

A regular meeting of the Town of Victor Zoning Board of Appeals was held on July 16, 2018 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman; Donna Morley; Scott Harter; Fred Salsburg

OTHERS: Ed Kahovec, Town Board Liaison; Mr. & Mrs. James Hendler; Debby Trillaud, Secretary

The meeting was opened, the Flag was saluted, and the Pledge of Allegiance was recited.

There were no minutes completed to be approved.

### PUBLIC HEARING

PHOENIX MILLS PLAZA  
100-410 State Route 96

11-Z-2018 ; 12-Z-18  
Area Variance & Sprinkler Waiver

1. The applicant is requesting to construct a covered pavilion at Phoenix Mills Plaza. The proposed structure is closer than the minimum 40 foot separation from other structures required by Schedule II Part II Area and Height Requirements for Commercial-Light Industrial zoned districts.
2. The building is required to have a sprinkler system per Section 83-4F(2)(a) of the Town of Victor Code which states that all structures shall be required to have an approved fire sprinkler system installed and operational, however, §83-4F(2)(d) states that the Zoning Board of Appeals can grant a waiver.

Chairman Reinhardt – This is the Zoning Board of Appeals. I think you've been here before so you know the drill. What we'll do first is read the legal notice and then we'll start the application.

The secretary read the legal notice as it was published in The Daily Messenger on July 10, 2018.

Chairman Reinhardt – Mr. Hendler, you have two requests here. One is for an area variance and the other is for a sprinkler waiver. What I'd like to do is separate those two and talk about one at a time because there are different criteria for the two and as we are creating the minutes we'd like to keep this as organized as we can. First we will talk about the area variance and then we'll talk about the sprinkler waiver. However, I think you do know that the project needs to be sent to

the Ontario County Planning Board because of its location on New York State Route 96. We cannot make a decision tonight on it until we get the County comments.

Mr. Hendler – I understand.

Chairman Reinhardt – You would like to ask for an area variance and there has been a question as to what your structure is called, a shed, a pavilion, what do you want to call it?

Mr. Hendler – I want to call it a covered walkway. Someone stuck pavilion in there and that doesn't really fit.

Chairman Reinhardt – OK, we can do a covered walkway and as I understand it, it's 12 feet by 16 feet by 16 feet high, correct? (Yes) The issue we have before us is that there is not 40 feet of separation from other structures. That's the variance that you are asking for. The criteria, briefly, just so we are all on the same page, is whether or not there is going to be an undesirable change in the neighborhood. The second would be can the benefit be sought by some other means. The third is if the variance is substantial. The fourth is whether there is going to be an adverse physical or environmental impact to the area and fifth if it is self-created.

With that what I'd like to do is walk through what it is that you are asking for and why you think you should get a variance for this.

Mr. Hendler – If you read the letter, the email from the owner, it's an attraction. It's like the lions at PF Changs. I don't know if you are aware but Otto's Steakhouse, which they had there for a year or so, closed due to lack of business. Now it's become Route 96 Barbeque and they are doing a fairly nice job of a barbeque situation there. We need to promote the business. We have a bull, if you saw the picture, sitting out in front of the BBQ store now, but we want to elevate that and put it in this covered walkway to make it somewhat a point of recognition. Fancy words for advertising. When you walk in the walkway and look up, it's all open, so you'll be able to see the bottom of the bull. The owner of Otto's drew this all up. It's all his doings. I think he did a really nice job of construction and what he's using; premium material and putting a cupola up on top which is a trademark of Phoenix Mills. I think it's appealing.

Chairman Reinhardt – Do I understand the structure is going to be in front of Route 96 BBQ?

Mr. Hendler – No, it is not. It's going to be adjacent to Route 96. There is a sidewalk that goes to the back and the front is going to be even with the Route 96 BBQ but it's going to go back.

Ms. Morley – Can you show us? Debby can you bring up the map? I'm trying to figure out where it's going to be.

Mr. Nearpass – It looks like it's going to be on the side where the oil filter....

Mr. Hendler – No, you're way off.

Mr. Nearpass – I was looking where that circle was on your map that you are showing.

Mr. Salsburg – Is it where the bull is now?

Mr. Hendler – It's in the front of the Barbeque grill – it's sitting in front of it right now.

Mr. Salsburg – It's where the bull is now but it'll be up higher?

Mr. Hendler – Absolutely.

Mr. Nearpass – What is the circle on your map indicating?

Mr. Harter – It's where the surveyor has shown more detail.

Mr. Nearpass – That's not part of this applications then, that circle? (No)

Mr. Hendler pointed out where the covered walkway was proposed to be placed on the projected map.

Chairman Reinhardt – Do you need to walk through the covered walkway to get to enter into the restaurant?

Mr. Hendler – No, you need to walk through it to get to the patio.

Mr. Salsburg – So, it's not going to be in front?

Mr. Hendler – No absolutely not. Here is the front of the store right here. It's almost even with the front of the store, just back a couple of feet.

Mr. Salsburg – Well, 16 feet would bring it out past the sidewalk if it is where I thought it was.

Chairman Reinhardt – The map shows it with a rectangle with an X in it.

Mr. Salsburg – So is the bull going to come around to the end of the building and go up?

Chairman Reinhardt – In the drawing the bull is going to be in the covered walkway approximately eight to ten feet above ground level.

Mr. Hendler – Right, and when you walk through underneath, it's all open, the bull is standing up on the joist and you'll be able to look up and see the whole thing.

Mr. Salsburg – So let me ask again. When it is there, can you look right through it and see this bay window (referring to picture)?

Mr. Hendler – No sir, that isn't any part of the scheme at all. No, absolutely not.

Chairman Reinhardt – Use the white map and there is an X on the map in a rectangle.

Ms. Morley – There is never going to be any seating under this?

Mr. Hendler – Right now it's decorative red brick. It's going to remain the same except around the post it's going to be cobblestone. There is not seating but there will be plantings around it. There is no grass in any frontage area of Phoenix Mills. It's all decorative red brick and plantings.

Ms. Morley – And to the east, is there a business in there with doors on that side, or no?

Mr. Hendler – Yes, there is K'Nails, far to the east.

Ms. Morley – Are there any doors on that side of the building?

Mr. Hendler – No, there are not.

Mr. Nearpass – The walkway is going to be entering the building where the current doorway is today?

Mr. Hendler – No, when you go through the walkway you don't enter any buildings. The only thing you can enter through the walkway that belongs to the BBQ is the patio. It's only access to the patio.

Mr. Nearpass – So it's purely an advertising expense for them. There is no real function to it other than visibility. It's a landmark like the boot at L.L. Bean.

Mr. Hendler – It's like the lions at PF Changs.

See where the bull is itself, where it is right now, you can't see it from Route 96 when there are cars parked there. The cars block everything. That's another reason we are going to elevate it so that you can see it from Route 96.

Mr. Nearpass – Do you think they can pull it off without it looking too gimmicky? Like out of character?

Mr. Hendler – Do you think that looks out of character? Explain gimmicky.

Mr. Nearpass – We're not really here to talk about aesthetics, but I'm doing it in terms of how it would look with the neighborhood, with the rest of Phoenix Mills.

Mrs. Hendler – He's a good looking bull.

Mr. Nearpass – I understand the bull, I'm talking about the structure. Is it going to be yellow and blue and red or is that just the drawing?

Mr. Hendler – The structure is going to be in accordance with the tones of Phoenix Mills. That was just the rendering or drawing that was done. The uprights are all going to be natural cedar. It's going to be quality construction, I can assure you.

Mr. Nearpass – So it's going to have the same look and feel and character as Phoenix Mills?

Mr. Hendler – Exactly, metal roofs and standing seams, and everything.

Mr. Nearpass – And they are going to put the 250 pound bull up above where everyone walks? Its head is going to be sticking out of it I take it?

Mr. Hendler – There will be substantial eight by eight rafters. The head will not really be sticking out. He overdrew it a little bit. We're going to have barn doors up there so if you look in you're going to see the bull. These doors aren't replicas of what is actually going to happen. This are going to be barn doors here. When you look in there, you're going to be able to see the whole front, so it won't be tacky.

Mr. Salsburg – So the building has quite a recess back where this is.

Mr. Hendler – Absolutely, there is a whole garden area back there.

Mr. Nearpass – Route 96 BBQ used to be the Otto Tomottos ...?

Mr. Hendler – Steak House – it used to be Meat and Tomottos.

Mr. Nearpass – It's the same owner, he's just rebranding it?

Mr. Hendler – Same owner, same everything, he just didn't make it with the high end steak business.

Mr. Nearpass – Based on that hardship, he's claiming...

Chairman Reinhardt – Hardship is not a factor in this aspect of the variance.

Mr. Nearpass – I'm not saying it is, I'm just trying to figure out what makes him think it's going to work this time. What's different about this?

Mrs. Hendler – The pricing, it's barbeque.

Mr. Hendler – What's going to make it work this time, price. I mean for \$15 you get a nice meal. I've been there a few times. The steak place was somewhat over-priced.

Anything I can do as a landlord to help him succeed, I want to do it. People drive by on Route 96 at 50 or 60 mph and they don't even know he is there.

Chairman Reinhardt – I think we have to steer this a little closer to what the area variance is for. The primary issue is that it is three feet from an existing structure. It has nothing to do so much as how the thing looks. We have to look at the criteria.

Mr. Nearpass – Is it going to change the character of the neighborhood? I've checked that box. I'm off of the way it looks, I'm OK with that. So there is no opportunity for it to be attached to the building? We're viewing it as a free standing structure, right? If it were attached to the building in some manner would it be different?

Ms. Morley – We don't have Al tonight, he's not here tonight.

Mr. Nearpass – Is there an alternative to this?

Mr. Hendler – If it were attached to the building in some manner, and it is only 195 square feet that would automatically waiver the sprinkler regulation because it's an addition to a building that is not sprinklered and is not exceeding so many feet.

Mr. Nearpass – So why wouldn't you do that?

Chairman Reinhardt – We're not going to talk about sprinklers just yet. Let's talk about the variance piece.

Mr. Hendler – But I don't know what would waiver the variance. I don't know what you'd have to do.

Mr. Nearpass – If it were attached to the building, would he still have to be here for a variance?

Chairman Reinhardt – Attached to, on top of the building, what he is asking, I think, are there other alternatives that you don't need a variance for, such as attaching, can it go on top? Can you do something else where you don't need a variance and still accomplish the same thing?

Mr. Hendler – I don't know what that would be.

Mr. Nearpass – We are going to have some time, because we aren't deciding tonight. My recommendation, is the next time you are in front of us maybe also have some alternatives that would make the variance go away but accomplish what you and the tenant are looking for. If those exist it would be great to have those as an option to talk about.

Chairman Reinhardt – It's a fair question. Touch base with AI. Do you need a variance if this similar type of structure, where you are going to promote the bull, can it go on top of the building, or if you have a similar structure and find a way to attach it to the building, do you still need a variance? He's not here and we can't answer the question. That's why he does what he does. If you could, as one of your homework pieces, because we can't do anything today, we have to wait for the County Planning Board, if you could touch bases with AI and ask him those types of questions.

Mr. Harter – Would you be able to put some markers in the location? Some sort of posts or flag that would indicate where the posts are going to go so we can visualize where this is going on your property?

Mr. Hendler – Stake it out, yes.

Mr. Harter – Once again because there is a two week time lag between this meeting and your next appearance. Then I think we could wander out and take a look at it and better understand where it is. I think the map is of a large scale and it is difficult from the drafting to pick it out. I think I understand where you are putting it but I could visualize it better.

I would have a question for AI, but he is not here. My questions for AI would be is this some sort of sign and I don't know the answer to that.

Mr. Neapress – That was similar to the debate whether the L.L. Bean boot was signage. I thought they determined it wasn't, but that is a good question.

Chairman Reinhardt – We can look into that, whether it's a logo. On that topic, are you going to put any signage on this?

Mr. Hendler – No.

Chairman Reinhardt – So if the Board grants a variance there will be a condition that there will be no signage on that structure.

Mr. Hendler – No, there was no intention at all to do that.

Mr. Salsburg – Does it stick out in front of the building face?

Mr. Hendler – No, it does not. It's back from the building if anything.

Mr. Salsburg – Knowing where it is now, it's a big improvement to me. I see it now clearly, but I didn't see it before.

Mr. Hendler – Thank you.

Mr. Salsburg - You can't see the bull the way it is now. You can hardly see it if you're in the parking lot if there is a car in front of it. It's a kind of cute little thing, I'll say that. Does smoke come out of the nose when you are barbequing?

Mr. Hendler – I beg your pardon?

Mr. Salsburg – Well there are pipes in his nose, does smoke come out of them when you barbeque?

Mr. Hendler – The bull is a barbeque grill. They bought it from a barbeque company. It opens up.

Mr. Salsburg – It doesn't look like it has ever been used.

Mr. Hendler – They weren't ever going to use it to barbeque. They've got their own smokers and things. There won't be any fires in there or anything.

Mr. Salsburg – The red brick will be underneath it.

Mr. Hendler – Yes, it's red brick and cobblestone around the supports. The surrounding area is all red brick and we were going to maintain that. Plus there are plantings all around it.

Chairman Reinhardt – We do have a letter from Tim Archetko, the owner of Otto Tomottos. He is asking for this.

There is also the issue of, and I think it's tied into the sprinkler, and we'll get to the sprinkler issue in a second, but being so close to an existing structure, I think one of the intents' of the Code is fire safety. The Fire Marshall, Bob Graham, doesn't have enough information about the particular structure on how much electricity is going to be in there and those things.

Mr. Hendler – One light bulb. Do you see the light bulbs on the top of Phoenix Mills in the cupolas? The one light bulb that's in each of the three cupolas up there – there is one old fashioned sixty watt light bulb in there.

Chairman Reinhardt – So that's all it's going to be, is one light bulb. (That's all). OK, so we will certainly relay that information to the fire chiefs because I think it does tie into the request for the variance because it being so close and that is what I believe the intent of the Code is, to keep the structures far enough away so that if one goes up, they are all not going up in flames unless they are connected.

Mr. Hendler – May I interject? I can see that if the main buildings were sprinkled and the structure that was proposed to be built wasn't, you know I could see a hazard there. The structure wouldn't be sprinkled but neither are the main buildings. The buildings of Phoenix Mills are not sprinkled, none of them except for the gym.

Chairman Reinhardt – Well that doesn't really support the cause then because if they go up they are all going, that whole plaza is going.

Mr. Hendler – Exactly. If it was 20 feet or 30 feet, it's all going.

Chairman Reinhardt – So we have to wait for the County Planning Board. I think the Board has touched on at least enough issues to get us started. If you would ask all those questions, and we will do the same, on finding out if there are alternatives, but that is one thing we would like to explore. We won't go through the criteria because I think we would like to hear what the County Planning Board has to say about this. When is our next meeting?

Ms. Trillaud – It's August 6<sup>th</sup>, but the County meeting is August 8<sup>th</sup>.

Chairman Reinhardt – Oh, so that's a problem. We'll have to wait to the second meeting in August. So we'll keep in touch with you. We have to wait for the Ontario County Planning Board. Your next meeting may be the third Monday in August before we hear from the County.

That being said does anyone have any other questions regarding the variance?

Mr. Harter – I do. Looking at the drawing that was submitted, how tall, how high is the building?

Mr. Hendler – 15 feet.

Mr. Harter – 15 feet all the way to the top of the cupola?

Mr. Hendler – Yes.

Chairman Reinhardt – You sure it's not, you have 16 feet on the drawing on the right hand side.

Mr. Hendler – 16, I beg your pardon, I'm corrected. I just shot from the hip.

Mr. Harter – 16 feet to the top, OK, I'm just curious. Once again if you can put some stakes there so we could see it, I think that would be very helpful.

Mr. Salsburg – Would you guess that that's about the roofline of the building nearby?

Mr. Hendler – The roofline of the building nearby is what? What's the question?

Mr. Salsburg – Is this about the same height or higher or lower?

Mr. Hendler – Way higher, the buildings next door are much higher.

Chairman Reinhardt – Could you get the elevations for us on how high those buildings are so we have a comparison on how high the existing building is and where this walkway is going to be.

Mr. Hendler – I believe, and I'm shooting a little bit from the hip, I don't think it's any higher than the eave of the existing building.

Chairman Reinhardt – We don't like to shoot from the hip here, we like facts. So if you can get some facts for Ous that would be outstanding.

Mr. Hendler – I don't want to say a number because you're going to nail me.

Chairman Reinhardt – I'm not going to nail you, we're looking for facts. We have some time, at least three weeks. The next time you come back if you get what the elevation is of the existing roofline.

Mr. Hendler – I'll get that.

Ms. Morley – When do think you'll have it staked out.

Mr. Hendler – Tomorrow morning. I do my own work so I don't rely on anyone.

Chairman Reinhardt – I have to formally ask if there is anybody from the public would like to speak for or against the project. (There was no one).

Let's move on to the sprinkler issue. The criteria are different. The criteria are spelled out in the application. One has to do with an undue economic hardship. The other is whether there is a physical or legal impossibility to the project. The third concerns the intended objectives, what you are trying to achieve, is there some other way to do it? That again ties into the area variance. The fourth is the necessity in light of other viable options. The fifth is recommendations from the fire chief and the sixth is whether there is conflict with State and Federal regulations.

With that is there anything else you want to add besides what you put in your application?

Mr. Hendler – It is a financial hardship, obviously. We're talking maybe \$150,000 for getting a main over there. You couldn't maintain it because it's all open, you'd have to air dry it. It would just be impossible.

Chairman Reinhardt – How is it a financial hardship?

Mr. Hendler – I don't have that kind of money.

Chairman Reinhardt – To do what?

Mr. Hendler – The sprinkler heads and everything that has to come in there, the main. There are no sprinkler mains anywhere there. It's not like extending a feeder over from an adjacent building that already has a sprinkler system.

Chairman Reinhardt – Do you know how much it would cost to put a sprinkler system in there?

Mr. Hendler – About \$150,000.

Chairman Reinhardt – Where are you getting that number from?

Mr. Hendler – I've been there. Doing projects with sprinklers.

Chairman Reinhardt – Could you provide an estimate?

Mr. Hendler – No.

Chairman Reinhardt – You're not going to do that. That doesn't help you. It helps you if you provide an estimate for us on how much it's going to cost to put in a sprinkler system.

Mr. Hendler – I think common sense should prevail here. Knowing the fact that generally the cost of putting a main in and everything else would just be ...

Chairman Reinhardt – You can do what you please but it is your burden to provide us with proof. We are fact seeking. The Board doesn't like to shoot from the hip as you call it. We like facts. So if you have facts for us, the more facts the better. If you don't have any facts, then we deal with what we have in front of us.

Mr. Hendler – I was a fireman for ten years. I know the fire business and there is not a necessity to sprinkle that building. In fact, Victor has pavilions and things that they don't even sprinkle.

Chairman Reinhardt – We are going to rely on the fire chiefs' opinions. That's what the Code allows us to do.

Mr. Hendler – I already ran the project by some people in the fire department and they said they were going to take a look at it.

Chairman Reinhardt – With all due respect, that's what we call hearsay. I don't know who they are, they aren't here.

Mr. Hendler – It doesn't matter. I'm not an attorney.

Chairman Reinhardt – I'm trying to help you. I'm trying to help you provide us with information.

Mr. Nearpass – Are we talking about a sprinkler system just for this structure or one for the entire building?

Chairman Reinhardt – The request is just for the structure.

Mr. Nearpass - \$150,000 for a 12 by .....

Mr. Hendler – What are you saying, I don't understand what you are saying.

Chairman Reinhardt - You provided us with an estimate of \$150,000 to sprinkle a 12 x 16 x 16 structure.

Mr. Hendler – Maybe you don't understand that when you don't have a sprinkler system available anywhere on the site, you have to bring a sprinkler main in and head.

Mr. Nearpass – I understand it's not a garden hose but there are other systems that can deploy fire suppressant from above. I'm not advocating it but I'm just saying that what you went to was the absolute worst case scenario which is if we had to put a line in there as if you had to sprinkle the entire thing, not just a 12 x 16 "shed". You used that number, obviously, to your advantage.

Mr. Hendler – Absolutely, I'm with you. Yes, I did do it to my advantage, it pays to do that.

Mr. Nearpass – At the end of the day if you realistically looked at what it would take to sprinkle something like that, you would never recommend to a customer that they spend that kind of money on a 12x16 foot structure. There are other fire suppressant systems that must be out there, whether they are spraying a different type of suppressant or not.

Mr. Hendler – There are dry chemicals.

Mr. Nearpass – There are other options. I can't imagine it would really cost \$150,000. I'm not saying I'm for or against putting the sprinkler in there, but I think the \$150,000 is a little much.

Mr. Hendler – Those people are mean.

Mr. Nearpass – What people are mean?

Mr. Hendler – Sprinkler people, underground people.

Mr. Nearpass – They may be overpaid if it really costs \$150,000.

Mr. Hendler – There you go. I've dealt with Boroughs Brothers before, oh my gosh. Call it what you will, this project doesn't mean that much to me. If you guys say no, or this and that, I'll say OK, goodbye. I'll go merrily on my way.

Mr. Nearpass – We are actually trying to help you, I know it's not obvious, but we are trying to help you. A lot of this is to create a record.

Mr. Hendler – I understand, and I'm trying to help my tenant. If it becomes cumbersome and it becomes too much, I'm leaving. I'll just say they are tough and I don't want to deal with them and they'll go, we understand, and your reputation precedes you and on we go. But I do thank Debby for all her help and enthusiasm and bringing me along because I need help on this. The ins and outs on what you have to do.

Chairman Reinhardt – I believe whole-heartedly this Board is firm and fair in everything that we do no matter who comes in, we do our very best to look for the facts.

Mr. Hendler – Let's not lose sight of common sense, that's all.

Chairman Reinhardt – We are public servants. We do our best to follow the Code and follow the law.

Ms. Morley had no additional questions.

Mr. Nearpass – I think I'm OK, I'm with you on the whole common sense thing.

Mr. Hendler – I appreciate that.

Mr. Nearpass – I would like to see an alternative that is attached to the building and then maybe this requirement also goes away, I believe. It may be in yours and your tenant's best interest to look at a way to attach it to the building so it's not being considered a free standing structure. I'm with you on the common sense thing, it's a walkway, it's covered, I can't imagine having to do that. I didn't see a clear response from the Fire Marshall because I think he still had some questions that were outstanding. In my opinion, worst case scenario if you had a red fire extinguisher wrapped around one of those posts there.

I'm with you on this one it but I do need you to help yourself a little bit. We do have to go through these criteria and be reasonable. At the end of the day what the Fire Marshall says is going to go a long way. Again, I think if you looked at alternatives that had it more part of the building you may find you may not even need to come back. There could be an option out there that has it attached to the structure and it's not a free standing structure and then the need for a variance goes away. You have to talk to Al.

Mr. Hendler – If I attach it a lot of things go away. Everything goes away.

Chairman Reinhardt – It could, check with Al.

Mr. Harter - I don't have any questions but I do have a suggestion. Just to let the applicant know that in the past with the sprinkler waiver requests, we've looked very closely at what the Fire Marshall has said. We think that their opinion is very important in our decision. My suggestion would be, if you haven't done so already, meet with Bob Graham and give him the details as you gave them to us tonight.

Mr. Salsburg – I don't have any questions.

Mr. Hendler – Good for you, thank you.

Chairman Reinhardt – Another suggestion, it is related, I think they are tied in together. I'm from the Buffalo area and there was a dairy that used to be called Mesmer's Dairy. One of their signature pieces is where they put a cow on top of the dairy. When I saw this bull I said, boy that reminds me of Mesmer's Dairy. You may want to explore the idea of if you put the bull on top of wherever the BBQ is. I don't know if it will work.

Mr. Hendler – What's the word you used earlier on? You used the word early on it was something like tacky.

That's gimmicky. That is really gimmicky.

Chairman Reinhardt – You can tell that to Mr. and Mrs. Mesmer who are multi-millionaires.

Mr. Hendler – They are not in Victor and I want to do better.

Chairman Reinhardt – With all the puns put aside for a moment, I want you to explore the possibility of that being done. That's important as far as whether or not the variance will be granted and that also ties into the sprinkler issue.

Mr. Hendler – What's that, the bull going up on top?

Chairman Reinhardt – Can it be done?

Mr. Hendler – No.

Chairman Reinhardt – Why not?

Mr. Hendler – I don't want to. That's the best reason I can think of. It is tacky. It is Buffalo. My parents were from Buffalo. This is not Buffalo.

Chairman Reinhardt – I understand this is not Buffalo. I'm asking you to show some respect for this Board.

Mr. Hendler – I am sorry.

Chairman Reinhardt – You are certainly entitled to your opinions. All that this Board was trying to do for you sir is offer some suggestions. If you don't like them, you are certainly entitled to your opinion. If it can't be done, all I asked was why.

Mr. Hendler – Anything can be done.

Chairman Reinhardt – Thank you, so now we're on the same page. Is there anything else you would like to suggest, add, or comment on?

Mr. Hendler – No.

Chairman Reinhardt – OK, we are going to leave this application open until the County Planning Board meets and we have an answer for you. Have a good night.

It was unanimously agreed and RESOLVED, that the meeting was adjourned at 7:42 PM.

Debby Trillaud, Secretary