

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD March 17, 2014

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

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Zoning Board members reviewed the draft minutes of the February 24, 2014 meeting. Upon motion of Member Trzcinski, seconded by Member Hannan, the minutes of the February 24, 2014 meeting were unanimously approved without amendment.

The first item of new business on the agenda was the area variance and special use permit applications submitted by Alta East, Inc. for property located at 1163 Hoosick Road, the former Spiak's Garage. The Applicant seeks to redevelop that location into a convenience store and fueling station. The Zoning Board opened a public hearing on these applications. The Notice of Public Hearing was read into the record, with the public hearing notice having been published in the Troy Record, posted on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach requested that the Applicant make a brief presentation concerning the project. Chris Boyea of Bohler Engineering and the project attorney were present for the Applicant. A general overview of the project was presented, which includes a proposed 3,800 square foot convenience store with a drive-thru service at the rear of the building, 19 parking spaces for the convenience store, the elimination of any service of vehicles at the location, relocated fueling stations now to include 4 fueling dispensers located toward the front of the project site, with the existing curb cuts being reused for access to the

convenience store and fuel pumps. Mr. Boyea noted that with regard to the Zoning Board's referral of the special use permit application to the Planning Board, the Planning Board had issued a positive recommendation on the project. Mr. Boyea explained that the area variance was required with regard to the canopy and fueling stations, given the New York State right-of-way in connection with Route 7, and while Route 7 is a significant distance from the fueling stations, the New York State right-of-way does go deeper into the project site and therefore an area variance is required. Mr. Boyea did say that his office had coordinated with both NYSDOT and Rensselaer County Highway Department regarding the project, and that both agencies had given concept approval. Mr. Boyea noted that if the Zoning Board issues the area variance and the special use permit, the project will still require site plan review by the Planning Board. Chairman Steinbach then opened the floor for receipt of public comment. William Doyle, Esq., 317 Brick Church Road, stated that he was providing comment both as attorney and representative of Jim Spiak, but also as owner of property located directly across the project site on the opposite side of Route 7, and that the visual appearance of this location was important to him as a property owner. Mr. Doyle stated that the Spiak family had operated a service station at that location since the 1930's, and that when Jim Spiak sought to sell the station, he had a lot of interest in that location but did approve of the sale to Alta East because he thought their proposal was a good use for that location, and even though Alta East was not going to continue the service station, the retail sale of gasoline would continue at the site. Mr. Doyle reminded the Zoning Board that the site has been zoned commercial since the 1970's, and that the location had always suited Spiak for the operation of the service station and retail gas sales, and will also suit the proposed use by Alta East. Regarding the area variance application, Mr. Doyle commented that before Route 7 was realigned, the travel lane of Route 7 was very close to the gasoline

pumps, and that the pump location had not been changed but is now significantly removed from Route 7 given the Route 7 realignment, and thought it was logical to have gas pumps in that general location off the travel lane for Route 7 and that the area variance should be granted. Mr. Doyle also stated that Mr. Spiak would be proud to have Alta East own and operate that location. In sum, Mr. Doyle stated that in his opinion, the site will be attractive, will be a good use of that location, that the Town is not oversaturated with gas stations and that competition is good for pricing, and supports the issuance of both the area variance and the special use permit. Mark Cipperly, 210 Bulson Road, commented that he is co-owner of the Agway Store further east on Route 7, but that the Agway was formerly a neighbor of Spiak and also a customer of Spiak, and thought that the continuation of gasoline sales at that location was an appropriate use, and supported Spiak and the current application. Frank Brennanstuhl, 27 Dusenberry Lane, commented that he was 100% in support of the project, but thought that it would be a good gesture to have a plaque installed at the site in connection with the redevelopment indicating that the Spiak family had operated a service station at that location for decades. No further comments were submitted. Thereupon, Chairman Steinbach entertained a motion to close the public hearing on the area variance and special use permit applications by Alta East. Member Hannan made a motion to close the public hearing, which motion was seconded by Member Balistreri. The motion was unanimously approved, and the public hearing was closed.

Thereupon, the Zoning Board members determined to move forward into the business portion of the meeting, and continued directly on the discussion of the Alta East project before proceeding to additional public hearings on the agenda. Attorney Gilchrist noted that the first order of business for the Zoning Board was review of the Environmental Assessment Form, and making a determination of environmental significance under SEQRA. In that regard, the Zoning

Board members reviewed Part II of the Environmental Assessment Form submitted by the Applicant, determining that the proposed action will not create a material conflict with an adoptive land use plan or zoning regulation; will not result in a significant change in the use or intensity of use of the project site; will not impair the character or quality of the existing community; does not have an impact on any critical environmental area; will not significantly change the level of existing traffic; will not cause a significant increase in the use of energy but rather does incorporate energy conservation fixtures in the proposed new convenience store and lighting for the pump island; will not have a significant impact on water supply or wastewater treatment; will not have a significant impact on the character or quality of important historic, archeological, architectural or aesthetic resources; will not result in a significant adverse change to natural resources; will not result in an increase in potential for erosion or drainage problems; and will not present a significant risk to environmental resources or human health, noting that any underground storage tank for the storage of petroleum must meet all current state and federal regulatory guidelines. Thereupon, Member Schmidt made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Hannan. The motion was unanimously approved, and a SEQRA negative declaration adopted. Mr. Kreiger noted that the application had been referred to the Rensselaer County Department of Economic Development and Planning, and that such office responded that the project does not have a major impact on County plans and that local consideration shall prevail. The Zoning Board next deliberated on the special use permit application. Attorney Gilchrist noted that the special use permit application sought approval for the fueling station aspect of the project only, not the entire site redevelopment. Regarding the special use permit consideration, the Zoning Board determined that the location of a fueling station at the project site did not significantly impair general health,

safety, or welfare considerations, particularly in light of the fact that retail gasoline sales have been occurring at this location for decades; that the project site was appropriately located with respect to transportation facilities, most particularly NYS Route 7, and given its historical use, that appropriate police and fire protection were available to service this facility; that there was appropriate and adequate parking for the fueling station proposed with redevelopment project; that the fueling station would not cause undue traffic congestion or create a traffic hazard, again most particularly given the historic use of this site as the location for retail gasoline sales; and that the project would not significantly impair neighborhood character or the surrounding properties, again with particular regard to the fact that this location had been used for retail gasoline sales for decades. In light of this deliberation, Member Balistreri made a motion to approve the special use permit for the fueling station portion of this project, which motion was seconded by Member Hannan, the motion was unanimously approved, and a special use permit granted. The Zoning Board then addressed the application for area variance with respect to the location of the pump canopy and fueling stations in relation to the front yard property line given the width of the New York State right-of-way in connection with Route 7. Regarding these issues, the Zoning Board members determined that the area variance and location of the pump islands on the project site would not produce a change in the character of the neighborhood nor a detriment to nearby properties, but in fact the relocation of the fueling area would create greater distance between the pump islands and the front property line over current conditions; that given the size of the site and its historic use, that a feasible alternative to locating the pump islands on the project site did not exist; that while the total amount of the area variance from the front property line could be viewed as substantial, the variance is appropriate given the historic use of the site for retail gasoline sales and the historic location of the pumps, and further that the need

for the area variance is unique in that the total width of the New York State right-of-way creates the need for the area variance whereas the pump islands are a significant distance from the current location of the travel lanes for NYS Route 7; that the area variance will not have an adverse affect on the physical or environmental conditions in the neighborhood, noting that the Board had considered potential significant adverse environmental impacts and determined to adopt a SEQRA negative declaration; and that the need for the area variance was not self-created in light of the total width of the New York State right-of-way in connection with Route 7. Based on his deliberation, Member Balistreri made a motion to approve the area variance for the location of the pump islands and canopy, which motion was seconded by Member Hannan. The motion was unanimously approved, and the area variance granted. The project owners and representatives did note for the record that the comment concerning installation of a plaque to commemorate the use of the site by the Spiak family was appropriate, and would be incorporated into the redevelopment of the site. It is noted that this application will now be considered by the Planning Board pursuant to the site plan regulations of the Town.

The second item of business on the agenda was the area variance application submitted by Christian McGrath concerning property located at 205 Bulson Road. The Zoning Board opened a public hearing on the application. The Notice of Public Hearing was read into the record, with that notice having been published in the Troy Record, posted on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach requested that the Applicant make a presentation regarding the proposed area variance. Matthew Turner, Esq., representing the McGrath family, presented an overview of the requested area variance, stating that the area variance was required regarding the eastern boundary line of the residential lot. Attorney Turner reviewed a letter with exhibits that he had submitted to the

Zoning Board dated March 14, 2014, focusing on the aerial photographs of the residential lot which were attached to his March 14 submittal. Attorney Turner made a note of the fact that the proposed deck and addition to the existing home on the lot required an area variance concerning the eastern lot line, and that the adjacent lot immediately to the east contained no structures and was currently used as agricultural. Attorney Turner also noted that proposed landscaping will provide a vegetative buffer between the house addition and the adjacent lot. Chairman Steinbach then opened the floor for receipt of public comment. First, Chairman Steinbach requested any comments in favor of the area variance application. Hearing none, Chairman Steinbach then requested any public comment in opposition to the area variance. Mark Cipperly, 210 Bulson Road, stated that he was the owner of the property located immediately to the east of the McGrath lot, and that he does own a home on the opposite side of Bulson Road from the McGrath lot. Mr. Cipperly noted that the addition to the house will be only 5-6 feet from the eastern boundary property line, where the side yard setback under the Town Code requires 25 feet. Mr. Cipperly did note that the house on the McGrath lot may in fact pre-date zoning, and that the house itself may not be 25 feet from the property line, but that the proposed addition will be only 5-6 feet off of his property line. Mr. Cipperly did note that this situation has been entirely self-created by Mr. McGrath, and that if there is any hardship, he has brought the hardship on through his own action. Mr. Cipperly stated that the variance will have a negative effect on his property and property value, and while that property is now in agricultural use, it could be put into residential use in the future since homes may be constructed in this zoning district, and that having the home on the McGrath lot only 5-6 feet from the property line impairs his ability to use his property for residential purposes. Member Hannan inquired whether Mr. Cipperly advised Mr. McGrath as to where the property line was. Mr. Cipperly explained that

this project was started by Mr. McGrath in December, 2013, which was an extremely busy time for his business in connection with the Christmas season, but that when the wall for the proposed addition to the house went up, Mr. Cipperly did speak with Mr. McGrath concerning the location of the property line and the proximity of the addition to his property line. Chairman Steinbach asked whether there was any dispute regarding the location of the property line. Mr. Cipperly stated that while the exact location of the property was not clear when the discussions with Mr. McGrath started, he did know the approximate location of the property line, and that a survey had since been completed, which does confirm the location of the property line in the location where Mr. Cipperly thought it was, confirming that the addition to the house will only be approximately 5-6 feet from the confirmed boundary line. Peg Cipperly, 210 Bulson Road, also commented that she and Mark have three kids, and that it was always her thought that her children could be able to build a home on the property that is now in agricultural use, but that now the McGrath structure would only be 5-6 feet from the property line which would impair their ability to locate a house on the Cipperly property. Attorney Turner stated that the addition to the McGrath house was not over the property line, and that there would be significant room left on the Cipperly lot to build a house. Attorney Turner did note that McGrath was immediately responsive to Mr. Cipperly when the issue of the location of the lot line came up, and that the request for the area variance was immediately made to the Town. Peg Cipperly also noted that if McGrath sells his house, any future owner might have an issue with Cipperly building a house on their property, which could end up being very close to the McGrath house simply because McGrath has built an addition so close to the property line. Chairman Steinbach requested any further public comment. Hearing none, Member Balistreri made a motion to close the public hearing on the area variance application submitted by McGrath, which motion was

seconded by Member Trzcinski. The motion was unanimously approved, and the public hearing closed.

The Zoning Board members proceeded to deliberate on the McGrath area variance matter. Member Hannan inquired of McGrath's contractor, who was present at the meeting, as to whether he checked the boundary line prior to framing out the addition to the house. The Applicant's contractor responded by stating he did not check the boundary line, but only was going by what he was told. Member Hannan said he understood the concerns of the Cipperlys, and was looking for any way that this matter could be resolved without huge hardships on either side. The Applicant's contractor stated that he had looked into the option of relocating the house on the McGrath lot, but this was a substantial undertaking and would be terribly expensive, on the order of \$52,000. Member Balistreri asked about the specific location of the deck and additional framing on the aerial photographs provided by Attorney Turner, and also had questions regarding existing trees and vegetative buffer. Member Schmidt wanted to confirm on the record that the Applicant started the addition to the house without obtaining a building permit specifically for the building addition. The Applicant stated this was correct. Member Schmidt wanted to confirm that the contractor was under the impression that a prior building permit which had been issued for the installation of a swimming pool also provided for the construction of the addition for the house. Member Schmidt questioned how a contractor could start construction of an addition to a house when the only building permit issued was for a pool, and that even if the contractor had questions about what the building permit covered, the owner of the property certainly knew that the building permit for the swimming pool did not cover construction of an addition to the house. Member Schmidt also stated that he has been a farmer all his life, and has worked many fields planting crops, and that in his opinion a farmer cannot

plant crops within 4-5 feet of a house, simply because of requirements for fertilizing and equipment access, and by locating a residential structure so close to the property line next to an agricultural field, it takes away the ability of Cipperly to farm his field, let alone build a house on the land in the future. Mr. Schmidt stated that even if the current owner would allow Cipperly to farm in that field, a future owner of the McGrath parcel may have significant problems with that. Member Schmidt stated that he had already gone to the site to take a look at the 2 lots, but that he wanted the ability to go back out to the property in light of the public hearing comments and the additional information submitted by Attorney Turner, and wanted the ability to see the site again before any decision was made on the area variance application. Member Trzcinski concurred, stating that the requested variance for the side yard line was significant, since the code requires a 25 foot setback from the side yard line and the Applicant is seeking a 5 foot setback. Member Hannan also stated the option of relocating the addition on the lot should be considered. Attorney Gilchrist stated that since the public hearing has been closed, the Zoning Board has up to 62 days in which to render its determination on the application. Attorney Gilchrist did note that the application seeks an area variance for residential use, and therefore constitutes a Type II action under the State Environmental Quality Review Act, and no further SEQRA analysis will be required. The Zoning Board then proceeded to begin preliminary deliberations on the area variance elements, given the information obtained during the public hearing and additional submissions by the Applicant. As to whether the area variance would produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairman Steinbach said that in his opinion the variance would not produce an undesirable change in the neighborhood, but would create a detriment to the nearby and adjacent property owned by Cipperly. Member Schmidt concurred, stating that he would think this created a detriment to the

Cipperly property even if that property is only farmed in the future, given the proximity of the residential structure to the farm field. As to whether the Applicant has a feasible alternative to locating the addition where currently planned, the Zoning Board members wanted more information on whether the addition could be relocated, and that the situation has proved to be difficult since the addition has already been started. Member Schmidt wanted additional information also on restrictions in terms of fertilizers and agricultural field applications in relation to residential structures. Attorney Gilchrist will research that issue. As to whether the area variance request is substantial, all the Zoning Board members generally concurred that it was substantial. The Zoning Board members generally discussed whether the project sought through the area variance would have an adverse affect on the physical or environmental conditions in the neighborhood, generally concurring that the proximity of the residential structure to the farm field could impair agricultural activities on that adjacent agricultural field. All of the members also generally concurred that the difficulty in this situation has been self-created, particularly since the addition was started without the necessary building permit. Member Hannan made a motion to adjourn and continue deliberations on this matter at the April 21 meeting, which motion was seconded by Member Schmidt. The motion was unanimously approved, and deliberations on the McGrath area variance application are to be continued at the April 21 meeting, noting that the Zoning Board members would seek to have an additional site visit prior to the April 21 meeting.

The next item of business on the agenda was the application by Witt Construction, Inc. for an area variance in connection with the addition to an existing single family residence located at 3 High Meadow Road. The Zoning Board opened the public hearing on this application. The Notice of Public Hearing was read into the record, with such notice having been published in the

Troy Record, posted on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Patrick Russo of Witt Construction, Inc. was present on the application, together with the property owner, Michael Uccellini. Chairman Steinbach requested Mr. Russo to present an overview of the project. Mr. Russo stated that a minor area variance was being requested in connection with a proposed addition to the existing residential home, and that the lot was somewhat irregular in shape necessitating the request for the variance, and that the variance was necessary for the addition in order to keep the appropriate structural line and aesthetic appearance of the home. Mr. Russo did state that the closest structure to the area of the proposed addition was approximately 200 feet away, and there was an intervening tree line to provide a vegetative barrier. Chairman Steinbach then opened the floor for public comment. There were no members of the public seeking to present any public comment. Thereupon, Member Balistreri made a motion to close the public hearing on the area variance application by Witt Construction, which motion was seconded by Member Hannan. The motion was unanimously approved, and the public hearing closed. Thereupon, the Zoning Board members proceeded to deliberate on the area variance application. Chairman Steinbach noted that he had driven by the site, and finds that the request for the area variance to be reasonable, and concurs that the unique character of the lot and the architectural and aesthetic appearance of the house promotes issuance of the small area variance. Members Schmidt and Hannan also concurred that they had viewed the property, and have no issues concerning the application. Member Balistreri had one inquiry regarding the total amount of the variance sought. Hearing no further questions or comments, the Zoning Board entertained action on the area variance application. Attorney Gilchrist noted that this application seeks an area variance in connection with a residential use, and constitutes a Type II action under the State Environmental Quality Review Act, and no

further determination of environmental significance is required under SEQRA. The Zoning Board members then reviewed the area variance elements, finding that the requested variance would not produce an undesirable change in the character of the neighborhood nor create a detriment to nearby properties, that given the unique nature of the lot and location of the existing structure that a feasible alternative was not available, that the area variance was not substantial, that the variance would not produce an adverse effect on the physical or environmental conditions in the neighborhood, and that given the unique nature of the lot the difficulty was not self-created. After such deliberation, Member Balistreri made a motion to approve the area variance on the Witt Construction application, which motion was seconded by Member Hannan. The motion was unanimously approved, and the area variance granted.

The last item of business on the agenda was the special use permit application by Stewarts Shops Corporation for property located on Brick Church Road. Chris Potter of Stewarts Shops Corporation was present for the Applicant. The Zoning Board opened the public hearing on this application. The Notice of Public Hearing was read into the record, with such notice having been published in the Troy Record, posted on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Steinbach requested Mr. Potter to present an overview of the project. Mr. Potter generally reviewed the concept site plan, which includes a new 3,500 square foot convenience store with fueling station, with the fueling station providing for 6 dispensers and a total of 12 pumps. Mr. Potter explained that the existing petroleum underground storage tank would remain in its current location, and an additional 12,000 gallon underground storage tank would be installed, with chambers for diesel fuel as well as regular gasoline. Mr. Potter reviewed the proposed parking, increasing the total number of spaces from 20 currently to a total of 35 spaces. Mr. Potter explained that the curb cut

on Tamarac Road would remain essentially unchanged, but the curb cut on NYS Route 278 (Brick Church Road) would be moved approximately 55 feet to the north, and that NYSDOT has conceptually approved that location. Member Trzcinski inquired whether the diesel fuel was being provided for large diesel trucks. Mr. Potter said that the diesel fuel was not provided for fueling large trucks, but that the increased parking area would allow larger trucks to park in the Stewarts parking lot as opposed to parking on the shoulders of NYS Route 278 and Tamarac Road. Mr. Potter commented that the location of the pumps did not allow adequate circulation for large truck diesel fueling. The Zoning Board then opened the floor for receipt of public comment. Connor Holton, 28 Tamarac Road, commented that the proposal to redevelop the Stewarts Shop was a good idea, that additional parking was required in order to address what he saw as a current hazard with trucks parking on the shoulders of roads, and that this would be an improvement over existing conditions, and that this Stewarts does serve the community. Pauline Iwanowicz, 23 Tamarac Road, stating that her concern was the location of the waterline which goes through the parcel currently owned by Rodriguez and on which the Stewarts Shop will be built. Ms. Iwanowicz's concern was that the public water to her home, as well as two other homes on Tamarac Road, is fed through the waterline going through the Rodriguez lot, and she was very concerned about impact to the water supply to her house. Member Trzcinski inquired whether there are any current problems with water going to her house currently. Ms. Iwanowicz stated that there were current issues, and that she has previously brought them to the attention of the Town. Mr. Kreiger did note that the issue regarding the location of the waterline has been raised, and that the Town Water Department is looking into that issue. Mr. Potter stated that current information shows that there is a 1" service line located behind the Rodriguez home, and that the line is servicing the Rodriguez parcel as well as 3 parcels on Tamarac Road, but that the

proposal to redevelop the site would not effect that waterline, and that the only thing planned for the location of the waterline was a blacktopped area. Member Balistreri asked whether the grading and pavement of that area would effect the waterline. Mr. Potter stated that there would not be any effect on the waterline. The Zoning Board members questioned that response. Mr. Potter responded that to the best of his knowledge, there does exist a 16" water main directly on NYS Route 278, and that a ¾" line servicing the Stewarts Shop comes directly off the water main on Route 278, and that the current ¾" service line would be impacted by the proposed redevelop of the site. To address this, Stewarts is proposing a new 1" water line to be installed for the new Stewarts Shop, which would also provide service to the first house adjacent to the Stewarts property on Tamarac Road. There is the possibility that such service line could be extended to service the 3 additional houses which are currently fed through the 1" service line through the Rodriguez lot, but who would be paying for the extension of that service line remained an open question. Member Hannan stated that he felt the compaction for a parking area on top of the 1" water line through the Rodriguez lot would have an effect on the public water, and felt the extension of the proposed 1" service line to connect to the 3 effected homes on Tamarac Road would be a good idea. Frank Brennanstuhl, 27 Dusenberry Lane, commented that the site did have a lot of remaining greenspace, and wondered whether the remaining greenspace would be restricted. Mr. Kreiger stated that there are no restrictions to additional development on the site, but that further review by the Town would be required. Mr. Brennanstuhl also thought that Stewarts should connect the 3 effected houses on Tamarac Road with the new 1" service line being proposed. Jim Gardner, 11 Brookhill Drive, stated that his only concern was the lighting for the new Stewarts, and whether any offsite lighting impacts would result. Mr. Potter stated that Stewarts was proposing the use of LED lights, flush mounted

and down-lit, with soffit lights being fully recessed adjacent to the building, and with one 15' pole light using LED and cutoff shields, with no light spillage offsite, including no light spillage from the gas canopy. Member Steinbach stated that the issue of lighting on project sites is always an issue, and that current technology is required both in terms of the type of lighting as well as to shielding of light to prevent offsite spillage. Hearing no further public comment, Member Hannan made a motion to close the public hearing on the special use permit application by Stewarts, which motion was seconded by Member Balistreri. The motion was unanimously approved, and the public hearing closed. Thereupon, the Zoning Board members deliberated on making a determination of environmental significance under SEQRA. The Zoning Board members generally found that the application did not create a significant change in the use or intensity of use of land; would not impair the character or quality of the existing community since this is already an existing Stewarts Shop; would not have an impact on any critical environmental area; would not have a significant adverse change in the existing level of traffic as this is an existing Stewarts Shop; that the action would not cause a significant increase in the use of energy and does provide for available energy conservation fixtures; would not significantly impair the character or quality of important historic, archeological, architectural or aesthetic resources; would not result in a significant adverse change to natural resources; would not result in a significant increase in the potential for erosion or drainage problems; and would not otherwise create a hazard to environmental resources or human health, noting that the underground storage tanks for this location would require compliance with all applicable federal and state regulatory criteria. Based upon such deliberation, Member Balistreri made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Hannan. The motion was unanimously approved, and a negative declaration adopted under SEQRA.

Thereupon, the Zoning Board members commenced their deliberation on the elements for the special use permit. During such deliberation, the issue of the underlying Zoning District for the Stewarts lot as well as the adjacent Rodriguez lot on which the expanded Stewarts store is sought to be constructed, was raised, and it was determined that additional investigation must be undertaken by the Building Department to determine the exact location of the B-15 Zoning District line for these parcels. Upon motion of Member Hannan, seconded by Member Balistreri, and upon unanimous approval thereof, this matter has been adjourned for further deliberation at the April 21 meeting, and the Building Department will continue to investigate the Zoning District issue prior to the April 21 meeting.

There were no new items of business discussed.

The index for the March 17, 2014 meeting is as follows:

1. Alta East, Inc. – area variance and special use permit - granted.
2. McGrath – area variance – 4/21/14.
3. Witt Construction, Inc. – area variance – granted.
4. Stewarts Shops Corporation – special use permit – 4/21/14.

The proposed agenda for the April 21, 2014 meeting currently is as follows:

1. McGrath – area variance.
2. Stewarts – special use permit.