

A regular meeting of the Town of Victor Zoning Board of Appeals was held on April 4, 2016 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Keith Maier, Chairman; Scott Harter, Vice-Chairman; Mathew Nearpass; Donna Morley

ABSENT: Michael Reinhardt

OTHERS: Al Benedict, Code Enforcement Officer; Dave Tantillo, Town Board Liaison; Jason Cline; Anthony Valenti; Debby Trillaud, Secretary

The meeting was opened and the Flag was saluted.

CODE ENFORCEMENT QUESTIONS

Mr. Benedict – I'd like to report on the question you had last week about the pole on High Street. We went out there and identified the right pole. I sent it to the Highway Superintendent and the Town Engineer, those responsible and they said basically, if it is still there at this point it's probably going to stay there.

Mr. Harter – Have you seen it? Have you looked at it?

Mr. Benedict – You said it was right by the barn wasn't it?

Mr. Harter – Yes, by the barn, did you see it up in the air there? Do you see this chunk of wood, the remnants of a pole hanging by the wire, by the barn?

Mr. Benedict – I didn't see that.

Mr. Nearpass – It's a cross section of a telephone pole.

Mr. Harter – Looks like a pizza. It looks like they sliced the pole, the top of the pole and the bottom of the pole but they didn't take the wire out that was going through it. It's been hanging there; it's about a one foot thick section of a ... two foot diameter. My take on it is that eventually the wood will rot and eventually it will fall on something due to gravity. I thought I would tell you about it so that when it happens...

Mr. Benedict – Don't be surprised? I'll take another look at it. I'll take a picture of it for you.

Mr. Harter – Just one of those things that jumped out at me.

APPROVAL OF MINUTES

On a motion by Scott Harter, seconded by Donna Morley,

RESOLVED that the minutes of March 21, 2016 be approved as submitted:

Keith Maier	Aye
Scott Harter	Aye
Michael Reinhardt	Absent
Donna Morley	Aye
Mathew Nearpass	Aye

Approved: 4 Ayes, 0 Nays

PUBLIC HEARING**1308 EAST VICTOR ROAD (Area Variances)**

Alteration/Enlargement of Pre-existing Non-Conforming Structures

Appl. No. 2-Z-16

Applicant is requesting to build an attached garage, build a deck on the back of the house and erect an above ground pool. The property/structure is being used residentially, preexisting non-conforming, in a commercial-light industrial zone. The following area variances are requested:

1. To allow the construction of an attached garage and erect a pool and deck, whereas, §211-3B(1&2) states structural alterations or enlargements of preexisting non-conforming structures in a commercial-light industrial zone are not permitted.
2. To allow a one foot side setback for the garage, whereas five feet are required per Schedule II Part II-Area and Height requirements.
3. To allow a 24 foot front setback for the garage, whereas 80 feet are required per Schedule II Part II-Area and Height requirements.

The secretary read the legal notice as it was published in The Daily Messenger on March 27, 2016.

Mr. Jason Cline addressed the Board.

Mr. Cline – I'm applying for just that (survey image on screen). To build the garage. It would appear to attach to the house, but it doesn't actually have an entry to the house, but it would attach to the structure itself. The deck and the pool at the back of the house. I think it's pretty straight forward. I bought the house two years ago with the intention of raising my family there. I since have gotten engaged and my wife to be in July would really like a place to park her car.

I'm not a big fan of parking cars outside so I look to build a garage that would accommodate two cars.

Ms. Morley – My first question is going to be to Al. I wanted to know what percentage of the area coverage is allowed on this commercial-light industrial piece of property?

Mr. Benedict – Usually it's 40% by buildings.

Ms. Morley – When you bought this property you understood that it was commercial-light industrial?

Mr. Cline – Not exactly. When it was sold to me, I understood it to be commercial-light industrial/residential; to remain residential as long as it never actually had a business in it. I didn't realize; when I talked to my attorney at the time he said not a problem as long as you don't put a business in there it remains residential, but I've come to learn that because it is zoned commercial-light industrial that I'm required to adhere to the commercial-light industrial regulations. To answer your question, no.

Mr. Harter – Maybe this is a question for Al. I think you're indicating to us with what you provided Al that this is an extension of a nonconforming use?

Mr. Benedict – That's correct.

Mr. Harter – So how does that impact an area variance. When we are looking at an area variance we are looking at the five criteria relative to the area variance but none of those five criteria really speak to whether the use is conforming or not conforming. That would seem to be a very important factor, controlling aspect of this application to me. If what this gentleman is proposing to do, regardless of whether it is a garage or a pool, whatever it is, if it is considered to be an extension of a nonconforming use, is it within our power to grant an area variance under those circumstances?

Mr. Benedict – It is my opinion that it is. Obviously the residential use is allowed to continue but based on §211-3 it says you can't expand a nonconforming use. It's my opinion that by adding decks, garages, pools, you are expanding the use so you would need an area variance to do that. If you are wondering if it is a use variance my thought is that you are expanding an existing use that is somewhat allowed so to speak. It would be like if you would try to put on an addition, you can't do that without some sort of relief.

Mr. Harter – Most of the variances, or the variances that I can currently think of, when we grant the variance, it's normally for an extra length, width, height within a conforming piece of property. This area of Victor is perplexing to me because it has this zoning classification and we see these applications, like yours, come before us. What really is happening is that we have a disagreement with the zoning blueprint in Town. As I understand the zoning out here, by virtue of passing that zoning, the Town has indicated that that is how they want that portion of Victor to develop. They want it developed commercial-light industrial. If they stated that, to grant a variance to continue the residential and to increase the residential, effectively, are we not going

against the grain of what the Town has asked for in terms of the overall zoning for the Town? I guess I'm stepping back and looking at the bigger picture to this, which I don't think is a garage or a pool. I think it's the commercial-light industrial zoning the right call for this area? I realize the applicant probably doesn't want to hear that, but this application seems to be out of synch somehow. It doesn't seem to work for me in terms of an area variance. Those are my comments.

Mr. Benedict – I would think of it as you have a house that has an area, a boundary to it, think of it as now you are adding space to that boundary area. The edge of the house is like setbacks and now you want to add a deck to it; now you're pushing that setback out farther so to speak.

Ms. Morley – A pool to me doesn't seem to go with a commercial piece of property.

Mr. Harter – I would offer that if the goal of the Town, by creating the zoning district is to perpetuate commercial-light industrial use, by virtue of granting variances for these structures, we're going contrary to the zoning that was identified for this land. My personal thought is, although this is a small piece of property, that maybe there is a bigger item here to address perhaps then, with the Town Board, if this area should indeed be commercial-light industrial. When I'm looking at this aerial photograph it shows residential.

Mr. Cline – You're not going to hear an argument from me. The house next to me is residential. The duplex that was built after that is also residential. The house across the street is residential. The one kitty-corner is residential. Everything from my house up the street is all residential and has been residential consistently. I would also add that you've also granted variances for two of the houses next to me recently, in the last couple of years. When I bought the house, I thought it would be residential as long as it stayed residential. When I looked at the rest of the properties on the street, that they were all residential from there on, I guess I took that to mean that that was a residential neighborhood; that someone could put an office in the front if they wanted to. I guess I didn't realize what it was when I bought it, which is disheartening to me a little, because I love the Town. It took me years to buy back into this Town.

Chairman Maier – I understand what you are saying.

Mr. Nearpass – I certainly feel for the applicant and the situation he is in. Scott brings up several good points. I too was kind of looking at it as there is either going to be a fourth variance here and it probably would have been an if statement that says a use variance or some kind of variance required to address the residential use in a commercial-light industrial district if so, then, take a look at the other three typical variances that we are used to like setbacks. Because it is not zoned as residential, I really don't know the mechanism, nor what is unique about this particular circumstance that you are in to grant a variance against. What you are asking for sounds reasonable if this were a residential district. We can certainly understand why you would want a garage and why you would want to extend and maximize your use of the property but with it being previously existing, nonconforming, I struggle with what is unique except that you want it because your family is growing and you want to maximize the use of the property. I don't know what to base the decision off of here. I'm not familiar with other variances that we've granted in the past. I've been on the Board for seven or eight years. It has probably come up a

couple times; I don't remember the outcomes but I think every point that Scott made is correct in that it seems like if we just grant a variance because someone wants to extend the residential use but the Town Law says you can't extend the residential use... Does the language give us any kind of out AI or any kind of circumstance that we could hang our hat on?

Mr. Benedict – Nothing other than it's allowed to continue existing until it either changes or is cease....

Mr. Nearpass – The use has to change?

Mr. Benedict – If somebody bought it and changed it to a business it could no longer be residential. As long as it continues to be used residentially, it's allowed to continue forever.

Mr. Harter – That's what we got into with that gentlemen who appeared before us a couple of times where he let his property go from residential to commercial and then he wanted to switch it back, right?

Mr. Benedict – Right.

Mr. Harter – Then we had another one that came in in this area, I think very close to where you are located, I think they wanted to make it an apartment...

Mr. Cline – A two family home, it was next door.

Mr. Harter – A duplex?

Mr. Cline – Correct.

Mr. Harter – But they were using the existing the structure, they were just remodeling inside.

Mr. Benedict – Correct.

Mr. Cline – At 1324, which is a duplex, he just built a two story addition onto the back of that house. That's in the same zone. Was a variance not granted in that case?

Mr. Harter – It might not have required a variance.

Mr. Cline – So why would I require a variance to add a garage if he didn't require a variance to add a two story addition?

Chairman Maier – I don't know where the district ends.

Mr. Nearpass – That's a good one for AI because AI is the gatekeeper for those. It's really tough to get one by the goalie.

Mr. Cline – I know, we've talked a few times. The name is Galante.

Chairman Maier – Is that 1322/1324?

Mr. Cline – Yes.

Mr. Benedict – I recall that duplex was given a variance many years ago when it was being built.

Mr. Cline – Unlike the other ones?

Mr. Benedict – Yes. It was given a variance to have a duplex for residential use on that property many years ago.

Mr. Cline – So he just built an addition onto it, how is that...?

Mr. Benedict – Because the variance allows him to have a residential use...once you get a variance it gets you away from what the Code says and it allows it to be continued as a residential use so that even though, yes the residential use is expanding, the variance is already there that allows him to continue to exist.

Mr. Cline – As residential? (Yes) But I would argue that the Code says that I'm allowed to continue to be residential as long as

Chairman Maier – Let me read this section to you and this might help provide some clarification for everybody. This is from your comments A1, and maybe you can help.

§211-3, General regulations for land use - The following general regulations shall govern the use of land in the Town of Victor: A. Limitations of land use. Except as provided in this chapter, no building or part thereof or other structure shall be erected, altered, added to or enlarged nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose other than as for uses hereinafter listed as permitted in the district in which such building and /or premises is located. And then it goes on to say – B. Nonconforming use. Any lawful use existing at the time of the passage of this chapter or its amendments may be continued though not conforming to the regulations of the district in which it is maintained, subject to the following regulations: (1) No structural alterations shall be permitted. (2) Enlargement of the structure is prohibited.

How are you reading you that A1? I'm reading that as they can't do anything.

Mr. Benedict – Correct. Adding a garage, adding a deck, you're expanding the use.

Mr. Cline – For clarities sake, 1324 East Victor Road, that just added on...

Mr. Nearpass – One thing I don't have in front of me on 1324 are the facts. I don't know if a variance was granted prior to it being commercial-light industrial, when it was just a residential district and he had the variance and therefore the approval to do it and that carries with the land. A1 is that what you're saying.

Mr. Benedict – Yes.

Mr. Nearpass – It doesn't sound like he was granted the variance while it was a commercial-light industrial district.

Mr. Harter – Until recently, you could come here before this Board and get a variance and you may not elect to go forward with a project and it could sit there on the shelf, so to speak, for many years. It could transfer ownership. Another owner could come along and say it had a variance and I think I'll build what that variance allows me to build.

Mr. Cline – I thought there was a time limit.

Mr. Harter – We just recently passed a sunset clause which says that if you don't take action on the variance granted within a certain period of time, the variance goes away. But I think Al is saying that whatever variance that was placed on that particular property occurred prior to our sunset clause. I hope that is some clarification, I think that's accurate.

You're right, we have seen other applications in your neighborhood. It just jumps out at me as being incorrectly zoned. I don't think commercial-light industrial zoning is the right call on this. I think if the Town wants it to be commercial-light industrial we're not headed in that direction by giving away variances as we are doing.

Chairman Maier – I can see it. I don't know what the justification or the thought process was in putting the zoning in.

Mr. Harter – I don't know either. We also had another application before us in a similar kind of way where someone was coming in, in this case it was a church, and wanted to have their church services in a commercial-light industrial area which was against our Code. After we thought about it, we endorsed the fact that it should be permitted in the commercial-light industrial zone. It went before the Town Board and we have a Town Board member here tonight, Dave Tantillo. The Town Board adjusted the zoning so that churches could be allowed in commercial-light industrial. In my opinion, although I'm sure you are on a time table and would like to build this tomorrow, it might be worthwhile having a discussion with the Town Board to see if they would entertain a proposal to rezone this area to include residential uses understanding that in the years since this has been commercial-light industrial we haven't really headed much in that direction that I can see. I certainly don't see it happening in the future especially if we have more applications like this. Relative to what's before us tonight, and the variances that you are requesting for a garage and a pool, etc. I feel uncomfortable. Even if you provided me with all the best justification for everything just exactly as the way you are proposing it, I would feel very uncomfortable granting a variance when I know that we are working contrary to the zoning that's been declared for this area. I think there is a bigger picture here that needs to be addressed.

Mr. Nearpass – Al do you have an idea what this part of Victor looks like in the Comprehensive Plan?

Mr. Benedict – I do not.

Mr. Nearpass – That’s probably where I would start. To your point, your best bet to me sounds like, get the voices of the neighbors and try to align it with where the Town is.

Mr. Cline – I have it. In your packet there is a letter from everyone in the neighborhood.

Mr. Nearpass – It says they are in favor of your thing but I’m saying in terms of rezoning of the district. Going to the Town as a community and saying our hands are tied behind our backs here. I don’t know how long it’s been zoned light industrial. You can say nothing really has been done in 10/20 years. The case can probably be made. That’s exactly what the Church ended up having to do and they successfully pled their case. The Town listened to them and made the change to the district. It’s probably not what you came here to hear.

Mr. Cline – Not even close. For 13 years I’ve been in this district. My children go here, they’re honor roll students, every single one of them. I’ve coached in this Town for 13 years. I really truly love being here and I believe the spirit of what I am asking for is 100% legitimate. If the rules and the regulations are written in a way that exclude me from having that, then I would say are we truly looking at the spirit of what the zoning laws are. If we were, I read it and say they wanted it to continue to be residential until it became useful as commercial property and it has not.

Mr. Nearpass – The part the Chairman read to us sounded like you can’t extend the perimeter of your house on the nonconforming use property.

Mr. Cline – But I’m not changing the use of the property, it’s residential.....

Chairman Maier – You are allowed to continue to use it as residential. The intent is kind of reverse to the way you are looking at it. The Town wanted it to shift to a different type of zoning but they couldn’t kick everybody out and say tomorrow you can’t live here. They said, you can still live here, but this is how we want the direction of this area to go. I think it makes sense when you look at Route 96, it makes sense. It’s part of that Route 96 corridor. My guess is that’s how it all came together. You do have some pieces in there. You have an ambulance building in there, you’ve got a couple buildings that are non-residential buildings in there. When they went in I don’t really know. The intent was to move it in that direction but continue to allow people that live there to continue to live there. I think what I read indicates to me and the Board that they don’t want you expanding the nonconforming piece which you are a part of right now.

Mr. Cline – Because I’m nonconforming to the commercial use of it?

Chairman Maier – Yes.

Mr. Cline – Despite the fact that the regulation says that....

Chairman Maier – The regulation says that you can continue to live there.

Mr. Cline – So I am not changing the residential use of it.

Chairman Maier – No, you are expanding it by putting those additions in there. You are expanding the residential use. The Code as I read it, my interpretation is that we are not allowed to do that.

Mr. Cline – Without a variance.

Chairman Maier – I don't think we are allowed to do it anyway.

Mr. Harter – I think an area variance in this case is almost equivalent to, if not equal to, a use variance. That's really what we are doing if you get right down to it. Perhaps that's another discussion we could have but I don't want to take this too far. My feeling is that if there is a way to get the decision makers in the Town to relook at this section and allow the continuation of residential usage, then I think the application for the variances can be viewed on its own merits. I think it is clouded right now with the status that it has.

Mr. Nearpass – The point is that before we get to the discussion about the area variance there is a whole other discussion that Scott is talking about – is the Town OK with extending the use. It is very clear in the Code that the Chairman read that you can't expand on the use. The variance here is the expansion of the use. It's kind of the predicament that we are in. Even if you passed this, I still think it's a moot point because it's another part of the law that says you can't expand the use.

Mr. Harter – I think being as a Victor resident myself, and I've been a Victor resident since 1991, I understand all the things that you are saying. My kids went to Victor schools, we love living in Victor. I see your situation here and I understand why you want to do what you are doing. We as a Board are bound by the laws that are passed in the Town that are passed by the Town Board. Those are the laws that were just recited by the Chair which I think supersede the dimensional aspect of what you are trying to do. My proposal in terms of a solution would be to table your application. Have a broader discussion with perhaps Katie Evans, the Director of Development, as to how some zoning changes may occur out here that will enable this cloud to go away so that we can look at your application for just the dimensional ingredients that you are really seeking from us that your neighbors have commented on. I don't think your neighbors have commented on the status of your neighborhood or the zoning blueprint that is out there. I think they are commenting on what you are asking in terms of the structures you are providing.

Mr. Cline – They would happily comment on that zoning.

Mr. Harter – If they change the zoning of your neighborhood, their comments would be very helpful if you were to produce information from them saying that they are OK with a change in zoning of the neighborhood, including yourself; so that they can continue their residential usage and you can continue yours without this cloud. I think you have a great presentation to make then at the Town Board level to change the zoning and enable your use to continue.

Mr. Cline – Just for clarity's sake, by building a garage, I'm expanding the use, how?

Chairman Maier – You are making it more residential.

Mr. Cline – How do make something more residential?

Chairman Maier – By adding a garage, adding a pool, adding a deck, adding an addition; you're making it more residential in a district that is zoned commercial. You are adding to the residential use.

Mr. Cline – There are still the same people living there.

Mr. Nearpass – If you want, we can reread the section again. The section was very clear.

Mr. Cline – I would argue that it wasn't perfectly clear and no offense Al, but we had several discussions and this is where we arrived. It wasn't perfectly clear to everyone because this is what we thought was the right way to go about doing it.

Chairman Maier – Let me read this for you again. This is Section 211-3: "Limitations of land use. Except as provided in this chapter, no building or part thereof or other structure shall be erected". That means garage. "Altered, added to or enlarged nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose other than as for uses hereinafter listed as permitted in the district". Which is not a residential district. The way I interpret it is pretty clear, you can't add anything. "Nonconforming use" which is residential, "Any lawful use existing at the time of the passage of this chapter or its amendments may be continued". So they are allowing you to continue to live there and use it as residential. "Though not conforming to the regulations of the district in which it is maintained, subject to the following regulations: (1) No structural alterations shall be permitted. (2) Enlargement of the structure is prohibited". It's pretty clear that, in my interpretation, you can't make any additions.

Mr. Cline – So everyone has to adhere to the nonconforming use in the residential neighborhoods?

Chairman Maier – Everyone has to conform to the uses that are permitted in their district. It is nonconforming which you are allowed to continue to use it as that. So you are grandfathered.

Mr. Cline – I apologize, I don't quite follow that. Anyone in a residential neighborhood has to have the.....

Mr. Nearpass – In a residential neighborhood, no.....

Mr. Cline – What I'm reading here, it says, a residential use is not allowed in a commercial-light industrial unless the residential use is in conjunction with a subordinate. As long as it remains the same it continues to be residential.

Chairman Maier – The subordinate is where you might have a business and residential in the same building or buildings. They might allow an apartment over a business as an example that would be permitted as long as it's subordinate. There is more commercial than residential.

Mr. Cline – So anyone in light industrial has to follow the nonconforming use.

Chairman Maier – Has to follow the light industrial regulations.

Mr. Nearpass – In which residential is not allowed. So if there were no homes here and it was zoned light industrial, you couldn't build a residence there.

Mr. Cline – Because it is zoned light industrial. Where does it say that it is zoned light industrial?

Mr. Benedict – In the Zoning Maps.

Mr. Harter – On the Zoning map, which gets back to what I was mentioning where I think that maybe the Zoning map needs to be changed for this area. This is our barometer for that sort of thing. I don't think any of us have objection to what you are proposing terms of...

Mr. Cline – I understand that, I just...I don't have it on this survey map then?

Chairman Maier – No, it's on one of the Town maps.

Mr. Cline – I just had never seen anything that says it is strictly light industrial.

Mr. Benedict showed Mr. Cline the Town of Victor Zoning Map. Dave Tantillo, Town Board Liaison, Al Benedict and Mr. Cline held a discussion while regarding the Zoning map which was not heard by the Board members and the Board members discussed the options that were open for Mr. Cline before closing this meeting.

Mr. Harter – I think the we as a Board could issue a recommendation to the Town Board and say that we have experienced several variance applications in this neighborhood and that based on our observations of these variance requests...

Mr. Nearpass – I don't know that I would make that recommendation.

Chairman Maier – I understand. There is light industrial that has been opened there. I understand what they are trying to do with Route 96. I don't really know the intent.

Ms. Morley – There is a business right beside him.

Mr. Nearpass – It also has tax rate implications for residents and assessment implications. I would like them to come up and make the recommendation.

Mr. Harter – My position would be is that I think they should be able to co-exist.

Councilman Tantillo – Mr. Cline wanted to know where he can find when it got rezoned a long time ago. He'd like the official resolution of when it was rezoned. (The Town Clerk's office)

Chairman Maier – Let me go through your options. You have door number one, door number two and door number three. We can vote on it tonight and I think you may know the outcome of that. If that happens, you can't come back to us for a year; that is if it is denied.

You can withdraw your application and maybe we can gather information, you can gather information, do whatever you want to do and then come back and reapply. I can't speak for the Town, but they may waive your application fee.

The third option is that we can table this application. What is the timeframe AI?

Mr. Benedict – 62 days unless both parties agree to a different date, different time frame.

Chairman Maier – 62 days, we leave the public hearing open, that gives you a small window. If you don't act within 62 days it's an automatic denial. Is that correct?

Mr. Benedict – Correct.

Chairman Maier – Those are your three options.

Mr. Cline – So if I table it...I've got to get it rezoned in 62 days?

Chairman Maier – You've got to get your pieces together very quickly and come back in here, get back on the agenda. I think we only have four meetings in that 60 day window. You can withdraw your application...

Mr. Cline – Do I get my \$100 back?

Chairman Maier – They don't let me deal with money, I have nothing to do with money.

Mr. Cline – You were quick to cash that. I'm going to say that right up front.

Chairman Maier – I think those are your three options.

Mr. Cline – I'll elect to table it. It doesn't really sound like I have many options.

Chairman Maier – Tabling it only gives 62 days.

Mr. Cline – If I don't have this done in 62 days, I'll sell that thing.

Chairman Maier – Ok, so you wouldn't be willing to withdraw that application?

Mr. Cline – If I get my \$100 back. I'm not withdrawing and paying another \$100.

Mr. Nearpass – If you withdraw and want to come back, they would waive the \$100. I think we can make that decision, I think we've done it before.

Chairman Maier – Generally the suggestion goes through and the Planning Department is accommodative, but I'm not going to put on the record this minute that that would happen.

Mr. Benedict – May I suggest that if it gets near to the 62 days and Mr. Cline doesn't have a resolution yet, he can come back before you and ask for more time or officially withdraw it.

Chairman Maier – OK, is that what you want to do?

Mr. Cline – Yes Please.

Mr. Nearpass – The other tricky part is that if the zoning does get changed, then doesn't this have to be re-announced because the setbacks and things will be different.

Ms. Morley – We don't know what it will be changed to, we don't know the outcome.

Mr. Nearpass – I'm assuming he would only come back if he was able to get the zoning changed. If the zoning gets changed, it's a totally different variance. Different setbacks, it's be 15 feet versus five feet...

Mr. Benedict – We don't know at this point in time.

Mr. Nearpass – Is this one where he can make an appeal to get the \$100 from our Director?

Chairman Maier – That would be if he withdrew it but he is electing to table it.

Mr. Cline – I need to know if I have to apply for a whole different application anyway, because it took me a number of weeks to get this one pulled together. I had no idea and I work for the State of New York. I can tell you that the State of New York regulations are easier to follow, for education, than yours.

Chairman Maier – At this time we're going to table it. I'm going to open the meeting up to the public if anyone in the audience has any comments to make on this application.

No one from the audience had any comments to make.

Chairman Maier mentioned the three letters from the neighbors and read them: Robert Brien, owner of 1312 East Victor Road does not feel that this application will adversely affect his property and supports the variance; Charlotte Kupper, owner of 1301 East Victor Road writes that she has no problem with the addition to this property of a garage, pool, and decking my neighbor at 1308 East Victor Road; Steven Galante, who lives at 1324 East Victor Road and is owner of 1324 East Victor Road – I am aware of the variance request submitted by Jason Cline for the garage, deck and pool at 1308 East Victor Road. He has discussed this with me, and I am in support of granting him the variance. These changes will not adversely affect my property.

So we will table this application and leave the public hearing open.

On a motion by Keith Maier, seconded by Scott Harter, RESOLVED and unanimously agreed, that the meeting was adjourned at 7:50 PM.

Debby Trillaud, Secretary