

TOWN OF ERWIN

Zoning Board of Appeals

MINUTES 06/27/17 MEETING

PRESENT: Frank Thiel, Ruth Fisher McCarthy, Bridget Ackerman, Mariana Huber, Jay McKendrick, Ralph Truitt, Wes Strzegowski

GUESTS: Patrick Hyde, Michael Hilker, Cindy Hough, Lin Hough, Brett Bixby, Tom Dobrydney, Maria Marzo Brown, David Cox, Rita McCarthy, Barb Lucas

CALL TO ORDER:

At 7:00 PM, Chairman Thiel called the meeting to order in the meeting room of the Erwin Town Hall, 310 Town Center Road, Painted Post, NY, 14870.

MINUTES:

Minutes of the 05/23/17 meeting were approved by unanimous consent.

2017-05

REQUEST FROM KRISTEN AND MICHAEL HILKER FOR AN AREA VARIANCE AT 176 FOREST DRIVE TO ALLOW A 2 FT SIDE YARD SETBACK WHERE 10 FT IS REQUIRED. VARIANCE OF §130-14 AND DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **41** adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

This is a Type II action under the State Environmental Quality Review Act. No SEQR action is required.

The property is located in R7.2 District.

Applicant seeks to erect a carport, not an enclosed structure, 2' from the side lot line. A 10 ft side yard setback is required. The applicant is seeking 8 ft relief.

On September 28, 2010, this property was granted a variance for the carport as proposed in the current application. The 2010 applicant did not exercise the variance and sold the property to the current applicant. Therefore, the previous variance has expired.

The application was presented by applicant Michael Hilker. Mr. Hilker explained that he would like to locate a 12' x 28' premade shed approximately 25 feet behind his house and in line with the existing driveway which would eventually be extended to the shed. The shed would be used to store tools and a motorcycle. Mr. Hilker noted that the location was chosen to avoid the root system of the neighbor's tree on one side and a well and rumored, buried pool on the other side. Mr. Hilker provided a copy of an email from the adjacent neighbor, Ashley Schmitz, stating that she has no objection to the proposed placement of the shed.

Board member Huber, referencing a Zoning Board application which had previously been approved for the same property, noted that the prior application was approved with the condition that the structure not be enclosed. It was also noted that the structure in the prior application was located to the right of the house rather than 25 feet behind the house, possibly explaining the condition imposed.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 7:08 PM.

Ashley Schmitz, 174 Forest Drive, Painted Post, NY:

We have reviewed the letter from the town and we are okay with the variance in the placement of the new structure. If you or anyone has any questions in regards to the above , please contact me. (Ms. Schmitz provided the Board with contact information.)

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 7:09 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-05 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.
 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.
 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 3 Board members say there is no other feasible method available.
Constraints due to tree roots, unknown well location, and buried pool.
 2 Board members say there are other feasible methods available.

The requested area variance is not substantial.

 0 Board members say the requested variance is not substantial.
 5 Board members say the requested variance is substantial.
80% is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.
Potential drainage concerns mitigated by French drains directed away from neighbors.
 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 0 Board members say the alleged difficulty was not self-created.
 5 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-05 FROM KRISTEN AND MICHAEL HILKER FOR AN AREA VARIANCE AT 176 FOREST DRIVE TO ALLOW A 2 FT SIDE YARD SETBACK WHERE 10 FT IS REQUIRED WITH THE CONDITION THAT FRENCH DRAINS ARE IN PLACE AND THE CHARACTER OF THE SHED BLENDS WITH THE CHARACTER OF THE HOUSE .

MOTION: JAY McKENDRICK
SECONDED: MARIANA HUBER
DISPOSITION: 5 – 0

2017-06

REQUEST FROM LIN HOUGH FOR AN AREA VARIANCE AT 731 ADDISON RD TO ALLOW A MONUMENT SIGN 6 FT WIDE BY 8 FT HIGH WHERE 4 FT WIDE BY 8 FT HIGH IS ALLOWED. VARIANCE OF §130-81.B.3.d AND TABLE 130-81-1 IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to 6 adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

The sign variance is a Type II action under the State Environmental Quality Review Act. No SEQR action is required.

The property is located in B-3 Neighborhood Services Zone.

Table 130-81-1 states that a freestanding sign shall have a maximum height of 8 ft and a maximum width of 4 ft. The applicant seeks to establish a sign that is 8 ft in height, and 6 ft wide.

The applicant seeks relief of 2 ft. in width.

The application was presented by Lin Hough. He noted that he wants to replace an existing sign with a 6 foot wide sign.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 7:28 PM.

No comment from the public.

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 7:29 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-06 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.
Proposed sign is similar to a sign at B&W Towing nearby.

 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.

 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 1 Board members say there is no other feasible method available.

 4 Board members say there are other feasible methods available.
The sign could be smaller.

The requested area variance is not substantial.

 0 Board members say the requested variance is not substantial.
The request is the minimum necessary for the best solution.

 5 Board members say the requested variance is substantial.
50% is substantial

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.

 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 0 Board members say the alleged difficulty was not self-created.

 5 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-06 FROM LIN HOUGH FOR AN AREA VARIANCE AT 731 ADDISON RD TO ALLOW A MONUMENT SIGN 6 FT WIDE BY 8 FT HIGH WHERE 4 FT WIDE BY 8 FT HIGH IS ALLOWED WITH THE CONDITION THAT THE SIGN HAS NO LIGHTING.

MOTION: FRANK THIEL

SECONDED: RUTH FISHER McCARTHY

DISPOSITION: 5 - 0

2017-07

REQUEST FROM DR. MARIA MARZO FOR AN AREA VARIANCE AT 275 SOUTH HAMILTON ST. TO ALLOW 63% LOT COVERAGE WHERE 60% MAXIMUM IS PERMITTED. VARIANCE OF §130-14 AND APPENDIX B – DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **15** adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

The application will be the subject of a Planning Board action for Site Plan approval. The Planning Board will declare itself Lead Agency under the State Environmental Quality Review Act.

The property is located in B-1 Business Commercial Zone.

When the applicant purchased the lot, the lot with the existing building was 73% covered. The applicant demolished the building. The Density Control Schedule allows 60% coverage.

The applicant is requesting to allow 63% coverage. Therefore the applicant is seeking 3% relief.

RESOLUTION TO CONSENT TO THE PLANNING BOARD AS LEAD AGENCY

MOTION: JAY McKENDRICK

SECONDED: RUTH FISHER McCARTHY

DISPOSITION: 5 - 0

The application was presented by Tom Dobrydney of Fagan Engineers, planner for the applicant. Dr. Marzo was present. Planner Dobrydney noted that a previous site plan with a car wash, resulted in 73% lot coverage. The car wash was demolished and in 2016 Dr. Marzo received a variance for 65% lot coverage for a proposed building and site plan. Construction was delayed and the variance expired. The proposed building design has been modified resulting in a smaller footprint and requires 63% lot coverage, 2% less relief than the previously approved variance.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 7:42 PM.

No comment from the public.

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 7:43 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-07 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.

The character is improved.

 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.

 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 5 Board members say there is no other feasible method available.

The shape and location of the property presents unique challenges.

 0 Board members say there are other feasible methods available.

The requested area variance is not substantial.

 5 Board members say the requested variance is not substantial.

 0 Board members say the requested variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.

 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 3 Board members say the alleged difficulty was not self-created.

The shape and location of the property presents unique challenges.

 2 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-07 FROM DR. MARIA MARZO FOR AN AREA VARIANCE AT 275 SOUTH HAMILTON ST. TO ALLOW 63% LOT COVERAGE WHERE 60% MAXIMUM IS PERMITTED.

MOTION: RUTH FISHER McCARTHY

SECONDED: FRANK THIEL

DISPOSITION: 5 - 0

2017-08

REQUEST FROM DR. MARIA MARZO FOR AN AREA VARIANCE AT 275 SOUTH HAMILTON ST. FOR AN AREA VARIANCE TO ALLOW A VARIABLE FRONT YARD SETBACK OF 5-25 FT WHERE A ZERO FRONT YARD SETBACK IS REQUIRED. VARIANCE OF §130-89.D, §130-89.D.A.i AND APPENDIX B – DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **15** adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

SEQR is as noted application 2017-07.

The property is located in B-1 Business Commercial Zone.

Section 130-89 Design Standards for Selected Districts establishes a zero front yard setback for businesses in the B-1 Commercial District. The applicant's property line 68.24 feet from the former alignment of S. Hamilton Street. The former roadway is now an access easement to the adjacent property. The former roadway is another 25 feet from the Right of Way (ROW) to the current S. Hamilton Street. Therefore, the applicant's property line is 93.24 feet from the current road ROW at its closest distance. The current road is curved, while the property line is straight horizontal. The distance of the property line to the current road ROW varies from 93.24 feet to 180 feet.

The applicant seeks to build a new structure angled to mirror the curvature of the current road as compared to the property line. This would create a front yard setback that varies from 5 to 25 feet.

The applicant seeks relief of 5 to 25 ft.

The application was presented by Tom Dobrydney of Fagan Engineers, planner for the applicant. Dr. Marzo was present. Planner Dobrydney noted that meeting the code requirement for zero front yard setback would result in a building sitting at an angle in relation to the average direction of S. Hamilton Street along the front of the property. Code also requires the face of the building to align parallel to the road which is not possible on this property if zero setback is maintained. Additionally, the existence of a NYSEG easement along the front of the property prohibits zero front yard setback. The proposed building location and alignment places one corner of the building as close to the front property line as the NYSEG easement allows and aligns the front of the building parallel to the average direction of S. Hamilton Street along the length of the property.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 7:48 PM.

No public comment.

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 7:49 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-08 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.

The situation is unique and the proposal is a good solution.

 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.

 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 5 Board members say there is no other feasible method available.

The shape and location of the property results in conflicting code requirements.

 0 Board members say there are other feasible methods available.

The requested area variance is not substantial.

 2 Board members say the requested variance is not substantial.

Good balance between conflicting codes.

 3 Board members say the requested variance is substantial.

In terms of physical dimensions, the relief sought is significant.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.

 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 3 Board members say the alleged difficulty was not self-created.

The shape and location of the property presents unique challenges.

 2 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-08 FROM DR. MARIA MARZO FOR AN AREA VARIANCE AT 275 SOUTH HAMILTON ST. FOR AN AREA VARIANCE TO ALLOW A VARIABLE FRONT YARD SETBACK OF 5-25 FT WHERE A ZERO FRONT YARD SETBACK IS REQUIRED.

MOTION: JAY McKENDRICK

SECONDED: MARIANA HUBER

DISPOSITION: 5 - 0

2017-09

REQUEST FROM REROB LLC FOR AN AREA VARIANCE AT 891 ADDISON RD TO ALLOW A GAS PUMP CANOPY CLEARANCE OF 16'6" WHERE 13'9" IS ALLOWED. VARIANCE OF §130-71.A.4 IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **3** adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

The variance is a Type II action under the State Environmental Quality Review Act. No SEQR action is required.

The applicant is requesting to allow the diesel canopy to have a clearance of 16'6". Allowable clearance for a canopy is 13'9".

Therefore, the applicant is seeking relief of 2'9".

The application was presented by Patrick Hyde, Facilities Manager for Express Mart. He noted that a canopy clearance height of 16'6" allows diesel exhaust to dissipate from underneath the canopy and helps to keep the canopy ceiling cleaner. The extra height allows for trucks which exceed the standard legal height.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 8:00 PM.

No public comment.

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 8:01 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-09 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.
Canopy at 845 Addison Rd, on the other side of the interchange, has same clearance as variance request.

 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.

 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 5 Board members say there is no other feasible method available.

 0 Board members say there are other feasible methods available.

The requested area variance is not substantial.

 3 Board members say the requested variance is not substantial.
Standard clearance for diesel trucks.

 2 Board members say the requested variance is substantial.
3' out of 14' is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.

There are no sight-line issues.

 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 3 Board members say the alleged difficulty was not self-created.

Standard clearance for diesel trucks.

 2 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-09 FROM REROB LLC FOR AN AREA VARIANCE AT 891 ADDISON RD TO ALLOW A GAS PUMP CANOPY CLEARANCE OF 16'6" WHERE 13'9" IS ALLOWED.

MOTION: RUTH FISHER MCCARTHY

SECONDED: BRIDGET ACKERMAN

DISPOSITION: 5 - 0

2017-10

REQUEST FROM REROB LLC FOR AN AREA VARIANCE AT 891 ADDISON RD TO ALLOW A GAS PUMP CANOPY HEIGHT OF 19'6" WHERE 17' IS ALLOWED. VARIANCE OF §130-71.A.4 IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **3** adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

The variance is a Type II action under the State Environmental Quality Review Act. No SEQRA action is required.

The applicant is requesting to allow the diesel canopy to be 19'6". Allowable canopy height is 17'.

Therefore, the applicant is seeking relief of 2'6".

The application was presented by Patrick Hyde, Facilities Manager for Express Mart. He noted that the 3 foot fascia height is necessary to cover ducts and steel. There will be no fire suppression equipment in the canopy.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 8:09 PM.

No public comment.

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 8:10 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-10 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.

 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.

 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 5 Board members say there is no other feasible method available.

 0 Board members say there are other feasible methods available.

The requested area variance is not substantial.

 4 Board members say the requested variance is not substantial.

 1 Board member says the requested variance is substantial.

14% is substantial..

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.

Lights are recessed..

 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 3 Board members say the alleged difficulty was not self-created.

The height requested is a consequence of clearance necessary.

 2 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-10 FROM REROB LLC FOR AN AREA VARIANCE AT 891 ADDISON RD TO ALLOW A GAS PUMP CANOPY HEIGHT OF 19'6" WHERE 17' IS ALLOWED

MOTION: FRANK THIEL

SECONDED: RUTH FISHER MCCARTHY

DISPOSITION: 5 - 0

2017-11

REQUEST FROM KLUGO ERWIN LLC FOR AN AREA VARIANCE AT 310 TOWN CENTER ROAD TO ALLOW 67% LOT COVERAGE WHERE 60% IS ALLOWED. VARIANCE OF 130-14 AND DENSITY CONTROL SCHEDULE IS REQUESTED. WITH PUBLIC HEARING

Notification of this action was sent to **13** adjacent property owners. Legal notice of this action was printed in the Town's official newspaper, the Star Gazette, and in The Leader on June 18, 2017.

The application will be the subject of a Planning Board action for Site Plan approval. The Planning Board will declare itself Lead Agency under the State Environmental Quality Review Act.

The property is located in T-C Zone.

The applicant has constructed the first phase of what was envisioned to be a two phase project. The pending Site Plan Application is to build a two story, 4,000 sq ft addition to the existing building. The lot configuration has changed from the Site Plan that approved the Phase I building by taking the storm water management to a regional basin and reconfiguring the lot. Under the reconfigured lot, the building addition will cause a lot coverage of 67%.

The Density Control Schedule allows 60% coverage. Therefore, the applicant is seeking 7% relief.

RESOLUTION TO CONSENT TO THE PLANNING BOARD AS LEAD AGENCY

MOTION: RUTH FISHER McCARTHY

SECONDED: FRANK THIEL

DISPOSITION: 5 - 0

The application was presented by David Cox, P.E., of Passero Associates, engineer for the applicant. Engineer Cox noted that the variance requested is based on a site plan and property description resulting from subdivision/resubdivision actions with Family Life Ministries and assumes approval of all actions. The shape of the property would change but the total acreage would remain unchanged. Construction of an addition to the existing building combined with the number of parking spaces required by code would result in lot coverage of 67% where 60% is allowed. It was noted that storm water from the property will be managed and directed to the Family Life storm pond.

CHAIRMAN THIEL OPENED THE PUBLIC HEARING AT 8:27 PM.

No public comment.

CHAIRMAN THIEL CLOSED THE PUBLIC HEARING AT 8:28 PM.

THE ZBA CONSIDERS AREA VARIANCE APPLICATION 2017-11 AND ANY PUBLIC COMMENT AND MAKES FINDINGS ON EACH OF THE AREA VARIANCE CRITERIA:

The requested variance will not produce an undesirable change in the character of the neighborhood.

 5 Board members say the requested variance will not produce an undesirable change.

The neighboring Fox Auto property has high lot coverage.

 0 Board members say the requested variance will produce an undesirable change.

The requested variance will not create a detriment to nearby properties.

 5 Board members say the requested variance will not create a detriment.

 0 Board members say the requested variance will create a detriment.

There is no other feasible method available for the Applicant to pursue to achieve the benefit the Applicant seeks other than the requested variance.

 5 Board members say there is no other feasible method available.

 0 Board members say there are other feasible methods available.

The requested area variance is not substantial.

 5 Board members say the requested variance is not substantial.

 0 Board members say the requested variance is substantial.

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

 5 Board members say the requested variance will not have an adverse effect or impact.

Storm water issues addressed by the Planning Board.

 0 Board members say the requested variance will have an adverse effect or impact.

The alleged difficulty was not self-created (this consideration shall be relevant but shall not necessarily preclude the grant of the area variance.

 0 Board members say the alleged difficulty was not self-created.

 5 Board members say the alleged difficulty was self-created.

RESOLUTION TO APPROVE REQUEST 2017-11 FROM KLUGO ERWIN LLC FOR AN AREA VARIANCE AT 310 TOWN CENTER ROAD TO ALLOW 67% LOT COVERAGE WHERE 60% IS ALLOWED.

MOTION: MARIANA HUBER

SECONDED: FRANK THIEL

DISPOSITION: 5 - 0

THE MEETING ADJOURNED AT 8:36 PM BY UNANIMOUS CONSENT.