

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Monday, December 3, 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; Scott Harter; Donna Morley; Fred Salsburg

OTHERS: Al Benedict, Town of Victor Code Enforcement Officer; Ed Kahovec, Town Board Liaison; Renee Tambe; Patrick Bush; William Scott Copp; Mark Eifert; Jon Daniels; Matt Indiano; Sean Kennedy; Rick Milham; 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 Scott Harter, seconded by Donna Morley,

RESOLVED that the minutes of November 19, 2018, be approved as submitted:

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

Approved: 4 Ayes, 0 Nays

PUBLIC HEARINGS

1. TAMBE ENTERPRISES STORAGE UNITS

21-Z-18 Sprinkler Waiver

7500 County Road 42 (Carried over from the 10/15/2018)

The applicant is requesting a Sprinkler Waiver for four buildings of storage units. The buildings are 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. The property is zoned Lt Industrial and is owned by Tambe Enterprises.

Scott Copp with T. Y. Lin International, architects and engineers, addressed the Board.

Mr. Copp – Good evening members of the Board and Mr. Benedict. I'm with T. Y. Lin International, architects and engineers. We have offices at 255 East Avenue in Rochester. We're here to represent Tambe Enterprises in the continuation of the hearing that was previously heard. I see that not all of the Board members were present so I'll do a brief review, if I could, of the previous minutes...

Chairman Reinhardt – Before you continue I'd like to make one point. I work for Ontario County. In my other job T.Y. Lin is a major vendor with the County and is called on from time to time. I'm disclosing it; if you have any trouble with it, please let me know. We can talk about it, but I'm fine with it.

Mr. Copp – I have no problem with it.

Chairman Reinhardt – OK, continue.

Mr. Copp – Previously the Board had a hearing based on the site plan that had been approved by the Planning Board. The plan is displayed on my left. It represents four new buildings on the property at 7500 Main Street Fishers in the Town of Victor. One is 3,600, one is 6,200, one at 9,600, and one is 5,700 square feet. These will be one story, low profile, self-storage units. They will be divided into separate fire areas no larger than 2,500 square feet each. So there will be fire barriers built within the buildings to separate them out. They will have a three hour fire rating. A number of questions came up previously and we can hopefully provide some answers to those. The buildings, once constructed, will be fully insured. Each lessee will be required to demonstrate that they have homeowner's insurance with a rider as rental insurance. So the contents and the building will be fully insured.

There was concern about hazardous materials being stored here. There will be no storage of hazardous materials. The specifics of the hazardous materials are spelled out in the lease. I'd be glad to read the specifics to you so you have an idea of what is eliminated. It's somewhat lengthy, but forgive me. Hazardous materials as defined in the lease "shall be without limitation any flammable, explosive, radioactive material: methine; asbestos; urea; formaldehyde; polychlorinated biofuels; petroleum or petroleum product reconstituant; methane; hazardous materials; hazardous wastes; and any hazardous toxic substance or related material as defined in The Comprehensive Environmental Response Compensational Liability Act of 1980 as amended by the 42nd U.S. Congress; The Hazardous Materials Transportation Act, as amended by the 49th U.S. Congress; The Resource Conservation Recovery Act, that's amended by the 42nd U.S. Congress; The Toxic Substance Control Act; Articles 15, 17, 27 and 40 of The New York State Conservation Law; Article 12 of the New York State Navigation Law". It pretty much covers it all I believe. That's in the lease. Violation of the lease is immediate default on the contract and expulsion, removal, of the lessee from the property.

A question was asked about motor vehicles, different motor vehicles stored in one of these storage units. Its gas tank must be full. A full gas tank is less hazardous than a partially filled gas tank, so the gas tank must be in full condition if it is going to be stored in the unit.

We reviewed the Coordinated Fire Service Sprinkler Waiver Review. I had an opportunity to speak with Robert Graham this afternoon. We are in agreement with the conditions that they propose for consideration if the Board wishes to add the waiver. We propose to put in an addressable, fully automatic fire alarm system. We use heat detection. Smoke detectors are not viable in an unconditioned space. So heat detection is the appropriate detection method. It will be fully compliant with NFPA 72, which is the standard found in the New York State Fire Code and Building Code for fire alarm systems. We will label over each access door which zone that particular alarm will address. The buildings will be identified; the zones will be identified. At this point we are still looking into the ability to use the current alarm panel in the existing building. Whether it needs to be upgraded or it has the capacity to accept this so that the response would be to a single location on the property for the Fire Department to ascertain what zone the fire alarm has come from...If that is not viable then the panel will be upgraded. If that again won't work because of potential voltage line loss in the low voltage system for the farthest point in the building, then a central location within the new building complex, one of these four buildings, will be identified as the fire alarm panel. It will be labeled on the exterior as is required by the State Fire Code. There will be a fire alarm panel.

Again, we believe that we can comply with all of the things that were asked of us. Are there any questions that may be lingering or that we didn't address already?

Chairman Reinhardt – Thank you. What I'd like to do is quickly review, and I appreciate the overview and the summation of it. At the last meeting, the question was asked, as far as the first criterion, the undue economic hardship. An estimate was presented to us between \$115,000 and \$225,000 for the project. Mr. Graham's memo on November 2, 2018, indicates that the total project should cost \$66,715. That's a pretty large disparity between \$225,000 and \$66,000. So, how do we rectify that?

Mr. Copp – We weren't seeking relief under that particular provision, but in order to build a sprinkler system for each one of these buildings it will require a separate sprinkler valve; a separate air compressor; a separate heated room to have that. Also a separate fire alarm panel with a smoke detector in that heated room for each separate system.

Chairman Reinhardt – Let's go globally a little bit here, the criteria...go ahead.

Mr. Copp - \$66,000 is not inconsistent with one dry valve system for one building.

Chairman Reinhardt – So globally what we are looking at for this Board to waive the necessity of a sprinkler system, you have to show: 1. Undue economic hardship; 2. Physical or legal

impossibility; 3. Impediment to the intended objective of this section; 4. Necessity in light of other alternatives; 5. Recommendations from the coordinated review of the Fire Chiefs and Victor Fire Districts.

I think you've touched on the fifth, that there are some recommendations from Mr. Graham that he would like to see, but we had discussed number 3 – the intended objectives. It has been my understanding, and this Board can certainly weigh in and agree or disagree, but my understanding is the intended objective of this section is two parts. One is certainly the building itself, but more importantly is the firefighters. If the sprinkler system is in place in a building of that size, it gives the fire fighters a chance not only to put the fire out but also it's their safety. If they don't get there in time, it puts them in grave danger.

Mr. Copp – The heat detection system is activated at 135 degrees F. The sprinkler head is activated at 165 degrees F. The heat detector also has a rate of rise function. So if the temperature rises in excess of 15 degrees in one minute it will send an alarm. That can occur between 100 and 115 degrees if it rises that quickly in a minute. It has the capacity to detect a fire at a lower temperature than the sprinkler activation.

Chairman Reinhardt - When we have a chance, we have a couple of firefighters present that I would like to hear from.

That was one piece, the other was certainly the combustibles. I'm not looking for guarantees, but are there going to be motor vehicles stored in these facilities?

Mr. Copp – They are not prohibited in terms of the lease.

Chairman Reinhardt – So motor vehicles, boats, anything that is off season, snow mobiles, snow blowers, to things that have gas in them?

Mr. Copp – Yes.

Chairman Reinhardt – Which potentially could put firefighters in harm's way. So if I understood you, unless I misheard you, that when these things are stored there will be gas in them, from cars on down to snow blowers, right?

Mr. Copp – If there is gas, the tank will be full.

Chairman Reinhardt – I would like to give the Board an opportunity to ask some questions before we continue.

Mr. Salsburg – I would take one fire zone to be space between the end of a building and the first firewall. Two of them are 2,400 square feet. I remember some are 1,800 square feet or smaller. If

that goes off, that only gets it down to 16 or 18 doors in that zone. Each unit has side walls, if I read it right they are 8'6" high. It doesn't really locate very accurately where the fire departments should go to work. They would have to open a door, pick one, probably a bigger one. There are 3'6" doors and there are 8 foot something doors. They would look in there, probably take a ladder in because the units are high, and see over them to see where the trouble is. If it's very smoky, you wouldn't be able to see too far, so you would have to go to another door and try that. I don't have a lot of confidence in that as compared to a sprinkler head in each zone. A sprinkler head would probably create steam. It wouldn't be as smoky and it's a big improvement.

As far as the economic hardship, Bob Graham took the \$66,000... I thought Mr. Levey said that that was for all the buildings, but he also said that it did not include the supply and the trenching and the work outside the buildings. Bob came up with 1% of extra cost to put the sprinklers in. That's probably low, it's probably two or three percent. I don't see that as being too high of a price to pay. I can keep going but that is probably enough for now.

Mr. Copp – Addressable systems provide that each detector has an address. That address can be identified on the outside of the building. Detector A in zone 4; Detector B.... At the fire alarm panel it is appropriate and required to have a map that shows the locations of those devices.

Mr. Salsburg – Is there a detector in each unit?

Mr. Copp – There is not. There is a detector between units and they will meet the NFPA requirements...in fact unless the distribution is less than the maximum required allowed from the NFPA.

Mr. Salsburg – I understand that, but all the doors in one zone, in the bigger buildings 18 of them, would all have the same number or letter on them for that zone.

Mr. Copp – And within that zone, depending on which building we are looking at because of the configuration on the interior, there may be five or seven detectors within a zone. Each one will have an address and will be plotted on a map. That map will be at the alarm panel.

Chairman Reinhardt – Let me touch on it if I could. An alarm goes off. Firefighters go out. There is no question that they have the right building? Right?

Mr. Copp – Yes. I'm not sure what their protocol is, but typically it is go to the alarm panel...

Chairman Reinhardt – What I'm trying to get at is boil it down to something a little simpler if I could. An alarm goes off, firefighters go out, they look at the panel and they find out this is the building we need to go in. They go in, how many doors do they need to look at before they say that is the right door we need to go in?

Mr. Copp – They only need to look at the map that's at the alarm panel.

Chairman Reinhardt – The map at the alarm panel, where that light is, they can pick the right unit, without question, that that is where that alarm came from?

Mr. Copp – There will be an alarm head between units. It would cover two units.

Chairman Reinhardt – So they have a 50/50 shot. It's either that door or that door.

Mr. Copp – The first thing they are going to do is touch the door and see if it is hot.

Chairman Reinhardt – Ok, but it's just a number of doors. If I understood Fred right, it's like...so it's where that detector is, there are going to be two doors, two units to pick from.

Mr. Copp – The smaller units, maybe three.

Mr. Harter – What is the 2,500 square feet number, what does more than 2,500 square feet do? Where does that number come from?

Mr. Copp – If it is more than 2,500 square feet the New York State Building Code would require the building to be sprinklered.

Mr. Harter – I see, so you are breaking them into smaller sub-buildings so to speak.

Mr. Salsburg – They are all smaller than 2,500 square feet.

Mr. Nearpass – I'm going to back up just a little bit. How come the building wasn't sprinklered prior or was it pre-existing? The Code didn't exist or...

Mr. Copp – The existing building? Yes, it's pre-existing, it's not required to comply with the current Code.

Chairman Reinhardt – So if you look at the map, the main structure...

Mr. Salsburg – And that is sprinklered.

Ms. Tambe – Yes. The main building is sprinklered.

Mr. Nearpass – So we are only talking about the new buildings. (Correct) I just want to get us on the same page with the cost aspect of it. The Fire Marshall is talking about dollars and cents, the attorney is talking about how to put fires out, detect fires. Let's talk about the cost. What is the cost from the applicant's perspective of being compliant?

Mr. Copp – I did not have the opportunity to review what Bob Graham had submitted to the Board.

Mr. Nearpass – Bob was referring to the Colonial Fire Protection Systems estimate that was submitted to you for \$66,715. I think that's where Bob was coming from. I've heard \$100,000, I've heard \$200,000.

Mr. Copp - \$66,500 would be typical of a single building with a single dry valve assembly, sprinkler valve assembly. The piping for a dry system, the air compressor to supply that air above the water valve so that the sprinklers aren't wet and don't freeze, the heating system: a heater for the room that it is going to be in (the dry valve and the air compressor); a fire alarm panel that has to pick up the flow from the dry valve if it trips and goes to the alarm panel, and that alarm panel has to be protected with a smoke detector. So it has to be in a heated room.

Mr. Nearpass – So I'm looking at the estimate and to me the estimate says it's for four buildings.

Mr. Copp – From Colonial? (Yes)

Mr. Salsburg – I've got it here in front of me, let me read it. "We have included one dry system for each of the four buildings". For the \$66,000, each of the four buildings, but not the external work.

Ms. Tambe – So my understanding of this quote was that was just the sprinkler head part of the buildings. It has nothing to do with any underground work, any heat source, any of the piping, that is the total difference between that. That was just the actual sprinkler, physical, for the buildings.

Mr. Nearpass – For the four buildings?

Ms. Tambe – For the buildings, yes.

Mr. Salsburg – Everything that is inside the walls of the building. All the plumbing inside the building.

Ms. Tambe – Not the plumbing, just the heads to go with it. Everything else is not in that estimate. The underground work and the heat source and all that is different. They provided a partial estimate.

Mr. Salsburg – If it's a system, sprinklers must be connected too.

Ms. Tambe – I don't believe it was the connection. It was just...

Mr. Copp – The estimate excludes, concealed sprinklers, backflow preventer, any underground and painting of the pipe, wiring of any kind, any wage rate requirements.

Mr. Salsburg – Painting of the pipe would imply there is pipe to paint. They must be furnishing it.

Mr. Nearpass – I can move on, I just wanted to understand. We can circle back to it, it's not my primary concern. On the topic of the newer system, you explained it's zoned, it's approximately every other door, heat sensors, a panel at each building. We'll hear from them (firefighters) as well, you believe it is compliant with what Bob Graham had recommended, meeting those conditions. To me, the most important thing is to make sure we meet the requirements of the firefighters. Then we can talk about cost next.

Is there anything in addition that you think you need beyond just this system? Is it truly just detection? My questions are more for the fire chief.

On the cost side, it was just a gray area for me. As we go through other alternatives, it sounds like you explored doing the fire walls as well and that was not feasible?

Mr. Copp – That's a significant increase in cost to take that route. Fire barriers provide a three hour protection from one side to the other. They are tight and sealed to the roof material. They are sealed to the outside walls.

Mr. Nearpass – I'll just reiterate that to me, out of the criteria, as I look at it the most important one is with the Fire Marshall. We've been fairly consistent as a Board with our applicants.

Ms. Morley – You stated that the alarm panel would be between each door and maybe three. Is maybe three no more than three, I mean the detector no more than three?

Mr. Copp – It would cover no more than three doors. That was with the small units at the end of the buildings, the way they are oriented.

Ms. Morley – What size are those smaller units?

Mr. Salsburg – Five by ten on the ends and ten by ten on one side, ten by thirty down the other side.

Chairman Reinhardt – For clarification, is it your position, these detectors are going to give the firefighters quicker notice of the impending fire and allow them the possibility of getting there quicker, working the fire in a safer manner as opposed to the sprinkler system.

Mr. Copp – Yes.

Chairman Reinhardt – I know it's your opinion. I'm just trying to understand this technology that... in theory the whole idea of the sprinkler system is to give the firefighters a chance to stay safe and put the fire out. It sounds like this technology will trigger, quite possibly, a fire sooner; send a signal to the fire station and they get there quicker and put it out safely.

Mr. Copp – They both rely on heat and the heat detectors react at a lower heat.

Mr. Harter – Relative to what Mike was saying, the heat detection system is electronic, correct?

Mr. Copp – Yes.

Mr. Harter – Are the sprinklers electronic or do they just go off because of a sensitive piece of metal to heat?

Mr. Copp – They go off based on the heat, they are not electronic.

Mr. Harter – So we are not comparing apples to apples, really here. The heat detection system that you are proposing, are you proposing some sort of generator or back-up generator?

Mr. Copp – It has a back-up battery system to it. It's within the alarm panel. When the power drops it not only goes automatically to battery, it sends a supervisory signal to the central station that would report this, that there is a problem.

Mr. Harter – So if the power goes out, the system still can sustain itself?

Mr. Copp – The system still functions 100% if the power goes out.

Chairman Reinhardt – I'd like to hear from the firefighters that are in the audience.

Mark Eifert, the Deputy Chief of the Victor Fire Department addressed the Board.

Mr. Eifert – Obviously the property is in Fishers Fire District but we would be mutual aid on any structure fire call, so we do have a vested interest in this also.

I have a couple of points. First and foremost I think the Zoning Board has to consider that Tambe may not always be the owner of this building. We have to consider what the future of the building is. As a fire department, we are always looking forward. What is going to be happening ten years from now, what will be happening in 20 years? Not putting sprinklers in this building and giving the waiver ensures that for that next 30 or 40 years that it will not have sprinklers. If we do it right away, follow the Code as it's written, and have them put sprinklers in, we are guaranteed that the next owner and on down the line, has sprinklers in that building from this point on.

I kind of take issue with the no hazmat with the lease agreement. The lease agreement is going to say that everybody's got to pay rent, right? People aren't going to pay their rent, they are going to have to evict people. It's just a piece of paper, there is no guarantee. There is no guarantee that at 2:00 a.m. somebody doesn't pull their vehicle in there, dump off a couple of propane tanks, they are not going to have any kind of control over that. I understand from the meeting minutes that they said there was going to be somebody on site and will control that, but it's very difficult for me to believe that they can control all these units and nobody will break the rules.

We've had to fight fires in storage units before. Storage units have a garage door that is secured so that nobody can steal their stuff. It's not a door in a residence that we can easily just open. It's usually going to take some power tools, some sort of saw, or something to gain access. So, if it's 50% or 33.3% for the door that we are hitting, we are using a lot of time, a lot of energy, and a lot of muscle to open the wrong door. It's not a residence 2,500 square feet that we just go through the front door, go through the house and find the fire. If we pick the wrong door, we have wasted all that time.

I understand also that due to the lack of the firewall over 18 inches over the top of the roof that we are going to have a metal roof which would be fire Code. That's perfectly fine with me but please understand that a metal roof is going to keep the heat in. It's going to make firefighting more difficult for us. It's going to be a much hotter fire.

I understand that petroleum products are one of the hazmat things that they are saying are not allowed. Everything in this room is plastic, petroleum, petroleum products. Everything is made of petroleum today, plastics and all that other stuff. You are going to have this fire load that's going to be furniture, everything else is going to be petroleum based, plastics, and really increase the fire load.

The alarm going off sooner and getting us there sooner makes absolutely zero sense. He's trying to say that the alarm going off sooner is better for everyone. If there are sprinklers going off they are going to be working while the trucks are coming, they are in route. The degrees are only with 30 degrees difference of a heat alarm going off and a sprinkler system going off which is already putting some water on the fire. Obviously that is better for everyone than just being alerted earlier. Being alerted earlier is not the greatest argument. It can't be better than already putting water on the fire. We're a volunteer fire department. We have to get alerted, drive down there. Fishers obviously has a career department, they can probably get down there in four minutes, three

minutes, within six minutes. That's six minutes that water could have been being poured on the fire.

I really can't support the waiver based on some of the facts that I stated just now.

Chairman Reinhardt – Even with the conditions from Mr. Graham if this Board were to grant the waiver? You're not in favor of those conditions? Have you seen those?

Mr. Eifert – I briefly went through everything a while ago so I can't say that I know exactly what Mr. Graham has said in support.

Chairman Reinhardt – You can look at it.

Mr. Eifert – The fire alarm system *inaudible*.

Chairman Reinhardt – Right, this is what we were talking about is that the system itself, the heat would trigger the alarm, send it to the station, the station would come out. The firefighters would see in a panel where the location of the fire was, then they would address it, and between one, two, or three doors, they would have to choose from, using their wits on which door to go in. I'm just trying to get your opinion on it. It sounds like you don't like it.

Mr. Eifert – Most of the alarm systems we do go to are addressable. They will tell us what zone and everything else. That doesn't necessarily make sense to us a lot of times. It's building 2, zone 3, door 2, and now we have to figure that out at 2:00 a.m. under duress if we want to fight a fire. A lot of times the map has fallen off the panel door or it was there for six months and now it's gone. I don't want to speak for the Fisher's Fire Department, the lieutenant will be up in a second, but we often find, going on fire calls, it says zone 102 and we will call the building owner and ask where is zone 102 we are here answering an alarm, and the owner will not know.

Chairman Reinhardt – So it's fair to say then, and I don't wish bad things on Tambe at all, if an alarm goes off and you are in charge of the operation. You go there and sprinklers are on or you go and the panel box is up and you can see which door...not that you like to go out and fight fires but which one would you rather do for firefighter safety to put the fire out and contain it.

Mr. Eifert – As I said before if we are choosing between two doors and three doors, knowing that the sprinkler is helping us at the time, obviously it's a lot less stress on us, it's going to be a much more successful operation if we pick the wrong door. While we are picking the wrong door, that could take five minutes, 12 minutes, depending on long it takes for us to open the door, water is being sprayed on the fire.

Mr. Nearpass – Is the sprinkler system in each unit though? You’ve got three, for example, five by ten units. Is there a sprinkler head in each one of those or really there is just one above them providing cover over them, not really in each unit?

Mr. Eifert – I couldn’t tell you.

Chairman Reinhardt – (*directed at Mr. Kennedy*) You are nodding, so the idea is that there would be a sprinkler head in each storage...

Mr. Kennedy- You would have a least one per unit or if it’s a separate wall then there would be one to cover both. You’re not really going to get adequate coverage by putting a sprinkler head directly over a divider wall, you would probably have one per unit. It all depends on how that sprinkler company...

Mr. Nearpass – And the units themselves are open to the top?

Mr. Salsburg – There is no ceiling on them.

If you are in the right cubicle, you open the door, and the boxes are piled up, you have to unload it just to get in there. The sprinkler would be working all the time you are taking off one of those *inaudible*. The lease is good but the products of combustion aren’t addressed in there and there are all kinds of combustible stuff inside cardboard boxes. There might be gas, it’s a high fire load.

Mr. Nearpass – I totally get it. Both scenarios, to be honest, in my opinion, are bad. You are going into a hostile environment. I’m just trying to understand the difference between the two systems and I think you’ve done a good job of articulating that.

I have a document here now in front of me from Bob that I think it sounds like you completely disagree with.

Mr. Eifert – I didn’t say that. I agree, he’s saying you should have an addressable fire alarm system, yes I agree with that. It’s saying that each door should be labeled with a four inch address number, I agree with that.

Mr. Nearpass – So you’re OK with that in lieu of a sprinkler system?

Mr. Eifert – No.

Mr. Nearpass – Which is what Bob’s recommendation is.

Mr. Eifert – But I want the sprinkler system also. I’m not disagreeing with Bob.

Mr. Nearpass – You are disagreeing with Bob.

Chairman Reinhardt – Don't split hairs. I think Bob's suggestion is grant the waiver provided those conditions are in there. What I understand you are saying is that you'd like to see both.

Mr. Eifert – Right, exactly.

Mr. Nearpass – I totally get it that you would like to see both.

Mr. Salsburg – The Fire Marshall's position is to put sprinklers in. If we don't want to do that, at least put in the fire detection system with the firewalls.

Mr. Nearpass – Correct, so the way I read it was if they don't put in the sprinkler system, he is in favor although it is not his best option. But he is in favor of putting in the system that was just described in lieu of the sprinkler system.

Chairman Reinhardt – That's the minimal, there's good, better, and best. I think Bob is saying that that's at the very least what ought to be in there.

Mr. Nearpass – Correct, that's not what you are saying though?

Mr. Salsburg – I think he's saying the same thing.

Mr. Eifert – I'm saying the same thing.

Mr. Nearpass – I heard him say he wanted to have the sprinkler system and this system.

Mr. Eifert – Certainly. Bob was talking about "ors". I think like Mr. Salsburg said, Bob is saying, if the waiver is granted, at the minimum we need this.

Chairman Reinhardt – Right.

Mr. Salsburg – The sprinkler system also alerts the Fire Department. It's a water flow alarm that sends out the same message that the detections system alone would do.

Mr. Eifert – There is no way I'm saying, yes, we want a sprinkler system only and no fire alarm system.

Mr. Nearpass – I think we're all on the same page. The sprinkler system, in a perfect world, is the best solution, correct. It's putting water on the fire. Then there was the second solution, the firewalls, then there is the third solution-the early detection only...

Mr. Salsburg – The firewalls and the detection go together, they are not separate.

Mr. Eifert – You need the firewalls because they are taking a larger building and making it several 2,500 square foot buildings, sort of.

Mr. Nearpass – There are two tiers then. There is the sprinkler system and then there is the firewalls and the detection system.

Mr. Eifert – Some of the things are needed.

Mr. Nearpass – What I'm trying to understand, and it's tough, is what's the incremental difference between the two? How much better is the suppressant system? Obviously, Bob seems like he's OK with them both. He would sure, just like yourself, prefer to have the sprinkler system, but one is kind of minimally compliant. You have levels of compliance.

Chairman Reinhardt – I think what you really have to understand, what is driving the train, is the intent of this section is firefighter safety. The Volunteer Firefighter law, it protects firefighters. They go out there and they do a tremendous job. They need to be protected. It is extremely costly when one of them gets hurt. Don't ever, I don't think ever, put dollars to human life.

Mr. Nearpass – That's why I'm not talking about dollars. I'm talking about two...

Chairman Reinhardt – But it is, as far as is it cost prohibitive, it is a factor, but...

Mr. Nearpass – I haven't gotten there yet. I'm just trying to compare, not the incremental cost, but the incremental safety from one system to the other, when Bob is saying both are acceptable. One is better than the other, of course, we would all agree, but they are both acceptable. There is a minimal level of compliance and then there is the Cadillac. Forgetting cost, because that is a whole other discussion that we will have. I'm just trying to understand, are you comfortable with the one or the other, the minimal level of compliance? We agree that one is the best, but are you comfortable with Bob's recommendation as he wrote it? That's what I believe I heard.

It's kind of similar to the cost discussion we had earlier. I don't know what the cost of this thing is because no one can tell me what the cost is. Now I have Bob who has something in writing in front of me and someone else in front of me saying they disagree with it.

Chairman Reinhardt – I don't think it's a disagreement. What Bob's position is, is that this is what he is recommending us to do, but if we were to grant a waiver.

His opinion isn't the be all, end all. We do have choices. I understand this document is saying, if you are going to grant a waiver, at the very, very minimum do this. I read this, it's causing angst in granting waivers. What we are hearing, I think, is you would like to see something a little tougher. His opinion is OK, but it is your opinion that there really needs to be both. A sprinkler system should be in place along with the detection.

Mr. Eifert – Obviously I haven't discussed this with Mr. Graham, but it would seem to me that it is his opinion, as it is written in the draft, it's just a fail-safe in case the waiver is granted. He says at the very minimum, we need this fail-safe.

Mr. Copp – A couple of items. Access to these units will only occur between 9:00 a.m. and 6:00 p.m. There will not be 24 hour access to these units. They will only be accessible when there is a manager on site. That's six days a week, 9:00 a.m. to 6:00 p.m. So the thought of someone dropping off something in the middle of the night, when there is not a management individual present, won't occur. They will have card access but it will only operate from 9:00 until 6:00. That limits the ability for a random act. The manager would be on site and would be able to visualize who is accessing and what they are doing.

We took the coordinated review as having been approved by the Fire Service Chiefs. That's the statement that is made here. So I am somewhat surprised by the statement being made by the Deputy because the purpose of the Coordinated Fire Service plan review has been approved by the Fire Service Chiefs,...

Chairman Reinhardt – It is not within his power or jurisdiction to grant and/or not grant a waiver. It's an opinion just like the Deputy. It's his opinion. We value those opinions.

In my view, what is paramount here with all these criteria, is firefighter safety.

Mr. Copp – We're not in disagreement here.

Chairman Reinhardt – What I would like to hear, and I think the Board would like to hear, is how, with your plan, are you going to ensure firefighter safety?

Mr. Copp – Early detection and notification of where the alarm is within the building. A sprinkler head going off in a building is just that. It's still a building. You have to open a door and take a stab, and a bigger stab at that point. Where is that sprinkler head going off? These buildings have open spaces at the top. They do not go all the way up to the ceiling. So a smoke detector between them, yes it will cover multiple.... A sprinkler head in every space will cover every space, but it won't tell you where it is going off in the building when the doors are closed. That's one point.

Sprinkler heads are prone to being struck by people moving things and creating false alarms. That's something that occurs in industrial buildings, in storage buildings, on a regular basis. So a less than careful homeowner moving a tall object can strike a sprinkler head and set it off thereby bringing the fire department to the scene on a false alarm. Less likely to happen with heat detection. They can be struck and torn off, they'll only send a supervisory alarm that there is a problem. It won't send an alarm to the fire department.

Again, in the ideal world we'd sprinkler everything. We don't. We don't sprinkler single family homes or two family homes. There is no life hazard in these buildings. No one occupies these buildings. If there are individuals here, the doors open, they're out.

If the fire department comes they have protocols on entry of buildings and how they enter those buildings. Under what conditions they will enter a building where there is no life hazard.

Ms. Morley – You're saying they will only be open from 9:00 to 6:00. What are you going to do? Check every box that comes in? If I drove up, if I rented a space, whoever is there, they are going to go through my box? I could have four propane tanks in a cardboard box. Signing something is just a piece of paper for most people.

Mr. Copp – There is no guarantee that something won't occur here. We're dealing with human nature. We can notify them; we can have someone present to observe. The lease allows the owner access to inspect or if requested by a Fire Marshal to inspect, with proper notice. So, those things can occur, but we can't eliminate any kind of human error in any of these.

Sean Kennedy, Lieutenant with the Fishers Fire District, addressed the Board.

Mr. Kennedy – I too have been reviewing the plans that have gone along with this and I've been listening to the different conversations that took place. I have to reiterate a point that the Deputy Chief brought up that there is a difference between detection and suppression.

Early detection is great, it really is because it gets the apparatus, the resources on the road quicker, but it's not suppression. It's still a free burning fire. What we've talked about is partition walls that are in this building that leads to kind of a common attic space so to speak. There is an air barrier, that's where we are going to put the heat detector. That way it covers multiple units. Maybe a better way to look at this, the difference between detection and suppression, is this type of fire.

We've identified that there is going to be a higher risk for fires to occur in a building that could potentially store vehicles that could be poorly maintained. If those vehicles still have batteries and we have rodent issues that could lead to electrical issues. Vehicles are filled with different types of hazardous fluids that are all flammable. A vehicle or any kind of tank that is put in full, yes, a full tank is less dangerous than half a tank. The problem is if that full tank is not maintained, now you have a full tank's worth capacity of potential fuel that is leaking out on the floor inside the building. The vehicle aspect is a whole other dynamic to this scenario.

One way to look at this, back to the suppression/detection, is the difference between one unit or multiple units. Because you can have a detection system that is going to alert potentially faster than a suppression system. That's going to get resources there faster, but that fire is going to continue to grow at an average rate of doubling in size once every minute. So we can get a substantial fire. It will take us a little bit to try and figure out where we're going but eventually the fire will get large enough that we'll figure out which door its behind. The problem is that by that time it has impacted multiple units because it is across this wall. Now everyone that has crammed all of their belongings into these storage units, now the fire is starting to spread to these units and going across. If we have a suppression capable device within each unit, a fire starts within one unit that sprinkler head will burst at a little bit longer of a delay than what the heat detection system would have done but now it's going to suppress that fire. It's going to contain that fire to that single unit. It's going to reduce the size of that fire, which is going to impact firefighter safety and the people that are responding there to mitigate the situation from there on out. Sprinkler systems often end up putting the fire out before the fire department gets there. Heat detectors don't do that. It's just going to tell us that we're going to have a larger incident to deal with.

There is a significant difference between an alarm system in place and a suppression system in place. I would advocate for the suppression system to be there because it's going to have a significant difference on the fire that is there. That decision lies on the Board that is up here, but that is just something you should weigh in your mind. The difference that the two systems are going to have on the potential outcome of the fire.

The other challenge I have, there have been discussions about the alarm system. We do see a lot of different alarm systems that are in place. Mapping doesn't really work. Like the Deputy Chief said, it just ends up going away. My concern about getting dispatched to a zone 6 alarm, we get that all the time. We show up and ask, "Where is zone 6"? Nobody knows where zone 6 is. In most places zone 6 is every single smoke detector that is in the building. So it's just kind of hard to differentiate where that is. I guess my question would be, is this alarm system going to dictate that this is an exterior building? There was discussion about the fire department having to access the main alarm panel to identify which zone is an alarm. That's a standard procedure for us, but in this case the main alarm panel is to be located inside the main building. So now we need to gain access to the main building to determine the location of that fire. These four buildings are spread out across this campus. Is that alarm system from the get go, the information relayed from the monitoring company to the 911 center going to dictate specifically which building the alarm is originating from; or are we going to have to figure out how to access the main building to then figure which building it is on the campus? Then we need to relocate to that building, to investigate that building further to figure out where the alarm is originating from. There are different types of alarm systems out there that can get very specific. They turn out to be more of a costly adventure.

I can tell you that the school has an alarm system in place that when their smoke detector goes off it will tell you which smoke detector it is, it will tell you smoke or heat, and it will tell you which room number it is outside of.

If we were going to do an alarm system on this building solely, it would be nice to have an alarm system that has that kind of an address system and not just a zone 6.

Chairman Reinhardt – Does anyone have any questions? (There were no questions).

It's fair to say that when you practice firefighting it's usually in a household scenario?

Mr. Kennedy – We practice firefighting in all different scenarios. This would be considered more of like a garage fire.

Chairman Reinhardt – On the industrial level, light industrial, what I'm trying to get at, is how problematic or how different it is from a household fire. In a household fire you worry about people inside, there are some known quantities. I would imagine, correct me if I'm wrong, you are going to handle a fire differently if there is propane feeding the house as proposed to gas. With this light industrial piece, there are countless unknowns. You don't know what is in there. What I'd like to know from you is how problematic is that?

Mr. Kennedy – It definitely increases the hazard because it's just that, you don't know what is in there. People could store explosives. When I say explosives, it could be ammunition, it could be hazardous materials. It's an extreme fire load and the aspect that most people buy the smallest unit that you can possibly buy and then you stack it nice and neatly, like Tetris. All of that is a significant fire load as compared to a normal residential setting where you would have things more organized, maybe things a bit more balanced out. You wouldn't have bulk storage of combustible materials. You'd have a better idea of what was in there. If we were to enter a room like this, we would feel pretty safe that we are not going to deal with any explosives or flammable materials that we might find in a garage type scenario.

Mr. Copp – In discussions with Renee Tambe, they have an on-site conditioned building that houses and is set up to have vehicles. They're are willing to restrict that there will be no motor vehicles or boats in any of these sub-storage units; in any one of these four buildings. It would be restricted. They provide that elsewhere on this campus in a sprinklered building. They are willing to have that be a condition of the approval. There will be no motor vehicles or boats stored in these self-storage units. It would be household materials.

Explosives are explicitly prohibited by the lease. We understand, no one is watching everything.

Chairman Reinhardt – Let me ask you this, one of the concerns that the Deputy had was no one has any idea how long the business is going to stay in operation. If the business decides to fold or be turned over to someone else, the issue of the waiver is going to hang over the property and they might not be as concerned or diligent as Tambe is. Would your client be willing to have some kind

of sunset provision where once a year Fishers or some Fire Chief would go and inspect. Make sure that system is up and running.

Mr. Copp – It has to be inspected every year by the alarm company. That report has to go to the Fire Marshal of the Town every year. Every three years he has a requirement to come visit and inspect the property. If the Board felt that rather than a three year cycle that was a one year cycle, I don't believe that would be a problem at all.

Chairman Reinhardt – I'm not speaking for the Board, I'm just throwing ideas out.

Mr. Copp – A condition granted by the Board on this waiver runs with the Certificate of Occupancy. Someone could buy this property but they are bound by the same conditions, if there are conditions placed by this Board. That runs with the land, with the property, it doesn't run with the owner of the property.

Chairman Reinhardt – I think that is one of the concerns the Board has.

Mr. Copp – A condition placed by this Board would run with the land as part of the Certificate of Occupancy issued by the Town.

Chairman Reinhardt asked if there was anyone else from the public who would like to speak for or against the sprinkler waiver. No one spoke.

Mr. Salsburg – The Town calls for these buildings to be sprinklered. The Tambe organization agreed to that in writing. There was one statement specifically about sprinklers. Their application, in my mind, was based on two things. Economic hardship, and there are already two storage units like this that are not sprinklered. The economic hardship seems to be kind of small in my eyes because the proposal says we have included one system for each of the four buildings for \$66,000, but not the outside stuff. Bob figured out that at \$66,000 it would be 1% additional cost and you could *inaudible* up the fire walls. Which, this doesn't take care of that consideration. If you put in the outside stuff, maybe it's 2% or 3%, two or three times this. I don't see that as being an economic hardship. I'm pretty lenient. I'm one of the more lenient ones to give people what they want here.

The second thing was the two existing self-storages. One of them was built before the Town put this law into effect, the one down by Monro Muffler, in that plaza. The other one over by Home Depot was part of a Town Board approval, a PDD (Planned Development District) project that the Zoning Board didn't address.

I talked to Bob at length and he said there have been a number of waiver applications that haven't been approved. The only ones that were approved were small, free standing, freezer building set outside, tin shed with no power, that type of thing. Those are my thoughts. I think the

application is weak and there is not a hardship. We are being consistent in not being very quick to approve these waivers.

Chairman Reinhardt – So you would not be in favor of granting the waiver?

Mr. Salsburg – I would not be in favor of granting the waiver.

Chairman Reinhardt – Al, do you have anything you want to add?

Mr. Benedict – I don't believe I'm in a position to comment on this. It is left up to this Board and the Fire Chiefs.

Chairman Reinhardt – Sometimes we like to ask if we are missing anything, or thoughts we should be thinking about, but I'd like to think we've been thorough on this one.

Mr. Benedict – It seems like you've done a good job.

Mr. Harter – I think I'm with Fred. I think both sides presented well. I think one of the things that jumped out at me more than anything in the presentation was mentioning detection versus suppression. Thinking about that puts me in Fred's corner. That's where I am.

Mr. Nearpass – I'm in a similar boat. Both sides have a good argument. I do wish that we had more insight into the cost hardship, what that really is. I think everyone is all over the map there. My focus, like it has been for the last 12 years since I've been on this Board has been on the recommendation from the Fire Marshall. This is probably the first one where it isn't as black and white. Normally when we have a situation where it is a small shed, part of a commercial building where the owner is the only one going in and out of there, so we have a little higher probability so those things aren't going to end up in that building, so it's a little easier to manage and then generally we will absolutely have the Fire Marshall on board saying, yes, let this one by the goalie. I don't feel we have that yet with this. It would be great to see the applicant work with the Fire Marshall, work with them to try to come up with some usually agreeable terms or solution. I do know in one case, there have been situations again, where we place additional fire extinguishers and things like that around the building. All these buildings are quite large and unique, so I'm not sure anything like that would work. It's really tough to support. There are so many unknowns here. What Bob put in writing that absolutely says the sprinkler suppression system is better; he may settle for the earlier detection system with these types of conditions. The recommendation from both of the gentlemen here tonight obviously was much more strongly in favor of the suppression system. The level of complexities of what is going in the buildings, it does feel like the suppression system does prevail over detection in this type of scenario versus having a couple of extra

extinguishers or having an earlier detection system. That's their recommendation so that's where I am right now.

Ms. Morley – I'll say ditto with Matt.

Chairman Reinhardt – The other piece I'd like to add here, because the cost of it seems to be a moving target and oftentimes with something of this size it should be a little more specific. It's really not this Board's burden to try and figure out how much it's going to cost. It's the applicant who should be providing financial documentation of how much it's going to cost. We have something to go with. As Matt pointed out this isn't a shed or some small building, this is a relatively large project. I can't imagine that with the wave of people storing things that this is going to be the last storage facility we're going to see in the Town of Victor. I would like to think that if the intent of the Code isn't followed it's going to cause some angst with our firefighters who are out there 24/7 and I detected a bit of angst over, they don't know what they are getting into with this type of facility. It sure seemed to me while detection is OK, suppression is the way to go. While there are other criteria there, to me, the one that stands out the most is the objective, which is their safety, and they do a lot for us. If there is anything else you want to add, talk about, or touch on, I'd be happy to hear it but I think we are about ready to vote.

Mr. Copp – If the Board is willing, we'd like to bring back a complete estimate. I believe having been involved with sprinkler systems for many years, this is grossly underestimated. It covers none of the peripheral costs including the possibility of putting in a back flow device separate to feed this. Finance is a big issue here. That is the issue, the cost of the sprinkler system whose estimate in my estimation, is grossly underestimated. We'd appreciate the opportunity to present something that itemizes all of the costs from start to finish for the installation of a sprinkler system in each one of these buildings.

Mr. Harter – Would you also add in that estimate the cost of the system that you are proposing for comparison purposes?

Mr. Copp – We can do that.

Chairman Reinhardt – Is that something the Board would like to see?

Mr. Harter – I'd be happy to take a look at it.

Mr. Salsburg – Well, this proposal from Colonial says there will be a room that is heated above 40 degrees.

Mr. Copp – That is required in each building.

Mr. Salsburg – That might be in the estimate. The way I read it, it's already in there. Did you understand, Renee that this was for one building and I'm reading it for four?

Ms. Tambe – Fred, no, there is a discrepancy in the quote. This piece of paper, I don't know if you remember Mr. Reinhardt, it was handed off in the last meeting and it was just not an estimate of the scope of work. It was like, oh, this may come about that it is this much cost difference. It's not the estimate of the whole project. If it says it includes the four buildings, it's just the system. It has nothing to do with the heat source underground. It has nothing to do with any of the systems that go with it. This is just the system for the sprinkler heads for the buildings.

Chairman Reinhardt – I apologize if I wasn't clear at the last meeting about how important it is to try and get our arms around what it's going to cost to put a sprinkler system in your proposal. We have some numbers, and now I'm hearing, and I understand, but I'm hearing there is a discrepancy. I agree, there is a discrepancy between \$66,000 and \$225,000.

Ms. Tambe – I've never heard of anybody putting in a dry sprinkler system for under \$4.00 per square foot. Just around about that. The project is 28,000 square feet, and that again doesn't include all the heat source and any of the underground work.

Chairman Reinhardt – I understand that you may have never heard of it, but the Board needs facts. We need an estimate. We need somebody that knows; an engineer, or somebody qualified to install these units, whether it be sprinkler systems or the early detection. How much is it going to cost? I would doubt that if you're going to build a house, you're not going to take the contractor's word that it's going to be \$400,000. You are going to want to see an itemized estimate on what it is going to cost for the whole project. Right? I think what we are asking you is give us an itemized estimate from somebody credible on what it's going to cost to install the sprinkler system for the whole project, as clear as it can be and what it's going to cost to install the early detection. That's what Scott was asking for.

Mr. Harter – Yes, I think it would be good for comparison.

Chairman Reinhardt – Can we do that?

Ms. Tambe – Yes.

Chairman Reinhardt – Fred, would you like to see that?

Mr. Salsburg – No, because I'm in no position to decide what's an economic hardship and what percentage of the total bill is OK or not OK.

Chairman Reinhardt – You are. You are a public servant. You’re going to evaluate when you see facts. There is not necessarily a right or wrong answer, but you are going to look at the facts, look at the estimates, and then decide.

Mr. Salsburg – I’ll look at it.

Mr. Nearpass and Ms. Morley agree that it was fine to wait and see a complete estimate.

Chairman Reinhardt – It sounds like the Board is willing to hear some more information from you. If there is something else you want to add or have something else you’d like us to see, we’d be more than happy to look at it. I think the big piece you are asking for is the discrepancy in the cost between what Colonial had estimated and what you believe is a closer number on how much it’s going to cost to put a sprinkler system in there.

Mr. Copp – We would also like the opportunity to present, in writing, all of the things we said that we would do or would be restricted in the granting of a waiver if a waiver is granted.

Chairman Reinhardt – I’d rather have too much information than not enough. Anything else?

Mr. Salsburg – I’m confused. This says it’s a proposal and it’s signed by the National Sales Manager. That doesn’t sound like an inaccurate document. It wouldn’t be fair to build an excessively expensive proposal up to give to us either.

Chairman Reinhardt – It sounds like four of us would like to see more information. You are ready to vote today, but I’d rather give the applicant every opportunity that they can, whether it be an area variance, use variance, or waiver of this nature, so that we’ve left no stone unturned and evaluated it as best we can to make a decision that is based on facts and thorough thought.

Mr. Harter – I would just say that this is the first time I’ve seen this number and how many square feet are we talking about all together?

Ms. Tambe – Roughly 28,000 square feet.

Mr. Harter – As this Board knows, I did Mark’s Pizzeria recently and they have a sprinkler system in their restaurant. I am somewhat familiar with the cost of that sprinkler system because I designed the RPZ (Reduced Pressure Zone) and that sort of thing for it. So, I think that number is low. I can tell you based on my experience that number seems low. To that end I think, if everyone else is in agreement, I think it would be fair to let the applicant come with additional information.

Chairman Reinhardt – When is the next meeting date?

Ms. Trillaud – December 17th.

Chairman Reinhardt – Can you get the information to us before then?

Mr. Copp – We'll work on it tomorrow and hopefully have it to you by next week.

Chairman Reinhardt – And I encourage discussion with both Fire Departments. You don't have to, it's certainly up to you.

Mr. Copp – As Robert Graham was the liaison to them, we relied on the information that we were given.

Chairman Reinhardt – Keep the dialogue going.

Mr. Copp – That was the dialogue he held and we would be glad to talk to Bob again tomorrow.

Chairman Reinhardt – OK, very good, we'll see you on the 17th then.

Mr. Copp – Thank you.

Chairman Reinhardt – Thank you so much.

To the Board – Keep your notes for the next time. You won't reproduce all this stuff.

Chairman Reinhardt thanked the representatives of the Fire Departments for their time and asked them if they could come back on December 17th if they had time.

6560 ANTHONY DRIVE – VICTOR JEEP

23-Z-2018 – Area Variance Modification

The applicant is proposing the temporary use of 6560 Anthony Drive for a Chrysler/Dodge/Ram/Jeep dealership until the permanent facility is constructed. The request is to modify two conditions of an area variance approved on 2/18/14 to Code §211-22A(7)(a)[3][b] that requires at least 1,000 feet between a motor vehicle repair business and any residentially zoned district. Specifically the modification is to repair vehicles with motor sizes greater than 2,000 CC and to change the hours of operation of the business which would be a variance to §211-22A(7)(a)[3][e].

Jon Daniels from Passero Associates addressed the Board.

Mr. Daniels – Good evening to the Board. Thanks for taking the time to hear us tonight. I'm speaking on behalf of our client Victor East Auto. The motion before the Board is for the use of the property at 6560 Anthony Drive. It's currently the location of Motovate, motorcycle services and repair. The proposal is to use that property as a temporary dealership and service station for Chrysler/Dodge/Ram/Jeep until the permanent facility is built on Route 96.

In 2014 the Zoning Board approved a variance for Motovate to conduct motorcycle repair within 1,000 ft. of the residential district. We are seeking modification to that variance on a couple of points. The Board approved repair on motors up to 2,000 cc's, which is smaller for motorcycles, and we would be servicing larger engines for passenger cars and trucks. That is one point that would need to be modified for this project to go forward. Also the hours of operation were approved, at that time for, 7:00 a.m. to 7:00 p.m. We are proposing hours until 8:30 p.m. during the week. So it's a slight extension, typical dealership hours to allow a little more time for customers. I'm happy to answer any questions of the Board.

The work done on the site is going to be relatively minor. We are not increasing the impervious area at all. There are going to be a few new gravel parking areas for inventory of the temporary dealership. There will be no lighting changes, no building additions, really just slight gravel additions. If you have any questions, we're here to hear the Board's comments as well to make sure we address everything properly.

Chairman Reinhardt – Use or Area Variance here, Al?

Mr. Benedict – Area Variance. The use that they are proposing is essentially automobile sales, but the thing that pertains to this variance is the motor vehicle repair. What they are doing is repairing vehicles rather than motorcycles which was previously approved.

Chairman Reinhardt – When you say temporary, what do you mean temporary, time period?

Mr. Daniels – I don't exactly know how long. We are working through a proposal with the Town on a permanent location. There will be a full construction of a new dealership for it and it will serve as the dealership for this region.

Chairman Reinhardt – So it's really not temporary, you're looking for a bridge. Is that a better way to put it?

Mr. Daniels – Yes.

Mr. Nearpass – So the new one is going to be on this site or elsewhere?

Mr. Daniels – It's across Route 96 on the north side.

Mr. Salsburg – There is an under review sign on the property.

Mr. Nearpass – Is it going to require the same variance?

Mr. Daniels – Yes, it will. We are pursuing that as well.

Mr. Nearpass – It's temporary for this lot then?

Mr. Daniels – For this property, yes.

Mr. Salsburg – Will there be mostly newer cars? Not brand new but within ten years old or newer that are being repaired?

Mr. Daniels – I believe so, I don't want to answer that definitively though. I'm just the engineer.

Matt Indiano from Victor East Auto Group addressed the Board.

Mr. Indiano – I can answer that question. It would be a mixture of both new and used vehicles. In that facility, when I say new vehicles as far as repair, there is a preparation process that happens once the vehicle comes off the trailer. We would be doing that out of this facility as well as repairing vehicles, generally vehicles we've sold to customers.

Mr. Salsburg – No racing stuff?

Mr. Indiano – No racing stuff. Not that I can foresee, let's put it that way. I think there is a place down the street that does that.

Mr. Salsburg – So noise wise it shouldn't be much of a factor.

Mr. Indiano – Most of the vehicles in this day and age are not loud.

Mr. Salsburg – Right. Motorcycles might be louder than cars.

Mr. Indiano – I'm sure there are some Harley Davidsons and things like that are a little bit louder than the vehicles, or a lot louder.

Mr. Salsburg – This is for two liter motors and my car is under that. Two and a half liters is a very common engine size, four cylinders. Not much of an increase, about half again more, or something like that.

Mr. Indiano – Many of the vehicles we are selling right now that are Chevrolets are 1.5 liters with a turbo charge.

Mr. Salsburg – Right, that's what mine is, 1.5.

Mr. Indiano – It's the way of the future I believe, a smaller cubic inch displacement with a, as they call a power adder, which would be their super-charger or turbo-charger.

Mr. Salsburg – I see the additional hours of operation as being more of a factor than the increase in the engine size.

Mr. Indiano – The additional hours of operation, if I may, “general car dealer operation hours” would be something like Monday through Thursday 8:30-8:30. Quite frankly, I don't know if we would really stay open until 8:30 p.m., I was thinking closer to 7:30 or 8:00 p.m. On Friday and Saturday it would be 8:30 a.m. until 5:30 p.m. In our current location the only time we are open on a Sunday is the last Sunday of the month. The reason for that are incentive programs that the manufacturers put forth that end on that last day of the month.

Mr. Salsburg – It's almost all commercial. Is there any residential factor to this at all? Is there one house or something?

Chairman Reinhardt – The lot to the west, if I have my compass right, the last time we discussed this for a variance, that's a buildable lot for potential development. We are playing what ifs and what can happen, but that was a concern.

Mr. Salsburg – Towards Brace Road then?

Chairman Reinhardt – Yes.

Mr. Salsburg – There is no house there now, but you mean there could be.

Chairman Reinhardt – No house there now, but there could be. Since this variance was granted the development over by the treatment plant has gone up, the municipal park has gone up, things have happened in that neighborhood. There is no guarantee there will be a development there. You can't say it won't. Is that residential, right there, the lot to the northeast.

Mr. Benedict – It's actually Commercial-Light Industrial. The zoning in question is to the south. There is actually a lot in-between this one and that, as well as you would go across the railroad

tracks and on the other side is additional residentially zoned property. The closest residential house, I believe, is over along the large curve on Brace Road, just ahead of the treatment plant.

Mr. Nearpass – So is the distance corner of the building to the next building? Is it lot line to lot line, 1,000 feet?

Ms. Trillaud – It's lot line and it's just residentially zoned. It doesn't need to be built.

Mr. Salsburg – It's quite a ways.

Mr. Benedict – It's 500 feet from structure to structure. 1,000 feet to a residential zone from the lot line.

Mr. Nearpass – How much of an impact is it? Is it 900 feet away? Is it 500 feet away.

Ms. Trillaud – I think I measured on OnCor and it was around 650 feet.

Mr. Daniels indicated on his poster board where the nearest residentially zoned district was to the south and also indicated the residentially zoned district to the north across the railroad tracks. He also showed where the nearest house was to the Motovate property.

Mr. Benedict also brought the Town's Zoning Map up to the Board so they could see how the surrounding parcels were zoned.

Mr. Reinhardt – So the house you were pointing to is on Route 96?

Mr. Benedict – It's on Brace Road.

Mr. Salsburg – The house in front of the treatment plant like we were saying a minute ago?

Mr. Harter – I have a question just on the site layout. You mentioned that there was no increase in the impervious area but you are putting down a gravel parking area. How does that work?

Mr. Daniels – The impervious area that is the asphalt that is existing on site, the gravel doesn't create the runoff like paved asphalt does.

Mr. Harter – The gravel is considered an impervious area.

Mr. Indiano – If I may, I did meet with the Conservation Board, I believe it was two weeks ago. In speaking with them, I had also spoken to Al, who had suggested having a pervious surface.

The Conservation Board asked if we would and they recommended, which I believe they will speak to the Town Board, recommended an impervious surface. They would like to see that run into the pond and also asked if we would put up a berm along the creek to make sure no water would go into the creek either. I wouldn't have a problem either way. An impervious surface pitched toward the pond would be something we would be willing to do as well. It's also a cleaner look as well. To some of Al's notes that I got, one of the conditions was making sure there was no dust that was kicked up so that would aid that, but we are willing to go either way.

Mr. Harter – Back to my question. The gravel is considered impervious, so are you going to use the gravel then?

Mr. Indiano – Gravel is considered impervious or is it pervious?

Mr. Harter – It's considered impervious. According to the DEC (Department of Environmental Conservation) it is.

Mr. Daniels – If you are comfortable doing an asphalt pavement, that's obviously preferred. Either way....

Mr. Harter – If you put in additional impervious area then, and the Conservation Board told you to do something, do you need to mitigate the additional runoff from that?

Mr. Daniels – I think the runoff would follow the existing pattern to the retention pond that's on Route 96. We would obviously do some calculations on that just to make sure.

Mr. Salsburg – Make sure that the pond would hold that water?

Mr. Daniels – Yes, it would be a minor increase regardless. I wouldn't expect a problem but we would address all that for the Board.

Mr. Harter – Is the proposal to use this property for this temporary situation and then this property will not be used any longer or is this ...?

Mr. Daniels – When the full time dealership opens, this would not be the dealership.

Mr. Harter – So they wouldn't be using this property then in this regard?

Mr. Salsburg – It's a rental property to you guys, you're leasing it until you move out?

Mr. Indiano – It is a rental property. We have the option to purchase under the lease that we are going to enter into. At that point perhaps it can be used to sell cars or to store cars inside.

Mr. Harter – So does the variance being sought, does that go away after you move to your new location?

Chairman Reinhardt – That's what we're going to work on.

Mr. Nearpass – How long is temporary?

Mr. Indiano – That's a relative question. It would be based upon how long it would take us to get into the permanent location.

Mr. Nearpass – What's the ask today? Is the ask, when you say temporary, are you asking for a year, six months?

Mr. Indiano - We'd be asking for the time that it takes to get into the permanent location which would be across...

Chairman Reinhardt – That's not going to work. He's trying as hard as he can. We can't do ifs and buts, you've got to pick a number and then we'll go from there.

Mr. Indiano – The lease is a two year lease.

Chairman Reinhardt – So you're looking for a two year temporary use here. (Correct) I'm not saying OK, you can have it. I'm just saying a number.

Mr. Indiano – I guess two years is probably the number to go with.

Mr. Salsburg – At that time if you wanted to keep it you could come back for an extension.

Mr. Nearpass – What are our logistics for a temporary area variance.

Chairman Reinhardt – I think two years is a huge ask. That's not temporary, that's more like permanent. Temporary is more like three months, six months. It's a short bridge to get you from A to B, but it sounds like there are a lot of moving pieces and parts that you have. Something being there that long the Board is going to have a concern that is going to take on a more permanent look to it.

Ms. Morley – The other property that you are going to. What are the things that are taking you this amount of time that you have to get a temporary location?

Mr. Indiano – I can defer to the engineering firm but I will tell you that first of all I believe the floodway and floodplain study, if I'm saying this correctly Al. (Yes)

There was a very detailed study that was submitted. That study is in the hands of the DEC and we are quite frankly at their mercy until they review it. That's just the start of it so that is the most significant reason we are waiting.

Mr. Benedict – The study went to both the DEC and LaBella, the Town Engineers.

Mr. Nearpass – There is no decision tonight because of the county, right?

Chairman Reinhardt – That's right. The County Planning Board has to weigh in on it and then they will make a recommendation. We will look at it and go from there.

Mr. Harter – Al, does this application that we are looking at, because of the changes that they are speaking of, the additional parking and everything, does that require site plan approval?

Mr. Benedict – Yes.

Mr. Harter – So the issue I brought up about impervious area that will be taken care of via the Planning Board? I was not exactly clear, I thought it was just coming in for a variance.

Chairman Reinhardt – My concern is that this temporary request is going to turn to be more a permanent request. Depending on what the County Planning Board does, I think it's going to dictate what this Board may do. It doesn't mean we have to follow them, but if we don't take their advice we would need a super majority to go our own way. I think your engineer can certainly advise you on that.

On the temporary piece, my thought is, if it were to be considered, it would be a much shorter lease. A much shorter time period, maximum a year, or with a sunset provision with the condition that you would come back and let us know your progress. If it looks like you are moving in that direction and your dealership is going to happen, I think the Board may be willing to grant another extension. If it it's a definite, perpetual standstill, going on for years and years and years I don't think the Board is going to be willing to do that. That would be my thought, I know it's a pain to keep coming in but we would need to have some type of update on where you are with your project. Think about that, we don't necessarily need an answer today.

The hours of operation are somewhat of a concern. It is close to residentially zoned districts. The increase, as far as motor vehicles that you want to work on, can you give us a little

more of an idea? Is there a limit to, when you say 2,000 CCs, then you say 1.5 liters; I'm not a motor guy, make it apples to apples for me. What does that mean?

Mr. Indiano – Working on a motorcycle engine versus a car engine. I don't have all the cubic inch displacements of all of the different automobiles that will be coming through there.

Mr. Salsburg – 2,000 CCs is 122 cubic inches.

Mr. Benedict – 2,000 CCs is 2 liters.

Chairman Reinhardt – So you are going to be working on automobiles. Is there a limit on the kind of automobiles you want to work on? For example, there are three cylinders out there on up to eight cylinders...

Mr. Indiano – I know that the model lines; it could be a Jeep Compass, a four cylinder; it could be a Cummins Diesel (*6 cylinders*) Ram truck.

Chairman Reinhardt – So you want the gamut. You want to work on both gas and diesel, small car compacts on up to working trucks, pick-up trucks. Is there any thought of limiting that to six cylinders or four cylinders?

Mr. Indiano – There is no thought on limiting that but at the same point there are only two bays there. The work being done, whether it would be on a larger vehicle or a smaller one is still limited to the two bays that we have.

Chairman Reinhardt – Just trying to get some facts so that we know what you are asking for. Anything else you want to add to your proposal or is there anything else we need to know?

How long have you been there at this leased property?

Ms. Morley – They are not there yet.

Chairman Reinhardt – Who is there now?

Mr. Indiano – A gentleman repairing motorcycles.

Ms. Morley – Are your sales hours and your service hours different?

Mr. Indiano – Yes, they are. Service generally closes at 6:00 p.m.

Mr. Salsburg – So the extension of hours is for sales rather than service for the most part. (Yes)

Chairman Reinhardt – Total number of cars you think you'll have there for sales on the lot at one time?

Mr. Indiano – I'm just looking at it. 30 or 40 cars.

Chairman Reinhardt – Next time you come back, the Board has trouble with ifs and buts, get some numbers for us, some specifics. Don't make the Board guess. If you can give us an idea of what this project is going to look like, how many bays, how many cars, what your plan and dream looks like; help us understand.

Mr. Nearpass – One thing I would recommend, I know Al did a great job pointing it out, but it would be great to really see what the residential impact is within the 1,000 feet. If you drew that 1,000 foot radius around it; how far does it encroach? Are we talking about a couple of 100 feet on something that is undeveloped or what is that encroachment on residential areas? That's really the To me the hours of operation, as one person here, I personally don't have an issue. I just want to see what the impact is on the residents. There doesn't seem to be anybody here to speak for or against it but the land is currently undeveloped. I'm just trying to understand what that is.

Chairman Reinhardt – Thanks, I forgot, is there anyone who would like to speak for or against this project?

The County Planning Board meeting is on the 12th, so we will see you on the 17th.

Mr. Indiano – Thank you all very much.

It was unanimously agreed and RESOLVED, that the meeting was adjourned at 8:40 PM.

Debby Trillaud, Secretary