

# **DRAFT**

## **TOWN OF GUILDERLAND ZONING BOARD OF APPEALS DECEMBER 5, 2012**

Members Present: Peter Barber, Chairman  
Sharon Cupoli  
Mike Marcantonio  
Tom Remmert  
Nicole Ventresca-Cohen, Alternate  
James Sumner  
Janet Thayer, Counsel

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

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### **CONTINUED CASES:**

#### **FREDERICK WAGNER – MAEOSTA LANE**

Chairman Barber stated that since the last meeting there has been correspondence received from NYSDEC (in file), a letter from the Caponera law firm, a letter from William West in response to Don Cropsey's letter along with a report from 2003 regarding the nearby Larned site, a hydrogeologic evaluation from Empire Zero and a submission by Mr. Audi which includes some photographs.

Peter Lynch, attorney for Fred Wagner stated that according to the hydrogeologic evaluation, this project would not have any adverse impacts on the Watervliet Reservoir. Mr. Lynch stated that Mr. & Mrs. Audi have raised a number of concerns and conditions they would like to see imposed on the operation. Mr. Lynch stated that the Audis would like to see the days of operation limited to Monday thru Friday but Fred Wagner works Monday through Saturday and always has; that is the nature of the business. Mr. Lynch stated that they would be willing to limit the days of operation to Monday through Saturday and not work on Sundays.

Chairman Barber stated that Monday through Saturday is consistent with what the Board has approved in other applications.

Mr. Lynch discussed the hours of operation and proposed that they be from 6am to 7pm. Mr. Lynch talked about the speed limit of 5mph, which they did agree with. The 4<sup>th</sup> item that the Audis would like to see is that the vehicle traffic be limited to vehicles either owned or rented by Mr. Wagner. Mr. Lynch stated that they would not consent to that restriction. Mr. Lynch discussed keeping the gate locked and stated that would create an

adverse impact on Mr. Audi because trucks would have to stop as they entered the facility and stop as they locked the gate back up so the trucks would be idling during that time.

Chairman Barber stated that he thought that might be a way of slowing the trucks down.

Mr. Lynch stated that they have agreed to remove and not stockpile asphalt on the site. They also agree to not have construction debris and manure. Mr. Wagner does bring concrete in; he processes it and crushes it to create material for reuse in his landscaping business. Mr. Lynch stated that they do not agree to the request to preclude them from bringing in concrete.

Mr. Lynch gave a history of the site. Mr. Lynch discussed the letter from DEC and stated that they would like to amend the application to have the right to continue to excavate no more than 750 cubic yards so that they would be under the permitting requirement of DEC.

Mr. Lynch stated that they felt that the sunset provision was entirely unnecessary.

Chairman Barber stated that he does not think that the ZBA has ever had a sunset provision on a special use permit. Chairman Barber asked if they would have a problem contacting Mr. Wagner to do a spot check on the property.

Mr. Lynch stated that compliance and enforcement is completely acceptable, sunset provisions are extinct. Mr. Lynch replied that would not be a problem.

Ryan Caponera, attorney for the Audis, stated that Mr. Wagner has done anything but comply throughout history. In 1999, he violated his DEC mining permit by failing to reclaim the areas he mined and signed an order of consent admitting the violation and agreed to pay a \$3000 fine to NYSDEC. In addition, according to Mr. Caponera, Mr. Wagner has not complied with certain aspects of the special use permit that was granted in 1987. Mr. Caponera stated that Mr. Wagner continues to violate Town Law 236-3 by dumping concrete, rebar, plastic, etc. on his property. Regarding Mr. Wagner's non-compliance with the special use permit he noted the following: Mr. Wagner was required to pave 200 feet of the haul road from the point where it meets with Hurst Road and that was never paved until the matter was brought before the ZBA. Mr. Wagner was required to post a performance bond with the town in the amount of \$30,000 which would be reduced proportionally to the amount of acreage reclaimed and no performance bond was ever posted. Mr. Wagner agreed to pay the expense of a TDE to annually review his operation of Mr. Wagner's pit to ensure compliance with the special use permit and EnCon and no such TDE annual review has ever occurred. Mr. Wagner has failed to water the haul road to keep the dust at a minimum and as a result the Audis have spent approximately \$30,000 in paving. Mr. Caponera stated that they would like to place a one-year sunset provision on this special use permit; this would require Mr. Wagner. Mr. Caponera reviewed the provisions that the Audi's would like to see included in the special use permit (in file).

Christina and George Audi spoke about the dumping and the non-compliance on the Wagner property. Ms. Audi stated that if this is not a new business, Fred Wagner III should be held accountable for all of the non-compliance that went on regarding the 1987 special use permit. Christina read a letter into the file that she had written to Daniel McCoy, Albany County Executive and had given a copy to Supervisor Runion (now in file).

Chairman Barber asked Ms. Audi if she had gotten a response from Mr. McCoy's office.

Ms. Audi replied that she had not gotten a written reply but had received phone calls that they were looking into it. Ms. Audi had concerns regarding the dumping of concrete and asked Chairman Barber if that was demolition debris.

Ms. Audi referenced meeting minutes where Chairman Barber stated that the property could not be used as a junkyard or dump for dumping or sorting of demolition or debris. Ms. Audi asked if concrete was demolition debris.

Chairman Barber stated that is what he said in previous meetings but now he has heard Mr. Wagner's explanation and have Don look into it.

Chairman Barber asked about the trucks that contained concrete.

Ms. Audi stated that they were Helderberg Excavating trucks.

Chairman Barber asked what else was in the trucks.

Mr. Audi replied that there was concrete, plastic and rebar.

Ms. Audi voiced her concerns regarding the concrete and said that it was not a natural material. Ms. Audi had concerns regarding possible contamination from the concrete. Ms. Audi questioned how the equipment on site would be fueled, serviced, etc. and how will oil spills be prevented. Ms. Audi stated that they would like to see third party soil and water samples taken around and inside the Wagner garage.

Ms. Audi stated that several times this year DJM Landscaping trucks have entered the site to purchase and haul out cobble, which makes it a retail operation which Mr. Lynch stated that this was not.

Ms. Audi stated that she has to listen to Mr. Wagner applying the jake brake right next to her house.

Ms. Audi expressed her concerns regarding inspections of the property. Ms. Audi read a letter into the record from Don Cropsey to NYDEC. (in file)

Chairman Barber stated that both Don and himself had been in contact with DEC regarding the mine permit and SEQRA comments.

Ms. Audi stated that she would like to be able to enjoy her property with her children for two days a week.

Earl Macintosh spoke about the Town not requiring adherence to environmental laws.

Aaron Mayer, environmental activist, spoke about the reclamation and the continuance to extract from the site. Mr. Mayer stated that the Town should inspect this permit and activity. Mr. Mayer stated that there has been historic non-compliance on this site. Mr. Mayer stated that if the site is being reclaimed, they should cease excavating and mining.

Chairman Barber stated that DEC stated that the reclamation was met. Chairman Barber stated that they were bringing in concrete from places and breaking it up; they were not excavating.

Mr. Mayer asked if they were processing or excavating more? Mr. Mayer also had concerns regarding the stockpiling of debris on the property and the refueling of trucks.

Fred Wagner of 603 Rt. 146 spoke about the surveillance cameras. Mr. Wagner stated that the removal of 750 cubic yards would not be done in the reclaimed areas. Mr. Wagner stated that there are no violations on the site.

Kim Wagner Fitzgerald of Saratoga stated that the trucks are not speeding down the road.

Matt Sullivan of 4533 Hurst Road had concerns of the speed of the vehicles and also about the water.

Paul Empie Jr. of Hurst Road stated that his main concern was compliance and the lack of inspections by the town. Mr. Empie stated he would like to see Mr. Wagner compromise with the Audis.

Mr. Mayer asked how the 750 cubic yards being removed was being measured.

Chairman Barber made a motion to close the public hearing with the understanding that any additional submissions by any parties will be submitted by January 7, 2013 and scheduling the public meeting to render a decision both for SEQRA and in terms of the special use permit for January 16, 2013 with the provision that if something comes in between now and that date or at that meeting the Board can reopen the public hearing at that time. Motion seconded by Sharon Cupoli. Vote 5 – 0.

Jim Sumner stated that he has requested information regarding the number of trucks, the size of the trucks, who the trucks belong to, number of employees, etc. and to this date has not received any of that information.

**MATTER OF EDWARD MARSH – 103-105 HILTON LANE**

Ryan Caponera submitted an easement for ingress and egress and declaration of covenants regarding a private road which is a plan for road maintenance of Hilton Lane.

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

Keith Harbeck of 111 Hilton Lane asked if the easement contained maintenance of the road.

Chairman Barber stated that the Board had asked at the last meeting to have an agreement reached between the applicants and the other lot owners on Hilton Lane regarding maintenance, etc. Separately from that, the Board also wanted to make sure that the easement would include the Town's concerns regarding access for emergency vehicles. No agreement was submitted to the Board. Chairman Barber stated that now the easement has been presented which requires basically the applicant to maintain the road up to driveway specifications, meet the requirements of emergency vehicles including a turn around for the emergency vehicles.

Mr. Harbeck had concerns because he lives at the end of Hilton Lane and did not want the turn around near his property, he stated that it should be on Mr. Marsh's property.

Chairman Barber stated that he did not know exactly where it was going to go, it would be on property owned by Mr. Marsh. Chairman Barber stated that the Fire Chief of the North Bethlehem Fire Department would be involved in that decision.

Mr. Harbeck asked about widening the road so it would be easier to pass.

Chairman Barber stated that the easement is intended solely for the benefit of the Town emergency vehicles and the question is can an ambulance, a fire truck and a police car get down the road. Chairman Barber stated that whether Mr. Harbeck, under his ingress and egress easement, has other rights that he is entitled to as a property owner is between him and the other owners of the property. The ZBA is not imposing that, they are making it clear that whatever rights they have under that are not impacted by this, and this is solely for the benefit of Town emergency vehicles. The ZBA is not requiring Hilton Lane to be built to Town standards, the property owners can decide that on their own.

Chairman Barber stated at the last meeting the ZBA agreed to allow the parties to try to figure out a mechanism where if you wanted more than the Town needed, such as maintenance obligations, costs associated with that, then you can do that. Chairman Barber stated that did not happen, now the applicant has agreed to bear the entire cost himself to put in a road that meets the Town's needs.

Mr. Harbeck stated that with two more houses being built there would be more traffic and passing would be a problem.

Chairman Barber asked how wide the road was.

Mr. Harbeck replied it was about 20'.

Chairman Barber stated that was more than wide enough for a private road with 7 houses on it.

There was more discussion regarding the turn around.

Anthony Haas of 109 Hilton Lane stated that he was not opposed to the two houses. Mr. Haas stated that they could not come up with the road service agreement because there were four different families and four different attorneys who had four different opinions. Mr. Haas said that they **did** sit down and figure out how they were going to maintain the road. Mr. Haas stated that it ultimately came down to the liability, if they were to sign a road service agreement, his attorney told him that they were liable for the road. It takes the liability from the owner to everybody who signs the road service agreement and none of the neighbors wanted to do that.

Chairman Barber made a motion to close the public hearing. Motion seconded by Tom Remmert. Vote 5 – 0.

Chairman Barber made a motion for approval of:

**Variance Request No. 4339**

Request of **Edward Marsh** for a Variance of the regulations under the Zoning Law to permit: **the construction of a single-family home on each of two existing lots located on a non-town roadway. A variance from the provisions of NYS Town Law 280a is requested.**

For property owned by **Edward Marsh**

Situated as follows: **103 and 105 Hilton Lane Albany, NY 12203**

Tax Map # **63.07-1-4 & 5** Zoned: **R15**

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

A public hearing was duly noticed and held on several evenings and several residents provided comments regarding maintenance of the private road.

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

The North Bethlehem Fire Department stated that it has no objections to the granting of this request.

280-a seeks to ensure adequate frontage for the ingress and egress for firetrucks, ambulances and emergency vehicles.

At the last public hearing, the Board provided the applicant and property owners the opportunity to discuss an agreement on a more broad scale that would deal with whatever rights they might have under their private easement but also at the same time address the

Town's needs for emergency vehicle access to Hilton Lane. It appears for a variety of reasons that agreement was not reached.

The applicant has now submitted a signed easement for ingress and egress and declaration of covenants regarding the private road. The applicants and their successors in interest are bearing the costs of maintaining Hilton Road to meet the needs of the Town's emergency vehicles which would include the construction, reconstruction, the maintaining of Hilton Road under the standards and requirements for driveways under NYS Uniform Prevention and Building Code §511 ("Emergency Vehicle Access for Detached one and two family dwellings"). The also will construct and maintain a turnaround suitable for use by fire apparatus as approved by both the Chief of the North Bethlehem Fire Department and the Town of Guilderland Zoning Adminsitrator. They shall also obtain the approval of the Town of Guilderland Highway Department and the ACDPW for any changes or alterations to the access onto Schoolhouse Road. There are also other conditions set forth in the declaration that are furtherance of the goal behind 280-a so therefore the variance should be granted.

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

Adherence to the covenants set forth in the easement and declaration.

As noted in the easement and declaration, Hilton Road is a private road and no work performed by the Town is casual in nature and does not constitute work that might be required for a public highway.

The easement and declaration does not waive, enlarge, diminish or otherwise affect the rights and obligations of parties under easements or other binding documents regarding Hilton Lane.

There shall not be access granted to Hilton Lane to any lots other than lots of record with frontage on Hilton Lane and the two proposed lots that are the subject of this variance.

The single-family dwellings constructed on lots 103 and 105 Hilton Lane shall have a sprinkler system installed.

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

Motion seconded by Tom Remmert. Vote 5 – 0.

**MATTER OF DAVID AND NICOLE MELFE**

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. 4358**

Request of **David and Nicole Melfe** for a Variance of the regulations under the Zoning Law to permit: **a swimming pool and its barrier in a front yard on a corner lot.**

Per Articles **IV & V** Sections **280-34 & 280-51** respectively

For property owned by **David and Nicole Melfe**

Situated as follows: **2048 Debutante Manor Schenectady, NY 12303**

Tax Map # **27.07-1-28** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **5<sup>th</sup> of December, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 27, 2012**"

The file consists of the mailing list to 29 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments and a brief narrative by the narrative along with a map of the property.

The Town Planner had the following comments: "The applicant is requesting an area variance for an existing in ground swimming pool and fence that are located in the required front yard of a corner lot. No planning objections."

David Melfe, applicant, presented the case.

Chairman Barber stated that it was his understanding that the swimming pool had been there for some time.

Mr. Melfe stated that was correct, probably around 1969 along with a fence.

Chairman Barber stated that even though they are advertising this as a corner lot, Debutante Manor just has a curve on the road. Chairman Barber stated that the applicant owns both lots and at some point he might want to sell the lot that the pool is on.

Mr. Melfe stated that was correct.

Chairman Barber stated that he has no problems; it has been there for some time.

Mr. Melfe stated that the existing fence will be removed and a code compliant decorative fence will be constructed around the pool.

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.



Chairman Barber made a motion for approval of:

**Variance Request No. 4358**

Request of **David and Nicole Melfe** for a Variance of the regulations under the Zoning Law to permit: **a swimming pool and its barrier in a front yard on a corner lot.**

Per Articles **IV & V** Sections **280-34 & 280-51** respectively

For property owned by **David and Nicole Melfe**

Situated as follows: **2048 Debutante Manor Schenectady, NY 12303**

Tax Map # **27.07-1-28** Zoned: **R15**

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 objections to the request.

This Board looks at whether this will have any impact on neighboring properties and it appears that it will not. In fact the swimming pool and the fence have been there for decades. There are no sight line issues along Debutante Manor as it is well off the road. For these reasons, the Board finds that the granting of this variance will not have an adverse affect on the neighborhood or any detrimental impact upon neighboring properties. For these reasons, the Board grants the variance.

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

Adherence to the representations made in the application and based upon the continued placement of the location of the swimming pool.

Placement of a code compliant fence around the pool.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF KRISTIN KNAUF – 935 MEADOWDALE ROAD**

Nicole Ventresca-Cohen 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:

**Special Use Permit Request No. 4360**

Request of **Kristin Knauf** for a Special Use Permit under the Zoning Law to permit: **the use of a portion of an existing single-family dwelling to provide personal training services, a Customary Home Occupation II.**

Per Articles **IV & V** Sections **280-37 & 280-52** respectively

For property owned by **Thomas and Kristin Knauf**

Situated as follows: **935 Meadowdale Road Altamont, NY 12009**

Tax Map # **49.00-1-14** Zoned: **RA3**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **5<sup>th</sup> of December, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 28, 2012**"

The file consists of the mailing list to 13 neighboring property owners, the Town's required forms for a special use permit for a customary home occupation II, a Short Environmental Assessment Form for an Unlisted Action, a depiction of the property, the Town Planner's comments, Albany County Planning Board's notification and a brief narrative.

The Town Planner had the following comments: "The applicant has requested a special use permit to conduct a home occupation which will entail personal training services. The application states that there will only be one client at a time and there are no employees. The property is on 5 acres and has an adequate parking area. No planning objections."

Albany County Planning Board's notification of 11-15-12 was to defer to local consideration with an advisory note: the applicant should be aware that if the business expands in the future the driveway access to Meadowdale Road may need to be revised and would require a work permit.

Tom Knauf, the applicant's husband, presented the case.

Chairman Barber stated that it seems very straightforward. Chairman Barber stated that the code was amended and in RA3 zones it does allow for a more intense home occupation, but this does seem to low intense. Chairman Barber stated that the home occupation would only occupy 156sf of over 2600sf in 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.

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 customary home occupation II for personal training services at 935 Meadowdale Road would have a significant impact upon the environment. This review consisted of the comments provided to the Board by the Albany County Planning Board and the Town Planner and the conducting of the public hearing this evening. Based upon the collective record, I move that a negative declaration be issued." Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

**Special Use Permit Request No. 4360**

Request of **Kristin Knauf** for a Special Use Permit under the Zoning Law to permit: **the use of a portion of an existing single-family dwelling to provide personal training services, a Customary Home Occupation II.**

Per Articles **IV & V** Sections **280-37 & 280-52** respectively

For property owned by **Thomas and Kristin Knauf**

Situated as follows: **935 Meadowdale Road Altamont, NY 12009**

Tax Map # **49.00-1-14** 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 hearing.

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

Albany County Planning Board deferred to local consideration.

The Town Planner had no objection to the granting of this request.

This is an application for a Customary Home Occupation II and the review of the application indicates that the application does meet the requirements for that purpose including - there is no evidence of the business on this large heavily wooded lot and will not be visible from the street, there will be only one client at a time, it is occurring on a very large parcel, there are no employees other than the applicant and the business will only occupy approximately 156sf in a roughly 2659sf home.

Therefore, I move that the Board grant the special use permit to allow the home occupation for a personal trainer.

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

Continued compliance with the condition for a Customary Home Occupation II.

If there is any expansion of the business, it may require review by the ACDPW.

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 issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF PETER STANISH – 1736A WESTERN AVENUE**

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:

**Amend Special Use Permit #27-06/Request No. 4359**

Request of **Peter Stanish** for an amendment to Special Use Permit #27-06 under the Zoning Law to permit: **the use of an existing building formerly occupied by a music studio as a general office building. All site characteristics have been previously reviewed and approved by the Board.**

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

For property owned by **1736 Western Avenue, LLC**

Situated as follows: **1736A Western Avenue Albany, NY 12203**

Tax Map # **52.13-2-4** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **5<sup>th</sup> of December, 2012** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 27, 2012**"

The file consists of the mailing list to 54 neighboring property owners, the Town's required forms for an amendment to a special use permit for a general office building, a Short Environmental Assessment Form for this Unlisted Action, a deed to the property, the Town Planners comments, the Town Planning Board's site plan review, Albany County Planning Board's recommendation of 11-15-12, a brief narrative, a site plan showing the location of the parking spaces and a copy of the prior special use permit.

The Town Planner had the following comments: "The applicant has requested an amendment to his special use permit to allow the accessory structure in the rear of the property to be used for general office. The building has been used as medical space, a law office and a music studio in the past. This amendment would allow the building to change tenants without having to reapply for a special use permit each time. Parking has

occasionally been an issue but the arranged shared parking with the on-site restaurant seems to generally work. No planning objections."

The Town Planning Board's site plan review was to recommend with the following conditions: limit uses to general office or professional services.

Albany County Planning Board's notification of 11-15-12 was to defer to local consideration with the advisory note: The Town should ensure that enough parking spaces are provided for all the uses on the property.

Peter Stanish, applicant, presented the case. Mr. Stanish stated that he was hoping to get a special use permit to allow the back building for general office space for flexibility. Mr. Stanish stated that it is a shared lot with the Café Calabria. Mr. Stanish stated that one of the neighbors who lives across the street has offered her property for excess parking if it is needed.

Chairman Barber stated that the Board needs to be careful because if the property was sold down the road the new owner could put an intense business in there and there could be problems with parking, etc. Chairman Barber asked Mr. Stanish what types of uses he would like to have. Chairman Barber stated that he would have concerns with a medical office.

Don Cropsey stated that there are different parking regulations for medical offices.

Chairman Barber asked Don Cropsey how he would be able to figure out the parking calculations if the businesses were changing.

Don Cropsey replied that the space is not that big, approximately 2500sf.

Mr. Stanish stated that the top floor is only 1800sf and he stated that he is not looking for a big company to move in there.

There was discussion regarding the parking calculations for the office and the restaurant.

Don Cropsey stated that the restaurant is not all that big, so they don't need a lot of parking.

Chairman Barber stated that there was a time when there was parking issues there. Chairman Barber asked Don Cropsey if there were any variances needed for parking.

Don Cropsey replied that he thought variances were granted previously.

There was discussion regarding the types of uses allowed.

Mr. Stanish stated that he had a hairdresser interested in the space.

Chairman Barber stated that he thought that this was going beyond a general office building, he is looking at professional services which is really beyond the scope of what he is asking for.

Chairman Barber stated he would like to see a list generated of uses allowed in a LB zone so they can be put in and then he would have the most flexibility possible but at the same time know that the uses that go in there are not going to cause problems down the road with parking. Chairman Barber also stated that he would like to see a signed parking agreement with the neighbor across the street. Chairman Barber made a motion to continue this case until January 16, 2013. Motion seconded by Sharon Cupoli. Vote 5 – 0.

**SIGNS:**

The Board approved a sign for Crispy Basil at 1671 Western Avenue. Vote 5 – 0.

The Board approved a sign for Happy Nails at 2050 Western Avenue. Vote 5 – 0.

The Board approved a sign for ReMax Capital at 1704 Western Ave. Vote 5 – 0.

The Board approved a sign for fin the fishmonger at 2050 Western Avenue. Vote 5 – 0.

The Board approved 2 signs for Sleepys at 2027 Western Avenue with landscaping required. Vote 5 – 0.

**MINUTES:**

The Board approved the minutes of October 17, 2012 and November 7, 2012.

**OTHER:**

The Board appointed Delaware Engineering as TDE for Mill Hollow to oversee the infrastructure installation. Vote 5 – 0.

The meeting adjourned at 10:05pm.