

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
SEPTEMBER 21, 2011**

Members Present: Peter Barber, Chairman
Sharon Cupoli
Susan Macri
Allen Maikels
Mike Marcantonio
Janet Thayer, Counsel

Members Absent: James Sumner
Tom Remmert

Chairman Barber opened the meeting and pointed out the emergency exits in the event they were needed.

NEW CASES:

JAMES BESHA – 4770 WESTERN TURNPIKE

Sue Macri read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4299

Request of **James Besha** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 48' x 48' barn structure in a side yard on a 17.41 acre parcel.**

Per Articles **III & V** Sections **280-24.1 and 280-51** respectively

For property **under purchase contract between Susan Thomas and James Besha**

Situated as follows: **4770 Western Turnpike Altamont, NY 12009**

Tax Map # **26.00-3-36.21** Zoned: **RA3**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21st of September, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **September 8, 2011"**

The file consists of the mailing list to 11 neighboring properties, the Town's required forms for an area variance, a map of the property, the Town Planners comments and a contract for the purchase of the property.

The Town Planner had the following comments: "The applicant has applied for an area variance to construct a barn proposed to be located in the side yard. No planning objections."

James Besha, applicant, presented the case.

Chairman Barber stated that the barn seems like it is going to be quite a distance off of Rt. 20.

Mr. Besha stated that it is about 600' from the road and it is situated in the middle of the parcel. Mr. Besha stated that his son and daughter-in-law own the rear parcel and they would be the most directly affected neighbors.

Chairman Barber stated that it seems very straightforward and it is a rural property.

Mr. Besha stated that the topography only allows the placement on the side of the house.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Sumner, Remmert absent)

Chairman Barber made a motion for approval of:

Variance Request No. 4299

Request of **James Besha** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 48' x 48' barn structure in a side yard on a 17.41 acre parcel.**

Per Articles **III & V** Sections **280-24.1 and 280-51** respectively

For property **under purchase contract between Susan Thomas and James Besha**

Situated as follows: **4770 Western Turnpike Altamont, NY 12009**

Tax Map # **26.00-3-36.21** Zoned: **RA3**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

The Town Planner had no planning objections.

The lot measures over 14 acres and is located in a rural area. The placement of the barn is consistent with the rural nature of the area and is located well off of Rt. 20. The placement of the barn in the side yard would reduce any visual impacts on neighboring property, and the applicant's son and daughter in law own this property.

Therefore, the Board finds that the granting of this variance will not have any impact upon neighboring properties.

In **granting** this request, the Board imposes the following conditions:

Adherence to the plans as submitted with the application.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Sumner, Remmert absent)

MATTER OF TRALONGO BUILDERS - 5 CARRIAGE HILL LANE

Sharon Cupoli read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4298

Request of **Tralango Builders, Inc.** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 3500+/-sf single-story ranch style home on an irregular shaped lot in an existing 5-lot subdivision with a private road. Variances are requested to allow a portion of this home to encroach into a required front yard and rear yard.**

Per Articles **III & V** Sections **280-14 and 280-51** respectively

For property owned by: **Tralango Builders, Inc.**

Situated as follows: **5 Carriage Hill Lane Schenectady, NY 12303**

Tax Map # **15.00-3-8.5** Zoned: **RO30**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21st of September, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **September 8, 2011**"

The file consists of the mailing list to 29 neighboring property owners, the Town's required forms for an area variance, a contract for the sale of the property and the Town Planners comments.

The Town Planner had the following comments: "The applicant has requested an area variance to allow the construction of a single family house that will encroach into the required front and rear yards of an irregularly shaped keyhole lot. No planning objections."

Frank Tralongo of Tralongo Builders presented the case.

Chairman Barber stated that this is a five-lot subdivision and this is the keyhole lot on the end of the road.

Mr. Tralongo stated that was correct; it is very irregular shaped. Mr. Tralongo stated that the proposed customer saw a house that built previously, and they would like a similar house built on that site.

Chairman Barber stated that the only reason they are here is because it is a keyhole lot and they have 1.5 times the normal setback, which restricts the building envelope.

Mr. Tralongo stated that it is primarily the garage that will be beyond the front yard setback.

Chairman Barber asked if any of the neighbors had spoke to him regarding this.

Mr. Tralongo stated that the neighbor at 1 Carriage Hill had no objection.

Chairman Barber asked if there were any questions or comments from the residents.

Bruce Ringler spoke on behalf of his daughter at 5105 Foxwood Drive. Mr. Ringler had concerns regarding fill in the back of his daughter's property and the drainage problems on Carriage Hill. Mr. Ringler asked what type of houses would be built on the other lots and the problems with the difference in elevation.

Chairman Barber stated that the Planning Board already approved this five-lot subdivision back in 2003. Chairman Barber stated that the applications for the other lots were not before the Board so they did not know what type of houses would be built on the other lots.

Don Cropsey stated that the only limitations would be a height limit on the house, which is 35'. Don stated that the builder's intent on lot 5 is to build a ranch, a single-story home.

Mr. Ringler stated that fill has been sitting there for approximately three years or so.

Ryan Dennis of 5105 Foxwood Drive asked if the buffer line of trees would be removed or would they stay. Mr. Dennis also was concerned with the pile of fill and the drainage problem.

Chairman Barber stated that the Planning Board approval did not designate any trees to be kept or maintained. Chairman Barber stated that when lots 2 and 4 are developed, if they required a variance, the Zoning Board might be able to maintain the trees.

John Petty of 5117 Foxwood Drive stated that this proposed house would be directly behind his house. Mr. Petty asked if there was any variance needed for the rear yard.

Chairman Barber replied that there is no variance in the rear yard, it would be the minimum 75' setback, and there is no infringement of the building envelope on his side of the property.

Mr. Petty stated that his concern is the drainage problem if more fill is brought in. Mr. Petty stated that he also likes the buffer that is there.

Chairman Barber stated that as far as the drainage goes, you cannot negatively impact neighboring properties and there are measures that need to be taken during construction.

Don Cropsey stated that the soils there are sand and they do drain well, but he will take a look at the property and make sure that the grading that gets done on the site associated with the home is done in a manner that will prevent drainage from going onto the neighbors property. Don stated that can be done during the course of construction.

Dominic Darcangelis of 5110 Foxwood Drive asked if a storm sewer system was part of this property.

Don Cropsey replied that he did not think so. Don stated that Carriage Hill Lane is a private driveway, it is not town owned.

Mr. Darcangelis asked if there was any required for this permit.

Don replied that there would not be any requirement for the builder to install catch basins, but he will be required to provide a grading plan that ensures that the adjoining are not adversely impacted by stormwater.

Mr. Darcangelis stated that his concern would be that right now the grade separation is 6' and it is inevitable that the water is going to drain to the property. Mr. Darcangelis asked if the town required any sort of positive drainage for this permit.

Don Cropsey replied that ordinarily during the subdivision approval the Planning Board takes a look at infrastructure that might be required and they did not require any system be installed.

Mr. Darcangelis asked if fill was added after the subdivision approval was made.

Don Cropsey replied that he did not know.

Mr. Darcangelis stated that he was concerned that the subdivision was approved and then the fill was brought in and created an issue that the Town is not aware of.

Howard Richburg of 5409 Hanna Court also had concerns regarding the drainage. Mr. Richburg stated that he has been living there for 27 years ago and stated that the fill was brought in and pushed to the neighboring property lines after the subdivision was approved.

Bruce Ringler asked if this was a subdivision and if it required a buffer.

Chairman Barber stated that it was a subdivision that was approved by the Planning Board a number of years ago and the Planning Board has exclusive jurisdiction over subdivisions. The Zoning Board is not granting a subdivision, they are granting a variance that would allow the placement of the home outside the building envelope. Chairman Barber stated that the variance is toward the front of the house, not toward the back. Chairman Barber stated that if the builder kept the house within the building envelope, he would just need a building permit and would not even need to appear before the Zoning Board of Appeals.

Mr. Ringler asked if the applicant needed to maintain a buffer.

Chairman Barber replied only if the Planning Board required it.

Mr. Ringler asked if the builder is allowed to change the topography of the land.

Chairman Barber stated that Mr. Cropsey would take a look at that.

Chairman Barber asked Don Cropsey what role the Town has if a subdivision was approved and fill was brought in after the approval to change the topography of the area.

Don Cropsey stated that generally speaking when someone decides to alter the topography, it is done pursuant to subdivision approval or for the development of a building lot. Don stated that the developer may have gotten approval with certain grades outlined on the subdivision map and that may be why fill was brought in.

Chairman Barber asked about a major topographical change to the grade.

Don Cropsey replied that generally is it done pursuant to the subdivision approval.

Chairman Barber asked what was done if it is not allowed by subdivision approval.

Don Cropsey replied that it would be referred back to the Planning Board if it was apparent that it was a problem.

Chairman Barber asked if this should be reviewed.

Don Cropsey replied that the grades and the drainage requirements that may have been outlined could be reviewed on the subdivision approval.

Chairman Barber made a motion to adjourn the public hearing for two weeks. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Sumner absent)

MATTER OF TCBY – 1512 WESTERN AVENUE

Al Maikels read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Amend Special Use Permit #10-79/Request No. 4301

Request of **Eric J. Vickerson** for an amendment to Special Use Permit #10-79 under the Zoning Law to permit: **the use of 1100sf of existing unoccupied space in an existing 3700sf building as a self service yogurt shop. 57 parking spaces are provided. Site characteristics will remain as previously approved.**

Per Articles **III & V** Sections **280-20 and 280-52** respectively

For property owned by **Hada Guilderland, LLC**

Situated as follows: **1512 Western Avenue Albany, NY 12203**

Tax Map # **52.19-2-2** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21st of September, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **September 8, 2011**"

The file consists of the mailing list to 28 neighboring property owners, the Town's required forms for an amendment to a special use permit, a Short Environmental Assessment Form for this Unlisted Action, the Town Planners comments, Albany County Planning Board's notification, the Town Planning Board's site plan review of 9-14-11, the previous special use permit from 1979, plans, and revised plans regarding the lighting changes.

The Town Planner had the following comments: "The applicant has applied for a special use permit to use 1100sf of building space for a self-serve yogurt restaurant. The balance of the building is currently occupied by Five Guys Burger restaurant.

The site was once entirely used by a Denny's restaurant and all the site conditions are preexisting. Parking is adequate and there are pedestrian accommodations. One issue that should be addressed is the level of lighting, which is unnecessarily bright. No planning objections."

Albany County Planning Board's notification was to modify local approval to include review by the Albany County Department of Health for food service and other required permits.

The Town Planning Board's site plan review of 9-14-11 was to recommend with the following conditions: install a direct pedestrian connection from the sidewalk along Western Avenue to the sidewalk along the building and also to address excessive site lighting concerns raised by the Town Planner.

Bill Rabbit presented the case. Mr. Rabbit stated that they had submitted revised plans showing the new sidewalk being installed from the side of the building to the town sidewalk and they reduced the lighting from 6000 watts to 1500 watts and added some cutoffs.

Chairman Barber stated that all of the other site conditions were approved and thanked the applicant for cooperating with the Town Planner and the Town Planning Board. Chairman Barber stated that it seems like a perfect use for this part of the building.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Sumner absent)

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a careful review of this application to determine whether the granting of a special use permit for a 1100sf self-serve yogurt shop would have a substantial impact upon the environment. This review consisted of the comments provided by the Town Planner, the Town Planning Board, the Albany County Planning Board and the conducting of the public hearing this evening. The applicant has addressed the concerns raised by both the Town Planning Board and the Town Planner by adding a direct sidewalk connection from the Rt. 20 sidewalk to the sidewalk in front of the building, and also a substantial reduction in total wattage for lighting on the site. For these reasons I move that a negative declaration should be issued." Motion seconded by Sue Macri. Vote 5 – 0. (Remmert, Sumner absent)

Chairman Barber made a motion for approval of:
Amend Special Use Permit #10-79/Request No. 4301
Request of **Eric J. Vickerson** for an amendment to Special Use Permit #10-79 under the Zoning Law to permit: **the use of 1100sf of existing unoccupied space in an existing 3700sf building as a self-service yogurt shop. 57 parking spaces are provided. Site characteristics will remain as previously approved.**

Per Articles **III & V** Sections **280-20 and 280-52** respectively

For property owned by **Hada Guilderland, LLC**
Situated as follows: **1512 Western Avenue Albany, NY 12203**
Tax Map # **52.19-2-2** Zoned: **LB**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

This is an Unlisted Action under SEQRA and this Board adopted a negative declaration by a unanimous vote.

Albany County Planning Board's notification was for review by the Albany County Department of Health.

The Town Planning recommended with some conditions regarding the sidewalk extension between the building and Rt. 20 and reducing lighting.

The Town Planner also raised the same concern.

The Board further finds that a proposed yogurt shop will share the building with Five Guys burger restaurant and previously that the entire restaurant was occupied by Denny's restaurant.

All site conditions were previously approved during the prior reviews. The applicant, however, has added at the request of the Town Planner and the Town Planning Board a direct pedestrian connection from the Rt. 20 sidewalk to the sidewalk in front of the building and has also significantly reduced the wattage by approximately 75% and also added cutoff fixtures for the lighting.

For these reasons, the Board grants this special use permit as not having any impact upon neighboring properties.

In granting this request, the Board imposes the following conditions:

Review by the Albany County Department of Health as required by the Albany County Planning Board.

Adherence to the revised site plan that was submitted showing the reduction in lighting.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this special use permit is not exercised within one year of date of approval, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Sumner absent)

MATTER OF SIGN STUDIO - 2080 WESTERN AVENUE

Sue Macri read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **IV & V** of the Zoning Law on the following proposition:

Variance Request No. 4302

Request of **Ronald Levesque** for Variance of the regulations under the Zoning Law to permit: **the placement of a plaza identification sign within 10' of a front property line. A 20' minimum setback is required, 10' is proposed; 10' is requested. A variance to allow up to 200sf of signage has previously been approved.**

Per Articles **IV & V** Sections **280-26 and 280-51** respectively

For property owned by **Twenty Mall at Guilderland, LLC**
Sited as follows: **2080 Western Avenue Albany, NY 12203**
Tax Map # **51.02-2-4** Zoned: **GB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21st of September, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **September 8, 2011"**

The file consists of the mailing list to 22 neighboring property owners, the Town's required forms for an area variance for a sign variance, Albany County Planning Board's notification, the prior special use permit and variance granted in 1988, some depictions of the proposed sign and the proposed location of the sign on the property.

Albany County Planning Board's notification was to defer to local consideration.

Ronald Levesque of the Sign Studio presented the case. Mr. Levesque stated that the new sign will be placed in the same spot as the existing sign and it will compliment the architectural design of the shopping center. Mr. Levesque stated that the sign will set back 45' from the road.

Chairman Barber asked Don Cropsey if a variance was granted for the existing sign.

Don Cropsey replied that he did not think that a variance was ever granted. Don stated that over the years there has been "takings" of the right of way to expand the road and that may be why it is only 10' from the property line.

Sharon Cupoli asked if this sign was going to be larger than the existing sign.

Mr. Levesque replied that it would be larger.

Chairman Barber stated that years ago the Zoning Board granted a variance that allowed for 200sf of signage.

Don Cropsey stated that the sign support structure itself is going to be much larger; the area of the actual signage is consistent with what has been there.

Mr. Levesque stated that the sign was in proportion with the property, it is not going to overpower the towers themselves.

Don Cropsey stated that he felt that it complimented the building and it doesn't obstruct sight distance for motorists.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Sumner, Remmert absent)

Chairman Barber made a motion for approval of:

Variance Request No. 4302

Request of **Ronald Levesque** for Variance of the regulations under the Zoning Law to permit: **the placement of a plaza identification sign within 10' of a front property line. A 20' minimum setback is required, 10' is proposed; 10' is requested. A variance to allow up to 200sf of signage has previously been approved.**

Per Articles **IV & V** Sections **280-26 and 280-51** respectively

For property owned by **Twenty Mall at Guilderland, LLC**
Situated as follows: **2080 Western Avenue Albany, NY 12203**
Tax Map # **51.02-2-4** Zoned: **GB**

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

Albany County Planning Board deferred to local consideration.

This property already has a variance to allow for up to 200sf of signage.

The new sign compliments the new design of the plaza. The property is benefited by the existing variance.

The placement of the sign closer to the road still leaves a substantial distance (45') from Rt. 20 and therefore does not appear to have any negative impacts upon neighboring properties or upon traffic entering or exiting the property.

In **granting** this request, the Board imposes the following conditions:

Adherence to the plans as submitted.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Sumner absent)

MATTER OF INFAMOUS GRAPHICS – 457 RT. 146

Sharon Cupoli read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **IV & V** of the Zoning Law on the following proposition:

Variance Request No. 4300

Request of **Infamous Graphics** for a Variance of the regulations under the Zoning Law to permit: **the installation of a 165sf two-sided property identification sign. This internally lit freestanding sign will replace a previously approved 97sf sign. A variance is requested to permit sign area to exceed 50sf and to allow its placement within 20' of a front property line.**

Per Articles **IV & V** Sections **280-26 and 280-51** respectively

For property owned by **Morgan Guilderland**

Situated as follows: **457 Rt. 146 Guilderland Center, NY 12085**

Tax Map # **38.00-5-22** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21st of September, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **September 8, 2011"**

The file consists of the mailing list to 20 neighboring property owners, the Town's required forms for an area variance for the size and location of sign, Albany County Planning Board's notification of 9-15-11, a depiction of the proposed sign and the proposed location of the sign on the property.

Albany County Planning Board's notification of 9-15-11 was to defer to local consideration with an advisory note stating that the ZBA should consider the precedent setting nature of allowing significant variances for commercial signs.

Chris Seymour of Infamous Graphics presented the case.

Chairman Barber stated that the proposed sign is increasing in size from 97sf to 165sf.

Mr. Seymour stated that was correct.

Chairman Barber asked why they needed such a large sign.

Mr. Seymour replied that there are 8 tenants in the plaza so they are looking for a larger sign for the 8 tenants and the apartment complex in the back. Mr. Seymour stated that the original sign was knocked down and they are looking to replace it.

Chairman Barber asked Don Cropsey if the 97sf sign that was knocked down ever had a variance.

Don Cropsey replied that he did not know.

Chairman Barber stated his concern is the size of the variance. Chairman Barber stated that this would be a rather large size in a hamlet that is trying to improve their appearance. Chairman Barber stated that this sign was very "monumental".

Don Cropsey stated that maybe there are other size parameters that they could use that will still meet the goals of the applicant.

Chairman Barber stated that the design of the sign is fine, it is just that it is too large for the hamlet.

Mr. Seymour stated that the top portion of the proposed sign is the same size as the previous sign; the bottom of the sign is bigger.

Chairman Barber stated that he would like to see if the sign could be downsized. Chairman Barber stated that he would like the applicant to work with Don Cropsey to downsize the size and come back to the Board in two weeks.

Chairman Barber made a motion to continue the matter for two weeks. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Sumner absent)

MATTER OF RAY SIGN – 2021 WESTERN AVENUE

Al Maikels read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **IV & V** of the Zoning Law on the following proposition:

Variance Request No. 4303

Request of **Russell Hazen** for Variance of the regulations under the Zoning Law to permit: **the replacement of existing plaza identification and tenant signage with a new internally lit sign. This proposed free standing sign will contain 216+- SF and be located approximately 5' from a front property line. A Variance is requested to allow proposed signage to exceed 50 SF and its placement within a required 20' front yard setback and within a 25' side yard setback.**

Per Articles IV & V Sections 280-26 and 280-51 respectively

For property owned by P.P.R.S. Consulting, LLC
Situated as follows: 2021 Western Avenue Albany, NY 12203
Tax Map # 51.07-1-3 Zoned: LB

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 21st of September, 2011 at the Guilderland Town Hall beginning at 7:30pm.

Dated: September 13, 2011"

The file consists of the mailing list to 25 neighboring property owners, the Town's required forms for an area variance, and a depiction of the sign and the proposed location of the sign on the property.

There was discussion regarding whether this application needed to be referred to the Albany County Planning Board for their review.

Russ Hazen, applicant, presented the case. Mr. Hazen stated that they were decreasing the size of the sign so it did not need to be referred to the Albany County Planning Board. Mr. Hazen stated the original sign was 272sf and the new sign that is proposed is 220sf. Mr. Hazen stated that he thinks it is probably one of the oldest signs in town. They are looking for a new sign and a reduction in signage and to make it more aesthetically pleasing.

Mr. _____, owner of the property, stated that he had put a lot of money into the building and would like to have a sign that is appealing to the town. Mr. _____ stated that every tenant would have the same size sign and they would all be lit.

Mr. Hazen stated that they did change the design a little bit.

Chairman Barber asked Don Cropsey if he realized that the sign was actually reduced in size.

Don Cropsey replied that he did. Don stated that one of the things that makes the sign not as aesthetic as it could be is that all of the tenant signs seem to be too large for the design. Don stated that for an office building like this it is important to have the building identified but not necessarily have each of the office tenants identified in such a large manner.

Mr. Hazen stated that the sign will be there no matter what, whether as it currently is or if it is improved as proposed. Mr. Hazen stated that they are trying to take something that is there and reduce it and make it look better.

Chairman Barber stated that he agreed that what is proposed is better than what is there but the Board likes to keep signs substantially similar in the town.

Chairman Barber stated that he would like the applicant to sit down with Don Cropsey and discuss some options and have a decision in two weeks.

Chairman Barber made a motion to adjourn for two weeks. Motion seconded by Sharon Cupoli. Vote 5 - 0. (Sumner, Remmert absent)

SIGNS:

The Board approved a 20sf building mounted sign for TCBY at 1512 Western Avenue. Vote 5 – 0. (Remmert, Sumner absent)

The Board approved the minutes of 8-3-11. Vote 5 – 0. (Sumner, Remmert absent)

The meeting adjourned at 8:50pm.

