

TOWN OF VICTOR ZONING BOARD OF APPEALS, February 6, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on February 6, 2023, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman; Alexis Ogra; Fred Salsburg

OTHERS: Brandon Billett, James Cretekos, Bryan Frank, Lya Theodoratos, Fred Rainaldi, Adam Ryczek, Victor Code Enforcement, Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Michael Reinhardt called the February 6, 2023, Zoning Board of Appeals meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Chairman Reinhardt welcomed everyone. He gave the meeting announcements; location of emergency exits and restroom. The chairman asked that guests please sign the attendance sheet. Agendas and business cards are at front entrance. He asked to silence cell phones and that applicants use compass directions and descriptions to create a complete meeting record. Applicants will have opportunity to be heard with as few interruptions as possible. We will talk one at a time, not over each other. Also, to let the board know if there are additional exhibits.

PAST MINUTES:

On motion of Fred Salsburg, seconded by Alexis Ogra:

RESOLVED, that the minutes of the meeting held on January 17, 2023, BE APPROVED.

Adopted: Ayes 4, Nays 0

PUBLIC HEARING

**Valentown Plaza, 7724 St Rt 96 and 300 High St** **TABLED 3/6/23** 24-Z-2022  
seeking an area variance to allow a freestanding monument sign 74 SF in total identifying a specific business (4 to be identified) where §165-5 B. (1) states one freestanding monument building identification sign may be installed which identifies the name of the building or plaza but does not identify any specific business. A building identification sign may be freestanding, not to exceed 10 feet in height and 20 square feet in total area. The sign will have multiple typeface fonts where §165-4 (4) states No more than two typeface fonts may be used on any one sign or group of signs indicating one message and will advertise for the use on an adjacent parcel where §165-6 D states Unrelated signs. Business use signs must advertise a bona fide business conducted on the premise where the sign is located.

Chairman Reinhardt- as noted Valentown is going to be tabled until the next meeting which is March 6<sup>th</sup>.

**211 High Point** 01-Z-2023  
Seeking an area variance to allow a 12' front setback on Lot 4 High Point Business Park for construction of a terrace where §211-24.4. A states 30' is required.

Chairman Reinhardt- next is going to be the High Point presentation, gentlemen.

Mr. Cretekos- Good evening, how are you guys all doing?

Chairman Reinhardt- Good, how are you?

Mr. Cretekos- excellent, my name is James Cretekos, I'm with BME associates, here with me is Fred Rainaldi from Rainbro Associates LLC, the applicant I know you guys heard this application at the previous meeting with Linc Swedrock from our office he's kind relayed that there weren't too many questions or comments from the board members, you guys were really just waiting for Ontario County to issue their decision however I don't believe that they need to do that for this type of application.

Chairman Reinhardt- that's correct.

Mr. Cretekos- doesn't matter to us obviously, we're still going through Conservation Board and site plan tomorrow and next week so no hold up, I did want to pass out an updated rendering consistent with the one that Linc provided you last meeting. Fred, after seeing the graphics wanted to update kind of the exterior building materials to create more of a stone and natural feel, I'm sure Fred can speak to the specifics of why he made the change.

Mr. Rainaldi- Good evening.

Chairman Reinhardt- One second, is this ours?

Mr. Rainaldi- yes, yep. An additional copy will be furnished to the Town as well, we did a photo sim across the full spectrum of the day and we found that this is a new technology we're using for a lot of purposes, but these are, these block materials can be designed to emulate stone and a mix of this technology and landscaping actually makes this thing almost disappear, which is pretty cool. So, we thought that this was a significant improvement aesthetically for the exterior and an added actually adds a little bit of a kind of a dynamic architectural element on that elevation which is the road elevation for High Point Drive.

Mr. Cretekos- so kind of just really quick touching on probably some of the things Linc talked about last week, we really don't feel that there's an impact to anybody else the High Point 300 or the 211 High Point Drive property does, is the same property that's across the street so even though we're encroaching on the front setback we do control the property across the street which is completely in a conservation easement already wooded there so it does provide screening from the lower areas of High Point Drive and you know any of the properties you know located to the east of this, so as such, one of the other things obviously if we would have known about the balcony when we were going through the PDD rezoning, I think it was like 2018 now we would have just requested the front setback be you know 10' at that time which would have allowed this to occur then so, this is kind of just you know a user, end user thing that kind of got incorporated after you know we established the zoning for our selves so, after talking with Miss Kinsella at the Town she kind of guided us that this would be the most appropriate path to achieve this approval vs just going back and trying to update the PDD and the underlying zoning so that it complies. So, if there's any other questions, we'd be happy to discuss.

Chairman Reinhardt- great, before I open it up just a quick summary of where we were last time, 12' setback. That you're asking for 30' is required, and First American is going to be the tenant ... no that's not correct, who is it?

Mr. Rainaldi- so, very confidential.

Chairman Reinhardt- okay, fair enough. I thought that was part of the record ...

Mr. Rainaldi- kind of the precipice for this is, had this been a single tenanted building, we probably, the need for this feature may not have existed because you'll notice that we make opportunities for there to be second or third story balcony across the, all of the buildings really, we have First American is not going to occupy the entire building, the first floor will be occupied by an incredible new end user, not new to the market and the scale, and the, part of what is driving our ability to facilitate retention and recruitment and provide this really amazing unmatched quality of life up there are by way of these practical and usable amenities, and that's exactly what this is, this is ...

Chairman Reinhardt- okay, then, go back a little bit for me, I was under the impression that the tenant was requesting strongly for the terrace.

Mr. Rainaldi- they are.

Chairman Reinhardt- okay, and ...

Mr. Rainaldi- so this new tenant is requesting strongly for the terrace.

Chairman Reinhardt- alright so the particular tenant ...

Mr. Rainaldi- yup.

Chairman Reinhardt- is going to use approximately 90,000 SF or did I misunderstand that as well.

Mr. Rainaldi- in the building? Itself or here? The terrace?

Chairman Reinhardt- the tenant that is, would really like this terrace...

Mr. Rainaldi- yes.

Chairman Reinhardt- is going to use approximately 900, or excuse me 90, 000 SF?

Mr. Rainaldi- they're, well they're occupying about 2/3 of the first floor.

Chairman Reinhardt- okay.

Mr. Rainaldi- so they're going to take approximately 30, 000 SF of the first floor.

Chairman Reinhardt- okay. Fair enough, alright, Fred do you have any questions, not you, that one.

Mr. Salsburg- no I think this is pretty easy to visualize and understand and its such a big area, I think its going to look nice so, I don't have any questions.

Chairman Reinhardt- great. Alexis, questions?

Ms. Ogra- no questions.

Chairman Reinhardt- Matt?

Mr. Nearpass- no questions.

Chairman Reinhardt- quick one then, the Conservation easement, who owns that?

Mr. Cretekos- the town does, well the Town has control ...

Mr. Rainaldi- we do.

Chairman Reinhardt- The town has control of it.

Mr. Rainaldi- control of it, right.

Chairman Reinhardt- but the Conservation Easement is in place because of the Town, but the owner of the ...

Mr. Cretekos- the property is also the same parcel ...

Chairman Reinhardt- okay, okay. So, you have no intention on disrupting that, changing that, you like it, leave it alone.

Mr. Rainaldi- it is the, it is one of the most coveted features of this project is the green space, I will tell you it is, it is, and becomes more so every day.

Mr. Cretekos- you can't do anything without Town approval and dissolving that easement anyway. So ...

Mr. Rainaldi- right, yes.

Chairman Reinhardt- and the site plan approval, that's tomorrow?

Mr. Cretekos- next Tuesday, I believe, we're at Conservation Board tomorrow.

Mr. Rainaldi- Conservation easement, or Conservation is tomorrow.

Mr. Cretekos- yup.

Mr. Rainaldi- Planning is next week.

Chairman Reinhardt- Planning, all right, so you need site plan approval next week.

Mr. Rainaldi- yes.

Chairman Reinhardt- what does that board think about as having a condition to granting the variance for site plan approval. We have no control over that, if they don't give you site plan approval I'd like to try and button this down before we, you know, having you come back and ...

Mr. Rainaldi- sure.

Chairman Reinhardt- you go all over this again.

Mr. Rainaldi- totally fair.

Chairman Reinhardt- alright, I mean you'd be okay with that?

Mr. Rainaldi- so your approval ...

Chairman Reinhardt- would be conditioned on ...

Mr. Rainaldi- conditioned on site plan approval?

Chairman Reinhardt- right.

Mr. Rainaldi- absolutely.

Chairman Reinhardt- great, you okay with that everyone or do you think.

Ms. Ogra- yea.

Mr. Nearpass- yea, as long as I guess were flexible, usually it's the opposite, right, you have site plan approval then we're here, I just want to make sure we don't approve something and then they say for example, you know, I don't know we want it a foot smaller or something different and then that, the way we've approved it here is in, isn't the right numbers, that's all. We just need to watch out for that, that's all.

Mr. Rainaldi- anything but what is specifically part of these drawings would have to come back again to you ...

Chairman Reinhardt- right.

Mr. Rainaldi- that's the way the language, I was ...

Chairman Reinhardt- right, that's the whole notion here, alright just to keep this moving.

Mr. Rainaldi- absolutely. That's fair.

Chairman Reinhardt- you good with that Fred?

Mr. Salsburg- yea.

Chairman Reinhardt- okay, great. Anyone from the public want to speak for or against the application? Suzy, anybody that's a chiming in? Nope, we're good. Alright, then let's walk through the criteria.

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification being that the location of the property and the proximity of the Conservation Easement creates a buffer to the proposed terrace, and arguably unless you are up in the High Point area, you're not going to see the terrace, so would anyone like to add anything, comments, questions, additions to the first criteria?

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification: It appears that this is really the only feasible location for the terrace and again as indicated from the first criteria that the Conservation Easement helps buffer the proposed terrace. Anyone like to add anything to the second criteria?

3. The requested area variance is substantial.

Justification: The, requesting a 12' setback when 30' is required in and of itself appears to be substantial. Would anyone like to add anything to the third criteria?

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification: This board has not been aware or heard of anything that would have any kind of impact on the physical or environmental conditions in the neighborhood or district. Would anyone like to add anything to the fourth criteria?

5. The alleged difficulty is self-created.

In and of itself, they're asking for it and as far as conditions go, the approval of the pending site Plan approval is a condition to granting of the variance and the applicant agrees that should anything changes, the applicant will return for us to re-hear the application. A motion for APPROVAL?

On a motion made by Matt Nearpass and seconded by Fred Salsburg: The application was APPROVED.

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

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Fred Salsburg	Aye
Alexis Ogra	Aye

Adopted: 4 Ayes, 0 Nays

Chairman Reinhardt- thanks so much. Good luck.

Mr. Rainaldi- thanks so much, I appreciate it, see you in a few weeks.

Chairman Reinhardt- yes.

Mr. Salsburg- much easier than the sign is going to be.

**Billett**, 1180 Louise Way

02-Z-2023

seeking an area variance for a hot tub to be placed 2-3' from the property line where §211-27.6. A Planned Development District Regulations which defers to §211- 20. C. which states Accessory uses, generally. Accessory uses, such as storage sheds, must observe a fifteen-foot property line setback on residentially zoned property unless otherwise specified herein

Chairman Reinhardt- let's hang on to that. Next is the Billett. Am I pronouncing that right?

Mr. Billett- ah, it'll do. Billett, Billett, whichever one works. How are you today?

Chairman Reinhardt- good how are you?

Mr. Billett- good.

Chairman Reinhardt- so, you are looking for a variance for 2-3 from the property line for your hot tub that's already in place ...

Mr. Billett- I know, first world problem, but um, yea, well, it originally started that it was going to be farther from the property line essentially we had an agreement with our next door neighbor, whose daughter actually, he had passed in July and him and I had already been in conversation about a fence issue between him and I, Lowes had misaligned his fence, he was a very elderly gentlemen, it was supposed to originally be on the property line, I tried helping him through it but once again he was elderly and kind of didn't follow through, so he had passed, I had spoken with his daughter, the executor Lynn Carpenter and husband as well too about purchasing actually the additional 5' of their property, up and, actually later on, the fence for a privacy fence to be installed and replaced, that was just kind of part of the issue, we had a project essentially between our deck and, to be installed in the back of our house, and a hot tub that was, we were didn't know where it was going to be placed yet, but after conversations with contractors, you know, the conversation with the setback essentially wasn't really kind of part of it until later on that we'd find out, we were intending to buy the property anyway, but then later on after conversations with our neighbors who had sheds and hot tubs as well too, our conclusion was there wasn't anything more than 5 or so foot setback, the information that we had found online was only pertaining to sheds, there really isn't anything pertaining to hot tubs or what, if its considered an accessory structure as we later kind of found out, so just to kind of, you know ignorant homeowner and not enough information, should have probably just called Town code enforcement in the end but I was dealing with contractors who were feeding me the information, so the hot tub was installed early, it actually had arrived quite early before our deck was installed so it was placed farther than we intended and hooked up to test as well too and its shut down currently right now and not filled at all, but we had also been confused because there was a, essentially this code stated that it was a 15' setback and then we were told by Tow code enforcement that our neighborhood was actually zoned for a 10' which I later found out was on my survey as well too. So, I guess there was just a bunch of kind of confusion about the setback distance, so, I had been discussing with Tom Stirone with Town code enforcement in regards to alternative options or what we can do but ultimately, no matter where I place it on the side its no matter what going to be in violation on the 10' because we no longer have the chance to have that additional 5' our neighbor essentially reached the point of, of agreeing as ell too, we have provided information of text messages to you guys as well too, back and forth they agreed on August 25<sup>th</sup> to allow us to purchase the property for \$3 a square foot, and then they, we, or I had already basically order us a new survey from Perone and Associates as well too, originally, and then at the end, they just kind of pulled out, and sold the house, and so I was kind of left with it, so yes, I am applying for the variance to just, where it

stands, the reason being is it, because of, where, the way its hooked up, my electrician, who unfortunately never pulled a permit in the beginning as well too, which I later, unfortunately had to, you know approach him about after Tom had Stirone, had told me there's nothing on file, I have text messages of all, you know asking him why he didn't pull one, he's like I have 6 months to do it, so he was just being unfortunately lazy. And I would have found out well before hand if he had done so about the setback issue as well too, I had, so unfortunately, I was kind of left and you know, and you know, by that, um, so I had spoken to my neighbors, obviously I'm at this point where its placed, it arrived early, it actually arrived before my deck was done so I had to have them place it far enough away so they could do construction on my deck, but like I said its hooked up, and tested and right now its about 3' away from the line, but I do have a privacy fence completely around, a completely wood privacy fence there's no visual aspect from the road, I'm, conservation land behind me, so there's no neighbors directly behind me to see it, its completely tucked away from any side neighbors as well too. I have photos as well I can provide to you as well. I also have signatures from most of my neighbors about 13/14 neighbors as well too have all come to my house and seen it and they've been notified that it is a violation, they've been notified that there is a setback, most of them didn't even know that there was a setback, I mean, I have neighbors in my neighborhood who have stuff way too close to their line too. But, and yea. So, they've been notified they signed off that they're essentially understand that there's a violation but they're okay with it and not opposed to where it currently sits, therefore I'm just applying to, like I said just kind of keep it where it is, but its up to you.

Chairman Reinhardt- okay, so let me just, you told us a lot ...

Mr. Billett- I know, sorry.

Chairman Reinhardt- no, no, its okay, its alright, and we're ...

Mr. Billett- ignorant homeowner. So ...

Chairman Reinhardt- so, you've had a chance to look at the criteria? Right, and criteria meaning the criteria that gives this board authority to grant a variance, right, let me walk through it ...

Mr. Billett- so, we didn't know until after essentially the electrical permit was pulled ...

Chairman Reinhardt- okay, so, that's one of my points, and I've heard you say a couple of times, we didn't know, I didn't know, they told me ...

Mr. Billett- sure.

Chairman Reinhardt- alright, and as we look at the criteria, one is an undesirable change would or wouldn't be produced, second is whether the applicant has a feasible method to solve the problem ...

Mr. Billett- mhm.

Chairman Reinhardt- third whether or not its substantial, fourth whether or not its going to create an adverse impact ...

Mr. Billett- sure.

Chairman Reinhardt- and fifth if its self-created. There's nothing in there that says "we didn't know" or "I didn't understand what the law is" so what I'm, our questions are going to be driving at these criteria ...



Mr. Billett- I understand.

Chairman Reinhardt- and all due respect, we don't care that you didn't know ...

Mr. Billett- sure, sure. I understand, sorry, I've never done this before.

Chairman Reinhardt- no, no, that's okay, that's why we're doing this so that you're not going to get caught flat footed, its like well why are they spending so much time on these particular issues.

Mr. Billett- sure, I did try to explain it, I guess to rebuttal, on the ZBA on the end words that it was self-created tried to explain ...

Chairman Reinhardt- this is ...

Mr. Billett- so ...

Chairman Reinhardt- this is going to be a Q and A ...

Mr. Billett- okay.

Chairman Reinhardt- the board ...

Mr. Billett- sorry.

Chairman Reinhardt- is going to, no, no, no, no apologies, we're going to be asking you some questions, and the questions, my point here is going to be focusing on the criteria ...

Mr. Billett- okay.

Chairman Reinhardt- that's why were going to be asking ...

Mr. Billett- sorry.

Chairman Reinhardt- and don't get hung up if you will, its like well why don't they care about "I didn't know" ...

Mr. Billett- sure.

Chairman Reinhardt- its not a relevant factor.

Mr. Billett- okay.

Chairman Reinhardt- okay, that's all.

Mr. Billett- thanks.

Chairman Reinhardt- that was all my point was. Alright, Alexis, questions, comments, concerns?

Ms. Ogra- let me see, the neighbor you were in touch with that's 1182?

Mr. Billett- mhm.

Ms. Ogra- and there's these signatures here from, is it Jeremy?

Mr. Billett- Jeremy, yup.

Ms. Ogra- anyone else own the home with him or ...

Mr. Billett- his wife, I mean each one of the signatures was one of the, one of the homeowners, one of, either husband or wife of the homeowners ...

Ms. Ogra- have you spoken to the wife?

Mr. Billett- yea, oh yea. Oh absolutely. They, they both know, they've both been over, they've both seen it when they first moved, it'd be when they came to look at the property as well too, so they're well aware of what's there. The privacy fence wasn't installed until recently, so it was pretty much opened for view.

Ms. Ogra- okay. I have no other questions.

Chairman Reinhardt- Matt?

Mr. Nearpass- sure, so the, so where they currently put it is where you want to keep it? Or that's just a temporary spot ...

Mr. Billett- well, so, the reason, the reason I'm just applying to keep it where it is, is because it just, its very difficult to move, its not just because its heavy but my electrician essentially wanted to get fancy and he buried the line underground, so it popped up through the tub, through the ...

Mr. Nearpass-yea, you're supposed to do that...

Mr. Billett- well I don't know, yea, he was, not only because ...

Mr. Nearpass – you don't want to mow it over.

Mr. Billett- well yea, it's a tripping hazard too, so to kind of get around to having the exposed line so where it came through was the only spot where piping and plumbing and the work in the tub was kind of allowing it to pop up and otherwise if I moved it over, I would ...

Mr. Nearpass- what would it cost you to move it? I mean realistically, I mean what ...

Mr. Billett- I would have to redo the electrical, as well too, so I'd then have to disconnect it and then connect it and then moving it probably wouldn't be crazy, it would probably be upwards of \$800-\$1000 probably to ...

Mr. Nearpass- is it on a pad?

Mr. Billett- yea, yup.

Mr. Nearpass- is it, you poured a concrete pad?

Mr. Billett- There's a pad its sitting on currently right now. It had to sit on something.

Mr. Nearpass- yea, no, no that was going to be my question is how permanent is this thing? So, you've got it on a pad, you've got obviously utilities, and everything run to it, and its where you originally wanted it, because you ...

Mr. Billett- no, it ...

Mr. Nearpass- but you poured a pad, so that's what I'm trying to figure out the ...

Mr. Billett- it was wide enough essentially that it came up to where we thought that we were going to have that additional 5' essentially, so its not beyond that so it came up about 16' wide ...

Mr. Nearpass- but there'd still be a pad there if, when you say, because earlier it sounded like it was just going to be temporary so in my mind I was thinking, oh there's no concrete pad ...

Mr. Billett- no, no there is a pad ...

Mr. Nearpass- just a structure ....

Mr. Billett- there to walk on to ...

Mr. Nearpass- but it was before?

Mr. Billett- we had, we had it poured with the intention that there would be a tub there later on and then a walk down from the deck.

Mr. Nearpass- got you.

Mr. Billett- it is a pretty wide pad it goes from basically the side of the house to about 16' towards, so ...

Mr. Nearpass- if you could move it ...

Mr. Billett- mhm.

Mr. Nearpass- where would you put it, so the deck is now there? ...

Mr. Billett- well the deck is now there and originally kind of one of the plans was to kind of build it around the deck or possibly place it up there, you know later on but the tub had arrived exponentially early, we were given a, almost a 1 year, you know wait time on the thing and that should have been put us about February/March of next year, but because it arrived early, you know, it sat there and waited for the deck to be done but now that the railings and everything, realistically after talking to the, one of the gentlemen who delivered it, it would require a boom lift or a crane essentially to lift it up there, its also, so its just, exponentially difficult to essentially get it up there plus we had to redo the electrical as well too.

Mr. Nearpass- how tall is it?

Mr. Billett- the tub? Its probably 4' tall so it would be, being on the deck would also, you know as far as that goes it would be kind of a, it would be next to our windows as well too there's a number of

different windows against the house on the deck location it would have to go, I know that's kind of a safety violation I believe ...

Mr. Nearpass- I don't know ...

Mr. Billett- but uh, yea, its just, it also you know, everybody can see us as well too down where it is, is currently private, I have a picture it you'd like to see ...

Mr. Nearpass- yea if you have a picture, go ahead.

Mr. Billett- yea absolutely.

Mr. Nearpass- do we also know is it 10 or 5', or 15' sorry.

Mr. Ryczek- so 10' is the building setback for the development, it has nothing to do with accessory structures.

Mr. Nearpass- okay. So, side setback is ...

Mr. Ryczek- accessory structures ...

Mr. Nearpass- is 15'

Mr. Ryczek- the accessory structure setback is 15' yes.

Mr. Nearpass- and the deck is 15'

Mr. Ryczek- with the deck can be, is attached to the house ...

Mr. Nearpass- okay.

Mr. Ryczek- so it can go to the edge of the house setback, so if this was, it gets confusing when it comes to an attached deck, but if he puts it on the deck then it can be within 10'.

Mr. Nearpass- so if he builds his deck around it, I'm not trying to get cute here, but if he, if the deck were built around it, its be okay for it ...

Mr. Ryczek- the deck can't extend past that side of the house.

Mr. Nearpass- alright, past the side of the house, so the house is 10...

Mr. Billett- yea, it was all very confusing in the end.

Mr. Nearpass- the house is 17.5' it looks like... 17.3' side setback ...

Mr. Billett- 17.3' of the width of the house.

Mr. Ryczek- 10' is what's allowed in the development.

Mr. Nearpass- either way it'd be too far over. And you said you're about to have new neighbors in 1182 ...

Mr. Billett- nope, they've already moved in, we've already, they've already discussed it, they, they ...

Mr. Nearpass- they're on here ...

Mr. Billett- yup. They're on there 1182 is Jeremy I forget his last name I think its Clark, I don't .... pretty much most of everybody on my street essentially that I've, I believe that I've spoken to , I made it pretty clear in my notice that Adam signed about what exactly was going on so there wasn't any kind of you know slipping something by them or anything, most of them didn't even know that there was a setback at all, honestly, you would be surprised how many things are in my neighborhood that probably would call a violation, but...

Mr. Nearpass- I wouldn't open up that door if I were you.... I'm okay for now. I mean its one of those like, we hate feeling like our hands are tied, right, as you can imagine ...

Mr. Billett- I know, I know ...

Mr. Nearpass- that's, its one of those like were all adults here and we all generally know before we've got a, we construct or build or do something that there's permits and all sorts of stuff we got to do to you know to get those things in place and ...

Mr. Billett- sure.

Mr. Nearpass- and its really just a phone call into the town and ...

Mr. Billett- and in the end ...

Mr. Nearpass- we try to make it as easy as possible and then obviously we get you know applications like this sometimes, it can be a little frustrating, but I understand it happened, I'm not here to ...

Mr. Billett- sure, and ...

Mr. Nearpass- make anyone's life difficult but its kind of one of those you know Mike alluded to it before like just saying you know I didn't know or we can joke around about the you know homeowner comment that you made but its juts one of those like you know, come on man, its like between you and who you hired to do this you know all you had to do was look on a survey map, that's all ...

Mr. Billett- yea. We had to dig that up in the end honestly until this really came up to a point we didn't even dig it out to really tell and I don't really read them that often either so, you know, we had Tom Stirone actually the code enforcement came out to look at our deck, he say the electrical as well too, and then we told him that we were later going to have a hot tub, I was just, you know, at a certain points I was figuring hopefully it would just kind of come up of hey you know, you can't do that and maybe would have had time to save it but in the end its just we are where we are at this point, and I'm hoping to figure it out.

Mr. Nearpass- okay, I'm all set.

Chairman Reinhardt- Fred?

Mr. Salsburg- we had an application on Erica Trail and the code wasn't too familiar over there either as I recall, you gave it a try, I'll give you that, didn't work out to well, but you did give it a try. It's pretty close for our normal approval, you know, it's, we don't usually get this close ...

Mr. Billett- so, um ...

Mr. Salsburg- I think the fence, in that, I don't know if you, I don't think you can see it, you can't see the hot tub ...

Mr. Billett- you can't see it at all actually.

Mr. Salsburg- it's a little higher than the hot tub is ...

Mr. Billett- I included a photo...

Mr. Salsburg- its not over 6' ...

Mr. Billett- I included a photo just \*inaudible\*

Chairman Reinhardt- alright, so ...

Mr. Salsburg- well I ...

Chairman Reinhardt- go ahead Fred.

Mr. Salsburg- I, I ... I don't, I hesitate to, we got to treat everybody the same ...

Mr. Billett- I understand.

Mr. Salsburg- and I don't think I'll go along with it being this close ...

Mr. Billett- okay.

Mr. Salsburg- I don't see it as being so much of a safety hazard as you do if it was over closer to the house, worst you do is fall off the railing from the deck on the hot tub or in it or something ...

Mr. Billett- mhm.

Mr. Salsburg- that's not a life-threatening situation. So ...

Mr. Billett- if I were to move it over ...

Mr. Salsburg- my comment is that, how far could you move it?

Mr. Billett- I mean I could muck it ...

Mr. Salsburg- 4'

Mr. Billett- I could move it probably 2-3 feet, there's a 7' distance between the deck and the tub currently right now, and I mean I just wanted to keep it far enough away from the deck that it wouldn't become like a safety thing in the future, I don't need someone jumping off the deck and you

know I've got kids who are going to grow older so I don't need them getting crazy with that, so, or somebody you know falling off or anything. But yea, I mean I've if it's a matter of approval I probably could find a way to get it bumped over to maybe 3', so you know at least get a 5' distance from the existing line, I know that the R2 district regulations, it does have essentially kind of a disclosure stating that if you have a smaller lot essentially, and I have one of the smallest lots in my neighborhood, I'm not sure its considered too small, but that'll actually allow a 5' distance between a lot line, I'm just, I have it pulled up, and the district regulations ...

Mr. Ryczek- that's for storage sheds.

Mr. Billett- yea, I know but I mean obviously this is you know and that being said I, there's no regulations of hot tub, this is being called a shed almost, I'm just trying to find a degree of guidelines to follow, because like I said there is no, that's, that was the problem finding information in regards to what's specific to hot tubs, people call it an accessory, now its calling a shed and that's I guess, that's really the one thing id hope to abide by, but if there's a, essentially a rule that states that I could have, there's a 5' distance ruling maybe I could abide by that and Id be happy to make that happen if approval is granted.

Mr. Nearpass- is it all concrete pad around it like all the way to the fence?

Mr. Billett- yes.

Mr. Nearpass- so the pad goes to the, that area on the instrument survey that, there's a green privacy fence line ...

Mr. Billett- it's a foot away...

Mr. Nearpass- that corner ...

Mr. Billett- it's not all ...

Mr. Nearpass- that corner is pretty much right to it.

Mr. Billett- I'm sorry I didn't mean to over talk you.

Mr. Nearpass- That's okay...

Mr. Billett- because no all of them ...

Mr. Nearpass- I just ... I'm good I understand.

Mr. Billett- sorry.

Mr. Nearpass- no, you're good.

Mr. Salsburg- I do have some sympathy towards this application and it is pretty well enclosed.

Chairman Reinhardt- you okay for now?

Mr. Salsburg- yea. I don't know what to think.

Chairman Reinhardt- that's alright.

Mr. Salsburg- better make up my mind pretty soon here ...

Chairman Reinhardt- no, no ...

Mr. Salsburg- but I don't ...

Chairman Reinhardt- not necessarily. You may have answered the question the deck height is how high?

Mr. Billett- the deck height?

Chairman Reinhardt- yea.

Mr. Billett- I mean its probably about 3' ...

Mr. Salsburg- maybe 3.6' ...

Chairman Reinhardt- so approximately 3 1/2 'high and which I think you said earlier, correct me if I'm wrong is to get the hot tun onto the deck ...

Mr. Billett- plus the railing ... The railings since they're embedded through the deck would not be able to be removed because they're footed.

Chairman Reinhardt- alright so that is prohibitive to go that way ...

Mr. Billett- yea.

Chairman Reinhardt- alright. So, before I forget those photos that you showed us ...

Mr. Billett- you want the copies?

Chairman Reinhardt- if you could e-mail them ...

Mr. Billett- sure.

Chairman Reinhardt- and this way we can make them part of the record. That would be helpful. Thank you.

Mr. Salsburg- do the photos show the hot tub?

Mr. Billett- the photos ...

Chairman Reinhardt- the 2 photos that you showed, one was showing the hot tub ...

Mr. Billett- mhm.

Chairman Reinhardt- and you showed us another one, its escaping me what that was of...

Mr. Billett- the fence.



Mr. Salsburg- well there's one looking at it from the ...

Chairman Reinhardt- how high is the fence?

Mr. Salsburg- from the back ...

Mr. Billett- its 6'

Chairman Reinhardt- the fence is 6'

Mr. Billett- I believe.

Chairman Reinhardt- and we had a similar application where a contractor came in and put in an enclosed, a pergola area, it was a whole, for the pool itself...

Mr. Billett- sure.

Chairman Reinhardt- and made the argument and says well we didn't know we were that close to the lot line, so therefore since everything is all in, please give us the variance. It's a very similar excuse like its already done its cost prohibitive, we can't do it. And I'm surprised again as coincidence would have it that you have a contractor that comes in brings a pool, pours the pad and still doesn't know wow that's just too close to, maybe you should dot your I's and cross your t's before we pour this thing and it didn't happen again, but the difference here you're the general contractor as opposed to the other homeowner just passed it all off on somebody else and said hey you take care of it and the contractors the one that played a bit of the dumb bunny.

Mr. Billett- well they just want their money honestly in the end, so they're probably not really looking out ...

Chairman Reinhardt- let me ask you this, but for the, the predicament that you're in now, had you known the code as it exists, you could've put that hot tub in compliance with the code, you wouldn't have needed a variance, right?

Mr. Billett- correct.

Chairman Reinhardt- a little more wiring, you put it behind the deck or something could've been different, could have been on the deck, so these set of circumstances of deck is already built, the posts are up, I can't get it up there and I don't want to put it behind the deck because its going to cost more money to get it there, pour, all these excuses if you will, I'm, similar to Fred its like well you, if you just would have done a little more homework this wouldn't be happening...

Mr. Salsburg- what would satisfy me is that if you took the electrical outfit, outlet, and put a pull box down next to the concrete, and add on to the wires and move the hot tub away from the lot line as much as you can working with what's there and then it'd be up to you to make some sort of a anti-tripping device if you wanted to over the conduit that's going from that pull box into the hot tub ...

Mr. Billett- I could probably have the electrician put like a junction box inside the tub instead of allowing an extension ...

Mr. Salsburg- right.

Mr. Ryczek- anything you do would still need to meet building code, I know Fred's making a suggestion here, but ...

Mr. Billett- sure.

Mr. Ryczek- I don't think that would be permitted, just so you know, to run a surface conduit, we would have to look into it for you ...

Mr. Salsburg- well if would have to be a conduit for sure.

Mr. Billett- yea.

Chairman Reinhardt- alright.

Mr. Billett- well the current one is a conduit that comes inside the tub, if that's what you're asking, its just making a junction box inside just to extend the line to be able to move it over, you know too, there might actually be additional wiring inside the tube, ill actually ask the electrician, he may be able to just extend it, there could be additional, you know, meat on it essentially to allow it to move over to feet or 3 feet if that's, you know what you'll permit ...

Chairman Reinhardt- it's a stockade style fence?

Mr. Billett- um, it's a slip fence, I think they define it as.

Mr. Salsburg- it's a what?

Mr. Billett- just a wood slip fence. If that's what you're asking.

Chairman Reinhardt- I'm trying to , what I'm formulating in my head is whether or not we could put some conditions on this, to Fred's point, and I agree, its close, its very close to the lot line and if the board decides to grant the variance with conditions of the slip fence remains, stockade style, some solid surface, and that its only for the use of a hot tub, not, but what I'm is to limit as much as we possibly can to what you're asking for is the, a variance runs with the land ...

Mr. Billett- mhm.

Chairman Reinhardt- so you could live there 6 months, you could live there 60 years, if you sell it whoever owns that property after you will have the variance that stays with then land it doesn't stay with you.

Mr. Billett- understood.

Chairman Reinhardt- so if you put a condition on to say it only can be a hot tub, and it can't be a shed, it can't be anything else, and there has to be a fence, a 6' fence minimum solid so that it is buffering your neighbor or creating as minimal impact on that neighborhood as possible.

Mr. Billett- mhm.

Chairman Reinhardt- before I ask the board, would you be willing to do that?

Mr. Billett- to have a completed fence around ...

Chairman Reinhardt- to have those conditions to a granting of the variance?

Mr. Billett- I just, I just want to clarify I guess just so I understand ...

Chairman Reinhardt- sure, sure I can rephrase it ...

Mr. Billett- so you meant just a fence around the remaining neighborhood enclosing the yard, correct?  
Or are you talking about around the tub itself?

Mr. Nearpass- your fence, as is. Today.

Chairman Reinhardt- your fence as is, as is, as it exists.

Mr. Billett- correct.

Ms. Ogra- a privacy fence.

Mr. Billett- okay, yea.

Chairman Reinhardt- its 6'

Mr. Billett- mhm.

Chairman Reinhardt- solid...

Mr. Billett- mhm.

Chairman Reinhardt- if its wood, if its vinyl, I don't necessarily care ...

Mr. Billett- wood, yup.

Chairman Reinhardt- what it is but in a similar fashion, so that the privacy and or buffering is maximized.

Mr. Salsburg- and maintained.

Chairman Reinhardt- and maintained, not for anything else except a hot tub of that size.

Mr. Billett- sure, absolutely.

Chairman Reinhardt- you'd go with that?

Mr. Billett- yea.

Chairman Reinhardt- oaky, Fred, what do you think of that?

Mr. Salsburg- yea, I'll go with that.

Mr. Nearpass- I don't think we'd have, in my opinion under those conditions, we wouldn't have him move the hot tub. I wouldn't recommend it, I mean it, I know its close, but moving it 2' is still going to be close.

Chairman Reinhardt- right. I think the ...

Mr. Nearpass- I mean we're basically just trying to see if, we just approve it as is ...

Mr. Billett- \*large sigh\*

Mr. Nearpass- but if you remove on of the elements like the privacy fence ...

Mr. Billett- no, its not going to happen ...

Mr. Nearpass- the hot tub goes.

Mr. Billett- yea, it's not going anywhere.

Mr. Nearpass- or the next owner, right?

Mr. Billett- yea, I understand.

Mr. Nearpass- the next owner comes in and they say we don't want the privacy fence, but we want the hot tub, nope can't do it. That's what its going to have it be, in a legal document and hopefully they have an attorney worth itself that tells them that. Before they remove the fence and then come in here and tell us I did not know.

Mr. Billett- absolutely ...

Mr. Nearpass- 20 years from now.

Mr. Billett- I don't plan on leaving that house for a long time so my kids are after they're out of college and even then, so, and they're only 2 so...

Chairman Reinhardt- Alexis, you're good with that? Alexis, you're okay with it? Okay, anyone from the public want to speak for or against the application? Good, okay. So, let's go through the criteria.

Mr. Salsburg- you're really on your game plan checking your public tonight. Proud of you.

Chairman Reinhardt - thank you. Alright, so anything else you want to add before we go further?

Mr. Billett- I guess not. Thank you for all your questions.

Chairman Reinhardt- that's a good thing.

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification being that due to the circumstances of the tub arriving sooner rather than the deck there's also a 6' privacy fence, it is a bit cost prohibitive to move the hot tub, also as we'll get to a little later, that the applicant is willing to maintain the current privacy fence of 6' and also that

the location of the hot tub it going to remain the same, its not going to be an accessory shed or anything, its just for the hot tub. Would anyone like to add or edit the first criteria?

Mr. Nearpass- I would just refer to the instrument survey dated; I would refer to the privacy shed hand drawn on there, it's on the west side and the north side ...

Chairman Reinhardt- right its on the west and do you have a, before as far as locating it, on your survey map it's 2.75' is that where ...?

Mr. Billett- that's what I roughly measured it at.

Chairman Reinhardt- alright we have difficulty with roughly.

Mr. Billett- it is 2.75', it's 2.75' is where I measured it at.

Chairman Reinhardt- alright so if we grant the variance and its 6 ½' is that going to give you enough room?

Mr. Billett- yea.

Chairman Reinhardt- okay.

Mr. Nearpass- what'd you say 6 ½'?

Chairman Reinhardt- if its ...

Mr. Billett- you mean moved over?

Chairman Reinhardt- no, where? I'm trying to get a location of where it is now.

Mr. Billett- its 7' from the deck which is ends exactly where the house ends. So, its 7' ...

Chairman Reinhardt- from ...

Mr. Billett- out, plus the 8' which is the width of the tub and then its 2.75' remaining to the property line.

Mr. Nearpass- it's 2.75'

Chairman Reinhardt- alright 2.75' from the property line.

Mr. Billett- correct.

Chairman Reinhardt- okay, that's where it is. Right, anything else on the first criteria?

2. The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification: The applicant has indicated that but for the hot trub arriving sooner that he could have placed that hot tub without the need of a variance and only due to the circumstances as

described in Justification 1 that the hot tub is placed where it currently is. Would anyone like to add anything to the second criteria?

3. The requested area variance is substantial.

Justification: Requesting that the setback for his hot tub be 2.75' from the lot line is substantial. Would anyone like to comment or add onto the third criteria?

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification: The board has not heard or read anything relative to having an impact, an adverse impact on physical or environmental conditions of the neighborhood.

5. The alleged difficulty is self-created.

As far as conditions go the applicant has and is willing to only allow and only permit the hot tub to be located where it currently is and no other structure as well as maintaining the current 6' privacy fence or something similar to a 6' privacy fence. In the record I believe there were 13, is that right, 13 neighbors who were not opposed for the setback request. Anyone want to add anything else? None, I would entertain a motion for APPROVAL.

On a motion made by Alexis Ogra and seconded by Fred Salsburg: The application was APPROVED.

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

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Fred Salsburg	Aye
Alexis Ogra	Aye

Adopted: 4 Ayes, 0 Nays

Chairman Reinhardt- motion carried, good luck to you.

Mr. Billett- thank you. Do I need to do anything from here?

Chairman Reinhardt- next time ask more questions.

Mr. Billett- oh yea. Do I need to do anything from here?

Chairman Reinhardt- you're all set.

Mr. Nearpass- free to go.

Mr. Ogra- take care.

Chairman Reinhardt- The Ted Collins application.

**TED COLLINS**, 8,000 St Rt 251 03-Z-2023  
seeking a use variance to repurpose the second floor of the building as an employee living space where §211-24 C. (8) states Prohibited uses. Prohibited uses shall be as follows:  
Residential uses.

Mr. Wood – Good evening my name is Trevor Wood.

Chairman Reinhardt- so you would like to, you're looking for a use variance.

Mr. Wood- yes.

Chairman Reinhardt- right? Okay, use variances are different. Just want to give you the heads up on that, partly, this has to go to the County Planning Board, so we need their comments on what they see is what's happening here by law because of the location of where your property is to the state road, the law requires that the County Planning Board weight in on it. We can't decide anything today.

Mr. Wood- okay.

Chairman Reinhardt- that's one, 2, I don't know if, by the way they already have this, right? By the time we meet next will be March, no April 3<sup>rd</sup>. Will be our next opportunity to hear this based on what their comments and concerns are.

Mr. Wood- okay.

Chairman Reinhardt- the second is, a use variance I think you heard for the area variance, there's criteria that we look at and that's more of a balancing test, use variances there are 4 criteria, there's 4 conditions to it, you have to meet all of them. If, I, we can't give you legal advice. If you're not sure how that works, I would highly recommend talk to an attorney about it to know how this mechanism works.

Mr. Wood- okay.

Chairman Reinhardt- a use variance quite frankly is harder to get aboard to approve as opposed to an area variance. A lot has to do with showing the financial need, why this, your property or what you're asking for, you can't get a reasonable return for what its already zoned for. Alright? So far, so good?

Mr. Wood- yes.

Chairman Reinhardt- alright, questions about any of that?

Mr. Wood- no.

Chairman Reinhardt- okay, so go ahead make your presentation and we'll ask some questions and go from there.

Mr. Wood- so we're to convert this second story of our office into living quarters for staff, due to theft on the property, we'd like to have eyes on the property at all times, it would also help with labor

if housing issues or car issues if we can give them a temporary residence and they can be our eyes on the property for that, we've also had homeless people camping in the back of the property off of Lehigh Valley Trail so if they could roam the property and check for that, that's pretty much it.

Chairman Reinhardt- okay.

Mr. Wood- Do you have anything to add?

Chairman Reinhardt- Matt, questions?

Mr. Nearpass- I've got a whole bunch of stuff ...

Chairman Reinhardt- you want to wait; you want to circle back?

Mr. Nearpass- no, no I, so I'm just trying to walk through this right, it, I, you have someone living upstairs and someone sees someone stealing something, I mean you're not going to expect them to run outside and try to stop it, right?

Mr. Wood- no.

Mr. Nearpass- you're going to probably have them call the police or 911, why wouldn't a camera system work for you, we, we've had other, I think it was like the RV place down, had a very similar problem with homeless people breaking into the RV's and doing, and things like that, and they had to get creative with camera systems and security and why wouldn't you want to, why wouldn't something like that help you out? More persistent surveillance with the use of cameras and a service that actually does that with motion sensors and things like that.

Mr. Frank- I'll chime in.

Mr. Wood- yea go ahead.

Mr. Frank- Okay.

Chairman Reinhardt- tell us who you are.

Mr. Frank- I'm Bryan, we've looked at a couple of different options and to, for the size of the property, the expense for a camera system that does that is quite expensive.

Mr. Nearpass- I can't imagine it's that ...

Mr. Frank- \*laughter\* we just, we just had a couple of guys come out and to have the technology that would like to zoom in on a license plate from ...

Mr. Nearpass- you're not looking zoom in on a license plate, you just want to know if somebody, is somebody there, right?

Mr. Frank- yea.

Mr. Nearpass- someone gets a phone call or a snapshot or ...

Mr. Frank- yup.



Mr. Nearpass- something like that.

Mr. Frank- yea.

Mr. Nearpass- yea.

Mr. Frank- so one of the things that we were looking for is the other piece is, employee retention in our business is, is very difficult and to have the option of people housed on property is, it would be huge for us...

Mr. Nearpass- how many people are we talking about? I thought we were just talking about ...

Mr. Frank- it, so it would, we would, in the way that we were, are managers are our everything and if we have strong management, them, to take them it'd be able to pass on their knowledge to the laborers and be able to have maybe if one of them is going through a hard time and they don't have the ability to ...

Mr. Nearpass- see this is, this just opens up like a whole can of worms right, it just seems like you just, you want an apartment up there for whether its security or someone's on hard times or, and I totally get it, like there's real world ...

Mr. Frank- yea.

Mr. Nearpass- reasons why you may want that but, you know half of that is okay well maybe you have housing off site where you can help people out or, or if you'd really looking to solve security you would solve it a different way. It sounds like you're just, I'm not really sure what you're trying to solve, you came in here with a security problem, right and now its kind of this ...

Mr. Frank- well its ...

Mr. Nearpass- you're trying to be a good, you know, a good employer.

Mr. Frank- yes. Security is, is the main option and that was what we really wanted we just, it's a large property and to have eyes on the property is our main goal.

Mr. Nearpass- but someone sleeping in a bedroom on a second floor and acre or 2 away, how big was the site?

Mr. Wood- 28

Mr. Frank- 28

Mr. Nearpass- yea, 20 acres away, I don't see what, how that's security, if you told me it was going to be for a security guard a legit security no you know what security guard, and they were going to be manned there, we'd at least have a different kind of debate but it's really, it's a residence for somebody and if that person happens to get woken up by something I guess it would be their job to call 911, but it just seems, it just doesn't, it definitely in my opinion doesn't meet the bar for a use variance and one of the things you probably saw me flip through papers it's like ...

Mr. Frank- okay. Yea ...

Mr. Nearpass- there usually a whole bunch of financial evidence and I know you talk about; you know the theft and things like that and what that costs you. But I would at least think it, you know, heck even some ring doorbells would probably help you out and Wi-Fi access to them in certain locations or things like that, just to be able to at least say hey we tried it and kind of here's what happened. But I think there's plenty of commercial technologies out there that'll be the 80% solution for you vs someone sleeping upstairs, and you hope they get woken up by someone trying to steal something, its just a really tough sell to me. From what I've heard so far. I feel for you, I mean I don't, I, its crazy to think that you're here because you know you've got people sleeping on the property and people stealing things, but I just feel like there's a much, there's 100 other options, you know ways you can solve that problem before a use variance. It feels like to me.

Chairman Reinhardt- Alexis, questions, comments?

Ms. Ogra- the thefts you said have totaled and vandalisms, total about \$25,000/ year, is that 2022? 2021? Like when did this ...

Mr. Frank- that was, oh I would have to check, I did not write the, it was written by someone else so, I would have to check into that.

Mr. Ogra- okay. Do you know if any of them have been like thefts or vandalisms have been reported to the police?

Mr. Frank- oh, I'm sure it has.

Ms. Ogra- okay, are there any police reports?

Mr. Frank- that I have on me right now, no.

Ms. Ogra- okay. It's a 4 bedroom that you're looking at, do you have any estimates on the cost to re-do ...

Mr. Frank- to... it's a house, it used to be you know, there's, used to be bathrooms, showers, I mean, the guts are there, I mean it would be just literally throwing in a couple maybe a shower and maybe a stove and it would be ready to go. I mean it was at one point a living area.

Ms. Ogra- so it's already established ...

Mr. Frank- yea it's a house. I mean its ...

Ms. Ogra- what do you use it for now, an office ...

Mr. Frank- it's an office ...

Ms. Ogra- space, where would the office space be moved?

Mr. Frank- downstairs.

Ms. Ogra- I don't think I have any other questions.

Chairman Reinhardt- Fred?

Mr. Salsburg- would the outside of the house change very much?

Mr. Frank- nope.

Mr. Wood- not at all.

Mr. Frank- wouldn't change a bit.

Mr. Salsburg- that's all. I don't think its that much of a change actually. There's a house already there ...

Chairman Reinhardt- the basis of your financials, the financial hardship correct me if I'm wrong, is that it's the vandalism and theft if you submitted all of that, anything to your insurance carrier?

Mr. Frank- I would have to check.

Chairman Reinhardt- that's, you would object?

Mr. Frank- I said I would have to check.

Chairman Reinhardt- oh check, okay sorry.

Mr. Frank- yea, Its, yea, id just have to check.

Chairman Reinhardt- that would be important, because right now in my mind that doesn't qualify for the financial hardship, and as I indicated earlier, if you have counsel ask them, what do you need to show to qualify for a use variance, what financials do you need to show to qualify for a use variance, because as it sits right now, its not looking good. The other piece is I can tell you first hand knowledge and to Matt's point that I was involved in a particular case when there were lease cars out in front of this individuals house and the wife said, go out and see what's happening, and the individual goes down his 200' driveway gets in the middle of something and got himself seriously, seriously hurt, so to Matt's point, I don't know what the individual who lives on that premises is going to do other than call 911, which they should, stay out of it, and say, someone is on the property, someone is taking a car or whatever the vandalism piece that you're concerned about. Better yet the cameras or security systems, it's a lot cheaper than somebody getting hurt, what you need to show in reality is that you can't find or you can't get that reasonable return from that property that you're on, you need to use it in some other way and I'm not hearing anything the individuals are going to live there are going to bring in any other kind of return directly that is going to impact your business. Sounds like what you're just trying to do is keep some eyes on it and the person is going to be a in real time hey we need some help out here and maybe save the day by not stealing a car, not taking a Cadillac converter or whatever damage that's happening to your property. So, you're going to have some time because the county still has to get back to us, so you need to do some homework, get some solid financials for us that shows why you can't get a reasonable return out of that property as what the code is permitting you to do. Alright questions for us or ...

Mr. Frank- just out of curiosity would be, say like a some of the property and one of the waterlines goes and we have a huge water bill and showing water bills that were outrageous because we had stuff that just you know went unlooked, untouched for a weekend or several days while, no one was there, is that something that would be beneficial?

Chairman Reinhardt- you can present anything that you want ...

Mr. Frank- okay.

Chairman Reinhardt- and I'm not trying to get cagey with you, I really, I can't recommend strongly enough to you to go seek legal counsel who know how zoning applications work and specifically how do use variances work and how are use variances granted. There's some case law out there that say this is what you need to do, it's a bit of a recipe and if you can find that based on what those cases are and how the applicant was successful in a use variance maybe that applies to you, maybe you can use some of that information and spring board into wow this is what this board here needs to see to grant that variance.

Mr. Nearpass- but showing reasonable rates of return are things like not just showing I have costs, it's like a redacted tax return, you know, showing losses or not reasonable rates, so it's, its financial evidence showing that there, you know there's a true hardship and the only way to overcome it is through a use variance.

Chairman Reinhardt- okay.

Mr. Frank- thank you.

Chairman Reinhardt- other questions? We'll see you then in March.

Mr. Frank- alright, thank you.

Ms. Downs- April.

Chairman Reinhardt- April, sorry. April.

Ms. Downs- I'm sorry.

Chairman Reinhardt- no, no, Thank you ...

Mr. Nearpass- oh because the county.

Chairman Reinhardt- right. Because of the county.

Mr. Nearpass- the way it all lines up.

Chairman Reinhardt- right.

Mr. Nearpass- did you ask the public for anything?

Chairman Reinhardt- I don't think at this time ...

Mr. Nearpass- alright.

Chairman Reinhardt- hello, Lya. Good, everyone wave to Lya.

Mr. Salsburg- is this your girlfriend or what?

\*laughter\*

Chairman Reinhardt- no, I will tell once the meeting is closed.

Mr. Salsburg- oh.

Chairman Reinhardt- I would entertain a motion, Adam you have anything for us?

Ms. Ogra- I think we should keep the meeting opened.

Chairman Reinhardt- no, we shouldn't. Adam, you're good? Alright, any news on our person on Dreyer Road, the tent city?

Mr. Ryczek- yea, so his building permit he has the year, he's clearing the area, I'm sending him a letter like to the minute, he'll be served with a violation ...

Chairman Reinhardt- okay.

Mr. Ryczek- you know if he doesn't do it, he told me he was trying in the fall, I'm trying to be reasonable with him because he has the permit, but ...

Chairman Reinhardt- we're moving forward?

Mr. Ryczek- we're trying.

Chairman Reinhardt- good, good, good.

Mr. Ryczek- slow, but yes.

Chairman Reinhardt- alright. Any other issues, comments, concerns we have for the board? Otherwise, I would entertain a motion to adjourn.

On a motion made by Chairman Reinhardt and seconded by Matt Nearpass the meeting was adjourned at 8:30pm.