

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS MEETING HELD JUNE 17, 2019

PRESENT were ANN CLEMENTE, CHAIRPERSON, E. JOHN SCHMIDT, WILLIAM SHOVER, MARTIN STEINBACH and PATRICIA CURRAN.

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

It is noted for the record that Martin Steinbach has stepped down from the Chairmanship of the Zoning Board of Appeals, but will remain a member of the Board. Member Clemente takes over as the Chair for the Zoning Board of Appeals. The Town of Brunswick thanks Member Steinbach for his leadership and contributions to the Town of Brunswick during his tenure as Chairman of the Zoning Board of Appeals.

Chairperson Clemente reviewed the agenda for the meeting as posted on the Town signboard and on the Town website.

The draft minutes of the May 20, 2019 meeting were reviewed. Upon motion of Chairperson Clemente, seconded by Member Schmidt, the minutes of the May 20, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the area variance application submitted by Todd and Kathleen Duncan for property located at 462 McChesney Avenue. Brian Holbriiter, LLS, was present on behalf of the applicants. Chairperson Clemente requested Mr. Holbriiter to generally review the application. Mr. Holbriiter stated that the application seeks front yard setback variances for a new house to be located at 462 McChesney Avenue; the Brunswick Zoning Law

requires a 40-foot front yard setback; the foundation was placed in a position where a front corner of the garage is 36.5 feet from the front yard lot line, and an area variance of 3.5 feet on the front yard setback requirements is sought; the foundation also includes a front porch area, and the front corner of that porch is located 38.7 feet from the front yard lot line, and a 1.3 foot area variance from the front yard setback requirements is sought. Mr. Holbriter also confirmed that there were no changes to the application materials from the May meeting. The Zoning Board of Appeals opened a public hearing on the application. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for receipt of public comment. Sheila Hyde, 454 McChesney Avenue, stated that she resides two lots west of this new home site, that she had no issue or objection to the requested area variances, and that the mistake in setting the foundation in its current location was not intentional and the Zoning Board of Appeals should grant the requested variances. There were no further public comments. Chairperson Clemente asked whether any Zoning Board members had questions for the applicant. Hearing none, Member Shover made a motion to close the public hearing on the Duncan area variance application, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the public hearing closed. The Zoning Board determined to proceed with deliberation on the application. Chairperson Clemente noted that the application seeks an area variance in connection with a residential parcel use, and constitutes a Type 2 action under SEQRA. Attorney Gilchrist noted that the application had been forwarded to the Rensselaer County Department of Planning, and that the County recommendation has been received, indicating that the application does not conflict with any County plans and that local consideration shall prevail. The Zoning Board then

proceeded to consider the elements for the requested area variance. As to whether the requested variances would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Member Shover stated that he did not feel any undesirable change or impact would occur, as the foundation in its current location is just outside the front yard setback requirements and would not have any significant impact; Chairperson Clemente noted that there were other properties in this general area along McChesney Avenue Extension where homes were close to the road, and that this Duncan home location would be consistent with the surrounding neighborhood. As to whether a feasible alternative exists for the applicant to pursue other than the requested variances, Member Schmidt noted that the foundation had already been poured so there was no alternative; Attorney Gilchrist noted for the record that the property owner proceeded at their own risk in having the foundation poured in the location it was and having home construction started, and that the Zoning Board must look at the element of feasibility objectively and not consider the fact that the foundation has already been poured; Chairperson Clemente noted that there is also a limited area on the parcel for the home construction, given the need for a septic system area and that there are wetlands to the rear of the parcel, and felt that these factors should be considered on the element of feasible alternatives. As to whether the requested variance is substantial, it is noted that a variance of 3.5 feet on the 40-foot setback requirement is requested for the garage, and a 1.3-foot variance on the 40-foot front yard setback is requested for the porch; Member Steinbach felt that these requested variances were minimal and did not result in substantial variances, and also concurred with Chairperson Clemente that the wetlands on the rear of the parcel and the required area for the septic system did limit the building envelope for the parcel, and also felt that the house location was consistent with other homes in this area of McChesney Avenue Extension; the Zoning Board members concurred. As to whether the

requested variances would result in a significant environmental or physical impact to the neighborhood, Member Shover commented that he did not feel there would be any environmental or physical impacts, and that the house location was consistent with other homes in terms of any potential visual impact. As to whether the need for the variance was self-created, the Zoning Board members noted that the foundation location was not the fault of the property owners, but that the foundation was set in the location identified in the field by the surveyor and/or foundation contractor. Based on these findings and deliberations on the elements reviewed, and in balancing the benefit to the applicant in granting the variance as opposed to any detriment to the Town in general and neighborhood in particular, Member Shover made a motion to grant the requested variances without any condition, which motion was seconded by Member Steinbach. The motion was unanimously approved, and the requested area variance was granted for the Duncan property at 462 McChesney Avenue. Chairperson Clemente directed the property owners to coordinate with the Brunswick Building Department on additional home construction requirements.

The next item of business on the agenda was the area variance application submitted by Bonnie and Steve Cornell for property located at 86 Creek Road. A neighbor of the Cornells stated to the Zoning Board members that Steve Cornell had been called out of town on a family emergency, but that he was here to answer any questions that the Board may have concerning the application. Chairperson Clemente asked Mr. Golden of the Building Department whether there were any changes to the application, and Mr. Golden indicated there were no changes. The Zoning Board opened a public hearing on the application. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for the receipt of public comment. No

members of the public wished to comment. Chairperson Clemente confirmed for the record that the applicant seeks an area variance for a proposed carport to be located 22 feet from the side yard lot line of this parcel where the Brunswick Zoning law requires a 25-foot side yard setback. Chairperson Clemente noted she had an initial question as to whether the carport would be a standalone structure or attached to the house, and has learned that the carport will be attached to the home under the eave of the existing roofline, and Member Shover also explained how the carport would be attached to the house. No members of the Zoning Board had any further questions or comments. Thereupon, Member Shover made a motion to close the public hearing on the Cornell area variance application, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the public hearing closed. The Zoning Board determined it was ready to proceed to deliberate on the application. Chairperson Clemente noted that the location of the proposed carport was at the end of the existing driveway; that it was a natural place to position the carport on the lot; that there was a farm field located on the side of the lot adjacent to the proposed carport; and that the farm field had a significant elevation drop at the Cornell property line. Chairperson Clemente noted that the application seeks an area variance in connection with a residential parcel use, and constitutes a Type 2 action under SEQRA. Attorney Gilchrist noted that the application had been forwarded to the Rensselaer County Department of Planning, and that the County recommendation had been received, noting that the application does not conflict with County plans and that local consideration shall prevail. The Zoning Board members then deliberated on the elements for the requested area variance. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that there were other homes in this general area along Creek Road with accessory structures, including barns and sheds, and

that this carport would be consistent with the surrounding properties and would not result in any change or impact to the neighborhood; Member Steinbach agreed, stating that he did not feel this carport would result in an undesirable change in the character of the neighborhood or create a negative impact. As to whether a feasible alternative existed for the property owner rather than the requested variance, Member Shover noted that the size of the variance sought by the applicant is small; that the carport is sized to cover multiple vehicles and there was no other practical location on the lot for the carport; that the carport was located on the lot to allow entrance into the house while underneath the carport roof; and concluded that there was no alternative to meet the needs of the property owner given the parcel layout. As to whether the requested variance is substantial, it is noted that a 22-foot side yard setback is proposed where the Brunswick Zoning Law requires a 25-foot side yard setback, and all members concurred that the variance was not substantial. As to whether there would be any significant environmental or physical impact as a result of the variance, all members concurred that no negative environmental or physical impacts are anticipated. As to whether the difficulty requiring the area variance is self-created, the Zoning Board members concurred that the difficulty can be characterized as self-created, but that this element is relevant but not determinative in this case, and that the carport would actually provide an improvement for the use of the residential parcel. Based on these findings and deliberations, and balancing the benefit to the applicant in granting the requested variance as opposed to any detriment to the neighborhood in particular or Town in general, Chairperson Clemente made a motion to approve the requested variance without any condition, which motion was seconded by Member Shover. The motion was unanimously approved, and the requested variance granted. Chairperson Clemente directed the property owner to continue to coordinate with the Brunswick Building Department on installation of the carport.

The next item of business on the agenda was an area variance application submitted by Hope Solar Farm LLC for property located at 575 Garfield Road. Hope Solar Farm LLC is currently constructing the Hope Solar Farm located at 575 Garfield Road behind the Hope United Methodist Church. Andrew Thomas of Hope Solar Farm LLC was present for the applicant. Chairperson Clemente asked whether there were any changes to the area variance application since the last meeting. Mr. Thomas stated there were no changes proposed. Chairperson Clemente requested Mr. Thomas to review the application. Mr. Thomas stated that Hope Solar Farm LLC is currently constructing the Hope Solar Farm behind the Hope United Methodist Church; that the project had previously received an area variance for the installation of one above-ground utility pole along Garfield Road, but during the construction and discussion with National Grid it became clear that two above-ground utility poles would be preferable to the Hope United Methodist Church since the one pole was located in close proximity to the entrance to the church parking lot; and that installation of the one pole remained technically feasible but not preferable in terms of impact to the Hope United Methodist Church property and entrance to the parking lot. The Zoning Board opened a public hearing on the application. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for receipt of public comment. Sue Cipperly stated she was the president of the Board of Trustees for the Hope United Methodist Church, and that the church does support the requested variance to allow two above-ground utility poles to be installed. No further members of the public wished to provide any comment on the application. Chairperson Clemente asked whether the Zoning Board members had any questions. Member Shover asked about the application materials, noting that “option 1” was the currently-approved

single above-ground utility pole, and “option 2” was the proposal to install the two above-ground utility poles. Mr. Thomas stated that was correct. Member Shover had a question regarding proximity of one of the two proposed poles in relation to existing trees. Mr. Thomas stated that the pole would be located approximately 15–20 feet north of an existing area of trees, and would also be about ten feet from the edge of the parking lot. Chairperson Clemente asked whether any bollards were being proposed for this additional utility pole, as it is very close to the parking lot where cars would be parking and snow would be plowed. Mr. Thomas stated that bollards were not a requirement of National Grid, but that he was not opposed to the installation of bollards if that was required by the Zoning Board. Member Schmidt asked whether there was any technical advantage to pursuing option 2. Mr. Thomas stated there was no difference in terms of technical compliance, and that option 2 is being proposed for purely aesthetic reasons and that it would likely look better for the church property; Mr. Thomas noted that option 2 would be more expensive, but that Hope Solar Farm LLC was prepared to undertake option 2 if allowed. Mr. Thomas also noted that it would make sense to avoid having a pole located at the entrance to the parking lot off Garfield Road, and in that sense the two-pole option is beneficial. The Board asked about the size of the poles, and whether the pole size would change with option 2. Mr. Thomas stated that a 40-foot standard pole was proposed, the same type of pole as would be used for option 1. Chairperson Clemente asked whether there were any further Zoning Board questions, or any other member of the public wishing to provide comment. Hearing none, Member Shover made a motion to close the public hearing on the area variance application of Hope Solar Farm LLC, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the public hearing closed. The Zoning Board stated it was prepared to deliberate on the application. Attorney Gilchrist stated that the Board first needed to consider a determination of environmental

significance under SEQRA, and reviewed the standards for the environmental determination with the Zoning Board members. Attorney Gilchrist did note that the Zoning Board had previously adopted a SEQRA negative declaration for the installation of one above-ground utility pole for this project, and that the consideration would be any significant adverse environmental impact from installing two above-ground utility poles in the same general location. Member Schmidt made a motion to adopt a negative declaration under SEQRA, opining that there would be no significant adverse environmental impact from the installation of two above-ground utility poles. Member Steinbach seconded the motion. The motion was unanimously approved, and a SEQRA negative declaration adopted. Attorney Gilchrist noted that the application had been forwarded to the Rensselaer County Department of Planning, and that the County recommendation had been received, noting that the proposal does not have a major impact on County plans and that local consideration shall prevail. It is noted for the record that the County commented that the new location for the above-ground utility poles appear to be more distant from the public road and less likely to interfere with sight distance for those exiting the church. The Zoning Board then proceeded to deliberate on the elements for the requested area variance. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Member Shover noted that the variance would not result in any change, simply adding a second utility pole where one pole had already been approved for this location. All members concurred. As to whether a feasible alternative existed for the applicant to pursue other than the requested area variance, it was noted that the applicant did state the one-pole alternative could be pursued by Hope Solar Farm LLC; Chairperson Clemente noted that for aesthetic reasons, the two-pole option would be beneficial to the Hope United Methodist Church; Member Steinbach concurred, stating that the two-pole option would improve the aesthetic

appearance, and that this was a significant factor. As to whether the requested area variance was substantial, the Zoning Board members noted that one above-ground utility pole has previously been approved for this location, and that the variance seeks the installation of a second above-ground utility pole; Member Steinbach noted that there were already a number of above-ground utility poles in this general neighborhood and area of the Town, and that in his opinion the addition of a second above-ground utility pole for this project was not substantial; Member Schmidt also noted that the proposed second above-ground utility pole location was fairly hidden and off the public road. As to whether the requested area variance would result in a significant impact to the environment or physical character of the area, it is noted that the Zoning Board has adopted a SEQRA negative declaration on this action, and the Zoning Board members generally concurred that there would not be any significant adverse environmental or physical impact from the proposal. As to whether the difficulty requiring the variance is self-created, the Zoning Board members concurred that the need can be characterized as self-created, but that this factor is not determinative, particularly in light of the fact that the two-pole alternative is viewed as improving the aesthetics of the overall project. Based on these findings and deliberations, and balancing the benefit to the applicant in granting the requested variance as opposed to any detriment to the neighborhood in particular or Town in general, Member Steinbach made a motion to approve the requested variance to allow the installation of two above-ground utility poles in connection with the Hope Solar Farm. Chairperson Clemente asked whether any conditions should be imposed. The Zoning Board members noted that the existing pine trees in the area of the installation of the two above-ground utility poles was required to be maintained in connection with the prior area variance, and the maintenance of these trees is required under this proposal as well; Mr. Thomas confirmed that Hope Solar Farm LLC was not going to remove these existing pine trees. Subject

to that discussion, Member Schmidt seconded the motion interposed by Member Steinbach. The motion was unanimously approved, and the area variance for the Hope Solar Farm LLC project allowing the installation of two above-ground utility poles was granted.

The next item of business on the agenda was the sign variance application submitted by Sunmark Federal Credit Union for property located at 722 Hoosick Road. The applicant seeks an area variance for the approval of a free-standing commercial sign to be located on the property, which is located in the front area of the Price Chopper plaza along Hoosick Road. Gregg Ursprung, P.E. of Bergmann Associates, was present for the applicant. Chairperson Clemente requested Mr. Ursprung to review the application. Mr. Ursprung explained that a commercial monument sign is being proposed for the area in front of the Sunmark Federal Credit Union building, now under construction in the front area of the Price Chopper plaza along Hoosick Road. Mr. Ursprung stated that the total square footage of the sign is 29 square feet, where the Brunswick Sign Law allows a total of 70 square feet. The variance is being sought because the Brunswick Sign Law allows a free-standing monument sign only where the building is set back at least 50 feet from the front property line, but given the constraints of the plaza site, the Sunmark Federal Credit Union building is located 38 feet from the front lot line, and a variance of 12 feet is being sought to allow for the installation of the monument sign. The Zoning Board questioned whether the calculation of the 38-foot setback is from the current front lot line, or from the front lot line which will exist after the strip of land is transferred by the plaza owner to New York State in compliance with the project approvals. Mr. Ursprung stated that the setback is calculated from the front lot line that will result after the transfer of property to New York State is completed. 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, placed on the Town signboard, posted on the Town

website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for the receipt of public comment. No members of the public wished to provide any comment. Chairperson Clemente asked whether any of the Zoning Board members had questions or comments. Member Schmidt asked whether the monument sign could be pulled back farther off the road. Mr. Ursprung stated that the sign was located to maintain a minimum of 10 feet from the interior pavement and curb system for internal traffic circulation, and that the proposed monument sign is located to achieve that internal separation. Mr. Ursprung did confirm that the site of the Sunmark Federal Credit Union building and the Taco Bell building currently under construction is tight, and there is not a lot of room for changing the location of the proposed Sunmark monument sign. Attorney Gilchrist noted for the record that the Sunmark portion of the site has been subdivided from the balance of the Price Chopper plaza parcel, even though it does remain part of the approved planned development district; that the subdivision was sought by the plaza owner in light of the lease provision with Sunmark Federal Credit Union that gives the bank the option to purchase the site in the future. Attorney Gilchrist noted that the monument sign is allowed in light of the fact that the Sunmark parcel has been subdivided from the balance of the plaza, whereas the remaining tenants within the Price Chopper plaza have been located on the common monument sign at the entrance way to Price Chopper off of Hoosick Road. The Zoning Board members had no further questions or comments. Thereupon, Member Shover made a motion to close the public hearing on the sign variance application of Sunmark Federal Credit Union, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the public hearing closed. The Zoning Board was prepared to deliberate on the application. Attorney Gilchrist stated that the Board needed to consider a determination of environmental significance under SEQRA. Chairperson Clemente made a motion to adopt a

negative declaration, stating that in her opinion there were no significant adverse environmental impacts as a result of the variance request, which motion was seconded by Member Schdmit. The motion was unanimously approved, and a SEQRA negative declaration adopted. Attorney Gilchrist noted that the application had been forwarded to the Rensselaer County Planning Department, and that the County recommendation has been received, stating that the proposal does not have a major impact on County plans and that local consideration shall prevail. It is noted that the County recommendation did include a comment, stating that a building sign on the building facing Hoosick Road may be more visible than a monument sign, which is proposed to be located a distance away from the driveway into the bank site. Chairperson Clemente asked Mr. Ursprung whether Sunmark had considered a wall sign facing Hoosick Road. Mr. Ursprung stated that Sunmark did not prefer a wall sign at this location, and there was extended discussion concerning the calculation of available wall sign space under the Brunswick Sign Law. The Zoning Board members proceeded to deliberate on the elements for the requested sign variance. As to whether the monument sign at this location would create an undesirable change in the character of the area or create a detriment to nearby properties, Chairperson Clemente noted that there were several existing monument signs on and along Hoosick Road, and that the proposed Sunmark Federal Credit Union monument sign was a total of 29 square feet, which was well within the square foot allowed under the Brunswick Sign Law; Attorney Gilchrist again noted for the record that the Sunmark Federal Credit Union parcel has been subdivided from the balance of the plaza parcel, and that this factor should be considered. As to whether there was a feasible alternative available to the applicant as opposed to the requested variance, it was noted that a sign could be placed on the front of the Sunmark Federal Credit Union building facing Hoosick Road, but that this did not meet the tenant's proposal for the site and the Zoning Board members concurred that a monument

sign was an acceptable proposal. As to whether the requested variance was substantial, it is noted that a 12-foot building setback variance is being considered in relation to allowing the monument sign; Chairperson Clemente noted that this particular section of the Price Chopper Plaza was tight, and did not consider the 12-foot setback variance to be substantial. As to whether the proposal would result in an adverse impact to the environmental and physical conditions in the neighborhood, it is noted that the Zoning Board has adopted a SEQRA negative declaration on this action; Member Schmidt also stated there were a number of commercial signs along Hoosick Road, that this is a general commercial area, and that the addition of this proposed monument sign would not result in any negative environmental or physical impact. As to whether the need for the variance was self-created, Member Steinbach noted that the need can be characterized as self-created, but that this factor should not be determinative on this application. In light of these findings and deliberations, and in balancing the benefit to the applicant in granting the variance as opposed to any detriment to the neighborhood in particular or Town in general, Member Shover made a motion to approve the variance to allow the proposed monument sign at this location, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the sign variance granted. Mr. Ursprung was directed to coordinate with the Brunswick Building Department regarding the installation of the monument sign.

The next item of business on the agenda was the use variance application submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless concerning a proposed monopole telecommunications tower on Creek Road in proximity to Menemsha Lane. David Brennan, Esq., of the law firm of Young Sommer, project attorneys, was present for the applicant. Attorney Brennan stated that he had previously been before the Brunswick Planning Board at its May 16 meeting to introduce the project, and had also been last in front of the Zoning Board of

Appeals at the May 20 meeting to introduce the project to the Zoning Board. Attorney Brennan stated that the application had been referred to the Planning Board and Zoning Board's consulting review engineers, Laberge Engineering, which had prepared a comment letter concerning the application materials. Attorney Brennan stated he had returned to the Brunswick Planning Board at its June 6 meeting, at which time the comment letter of Laberge Engineering was reviewed. Also at the June 6 Planning Board meeting, the Planning Board passed a motion seeking to declare the Planning Board as SEQRA lead agency, and to coordinate lead agency designation. Attorney Brennan stated that a lead agency coordination notice had been sent out under SEQRA, and one matter that the Zoning Board could entertain tonight was to consider whether the Zoning Board would agree to allow the Planning Board to serve as SEQRA lead agency on the application. Attorney Brennan then generally reiterated the project proposal, which includes a monopole cellular telecommunications tower located on property owned by Zouky on Creek Road near its intersection with Menemsha Lane, and that three possible locations on the Zouky property are possible for the cell tower, but each location is at a different topographic elevation and therefore would be of a different height. Attorney Brennan also stated that the option of performing a balloon test had previously been discussed on the prior application for this location, and that Laberge Engineers had raised the issue of conducting the balloon test for this specific application, and that Blue Sky Towers and Cellco Partnership are agreeable to conducting the balloon test, and that he would prepare a draft protocol plus proposed notices regarding a balloon test to be reviewed by Attorney Gilchrist and Ronald Laberge, P.E. of Laberge Engineering. Chairperson Clemente inquired about the balloon test. Attorney Brennan stated that he would work with both Mr. Laberge and Attorney Gilchrist, prepare a balloon protocol that he has used in several other communities, prepare proposed notices to send to surrounding property owners that he has used in other

communities, and review those documents first with Mr. Laberge and Attorney Gilchrist, which would then provide greater detail on the balloon test. Attorney Brennan then again reviewed three potential areas on the Zouky property for tower locations, and that the use variance application pending before the Zoning Board of Appeals was required in connection with all three proposed locations given the change in zoning designation under the Brunswick Zoning Law adopted in 2017. Attorney Brennan stated that his clients are in the process of preparing responses to the Laberge Engineering comment letter, and he anticipated having responses to the Laberge letter submitted to the Town during the week of June 24. Attorney Brennan requested the Zoning Board to consider the SEQRA lead agency issue. Chairperson Clemente offered a motion that the Zoning Board has no objection to the Brunswick Planning Board serving as SEQRA lead agency on this action, which motion was seconded by Member Shover. The motion was unanimously approved, and notification to the Brunswick Planning Board will be sent indicating that the Zoning Board of Appeals agrees to allow the Brunswick Planning Board to serve as SEQRA lead agency on this action. Attorney Brennan requested that this application be placed on the Zoning Board's July 15 agenda for an update concerning the protocols for the balloon test, indicating that issue still needed to be addressed before the Zoning Board scheduled a public hearing on this application. Chairperson Clemente indicated that this matter will be placed on the agenda for the Zoning Board's July 15 meeting for purposes of an update on the balloon test protocol.

One item of new business was discussed.

An application for an area variance has been submitted by Frank and Debbie Malone for property located at 137 Bald Mountain Road. The applicants are seeking an area variance in connection with adding a 16-foot by 40-foot addition to the back of an existing residence, where the residence is an existing nonconforming use, in that the building is located 48.4 feet from the

front yard lot line, where a 50-foot setback is required. The area variance seeks a variance for the 1.6-foot encroachment into the front yard setback area. Frank Malone was in attendance, and explained that they are seeking to add the 16-foot by 40-foot addition to the back of their residence for the purpose of an accessory apartment, and that they have also filed an application for special use permit to the Brunswick Planning Board for the accessory apartment use. Mr. Malone stated he understood the Zoning Board must first consider the variance request prior to the Planning Board considering the special use permit application. The Zoning Board members reviewed the application materials, and deemed them to be complete for purposes of scheduling a public hearing. This matter is placed on the July 15 agenda for purposes of opening a public hearing at 6:00pm on the application.

The index for the June 17, 2019 meeting is as follows:

1. Duncan - Area variance - Granted;
2. Cornell - Area variance - Granted;
3. Hope Solar Farm - Area variance - Granted;
4. Sunmark Federal Credit Union - Sign variance - Granted;
5. Blue Sky Towers II and Cellco Partnership d/b/a Verizon Wireless - Use variance - July 15, 2019;
6. Malone - Area variance - July 15, 2019 (public hearing to commence at 6:00pm).

The proposed agenda for the July 15, 2019 meeting currently is as follows:

1. Malone - Area variance (public hearing to commence at 6:00pm);
2. Blue Sky Towers II and Cellco Partnership d/b/a Verizon Wireless - Use variance.