability to have a smaller sign. Member Steinbach stated that while he respected a business entity trying to advance its business interests through competition, the Zoning Board has an obligation to meet the standards the Town has established for size of signs, and that in this case he did not feel it was in the best interest of the Town to vary the sign standard. Member Schmidt stated that the Town had held all of the other businesses in the mall to that standard, and that the same should be applied to the Dollar Tree store. All the Zoning Board members generally concurred with

those opinions. Thereupon, Member Trzcinski made a motion to deny the area variance application for the Dollar Tree store sign on the building exterior at the Brunswick Plaza, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the area variance application for the Dollar Tree sign at the Brunswick Plaza was denied.

The next item of business on the agenda was the application by Ray Sign Co. for an area variance for signage on the existing Wal-Mart store for the Subway tenant. Russ Hazen of Ray Sign Co. was present on the application, and generally stated that the Subway tenant inside the Wal-Mart store was seeking to have an exterior sign on the Wal-Mart building so that people knew there was a Subway store located within the Wal-Mart store. Mr. Hazen did state that the early plans for the renovated Wal-Mart store did show a placeholder location for this sign, but the general contractor for the Wal-Mart store did not obtain the approvals for this sign when Wal-Mart obtained its sign approvals. Mr. Kreiger confirmed that the size of the proposed Subway sign was not at issue, but rather the variance was sought for the total number of signs on the exterior of the Wal-Mart building. Mr. Kreiger confirmed that Wal-Mart did receive approvals for its signage, but those approvals did not include this sign for the Subway tenant. Mr. Kreiger confirmed that the need for the variance was with the total number of signs, because the Wal-Mart signage uses all of the available number of signs under Town Code. Thereupon, the Zoning Board opened the public hearing on the area variance application. The notice of public hearing was read into the record, noting that the public notice was published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach then opened the floor for the receipt of public comment. No members of the public offered any comment. Chairman Steinbach did note that a letter had been received in opposition to the sign variance application from James Murray, 126

McChesney Avenue. After allowing sufficient time for receipt of public comment, Member Hannan made a motion to close the public hearing on the area variance application, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the public hearing was closed. Thereupon, Attorney Gilchrist stated that the application sought an area variance for commercial application, and therefore compliance with the State Environmental Quality Review Act was required. Chairman Steinbach stated that for the same reasons discussed on the Dollar Tree sign application, he was of the opinion that this requested variance to add the Subway to the exterior of the Wal-Mart would not result in any significant adverse environmental impact. Member Schmidt concurred, stating that the only impact would be a visual impact, and he felt that given the existence of the mall and the amount of signage in the mall already, this was not a significant impact. Thereupon, Member Schmidt made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Balistreri. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, the Zoning Board members deliberated on the elements for the requested variance for the Subway sign. As to whether the proposed variance would produce an undesirable change in the character of the area or a detriment to nearby properties, Member Balistreri was of the opinion that an undesirable change or detriment would not result since the proposed Subway sign was not that large of a sign and would comply with the size requirements for the Town, and that adding one additional sign to the Wal-Mart building would not be significant. Member Hannan stated that if the signage was allowed for Wal-Mart, then every other tenant within the Wal-Mart store would want additional signage on the exterior of the Wal-Mart building, and that the building would be covered with signs. Member Hannan thought that there were other tenants within the store, including eyewear and other specialties. Mr. Hazen stated that Subway was the

only tenant in the Wal-Mart store, and all other services and products offered were offered only by Wal-Mart. Mr. Hazen also stated that Subway was a tenant in a number of Wal-Marts in upstate New York. Member Balistreri asked whether the Subway stores in other Wal-Mart locations had signage on the outside of the buildings. Mr. Hazen stated to the best of his knowledge, all of the other Subways at other Wal-Mart locations had exterior signage. Mr. Hazen did note that the Subway tenant did not have any signage on the freestanding pole sign at Route 7, and so Subway did not have any exterior signage at all for this location. Member Schmidt asked what size would otherwise be allowed under Town Code for the Subway sign. Mr. Kreiger stated that a formula needed to be applied for total signage area, but that the issue was Wal-Mart having used up all of the area for signs allowable under the Town Code without getting approval for the Subway tenant. As to the element of whether there was a feasible alternative available to the applicant, the Zoning Board members were consistent in determining that there was no other feasible alternative since the Town Code did not allow any additional signage on the exterior of the Wal-Mart store. As to whether the variance request was substantial, Chairman Steinbach noted that if Wal-Mart had asked for the additional area of the signage at the time it obtained its permits for its exterior signage, the additional area for the Subway sign, which is about 30 square feet, would not have been deemed significant, but that it does look significant as a stand-alone application. Member Schmidt stated that when viewed in light of the overall signage of the Wal-Mart store, the requested variance was not substantial. As to whether the variance for the signage would result in an adverse environmental or physical impact, the Zoning Board members generally concurred that it would not. As to whether the difficulty was self-created, the Zoning Board members generally thought that this was not a problem created by the Subway tenant, but was rather created by Wal-Mart as it failed to obtain

the approvals for the signage for the Subway tenancy at the time it obtained its Wal-Mart signage for the exterior of the building. Upon further deliberation, Member Schmidt stated that he was torn on the application, because if Wal-Mart had asked for this additional 30 square feet of signage at the time it obtained approvals for its signs, it would not have been deemed substantial. Mr. Hazen stated that when Subway came to this location and reviewed the initial building plans, Subway thought that it allowed for exterior signage because it was shown on the plans, but that Wal-Mart had not obtained the approval for this particular Subway sign. After further deliberation, Member Hannan thought it would be appropriate to grant the variance to add the Subway sign to the exterior of the Wal-Mart store, but that if Subway closes within the store, the sign would need to be removed. The Zoning Board generally discussed this, with the majority of the members feeling that this was an appropriate determination on this application. Member Hannan then made a motion to grant the area variance application to allow the addition of the Subway sign on the exterior of the Wal-Mart building, subject to the condition that the sign would need to be removed if the Subway store closes, and upon the further condition that if any new tenant were to go into the Subway space, a new variance application would need to be submitted in connection with its specific sign. Member Balistreri seconded the motion subject to the stated conditions. The motion was voted upon, and approved by a 4/1 vote, Member Trzcinski opposed.

The next item of business on the agenda was the area variance application submitted by Land Lease, Inc. on behalf of BK Troy Holdings, LLC for the installation of new signage at the existing Burger King restaurant located at 747 Hoosick Road. Mike Desimone of Land Lease was present for the applicant. Chairman Steinbach asked if there were any changes or additions to the application. Mr. Desimone stated there were no changes or additions, and the application

presented the current standard branding package for Burger King restaurants. The Zoning Board then opened the public hearing on the application. The notice of public hearing was read into the record, noting that the public notice had been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach then opened the floor for the receipt of public comment. There were no public comments submitted. After adequate time for receipt of public comment, Member Schmidt made a motion to close the public hearing on the area variance application, which motion was seconded by Member Hannan. The motion was unanimously approved, and the public hearing closed. Attorney Gilchrist stated that this area variance was sought for commercial application, and therefore compliance with the State Environmental Quality Review Act was required. Chairman Steinbach stated that in his opinion, replacing existing signage with new signage at the Burger King restaurant would not result in any significant adverse environmental impact. Member Schmidt concurred, stating that the only potential impact would be visual impact, and given this location, did not deem that impact to be significant. Member Hannan then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Balistreri. The motion was unanimously approved, and a SEQRA negative declaration adopted. The Zoning Board then deliberated on the elements for area variances. Mr. Kreiger confirmed that this application sought a variance for the total number of signs allowed, and that the total square footage of the signs was not an issue. Mr. Kreiger stated that the only issue for the Zoning Board to determine was whether the total number of signs would be allowed. Mr. Desimone reviewed the number of signs, stating that the applicant sought a total of 3 “button signs”, totaling 5’ in diameter, showing the “BK” logo. Mr. Desimone stated that the “button signs” were the most important of the signs from the owner’s perspective, and was a

standard branding sign for Burger King. Mr. Desimone stated that the applicant was seeking approval for the “button sign” on each side of the building plus the front of the building. Mr. Desimone also stated that there were two additional signs, one stating “taste is king” in an area of approximately 4’ x 10’, and a second sign stating “home of the whopper”. Mr. Kreiger stated that the applicant sought approval for five building signs, plus the existing freestanding sign, for a total of 6 signs for this location, where the Town Code allowed a total of 2 signs. The Zoning Board members generally concurred that given the location of this restaurant, and the existence of signs along this area of Hoosick Road, this did not result in an undesirable change in the character of the area or create a detriment to nearby properties. On the element as to whether the requested variance is substantial, the Zoning Board members confirmed that Town Code allowed a total number of two signs whereas a total of 6 are being requested, and the Zoning Board members did feel that was substantial but must be viewed in context with the other factors to be considered. Mr. Desimone then entertained discussion with the Zoning Board members as to whether any of the requested signage could be eliminated. Mr. Desimone stated that the “taste is king” sign could be eliminated, and that one of the “button” signs could likewise be eliminated. Mr. Desimone confirmed that the applicant will eliminate the one “button” sign located on the western side of the building near the drive-thru and located next to the adjacent dental office, and also remove the “taste is king” sign above the main entrance. Considering these revisions, the Zoning Board members discussed whether the application creates an adverse effect on the physical environmental conditions in the area, and whether the difficulty was self-created. The Board determined that the variance did not create a significant adverse environmental or physical impact to the surrounding property, and while the difficulty was in some respects self-created, it is acknowledged that the franchisee is following current franchise requirements for signage.

Members Schmidt and Balistreri also said they were comfortable with the signs as now proposed because the total square footage of the signs was significantly under the Town Code allowance, and that the variance was simply with the total number of signs, which has now been reduced to a total of 4 signs. Member Balistreri made a motion to approve the area variance application as amended, eliminating the requested “button” sign on the western elevation near the drive-thru window, and also removing the “taste is king” sign above the main entrance. Member Hannan seconded the motion subject to the stated conditions. The motion was approved by a 4/1 vote, Member Trzcinski in opposition. This approval allows the “button” signs to be installed on the south and east elevations, the “home of the whopper” sign, as well as the existing freestanding sign.

Two items of new business were discussed.

The first item of new business discussed was an application submitted by American Housing Foundation for a three-story, 86-unit age-restricted apartment building to be located at 112 McChesney Avenue. Linda Stancliffe, of Creighton Manning, was present for the applicant. Ms. Stancliffe generally presented the proposal, which seeks approval for construction of the three-story, 86-unit senior only (55 years and up) apartment building on a vacant parcel located at 112 McChesney Avenue. The parcel is currently zoned R-25, and the application seeks a special use permit for multi-family housing. Ms. Stancliffe stated that there was both public sewer and public water available at the site. Ms. Stancliffe explained that about 75% of the proposed apartment units are one-bedroom, with about 25% being two-bedroom units, with a community room on the first floor and available storage for tenants. Attorney Gilchrist noted that a Short Environmental Assessment Form has been submitted with the application, and that the applicant should prepare a Full Environmental Assessment Form. In addition, Attorney

Gilchrist stated that he would need to research the issue of whether this type of multi-family housing has been reviewed as a special permit use under the Brunswick Zoning Code, and further research on that issue is required. Attorney Gilchrist further noted that the application also lists site plan review by the Planning Board as needed, and that in the event this project moves forward through the special use permit and site plan process, coordination between the Zoning Board of Appeals and the Planning Board will be required. Ms. Stancliffe stated that she was planning to present the site plan to the Planning Board at its August 21 meeting. The Zoning Board stated it will place this matter on its September 15 agenda for further discussion.

The second item of new business discussed was the area variance application submitted by Keith Duncan for property located at 51 Norfolk Street. Mark Danskin, registered land surveyor, was present for the applicant. Mr. Danskin explained that the parcel on which a home sits with address 51 Norfolk Street, generally located at the intersection of Norfolk Street, Otsego Avenue, and Duncan Lane, is seeking to be subdivided so that it can be sold to an existing tenant residing at 51 Norfolk Street. Mr. Danskin generally explained the background of the Duncan parcels, and that there currently exists two residential structures on one parcel, and the current application sought to subdivide that parcel to create 51 Norfolk Street with one residence on one residential lot, but in doing so given the particular size and configuration of this lot with respect to public roadways, a series of variances are required in terms of building setbacks and total lot size. Mr. Danskin confirmed that no new structures are being proposed, but to rather divide the existing residences on separate lots, which results in the lot for 51 Norfolk Street being substandard in size and does create structure setback issues. It is noted that the home located at 51 Norfolk Street currently has a setback issue with respect to the road right-of-way. This matter

will also be subject to subdivision review by the Planning Board. This matter has been placed on the September 15 agenda for further discussion.

The index for the August 18, 2014 meeting is as follows:

1. Mulinio – area variance – 9/15/14.
2. Ray Sign Co. – Dollar Tree sign variance – denied.
3. Ray Sign Co. – area variance for Subway sign at Wal-Mart building – granted with conditions.
4. Land Lease, Inc. – area variance for Burger King signage – granted with conditions.
5. American Housing Foundation – special use permit – 9/15/14.
6. Duncan – area variance – 9/15/14.

The proposed agenda for the September 15, 2014 meeting currently is as follows:

1. Mulinio – area variance.
2. American Housing Foundation – special use permit.
3. Duncan – area variance.