

**Town of Southeast  
Zoning Board of Appeals  
Minutes of January 16, 2019**

Timothy Froessel, Chairman	Present
Paul Vink, Vice Chairman	Present
Roderick Cassidy	Present
Greg Wunner	Present
John McNeill	Present
Steve Corozine	Present
Willis Stephens, Jr., Town Attorney	Present
Victoria Desidero, Secretary	Present
Cathy Chiudina, Assistant Secretary	Absent

**Work Session:**

**Regular Session:**

**1. Rose Bonina & Louis Pagnota  
45 Arbor Lane, Tax Map ID 67.6-1-52**

Continued Public Hearing to review an application for construction of a dwelling. The variances required are:

1. East side setback of 3 ft. where 27 ft. is proposed and 30 ft. is required;
2. West side setback of 15 ft. where 15 ft. is proposed and 30 is required;
3. Total side setback of 33 ft. where 42 ft. is proposed and 75 ft. is required;
4. Minimum lot area of 38,912 sq. ft. where 21,088 is proposed and 60,000 sq. ft. is required;
5. Minimum lot wide of 89 ft. where 86 ft. is proposed and 175 ft. is required;
6. Required street frontage of 89 ft. where 86 ft. is proposed and 175 ft. is required.

Mr. Pagnota appeared before the Board and the mailings were verified to be in order.

**Mr. Barile:** Good evening, how are you?

**Chairman Froessel:** Just fine, thanks, how are you?

**Mr. Barile:** I'm doing well, thank you. I brought some larger copies; would you like a copy?

**Chairman Froessel:** Sure, absolutely.

**Ms. Desidero:** Could you just state your name for the tape?

**Mr. Barile:** I'm sorry, John Barile.

**Ms. Desidero:** Thank you.

**Chairman Froessel:** Mr. Barile, you were here back in October.

**Mr. Barile:** Yes.

**Chairman Froessel:** Just a reminder, you're still under Oath.

**Mr. Barile:** Yes, I do.

**Chairman Froessel:** OK, now this is an amendment to the application that you originally brought, correct?

**Mr. Barile:** Correct. You had asked me to locate the wells and to make the house narrower.

**Chairman Froessel:** Yes, and I see before you had 27 ft. on the east side and 15 ft. on the left side. Now it is 19 ft. on the left side, still 27 on the east side, that's correct?

**Mr. Barile:** That's correct.

**Chairman Froessel:** I see you've also indicated the presence of quite a number of trees; are those all going to be kept after construction?

**Mr. Barile:** Other than the building and those around it we are trying to keep as many as possible.

**Chairman Froessel:** And it appears that you are within 100 ft. of the well to the west side, correct?

**Mr. Barile:** Yes.

**Chairman Froessel:** Have you done anything about getting Board of Health approval for this yet?

**Mr. Barile:** I haven't pursued it because I really didn't want to spend money on the engineering until we got an approval on the variances. I don't know if it's the cart before the horse this time?

**Chairman Froessel:** Well, I'll say it's a little bit concerning that you are within the location of that well. I appreciate the fact that you've gone back to the drawing board and minimized the variances a little bit, that's a good thing. I am also cognizant of the fact that there are three other lots right there where you are that are basically the same size, but the well thing is concerning.

**Mr. Barile:** One of my choices was to try and contact the neighbor to see if we drill their wells for them and relocate them; that would have been part of the Board of Health approval possibly.

**Boardmember Corozine:** Are there any other modifications to the design other than the east and west setbacks?

**Mr. Barile:** No.

**Boardmember Corozine:** So, there are actually two changes that you made.

**Mr. Barile:** Right, that was the two.

**Boardmember Corozine:** OK.

**Mr. Barile:** Well that was the two that I was asked to make so we did those.

**Boardmember Cassidy:** And the frame shed over the property line currently exists?

**Mr. Barile:** It does.

**Boardmember Vink:** But you've moved the house farther up towards the street?

**Mr. Barile:** Yes.

**Boardmember Corozine:** So, the front setback did change?

**Mr. Barile:** I just noticed that myself.

**Boardmember Vink:** It's now 50 ft. instead of 75 ft., is that right?

**Mr. Barile:** It's 50 ft., yes.

**Boardmember Vink:** It was 75 ft.

**Mr. Barile:** Yes, you're correct.

**Chairman Froessel:** I don't know; does anyone have any experience with what the Board of Health would do with this?

**Boardmember Wunner:** This is the only area that would support a septic field based on the setbacks, which doesn't really allow for a lot of area.

**Boardmember McNeill:** You understand the setbacks from the well for the septic?

**Mr. Barile:** That's why we had them put in there so we could all see them and again, like I said, I would try to address it with the neighbor to see if we could relocate one of the wells.

**Boardmember Wunner:** Have you approached the neighbors?

**Mr. Barile:** I have not.

**Boardmember McNeill:** Is there any possibility that you could get a septic in here where we're talking about without relocating this well? I don't think so.

**Mr. Barile:** I don't believe so.

**Boardmember Wunner:** There's this spot in the front too but I don't think they're going to get the expansion.

**Chairman Froessel:** This is a little bit of a pickle.

**Boardmember Vink:** Well even if we grant a variance, he still has to get Board of Health approval.

**Boardmember Wunner:** I think that's where it's going to live or die.

**Mr. Barile:** What would be the reason to deny it if you have other lots the same size on the street with similar sized houses? If I can't get approval from the Board of Health, you're giving me a variance doesn't create any problems as far as I know.

**Chairman Froessel:** Except that one of our factors that we have to consider is environmental concerns.

**Mr. Barile:** OK.

**Chairman Froessel:** And it appears that the house would be within the 100 ft. setback and the septic would be at least partially within that setback. Basically, the next-door neighbor holds the key to this project.

**Boardmember McNeill:** If they want to let them move their well.

**Chairman Froessel:** Yes.

**Man in audience:** Which neighbor?

**Chairman Froessel:** To the west side.

**Man in audience:** That would be Kathy Capalbo.

**Chairman Froessel:** Sadly, yes, Capalbo.

**Man in audience:** She has refused a couple times.

**Boardmember McNeill:** And it looks like it would have to be moved substantially.

**Chairman Froessel:** Yes.

**Boardmember McNeill:** And her moving her well might come into play with the neighbors to her west, you know what I mean? You're too close to the septic.

**Boardmember Cassidy:** You can't see the 200 ft. setback for the neighbor to the west.

**Boardmember Wunner:** That's because it's downhill.

**Chairman Froessel:** She has a little bit bigger lot on that side.

(Inaudible conversation occurring)

**Chairman Froessel:** Can we grant a variance and condition it on Board of Health approval?

**Town Attorney Willis Stephens:** I think you can, but the reality is you could grant the variances and without Board of Health approval they're not building it. You can certainly tie or grant the variance to a Board of Health approval but they can go to the Board of Health and seek variances there too.

**Boardmember Vink:** It does affect the people...(inaudible)

**Boardmember Wunner:** It doesn't accomplish much.

**Chairman Froessel:** That issue is odd. Based upon the similar circumstances right next door and across the street, I don't see how we could deny him because the character of the neighborhood is what it is.

**Boardmember Vink:** It's perfectly in keeping with the neighborhood.

**Chairman Froessel:** Before we go any further, is there anyone in the audience that has any comments or questions about this application?

**Andrew DeNoble:** Can I see the proposal?

**Chairman Froessel:** Come on up sir. If you're going to speak, I'll have the Vice Chairman swear you in.

Andrew DeNoble was sworn in.

**Mr. DeNoble:** (inaudible)

**Mr. Barile:** Well right now it's 32.

**Mr. DeNoble:** And 27 to my property and 19 those?

**Mr. Barile:** Yes.

**Mr. DeNoble:** Did you propose the well in the front...(inaudible)...front?

(Inaudible conversation)

**Mr. Barile:** My job right now is to get a variance...

(Inaudible conversation)

**Ms. Desidero:** I can't hear the questions.

**Boardmember Vink:** If you could just address...

**Boardmember McNeill:** Excuse me, do you have a proposed well site for your lot?

**Mr. Barile:** I do have...

**Mr. DeNoble:** It has to be in the front. It can't possibly be put anyplace else. It has to be there.

**Boardmember McNeill:** No, I understand that. It's just another...

**Boardmember Vink:** Obstacle with the Health Department to be addressed.

**Mr. DeNoble:** Well it used to be 100 ft. well to septic and then they changed that to be 200 ft.

**Boardmember McNeill:** (Inaudible).

**Mr. DeNoble:** Well it all slopes back, that's the other problem. So, the neighbor back here might be a problem. I don't know where his well is. If you get an approval are you going to construct a fence along the property line here?

**Mr. Barile:** Will there be?

**Mr. DeNoble:** Yes.

**Mr. Barile:** At the time of construction there will be, yes. I'm not looking to damage anyone's property, just looking to build a house.

**Mr. DeNoble:** I'm just getting tired of (inaudible).

**Mr. Barile:** Well that's a mess.

**Mr. DeNoble:** To say the least. There's what 30 ft.? He only has 27?

**Mr. Barile:** Right, 27 ft. to the property line.

**Mr. DeNoble:** When I built my house, it was strictly enforced with the 30 ft. dimension to the property. That's why my house is turned and could face the street.

**Chairman Froessel:** Did you seek a variance?

**Mr. DeNoble:** No, this was 25 years ago. The house is 60 ft. wide, I couldn't face the street. It's a two-story house?

**Mr. Barile:** Yes.

**Mr. DeNoble:** Do you have the elevations?

**Mr. Barile:** I do not. I had to change the house size so I didn't have that done.

**Mr. DeNoble:** It's still two stories?

**Mr. Barile:** Yes.

**Mr. DeNoble:** Raised ranch or (inaudible)?

**Mr. Barile:** It's too small for a raised ranch, probably do a (inaudible).

**Mr. DeNoble:** OK, again Capalbo is the neighbor to the west. This came up about 15 or 20 years ago, they were trying to sell the same property and couldn't get Board of Health approval, and she refused to move the well.

**Chairman Froessel:** OK, well that was several years ago. Maybe this gentleman can convince her to move it. I don't know.

**Mr. DeNoble:** OK.

**Chairman Froessel:** Are we comfortable voting on this?

**Boardmember Cassidy:** I am.

**Boardmember Vink:** Yes.

**Boardmember Vink:** Does anyone else in the audience have any comment they'd like to make?

Michael Sirken of 1 White Lotus Road was sworn in.

**Mr. Sirken:** I just have a question: since this... I just heard that the well would be sitting on... where it would be put. Would that affect my property across the street, my well let's say?

**Chairman Froessel:** This is way more than 100 ft. from your property, it has to be.

**Mr. Sirken:** Well I don't know where a new well might be put. My well is not too far from White Lotus, maybe 30 ft. It's sits about 30-35 ft. from White Lotus Road, from that edge there.

**Boardmember Vink:** It's conceivable that it's 100 ft.

**Mr. Sirken:** Yes, depending on where it's put on the Capalbo property, it could be 75 ft. because the Capalbo property goes right to White Lotus Road.

**Chairman Froessel:** Well, that would be another issue for him when goes to the Board of Health because if there's another well there then...

**Mr. Sirken:** Well there's a well on my property and it's about 30 ft. from the edge of the road.

**Chairman Froessel:** I don't see how your well could possibly encroach this property any more than it's already encroached by the well for the next-door neighbor.

**Boardmember Vink:** But if they move Capalbo's closer to White Lotus...

**Mr. Sirken:** Yeah, yeah.

**Boardmember Vink:** Then it encroaches.

**Mr. Sirken:** Yeah, I'm talking about...

**Boardmember Vink:** Not as much as hers.

**Mr. Sirken:** Right, the Capalbo well. If her new well is there, does that cause me a problem? That's what I'm bringing up and my well is very close to White Lotus Road, maybe 30 ft.

**Chairman Froessel:** Well if they moved her well wouldn't be an issue but if she moved her septic that might affect you. Your property might have some bearing on where she can move her well to, but...

**Boardmember Vink:** These are all issues for the applicant in front of the Health Department as to where anything can go.

**Mr. Sirken:** OK, thank you.

**Chairman Froessel:** Thank you. OK, I think we're ready to vote on this? We'll close the Public Hearing and take a vote. Do you have any final comments you'd like to make before we close the Public Hearing?

**Mr. Barile:** No, thank you.

**Chairman Froessel:** Do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Barile:** Absolutely.

**Chairman Froessel:** OK, thank you. OK, I'll close the Public Hearing. I think we've already deliberated amongst ourselves so if anyone wants to make any motion with respect to this application please feel free. Keep in mind the revised dimensions on the drawings tonight.

**Boardmember Vink:** The variance on the west side setback requested is now?

**Chairman Froessel:** 19 ft. instead of 15 ft.

**Boardmember Vink:** OK, that's the setback but the variance would be 11 ft.?

**Chairman Froessel:** Yes.

The motion to grant the applicant a variance of 3 ft. from the east side setback, an 11 ft. variance from the west side setback, a 29 ft. variance from the total side setback, a variance of 39,000 sq. ft. for lot area, a variance of 89 ft. for minimum lot width, and a variance of 89 ft. for the required street frontage was introduced by Boardmember Vink, seconded by Boardmember Cassidy. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.  
No, I think this proposed building is entirely within keeping with the character of the neighborhood given the lots that are nearly identically sized and built on. I know there are some potential detriments to properties regarding wells but that is something that is not before us at the moment and would be dealt with by the Health Department as to where septic and well can go in, but the house is itself will not create an undesirable change.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
No, the lot is not buildable under current Zoning although, as apparent from the buildings that are there on the other lots of the same size, when they were created they were buildable.
3. Whether the requested variance is substantial.  
For this neighborhood it is not substantial, although the numbers themselves are substantial.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
Again, I think that it's conceivable depending on where the septic and well ultimately go whether there's an issue but that is more appropriately dealt with by the Department of Health in their determination of whether or not to grant approval for the site.
5. Whether or not the alleged difficulty was self-created.  
I do not believe it was but it was due to the lot sizes in the area.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 6 to 0 with 1 vacancy.

2. **Southeast Executive Park**  
**85 Independent Way, Tax Map IDs 45.-1-3; 56.-1-31, 56.-1-32.112, 45.-1-2.1**

Public Hearing to review an application for the following: on parcel 45.-1-2.1, under Chapter 138 Attachment 5, "Lot Coverage" of 52.78% is proposed where a maximum of 45% is permitted.

Joe Buschynski of Bibbo Associates appeared before the Board representing Southeast Executive Park.

**Chairman Froessel:** We held this over last month because a few of the Board members wanted to go out and take a look and were concerned about where the driveway would come out on Independent Way. I guess I will start by asking if everyone had a chance to go and look at it and do you have any observations or questions for the applicant on the basis of that?

**Boardmember Vink:** No, actually I thought it was fairly self-evident where to look.

**Chairman Froessel:** Yes, I was pleased to see the stakes out there. I drove by several times actually to sort of scope out the sight lines coming over the hill and up the hill and what have you. I'm actually not troubled by it unless anyone else saw anything.

**Boardmember Vink:** I actually had to drive around the parking lot three times today to find a parking spot so an expansion is certainly welcome.

**Chairman Froessel:** Anyone whose doctor is in that building understands, I think. Were there any other issues that we wanted to address on this? I think that was it, right?

**Boardmember McNeill:** No, that was it.

**Chairman Froessel:** Are we all comfortable voting on this this evening?

**Boardmember Wunner:** Yes.

**Boardmember Vink:** Yes.

**Chairman Froessel:** Is there anyone in the audience that has any questions on this application? No, OK. Do you have anything more for us? No, OK.

**Mr. Buschynski:** Again, the objective is to achieve a shared arrangement with the Town and Southeast Executive Park for parking as well as access to it from Independent Way. The crossing of the Highlands property, it must necessarily occur on the Highlands property. We couldn't move it to the south end because of the sight distance issue. The other criteria for the location was the access into the Highlands – Everready Diner/Kohls complex – we're 150 ft. away from that and that's the minimum that the Town would like to see from opposite intersections.

**Chairman Froessel:** OK. Anything else you'd like to add before we close the Public Hearing and take a vote?

**Mr. Buschynski:** No.

**Chairman Froessel:** OK, do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Buschynski:** Yes sir.

**Chairman Froessel:** OK, I will close the Public Hearing. As I said before I'm pretty confident this is not going to be a problem. Having seen the sight lines... It seems like everyone is nodding so I guess I'm not the only one. So, with that I will entertain any motion anyone would care to make on this application.

The motion to grant the applicant a variance to permit 52.78% Lot Coverage, a variance of 7.78% from the maximum permitted of 45% was introduced by Chairman Froessel, seconded by Boardmember Cassidy. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.

I don't think there will be an undesirable change. Really the only concern was the traffic patterns either way and particularly the sight lines and I think we've satisfied ourselves by our own personal observation that that will not be a problem.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
It really can't. They can't use the existing Lot Coverage of the applicants parking lot because that's already a difficult spot to get in and out of, particularly making a left out of there. I think this is probably the most feasible way for this to take place.
3. Whether the requested variance is substantial.  
In the overall scheme of things, I really don't think it is substantial. The additional Lot Coverage is less than 8%.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
There is no evidence of that.
5. Whether or not the alleged difficulty was self-created.  
I don't think it's self-created. It's the result of a fairly successful medical practice moving into the Southeast Executive Park and a demonstrated need for additional parking so I don't think it is self-created.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 6 to 0 with 1 vacancy.

**3. 1041 Brewster Corp.  
1 Starr Ridge Road, Tax Map ID 68.-2-2**

Public Hearing to review an application for signage. The following variances are required:

1. Monument Sign 1: Sign Area variance of 25.5 sq. ft. where 49.5 sq. ft. is proposed and 24 sq. ft. is permitted;
2. Monument Sign 2: Variance for additional Monument Sign where 2 are proposed and 1 is permitted; Building setback variance of 73.8 ft. where 36.2 ft. is proposed and 100 ft. is required;
4. Directional Sign - Drive Thru Entry Sign: Sign Area of 7.1 sq. ft. where 8.1 sq. ft. is proposed and 1 sq. ft. is permitted;
5. Directional Sign - Drive Thru Exit Sign: Sign Area of 7.1 sq. ft. where 8.1 sq. ft. is proposed and 1 sq. ft. is permitted;
6. Electronic Menu Board: Height variance of 3.5 ft. where 10.5 ft. is proposed and 7 ft. is permitted.



Bill McGuinness of Sun Homes representing the owner, was sworn in and the mailings were verified to be in order.

**Mr. McGuinness:** Thank you for seeing us today. We're here to talk about signage for 1 Starr Ridge Road, which is at the corner of Route 6 and Starr Ridge Road. You may have seen the building going up. It's kind of a sister building to the one next door that Jay Hogan and Don Rossi built a few years ago. I designed both buildings and we're here about signage variances. The property and project was bought by Bill DeBonis, 1041 Business Park. He owns Dunkin' Donut restaurant franchises and intends to put one in this building. The building was originally designed to have a drive thru in it. It was contemplated on spec that it would be a bank and turns out it's going to be a Dunkin'. There are slightly different signage needs but, in both cases, there's going to be a drive thru plan on this end of the building. So, the variances we're requesting: as of now there are two monument signs and one allowed for the property. There's a monument sign proposed at the mouth of the entry but what we're asking for is another one further down that addresses the intersection where there's more traffic on Route 6.

**Chairman Froessel:** So, you can see it from Route 6?

**Mr. McGuinness:** Right, exactly. Their drive thru lane travels through the parking lot through the back of the building and loops around. For the drive thru there's an entry sign; a clearance pole for the canopy; there's a menu board to order from with a canopy for rain coverage as you're ordering; and then there's an exit sign on the way out and that's all the standard typical signage needed for offering a drive thru and that's where the locations are going to be. So, I'll go through each, one at a time. Both monument signs proposed exceed the allowable size, which is 24 sq. ft. and what we're proposing is just under 50 sq. ft. It's just a matter of visibility. They're closer to the property line than is allowed and larger; it's just a matter of legibility of the sign. This is sign one for Dunkin'; it's now called Dunkin' and not Dunkin' Donuts. I don't know if you guys know that logo change. The second monument sign really is a partner to the monument sign that was approved and built on the building next door at 3 Starr Ridge. You can see it's a stone base and (inaudible) where this one was the other one so that's to identify the other tenants and for the building. It's a spec building right now just Dunkin' is planned in there by the owner and there will be seven other suites in the building and whoever they are will have their opportunity for signage on one.

**Chairman Froessel:** Excuse me, just so I'm clear. This monument sign goes at the entrance to the parking and the Dunkin' one is the one that will be further down towards Route 6?

**Mr. McGuinness:** Correct, that's correct. So, those are the two monument signs. At the entry to the exit on the property to the drive thru lane there are these monument signs and right now the Code allows for 1 sq. ft. and these are, I don't know exactly, 9 or 10 sq. ft. By the way, the graphics on these – this is Dunkin's newest look. It hasn't been shown yet at any Dunkin's anywhere in the country. I think there's three planned and I think this is the first one that going to be up and they have a new look and colors (inaudible). So, these are the new generations (inaudible). So, there's an entrance sign and an exit sign at the beginning and end of the drive thru lane.

**Boardmember Cassidy:** Are these directional signs standard issue from Dunkin'?

**Mr. McGuinness:** Yes. The clearance pole, which is, I think fairly typical and you can see the color and graphics style again that is Dunkin's standard. The menu board again, has a small canopy over it and the usual speaker etc. But it's a very handsome looking kiosk and that's it.

**Boardmember Cassidy:** What's the next picture?

**Mr. McGuinness:** Well I threw this stuff in my back pocket to talk about landscaping in case anyone has any questions on how we plan to screen.

**Chairman Froessel:** For the monument sign, is the stone base calculated in as part of the area of the sign?

**Mr. McGuinness:** Nope.

**Chairman Froessel:** No? OK.

**Mr. McGuinness:** Yes, sorry, I just double checked that. It's 44 sq. ft. plus the base.

**Chairman Froessel:** OK.

**Boardmember Vink:** Are the two monument signs the same size or are they different sizes?

**Mr. McGuinness:** They're the same size.

**Boardmember Cassidy:** Is Dunkin' the only tenant of that space right now?

**Mr. McGuinness:** Correct.

**Boardmember Cassidy:** Can we expect the Dunkin' sign in the front to be duplicated on with a Dunkin' sign on the other side until there are other people to take up room on the other sign?

**Mr. McGuinness:** I don't know that they would.

**Chris Lyons of Lyons Development:** What was your question?

**Mr. McGuinness:** They're asking if, in the absence of tenants, if both monument signs would say Dunkin' on them.

**Boardmember Cassidy:** The same size.

**Mr. Lyons:** The one closer to Route 6?

**Mr. McGuinness:** No, that one gets the Dunkin'.

**Chairman Froessel:** Only.

**Mr. Lyons:** They're just verifying the entry sign is called a directory, it's a monument but it's a directory.

**Boardmember McNeill:** For other spaces that may rent space.

**Mr. Lyons:** That's correct. So, the Dunkin' sign is standalone that's out by Route 6. That will just be for franchise Dunkin' only, no other signage.

Multiple people talking. Inaudible.

**Boardmember Vink:** The question was whether or not the directory sign...Chris (Lyons), as long as you are going to testify why don't I swear you in?

Chris Lyons was sworn in.

**Boardmember Cassidy:** So, the question is: the directory sign in the entrance, right now Dunkin' is the only tenant.

**Mr. Lyons:** Yes.

**Boardmember Cassidy:** Will it have a 3 ft. Dunkin' sign on it until there are others?

**Mr. Lyons:** No, it's going to have like a little sign, it's not going to look like that.

**Boardmember McNeill:** It's going to be proportionate to the other.

**Mr. Lyons:** Correct. It will be like the other slots, correct. I already have that.

**Mr. McGuinness:** If I could speak to that, for any graphics on that monument sign we have to go to ARB (Architectural Review Board). There's a sign program that we are up next week for and before anything goes up there, we have to take it to the ARB.

**Boardmember McNeill:** Well, like Chris (Lyons) was saying, that's going to be for any tenants that move in. Dunkin' wouldn't be taking more of the space than they are.

**Mr. Lyons:** No, it's like 3 Starr Ridge, a copycat, and we have all the little slots sort of like up here at ACME, you know all the little slots, and it's already performed that way.

**Boardmember McNeill:** Proportionate.

**Mr. Lyons:** Correct.

**Boardmember McNeill:** And the other monument sign would be just for Dunkin'.

**Mr. Lyons:** Just for Dunkin' forever, yes.

**Boardmember Vink:** Is there going to be a Dunkin' sign on the side of the building as well?

**Mr. McGuinness:** Yes.

**Boardmember Vink:** How large?

**Mr. McGuinness:** It... when they designed the building... I don't have that graphic with me but I believe the lettering is 14 in. tall. When we designed the building, we designed a cornice band into it for signage so that it wouldn't just be put on the building. Took it to the ARB then and brought it back and is in compliance with the Zoning and when you look at this cornice band here, takes signs for any tenants that are in the building so on the end of the building where the Dunkin' Donuts is, this wall sign is on those cornice bands here and here.

**Boardmember Wunner:** That's currently in place now, isn't it?

**Mr. McGuinness:** It is. Yes.

**Boardmember Wunner:** So, this new sign is going to be closer to the road, more or less directly under that sign?

**Mr. McGuinness:** The Dunkin' monument sign would be over here.

**Boardmember Wunner:** And straight behind it you're going to have the one on the building?

**Mr. McGuinness:** On the cornice, yes.

**Boardmember Wunner:** So, there will be two directly behind each other?

**Mr. McGuinness:** Yes.

**Chairman Froessel:** I told you that last picture would come in handY.

**Mr. McGuinness:** Yeah, that's right. Yes, there would be one on the monument sign and one on the wall.

**Chairman Froessel:** I see the Building Inspector has noted with respect to, I assume it's the directional entry and exit signs, that reference logos on the sign are not permitted. I am assuming that's the DD logo at the top.

**Mr. McGuinness:** That's right.

**Boardmember Cassidy:** And you said that's the standard issue for Dunkin' now?

**Mr. McGuinness:** That right.

**Chairman Froessel:** Is there anyone in the audience that has any questions or comments about this application? No, OK.

**Ms. Desidero:** May I say for the record that the Dunkin' sign that is up now on the wall is not permitted. He doesn't have a permit; it hasn't been reviewed by the ARB. I don't believe it needs a variance but it has not been given a permit.

**Chairman Froessel:** OK.

**Mr. McGuinness:** Yeah, we took, probably about 15 months ago, we took a design through ARB but there is no sign permit on it yet. We showed back then it was Dunkin' Donuts and now it's just Dunkin'.

**Ms. Desidero:** I'm sorry, it was never reviewed by the ARB Bill (McGuinness). The sign was never reviewed by the ARB; only the property.

**Mr. McGuinness:** Understood, OK, I'll be more exact about it. When we had the building reviewed by the ARB, we had that sign graphically on the building in the presentation but we never made a sign permit application and this is something that Victoria (Desidero) has corrected us on the process with the Town of Southeast. She is absolutely right; we don't have a sign permit on it. I just wanted to mention that it's compliant with the Zoning but we don't have a permit. We've shown the graphics to the ARB but we didn't show it in the context of a sign application.

**Chairman Froessel:** Do you currently have a sign application in front of the ARB?

**Mr. McGuinness:** We do. we're on for next week.

**Chairman Froessel:** And that includes all signage that's before us tonight?

**Mr. McGuinness:** Yes.

**Ms. Desidero:** It's only on the ARB next week if they get their variances because the ARB will not review sign applications until the sizes have been determined.

**Chairman Froessel:** OK.

**Mr. McGuinness:** There was actually an accommodation by the Town to put us on this agenda tonight and the ARB next week and they are accommodating our own late application, which was our mistake, and the Town has been very nice about it actually.

**Boardmember Wunner:** Are these signs lighted? Internally lighted?

**Mr. McGuinness:** The monument sign is not, it's lit by landscape floodlights. Then the wall signs, entry, exit, and menu signs are all internally lit except for the monument sign, which has the landscaped floodlights.

**Boardmember Vink:** It's not really an area where we have to worry about light pollution.

**Chairman Froessel:** There's plenty to go around.

**Boardmember Cassidy:** And it's not unlike the application from the newly refurbished hamburger restaurant. I don't like to use brand names so I'll just say hamburger restaurant.

**Boardmember Vink:** Actually, that is exactly what it's like.

**Boardmember McNeill:** It's exactly the same thing.

**Boardmember Vink:** Except for the logo on the entry and exit signs, which is different.

**Mr. Lyons:** It helps folks to drive through though correctly.

**Boardmember Vink:** I can see that. When you first started putting this building up and I knew there was going to be a drive thru Dunkin' Donuts, I was thinking 'how are they going to get a drive-thru Dunkin' Donuts on this location?'

**Boardmember Corozine:** It's an engineering feat.

**Boardmember Vink:** I didn't doubt that you could, I was just curious. Beats trying to get in and out of across the street.

**Boardmember Cassidy:** Will that Dunkin' Donuts still exist?

**Mr. McGuinness:** No.

**Boardmember Cassidy:** How about the one up on 22?

**Owner Bill DeBonis:** That's a different operator.

**Boardmember Cassidy:** That one was supposed to close when they did the construction at the old Mobil Station on 22.

**Ms. Desidero:** Actually, they're back.

**Mr. Stephens:** Solely as a Dunkin' Donuts.

**Chairman Froessel:** No gas station? It's actually better unless you're in the donut business and then maybe it's not.

**Boardmember Cassidy:** But it's not his donut business, it's someone else's donut business.

**Chairman Froessel:** Does anyone have any other questions? No? Are we OK voting on this tonight?

**Boardmember Vink:** Yes, I think we are.

**Chairman Froessel:** Any final statements you'd like to make before we close the Public Hearing?

**Mr. McGuinness:** No.

**Chairman Froessel:** Do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. McGuinness:** We do.

**Chairman Froessel:** OK, very good, thanks. We'll close the Public Hearing and I'll accept a Motion from a member of the Board.

The motion to grant the variances in the application as stated with the amendment of the address being 1 Starr Ridge Road instead of 2 Starr Ridge Road was introduced by Boardmember Cassidy, seconded by Boardmember Vink. The Criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variance.  
Absolutely not, I think the building is perfectly consistent with the current character of the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
No, not really, because of the placement of the building you need the signage that's been requested. Again, it's not inconsistent with its neighbors.
3. Whether the requested variance is substantial.  
In some manner it is and in other manners it's not but I think they're only requesting variances they actually require.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
Absolutely not, there's a gas station across the street and a towing company across in the other direction. If anything, this will improve the neighborhood.
5. Whether or not the alleged difficulty was self-created.  
Again, only to the extent that every application is self-created. These signs are required both for safety and for signage so that the business can be visible.

Roll Call Vote:

G. Wunner	In Favor
J. McNeill	In Favor
P. Vink	In Favor
R. Cassidy	In Favor
S. Corozine	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 6 to 0 with 1 vacancy.

The motion to approve the Meeting Minutes of December 17, 2018 meeting as amended on page 8 by Chairman Froessel was introduced by Boardmember Vink, seconded by Chairman Froessel and passed all in favor.

The motion to adjourn the meeting was introduced by Chairman Froessel, seconded by Boardmember Wunner and passed all in favor.

Respectfully submitted,  
Cathy Chiudina  
Victoria Desidero