

A regular meeting of the Town of Victor Zoning Board of Appeals was held on July 5, 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; Michael Reinhardt; Mathew Nearpass; Donna Morley

OTHERS: Al Benedict, Code Enforcement Officer; Mujo Sabic; Asmer Sabic; Debby Trillaud, Secretary

The meeting was opened and the Flag was saluted.

APPROVAL OF MINUTES

On a motion by Mike Reinhardt, seconded by Scott Harter,

RESOLVED that the minutes of May 16, 2016 be approved as submitted:

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

Approved: 5 Ayes, 0 Nays

PUBLIC HEARING

SABIC SHED - SPRINKLER WAIVER
7036 Dryer Road
Appl. No. 14-Z-2016

Applicant is building a 12' x 16' shed to store tools. Section 83-4F(2)(a) states that all structures, except those structures set forth in subsection F(2)(c) shall be required to have an approved fire sprinkler system.

The secretary read the legal notice as it was published in The Daily Messenger on June 26, 2016.

Asmer Sabic, son of Mujo Sabic addressed the Board.

Mr. Sabic – I will talk on behalf of my father because of the language barrier. We are just looking to get a waiver for the sprinkler system. There won't be any hazardous materials stored in there. It will just be strictly for tools to be placed in the shed, such as shovels, rakes, and hammers for our business. No lawnmower or anything that contains gas will be put into the shed at all.

Chairman Maier – What we will do is ask questions and then come up with a determination.

Ms. Morley – I walked the property. There are two pictures of the shed here, is this the shed that you are building, or is it this one?

Mr. Sabic – We stopped at that point (image of walls of a shed) because a building permit was required. That is as far as we got in a day. The Town asked us to show a picture of what it would look like when finished and that is the picture that is shown right there.

Ms. Morley – When I went to this shed, this is way taller than me already. I just don't know how it is going to look like that.

Mr. Sabic – The roof will incline and it will be cut down. It will be cut down to the right size. Actually, I think we are going to have to knock it down now because the wood is warped.

Ms. Morley – If we were to grant this waiver, if they were to add on or do a different building, can we put in a condition that that would not be allowed, they would have to come in front of us again, to make sure it is only for this building?

Chairman Maier – We can put in a condition that it is approved as submitted.

Mr. Harter – Specific to this building only.

I have a map here and with this little yellow dot on it and some dimensions. Is that where you intend to place the shed?

Mr. Sabic – That's where we intend to place it, yes.

Mr. Harter – That is in agreement then with the locations of the setbacks that are mentioned by Sean McAdoo in his evaluation, his letter of May 10, 2016, where he indicates that you are near a creek. "The property has a New York State DEC classified stream on the property – will require a 75 foot setback from the centerline of the stream".

Ms. Morley – The stream is in the back.

Mr. Harter – The stream is in the back, so we are achieving that setback?

Mr. Sabic – Yes, it will be within the boundaries.

Mr. Harter – Is that correct to your understanding Al, the location shown here by the yellow dot is in compliance with all the applicable setbacks?

Mr. Benedict – That's correct.

Mr. Harter – Did we get any comments from the fire chief or the fire marshall?

Chairman Maier – Yes, we got them from Fishers and Victor and the Fire Marshall.

Mr. Harter – And they had no objections?

Chairman Maier – No objections.

Mr. Nearpass – What's your business?

Mr. Sabic – It's a masonry business.

Mr. Nearpass – Do you think, longer term, there is going to be a larger primary structure on the lot or is it just intended..?

Mr. Sabic – I think there will be later and then we will come in front of the Board again. If there is we will come in front of the Board again and talk it over. We would have to discuss it and plan on it if we do.

Mr. Nearpass – So for now it's a shed for tools?

Mr. Sabic – Yes, that's it for now.

Mr. Reinhardt – Everything was covered, I'm good.

Chairman Maier – We have an email from Andy Stromfeld, Chief of the Fishers Fire Department, he is fine with it. The Victor Fire Chief, Sean McAdoo, has no comments on the waiver. It has been approved by the Planning Board; has the Planning Board put any conditions on it? Conditions meaning, they approved it, but did they tell you that you needed to... like we may put conditions on it that it is as submitted, so the building is the size and description that you submit, the location that you submitted, did the Planning Board...?

Mr. Sabic – Yes, there has to be a landscape buffer around it. It has to be cleaned up and it has to be appropriate. There can be no obstruction to traffic coming in because of the shed that's being built there. There won't be. There is a maximum of two vehicles on the property and a trailer. I think that is about it and the setbacks. It'll be built according to the setbacks.

Chairman Maier – There are no hazardous materials stored, it will be strictly tools?

Mr. Sabic – Strictly tools, no gas, nothing flammable.

Chairman Maier – No electricity, nothing like that?

Mr. Sabic – I don't think there is any electricity on the property.

Chairman Maier – That's the plan for the immediate future, just to store tools in there.

One of the questions I have for the Board is if we want to put a restriction on for any hazardous material. Al, does that get checked at all?

Mr. Benedict – Being as this would be considered a commercial structure, it would be inspected every two or three years.

Mr. Harter – This reminds me of Pooler who had a waiver request. I think that you indicated that you inspect them every two or three years as well. So we have a check.

Chairman Maier opened the hearing to the public and there was no one from the public to speak.

Mr. Nearpass – The applicant also said in the packet that they would put a fire extinguisher in there.

Mr. Sabic – Yes, just in case there is anything that may happen, you never know. Just have it there for safety reasons.

Chairman Maier read the resolution.

RESOLUTION

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on June 20, 2016 from Mujo Sabic, 200 Olympia Drive, Rochester, NY, 14615 requesting a waiver to the Town of Victor Sprinkler Code (see Chapter 83-4F (2) (a)) to allow the construction of a 192 square foot shed for tool storage at 7036 Dryer Road, Victor, NY 14564; and,

WHEREAS, said application was referred by Alan Benedict, Town of Victor Code Enforcement Officer, on the basis that all structures are required to have an approved fire sprinkler system installed and operational; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on June 26, 2016, and whereby all property owners within 500 feet of the application were notified by U.S. Mail; and,

WHEREAS, Robert Graham, Town of Victor Fire Marshall, commented on June 22, 2016 that he had no opposition based on the size and use of the shed; and,

WHEREAS, Andy Stromfeld, Fishers Fire Department Chief, commented on June 22, 2016 that the Fishers Fire Department is in favor of the sprinkler waiver; and,

WHEREAS, Sean McAdoo, Victor Fire Department Chief commented on June 22, 2016 that the Victor Fire Department had no comment on the waiver request; and,

WHEREAS, a Public Hearing was held on July 5, 2016 at which time no one spoke for or against the application; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals considered the following:

1. Undue economic hardship.

Justification: The cost of the shed is no more than \$3,000.00 and its size is 12 feet by 16 feet. A sprinkler system cost would be prohibitive relative to the value of the shed.

2. Physical or legal impossibility.

Justification: The interior of the shed is a very small space.

3. Impediment to the intended objectives of this section.

Justification: The shed is intended only for tool storage, no one will live in the shed and it will not have electricity.

4. Necessity in light of other viable alternatives which meet the objectives of the code section.

Justification: The applicant stated that a fire extinguisher would be placed in the shed.

- 5. Recommendations and comments were submitted by the Fire Chief of the Fishers Fire District, the Fire Chief of the Victor and the Town of Victor Fire Marshal.

FURTHER RESOLVED that the following conditions are imposed to minimize any adverse impact such waiver may have on the neighborhood or community:

- 1. The shed should be constructed as submitted in the application and in the location described on the map that was submitted with the application.
- 2. That the Sprinkler Waiver is specific only to the building proposed.
- 3. No flammable materials should be stored in the shed.
- 4. A fire extinguisher should be available in the shed.

DECISION:

On motion made by Keith Maier, and seconded by Scott Harter:

NOW, THEREFORE BE IT RESOLVED that the application of Mujo Sabic, 200 Olympia Drive, Rochester, New York 14615, for a waiver to the Town of Victor Code to allow the construction of a 192 square foot shed for tool storage to be constructed without a sprinkler system at 7036 Dryer Road, Victor, NY 14564, BE APPROVED.

This resolution was put to a vote with the following results:

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

Adopted: 5 Ayes, 0 Nays

It was unanimously agreed and RESOLVED, that the meeting was adjourned at 7:24 PM.

Debby Trillaud, Secretary