

**VICTOR ZONING BOARD OF APPEALS MEETING**

**MONDAY, FEBRUARY 1, 2016**

**DRAFT RESOLUTION PACKET**

*“Zoning Board of Appeals Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting. Additional information may be obtained in the Planning & Building Office.”*

**PUBLIC HEARING**

1. FINGER LAKES COFFEE ROASTERS – PAVED AREA (Area Variance)  
7330 State Route 251  
Appl. 22-Z-15

Applicant is requesting to allow paved areas to be within the buffer zone of a wetland, whereas Section 211-30A states that no construction or impervious surface shall be permitted within 100 feet of the boundary of a wetland.  
*(draft resolution attached)*

2. MARK’S PIZZERIA – SIGN (Area Variance)  
6499 State Route 96  
Appl. 25-Z-15

Applicant is requesting to place a sign on a roof having a proposed area of +/- 128 square feet whereas approximately +/- 70 square feet is allowed. Section 165-5B(3) states the total area for a sign shall not exceed one square foot for each foot of building frontage and §165-6F states a roof sign is prohibited.  
*(draft resolution attached)*

RESOLUTION – Finger Lakes Coffee Roasters  
7330 State Route 251, Victor, NY 14564

DATE: 2-1-16  
Appl. No. 22-Z-15

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on December 7, 2015 from High Rustler LLC/Finger Lakes Coffee Roasters, 7330 State Route 251, Victor, NY 14564, requesting an area variance to allow paved areas to be within the buffer zone of a wetland, whereas, §211-30A states that no construction or impervious surface shall be permitted within 100 feet of the boundary of a wetland; and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and published in “The Daily Messenger” on January 24, 2016 and whereby all property owners within 500 feet of the application were notified by U.S. Mail; and,

WHEREAS, the Ontario County Planning Board referred the application back to the Town of Victor Zoning Board of Appeals on January 13, 2016 assigning the referral as a Class 1 and commented that according to ONCOR data the property is not located within a FEMA floodplain, nor within 500 feet of an Agricultural District; and,

WHEREAS, the New York State Department of Environmental Conservation (NYDEC) issued an Article 24 Freshwater Wetlands Permit, #8-3248-00235/00001, effective December 2, 2015, to allow construction of a portion of an asphalt pavement located within 100 feet of the area adjacent to a state Wetland (VT-2); and,

WHEREAS, a Public Hearing was held on February 1, 2016 at which time \_\_\_\_\_ resident(s) spoke *for/against* the application; and,

WHEREAS, after reviewing the file, the testimony given at the February 1, 2016 Public Hearing of the Zoning Board of Appeals, and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for paved areas to be within the 100 foot buffer zone of a New York State Department of Environmental Conservation Wetland at Finger Lakes Coffee Roasters, 7330 State Route 251, Victor, NY 14564:

1. An undesirable change *would/would not* be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

2. The benefit sought by the applicant *can/cannot* be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification:

3. The requested area variance *is/is not* substantial.

Justification:

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

Justification:

5. The alleged difficulty *is/is not* self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

NOW, THEREFORE BE IT RESOLVED that the application of High Rustler LLC/Finger Lakes Coffee Roasters, for an area variance to allow paved areas to be within the 100 foot buffer zone of a NYDEC wetland at 7330 State Route 251, Victor, NY 14564 BE *APPROVED/DENIED*:

FURTHER RESOLVED that the following conditions are imposed:

RESOLUTION – Mark’s Pizzeria - Sign  
6499 State Route 96, Victor, NY 14564

DATE: 2-1-16  
Appl. No. 25-Z-15

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on December 28, 2015 from Scott A. Harter, P.E., 7171 State Route 96, Victor, NY 14564, requesting two area variances at Mark’s Pizzeria, 6499 State Route 96, Victor, NY 14564; and,

WHEREAS, the applicant is requesting to place a sign on a roof having a proposed area of +/- 128 square feet, whereas, approximately +/- 70 square feet is allowed per Section 165-5B(3) which states the total area for a sign shall not exceed one square foot for each foot of building frontage and §165-6F states a roof sign is prohibited; and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and published in “The Daily Messenger” on January 24, 2016 and whereby all property owners within 500 feet of the application were notified by U.S. Mail; and,

WHEREAS, the Ontario County Planning Board assigned the referral as a Class 2, AR-7 on January 13, 2016 and returned it to the local board with a final recommendation of disapproval; and,

WHEREAS, a Public Hearing was held on February 1, 2016 at which time \_\_\_\_\_ resident(s) spoke *for/against* the application; and,

WHEREAS, after reviewing the file, the testimony given at the February 1, 2016 Public Hearing of the Zoning Board of Appeals, and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for a Mark’s Pizzeria sign on a roof having a proposed area of +/- 128 square feet, 6499 State Route 96, Victor, NY 14564:

1. An undesirable change *would/would not* be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

2. The benefit sought by the applicant *can/cannot* be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification:

3. The requested area variance *is/is not* substantial.

Justification:

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

Justification:

5. The alleged difficulty *is/is not* self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

NOW, THEREFORE BE IT RESOLVED that the application of Scott A. Harter, P.E., 7171 State Route 96, Victor, NY 14564, requesting two area variances at Mark's Pizzeria, 6499 State Route 96, Victor, NY 14564 to allow a Mark's Pizzeria sign on a roof having a proposed area of +/- 128 square feet BE *APPROVED/DENIED*:

FURTHER RESOLVED that the following conditions are imposed: