

A regular meeting of the Town of Victor Zoning Board of Appeals was held on August 6, 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: Martin Avila, Town of Victor Code Enforcement Officer; Eric Kronenberger; Derek Kronenberger; Sara Synan; Nicholas Synan; Debby Trillaud, Secretary

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

APPROVAL OF MINUTES:

On a motion by Fred Salsburg, seconded by Scott Harter,

RESOLVED that the minutes of June 18, 2018, July 2, 2018, and July 16, 2018 be approved as submitted:

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 5 Ayes, 0 Nays

PUBLIC HEARING

KRONENBERGER SHED
6985 Royce Circle

13-Z-18

The applicant is requesting to place a shed four feet from his side property line which is less than the 10 feet minimum side setback required by “The Hamptons” clustered subdivision. Section 184-20 authorizes variations in the Town dimensional standards with clustered developments.

Chairman Reinhardt – What we have here as far as the legal notice is that you are looking for a variance to place a shed in the rear property line which is less than ten feet, is that right?

Mr. Kronenberger – Correct.

Chairman Reinhardt – Why don't you come on up and see if we can get you through this in an efficient manner.

Mr. Kronenberger – I do have drawings of landscaping and pictures of the area.

Chairman Reinhardt – Let me touch base on a comment that was from our Code Enforcement Officer. There is a provision in the Code, Section 211-20D that refers to sheds that are in clustered subdivisions. If there are 10 criteria that are met and if it's five feet from the property line, you don't need a variance. It's my understanding that you have looked at those criteria. We can go through them again if you'd like.

Mr. Kronenberger – Yes, I have looked at them and I gave answers to all of them and emailed them in. (Yes) It is actually five and half feet right now.

Chairman Reinhardt – Then the only thing we need to pin down here is to make sure first that it is a minimum of five feet. So you are more than five feet?

Mr. Kronenberger – I'm more than five feet and I had them stake right at the corner of the shed so it can be easily measured if someone wants to go out and measure.

Chairman Reinhardt – The ten criteria, you've looked at them, you are on board with that, you are going to comply with that? Does the Board see that? The ten criteria that he has answered all in a manner in which he does qualify for Section 211 20D?

Mr. Nearpass – So with these ten criteria and being five and a half feet away from the lot line, he wouldn't require a variance?

Chairman Reinhardt – That's my understanding.

Mr. Nearpass – Just so I understand, so the person he really needs to convince then is the Code Enforcement Officer, not us?

Chairman Reinhardt – There has been communication with the Code Enforcement Officer, right, we're on board.

Mr. Avila – Yes, so the original application was for four feet from the lot line which brought us to this point, but if they are five feet or over, then we're fine, there is no need for a variance. They'll just need a building permit.

Chairman Reinhardt – So as long as you are five feet and you're willing to comply with those ten criteria, then you don't need a variance.

Nicholas Synan, 6996 Royce Circle addressed the Board.

Mr. Synan – Could you state what the criteria are?

Mr. Nearpass gave Mr. Synan a copy of the Code section with the criteria.

Chairman Reinhardt – Section 211-20D. Take a look at it and if you have any questions, let me know.

Mr. Avila – Mike, just to verify, when we do inspect for the setback distance we'll be looking for the distance from the farthest overhang or distance for the part of the shed that will be nearest the lot line. So if there is an eave, you want to make sure that if you set the shed at an angle, you want to make sure you set it at that point, from the eave of the shed, not the wall.

Mr. Kronenberger started handing out pictures of the shed placement with stakes.

Chairman Reinhardt – What I'd like to do, to pin down, is to expedite this if we can. You may not need a variance and so the discussion on where the lines are may be futile. I'd like to see what the neighbor has to say.

Mr. Synan – Number 4, the storage shed may not be placed in such a manner that it will interfere with an easement. Does that have to be a permanent structure or could it be a storage shed that is movable?

Chairman Reinhardt – As long as it doesn't interfere with an easement. The shed, storage facility, storage area, whatever structure we're referring to, it needs to meet all of the ten criteria.

Mr. Nearpass – I have a question for the applicant. You've submitted a photo here that shows a door. Which side is the door on, the ten foot side or the 15 foot side?

Mr. Kronenberger – It's on the 15 foot side.

Mr. Nearpass – So not per what was submitted?

Mr. Kronenberger – Right, if you want I can turn it.

Mr. Nearpass – No, I just saw the picture and it showed the door there and the manufacturer's image had the door elsewhere.

Mr. Kronenberger – I got that image from the website.

Chairman Reinhardt – When these criteria, correct me if I'm wrong, this is ongoing. So if a year from now, for example there is a light on the shed, and the Code Enforcement Officer stops by and says, now you're going to need a variance.

Mr. Kronenberger – There are no plans for that.

Chairman Reinhardt – I'm just picking an example, that this is an ongoing thing. You need to meet these ten criteria, not just today, but as you go forward that shed, where it is, always has to meet these ten criteria, otherwise you need a variance.

Chairman Reinhardt asked if there was anyone else from the audience who wished to speak. There was no one.

Chairman Reinhardt – If you're on board with that, and the shed is going to be more than five feet away from the lot line, then my opinion is that you don't need a variance. You do have an application that is in and submitted. Procedurally what you would need to do then is withdraw the application formally. If you would like to do that you can say it now.

Mr. Kronenberger – I would like to withdraw my application for a variance.

Chairman Reinhardt – Very good. So as we see it, you don't need a variance. As long as you comply with those ten criteria, we're good to go.

Mr. Harter – It looks like a nice project.

Mr. Kronenberger – Thank you.

Chairman Reinhardt – Very good, good luck to you.

On a motion from Michael Reinhardt, seconded by Mathew Nearpass, it was unanimously agreed and RESOLVED, that the meeting was adjourned at 7:10 PM.

Debby Trillaud, Secretary