

A regular meeting of the Village of Victor Zoning Board of Appeals (ZBA) was held on Wednesday, April 19, 2023, at the Village Hall, 60 East Main Street.

MEMBERS PRESENT:

Chairperson	Sean Sanderson
Vice Chairperson	Brian Pancoast
Member	Brendon Crossing
Member	David Chalupa
Member	Tim Stone
Zoning Clerk	Roseanne Turner-Adams

OTHERS PRESENT: Todd Smith, David Nankin, Nancy Kidd, David R. Soule, Matthew Oates, Kristin Steadman, Doug Templeton, Eric Schaaf, David Hanlon, Gary Hadden, Tony Olexy, Rebecca Donovan, Mitch Donovan, Al Turner, LG Ryan, Bob Kelly, Kathy Wright, Jim Wright, Brian McKinnon, Norma Halbleib, Vince Pettrone, Frank Spezio, Jerry Goldman, Cindy Baley, Jeff Ellis, Stacey Ellis, Tracy Hurley, Dan Hurley, Don Corcoran, Tim McGuinness, Tammy Chalifoux, Lisa Chalifoux, Jolene Flaherty, Brooke McAdam, Brent Aluut, Cherelyn Hughes, Andrea Kaiser, Donna Kaiser, Randy Shea, John S. Holden, Linda Oley, Jerry Oley, Eileen Ryan, Kevin Saunders, Kim Chizuk, Peter Kowal

The ZBA meeting was called to order by Chairperson Sean Sanderson at 7:00 pm.
Salute to the Flag

Resolution #01-23ZBA
Acceptance of Minutes

On a motion made by Brian Pancoast, seconded by Brendon Crossing, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved to accept the minutes dated October 19, 2022.

160 School Street/Christa Development
Variances Senior Housing

Mr. Sanderson stated that we will first hear from the applicant then hear from anyone from the public who would like to speak followed by board discussion. Mr. Sanderson explained that the application will then be sent to the Ontario County Planning Board for their comments so no decisions will be made tonight. Mr. Sanderson stated that the process will continue at the May 17th ZBA meeting.

Chairperson Sanderson read the legal notice into the record:

"A public hearing will be held before the Village of Victor Zoning Board of Appeals on Wednesday, April 19, 2023, at 7:00 p.m., in the Village Hall, 60 East Main Street, Victor, New York, to consider:

The application of Christa Development who is proposing a five-story, 112-unit senior apartment building (independent living) at 160 School Street. The parcel is located in the SCR-3 Senior Citizen Multiple Residence zoning district.

The proposed project will require several variances for the project, which will include:

1. Proposed height of the structure: 60' where max per code is 35'. §170-12.2.D(4)
 2. Proposed parking spots is 174 where 212 spots are required. §170-12.2.D(11)(d)
 3. Proposed dwelling units per building/ units per acre are 112 units per building/41 units per acre where 8 units per building/32 units per acre are the maximum allowed. §170-12.2.D(2)(a)
 4. Proposed parking location/lot is in front and side yard along school street where none is allowed per code. §170.12.2.D(11)(a)
 5. The proposed outdoor common recreation area is measured at 10,000 sq ft, where 16,800 sq ft is required per code. §170.12.2.D(16)
 6. Proposed setback from Rawson Rd. is 28' where 35' is required per Code. §170-12.2.D(3)(a)
 7. Proposed lot is coverage is 68% where 40% is maximum allowed per code. §170-12.2.D(2)(a)
- If you have any questions, please call (585)924-3311.

Sean Sanderson, Chairperson
Village of Victor Zoning Board of Appeals"

Chairperson Sanderson asked that the referral from the Code Enforcement Officer be put into the record:

"The Planning and Building Department has received an application for an Area Variance. The property is located at, 160 School St. The parcel is located in the SCR-3 Senior Citizen Multiple Residential zoning district. I have reviewed the plans and have the following comments:

The proposed project will require several variances for the project, which will include:

1. Proposed height of the structure: 60' where max per code is 35'. §170-12.2.D(4)
2. Proposed parking spots is 174 where 212 spots are required. §170-12.2.D(11)(d)
3. Proposed dwelling units per building/ units per acre are 112 units per building/41 units per acre where 8 units per building/32 units per acre are the maximum allowed. §170-12.2.D(2)(a)
4. Proposed parking location/lot is in front and side yard along school street where none is allowed per code. §170.12.2.D(11)(a)
5. The proposed outdoor common recreation area is measured at 10,000 sq ft, where 16,800 sq ft is required per code. §170.12.2.D(16)
6. Proposed setback from Rawson Rd. is 28' where 35' is required per Code. §170-12.2.D(3)(a)
7. Proposed lot is coverage is 68% where 40% is maximum allowed per code. §170-12.2.D(2)(a)

In my opinion I have no problem with granting the variances required for the construction of this project.

Respectfully submitted,
Todd Smith, NYS-CEO, CFM
Code Enforcement Officer

Code References

SCR-3 District: Senior Citizen Multiple Residential. Requirements for a SCR-3 multiple dwelling complex shall be as follows:

§170-12.2.D(2) Design standards. Design standards shall be as follows:

(a) Density. There shall be no more than eight dwelling units per building and no more than four buildings per acre. The maximum lot coverage permitted is 40% of the total land area.

§170-12.2.D(3) Yards required. Each lot shall have front, side, and rear yards not less than the depths or widths as follow:

(a) Front yard depth: 35 feet from curb.

§170-12.2.D(4) Building height limit: three stories but not to exceed 35 feet.

§170-12.2.D(11) Access drives and parking space. Setback areas may be used for access drives and parking areas, except for the following conditions:

(a) No Parking shall be located in a front yard or side yard abutting a dedicated street.

(d) In a senior citizens multiple residence, an off street parking area conforming to the requirements of this chapter shall be provided for each bedroom unit at a ratio of 1.5 spaces per studio or one bedroom and two spaces per two-bedroom unit.

§170-12.2.D(16) Outdoor common recreation areas. In a senior citizens multiple residence, common outdoor recreation areas shall be provided. The outdoor recreation area shall be in one parcel and a minimum size calculated at 150 square feet of usable area per dwelling unit exclusive of sidewalks, driveways, and parking areas.”

Chairperson Sanderson stated that four letters in opposition of the project were received from the following residents and will be placed in the address file as exhibit A as part of the public record:

Matthew J. Oates, P.E. 7301 Silver Hill Path

Debbie Russell, 1242 Cork Road

Marsha W. Senges, 1231 Wellington Drive

Ian Fair, 26 Cambridge Circle

Mr. Jerry Goldman stated that he is the attorney for Christa Development who is the proposed developer of the property at 160 School Street. Mr. Goldman stated that there are a number of people here who will be saying a few words and will be available for any questions that the board will have. Mr. Goldman stated that the primary presenter will be Dave Hanlon, who is the project architect, and also Brian McKinnon of Christa Development will speak about his vision for the property. Mr. Goldman explained that Frank Spezio, the property owner, is available to speak as well as Eric Schaaf from Marathon Engineering.

Mr. Goldman stated that the property at 160 School Street has been zoned as Industrial but has been used more or less for commercial use for quite a period of time. Mr. Goldman stated that the commercial viability is not particularly strong. Mr. Goldman explained that industrial use of the property could be more problematic than for residential use. Mr. Goldman stated that Mr. Spezio had the property marketed for all sorts of uses and Christa did understand that there was a desire to see some senior housing near the core of the village which is in concurrence with the comprehensive plan that was adopted by the Town and Village. Mr. Goldman stated that the comprehensive plan has specific reference to seniors who do not drive, wanting to remain in the community and do not want a single family home and thus desire being close to the core of the village. Mr. Goldman explained that senior housing is unique as opposed to regular multi-family housing in that you generally need a critical mass of units in order to have certain amenities that are beneficial for seniors such as community areas.

Mr. Goldman stated that this project came before the Village Board February 6, 2023 who were in favor of the project. Mr. Goldman explained that the Village Board discussed rezoning the property to the closest zoning district to what is being proposed

which is SCR-3 (Senior Citizen Multiple Residential). Mr. Goldman explained that the proposal will require a number of variances. Mr. Goldman explained that the Village Board sent the application to the Planning Board for concept review on February 22, 2023 which was approved understanding that it needed to come to the Zoning Board of Appeals for the required variances. Mr. Goldman stated that they then returned to the Village Board March 6, 2023 for a public hearing and the Village Board rezoned the property from Industrial to SCR-3. Mr. Goldman explained that the next step is this meeting to talk about the variances in which they submitted a letter of intent to the Zoning Board along with legal standards of area variances. Mr. Goldman explained that the Village Board noted that if this project doesn't go through, the property may revert back to Industrial zoning.

Mr. Dave Hanlon of Hanlon Architects stated that he is representing Christa Development and showed drawings of the proposed senior housing. Mr. Hanlon explained that they propose an apartment building that is 5 stories with the first level being enclosed parking and amenities and the next four levels would be apartments. Mr. Hanlon explained that there will be 171 parking spaces, which is 1.5 per unit. Mr. Hanlon stated that there will be landscaped green space and recreational space outside.

Mr. Hanlon referred to his drawings (on file).

Mr. Hanlon explained that the ground coverage is almost equal to what is on site today.

Mr. Brian McKinnon stated that he is a partner at Christa Development and wanted to give a little perspective as to how they arrived at their proposal. Mr. McKinnon explained that there is a significant demand for active adult independent housing which is not assisted living. Mr. McKinnon stated that this is a great area for keeping seniors in the community because of the walkability and what the Village offers. Mr. McKinnon explained that the proposed size is so that they would have room to provide in-unit laundry, a walk-in closet in the master bedroom, the possibility of some balconies, allow pets (1 small dog & cat) and a playground. Mr. McKinnon stated that they want to make the parking under the building secure, meaning a private fob activated garage door to an assigned space. Mr. McKinnon explained that they would like to provide security cameras at entry points as well as storage in units. Mr. McKinnon explained that for them to build something that would be appealing to people to want to live there it has to have amenities and be affordable in terms of market-rate apartments. Mr. McKinnon stated that if the building were smaller with less units, it becomes more difficult to spend the extra money to provide the amenities that the community would want. Mr. McKinnon stated that he is happy to see interest in the project by the community and that it is important to have a robust conversation about the proposal.

Mr. Goldman stated that they would like to hear from the public and then engage with the board to answer any questions.

On a motion by Tim Stone and seconded by Brendon Crossing, Mr. Sanderson opened the public hearing.

Matthew Oates-7301 Silver Hill Path

Mr. Oates stated that he is here opposing the request for the variances, specifically the request for the overall height for the project. Mr. Oates explained that he is one of the people who provided a letter this morning. Mr. Oates stated that overall senior housing is a good use for the property and is not opposed to that, but the applicant has stated that the Village Board rezoned the property with the knowledge that the proposed project was a 5-story property. Mr. Oates explained that the Village Board rezoned the property to a zone that does not allow the height and the Village Board does not have the ability to change or grant a variance for the project and is the responsibility of the Zoning Board. Mr. Oates stated that the Village Board had other options that they could have done such as amending the SRC-3 code or created a new zoning district but chose not to so any of that so it is still abiding by the code and the applicant was aware of the code.

Mr. Oates explained that the applicant has stated that the property could revert back to Industrial and is trying to make it sound worse than residential. Mr. Oates explained that the Village has actually already taken that into account and specifically in the code it states that for the Industrial District the intent of this section is to permit light industrial and service industries in a parklike atmosphere and takes into account its close proximity to residential and very much specifically limits the uses *(limited to land uses which are retail commercial, service related, professional offices or are light industrial or light manufacturing businesses)*.

Mr. Oates stated that in regard to the balancing test that would happen, he does not think the height of the proposed building remotely comes close to beating the balancing test. *"Will an undesirable change be produced in the character of the neighborhood or detriment to nearby properties be created by granting the area variance."* Mr. Oates explained that 100% it will produce an undesirable change in the character of the neighborhood as a 5-story, 60' tall building that is going to be 30' off the pavement edge of Rawson Road across the street from single family homes, a single story daycare facility, a single story post office and the self-storage facility it is clear that granting the requested variance relief will create a significant detriment to the health, safety and welfare of the community. Mr. Oates continued with the balancing test questions *"Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than the area variance."* Mr. Oates stated that the building could be built at a lower height as there is other senior housing right across the street that is lower height and also throughout the community.

Mr. Oates continued with the balancing test questions.

Mr. Oates stated that the letter of intent does not address the balancing test for each specific variance.

Mr. Sanderson stated that we do have Mr. Oates' letter and appreciated him reiterating a lot of the email which will be in the public record. Mr. Sanderson stated that it will be put into the record that Mr. Oates spoke against the variances and summarized his letter, which is on file.

Mr. Oates stated that he thinks that a 5 story, 60' tall building is way too tall for that area and it would set a really bad precedent overall for the Village in regard to other uses.

Mitch Donovan-289 School Street

Mr. Donovan stated that he and his wife live at 289 School Street and believe Victor is on the verge of some exciting growth opportunities, but a 5-story building directly in the line of sight from their front window is not a growth opportunity they can support. Mr. Donovan stated that the developer has enough business savvy to realize the building has to be five stories in height in order to be profitable but would have thought that the same business savvy would extend to building it in a community that allows five story buildings. Mr. Donovan explained that they are willing to wade through a myriad of variances to build in Victor, a community that precludes five story buildings. Mr. Donovan stated that one reason for the height regulation, according to Mr. McAdoo from minutes of a Victor Planning Board meeting, is that access over three stories is challenging for the Fire Department to deploy equipment to reach properly. Mr. Donovan stated that looking forward he can see where this would require the Fire Department to look at new equipment which would hopefully fit in the current fire hall and would worry about the tax burden. Mr. Donovan explained that he also thought about the view that the residents of the building would have, and a lot of that view would be of the Town barns which he cannot imagine being aesthetically very pleasing. Mr. Donovan stated that he knows the town barns are going to be replaced soon and wonders if the developers are interested in developing something on that property which may be driving this initiative. Mr. Donovan stated that he is glad that there is a thorough and deliberative process that the developer has to go through, and he trusts the Zoning Board and Village officials to take a look at that.

David Soule-16 Rawson Road

Mr. Soule stated that he would concur with the two gentlemen and has a gripe to say that the building is too large in stature and the request to waiver from the current code would be inappropriate for the neighborhood.

Tammy Chalifoux-20 Rawson Road

Ms. Chalifoux stated that she opposes the five story build. Ms. Chalifoux explained that it seems like a huge project at that location and would be right outside of her window

every day and cannot conceive of a building that big in the Village in that particular location.

Tracy Hurley-32 Rawson Road

Ms. Hurley stated that she agrees that the height of the building is a little excessive and is a great idea but too big.

John Holden-172 Maple Ave.

Mr. Holden stated that he thinks the proposed building is very attractive with some very nice amenities but unfortunately doesn't think it suits this location. Mr. Holden stated that the SCR code was developed for senior living and there are senior apartments across the street which are very nice two-story apartments that fit the need of that particular population. Mr. Holden explained that this proposal is not going to be low rent or subsidized housing and if it could be developed within the requirement of the Village code it would be welcomed. Mr. Holden explained that developers come with plans that they know do not fit the code and want the character of the Village to be changed to allow what they want to build. Mr. Holden stated that if the code is outdated, and he knows it is not, he spent many years updating the code, which the council can substantiate. Mr. Holden explained that the code protects the integrity of the Village and there have been some variances which the law requires but each case is different, and it depends on its merits in comparison with the rest of the Village. Mr. Holden stated that the proposal is too much with too many variances and he opposes the project.

Randy Shea-50 West Main St.

Mr. Shea stated that he agrees with Mr. Holden that if the project were to stick to the existing code this type of facility would work out well there. Mr. Shea stated that five stories is like opening pandoras box. Mr. Shea explained that he talked to someone who is a long time firefighter who said that although the ladder trucks could reach, they would need a lot more manpower in order to clear the building in case of a fire. Mr. Shea stated that the Fire Commissioner should be allowed to chime in on this project and say what kind of an impact it might have. Mr. Shea explained that if this project were to be approved it would probably not be only a five-story building and who knows what's next. Mr. Shea stated that the applicant is asking for something extraordinary with extraordinary steps in the process. Mr. Shea explained that if taxes go up because of this building it could price residents out of our community so he believes that the potential long term tax impact should be considered. Mr. Shea stated that he stands in opposition of the project unless they stay within the code.

Don Corcoran-136 Maple Ave.

Mr. Corcoran stated that he is concerned about traffic and asked if there will be an environmental impact study as to the additional 175 cars added to the middle of the Village. Mr. Corcoran stated that he doesn't want to see a five-story building from his

back yard. Mr. Corcoran explained that he opposes the whole project as far as the density is concerned.

Jerry Oley-1 Ellis St.

Mr. Oley stated that he agrees with everything that has been said so far by the residents who have spoken. Mr. Oley stated that he has a major concern with the traffic, and he has been waiting patiently to see a plan to change the flow of traffic in Victor. Mr. Oley stated that there seems to be no shortage of people who want to come to Victor but all they are going to do is clog up the streets when they do get here, so when and what is the plan for Rt. 96.

Mr. Sanderson stated that Mr. Oley should attend a Village Board meeting to discuss the flow of traffic in the Village as the Zoning Board is specifically discussing the proposed project, but traffic is definitely of concern.

Tony Olexy-9 Rothbury Circle

Mr. Olexy stated that traffic seems to be a very reasonable thing to talk about. Mr. Olexy referred to the drawing of the proposed building and stated that the intersection where traffic will be let out from the site is a very busy intersection which could cause issues with people getting in and out gracefully. Mr. Olexy stated that he agrees that a five story building is way too tall and would love to see seniors living there, especially with the eyesore that is sitting there now, but not five stories.

Kim Chizuk-14 Valley View Drive

Ms. Chizuk stated that she is in favor of the project, not just as a resident of Victor but is also the President of the Mortgage Bankers Association for greater Rochester. Ms. Chizuk explained that we have a huge housing crisis in our area and development costs and additional codes on builders make any new development very expensive. Ms. Chizuk explained that the more a developer can do in a space, the more cost effective it becomes which makes the housing more cost effective for those who are going to live there. Ms. Chizuk stated that 35% of New York's residents are 65 and over and they lack housing to go to, so they don't have the ability to vacate their house to make housing available to other families.

Brooke McAdam-4 Rothbury Circle

Ms. McAdam stated that she opposes the proposed project and explained that she would have a direct view of the building which to her looks like a college dorm that should be in an area where there are taller buildings as there is nothing here that is this tall. Ms. McAdam explained that she doesn't think it is fair to the people that live on School Street in single family homes to have to have this in their line of sight. Ms. McAdam stated that the proposed outdoor common area measuring 10,000 sq. ft. where 17,000 sq. ft. is required, which seems like a small area for people to be outside and doesn't seem large enough for the proposed playground to be built. Ms. McAdam stated that she is also concerned about traffic and the hectic intersection. Ms. McAdam

explained that she likes to walk on that sidewalk near the proposed building and with more traffic she would be less likely to walk there toward the Village.

Cherelyn Hughes -6826 Citation Way

Ms. Hughes stated that the variances are outrageous, and the zoning laws exist to protect the residents and businesses, and it shows very bad faith when developers are allowed to come in and make outrageous proposals like this. Ms. Hughes explained that this proposal just doesn't fit in and needs to be something different.

Stacey Ellis -15 Rothbury Circle

Ms. Ellis stated that she has lived in the area since 2012 and she feels like the proposed building would stand out. Ms. Ellis explained that there is a two-story senior apartment building across the street and everything else around it is one story. Ms. Ellis explained that a five story building would stand out and change the aesthetics of the area not only by the looks of it but by the traffic. Ms. Ellis stated that the traffic would create a much busier area and it would not be as enjoyable for the current residents. Ms. Ellis stated that the Zoning Board should consider the people that have spoken here tonight and that the variances are put in place for a reason.

Mr. Sanderson stated that he appreciates everyone's input and will take their comments into consideration and address them with the developer.

Mr. Holden asked Mr. Sanderson when a decision will be made on the variance. Mr. Sanderson stated that the application will be sent to the Ontario County Planning Board and a decision will be made at the next meeting, which is May 17th.

Ms. Ellis asked how people hear about projects in the Village. Mr. Sanderson stated that everyone within 500 feet of the project is sent notifications in the mail and the legal notice is posted in the newspaper, Village Hall, Town Hall, the Library and the Post Office. Mr. Olexy stated that he didn't see any signs posted on the property.

Mr. Sanderson stated that the Zoning Board does what is required legally but maybe the process needs to be revisited by the Village Board.

Gary Hadden-70 Latchmere Drive

Mr. Hadden stated that he is the Village Mayor, and he gets his information about meetings on the shared Town and Village website. Mr. Hadden explained that you can sign up to get notifications regarding public notices. Mr. Hadden explained that we are not trying to hide anything and do what is required by law. Mr. Hadden stated that he gets both Town and Village notices by signing up on the website. Mr. Hadden stated that agendas and minutes can also be accessed on the website victoryny.org.

Mr. Holden stated that the Town posts signs that say "this property is under review" which will say for Planning Board or Zoning Board, and he thinks that the Village Board and Mayor Hadden could look into. Mr. Holden explained that a sign would be a public notice with it really being public.

Discussion regarding public hearing process.

Discussion regarding whether the public will be able to speak at the May 17th meeting. It was determined to leave the Public Hearing open.

Mr. Sanderson stated that the Mayor and Village Board can consider posting signs related to projects under review.

Kevin Saunders-27 Rothbury Circle

Mr. Saunders stated that the proposed building is grossly outside of the code. Mr. Saunders stated that he grew up on Ambassador Drive and he moved back after serving 20 years in the Marine Corp. Mr. Saunders stated that he can't express how much he loves being back in Victor and the proposed building would be an absolute monstrosity and cannot tell you how many times he has heard the joke that if people had know this would be the option that they would have voted for the Library.

Mr. Sanderson stated that in hearing the concerns from the residents about the height of the proposed building asked the developers for specifics as to why this building has to be 5-stories and asked if it could be successful as 4 stories with underground parking. Mr. Sanderson explained that the job of the Zoning Board is to protect the code and to balance the benefit to the applicant with the detriment to the neighbors.

Mr. Brian McKinnon explained that the number of units is directly correlated to what they would like to provide inside the units which require the proposed square footage. Mr. McKinnon referred to what he said prior such as pets, storage, walk-in closet, handicap accessible bathrooms.

Mr. Sanderson explained that he understands the size of the units and the layout and the look, but the overall concern is the height from 35' to 60'. Mr. Sanderson asked the developer if they could reduce the number of units and provide the same amenities. Mr. McKinnon explained that it doesn't economically pencil out and would not be seeking variances if the project would pencil out under the current code.

Mr. Pancoast stated that since the developer knows that without the variances the project doesn't pencil out if they could prove it by giving specific numbers. Mr. Sanderson asked for project costs to help build their case as for why it needs to be 60' tall. Mr. McKinnon stated that he is unable to give an economic analysis at this time.

Mr. Crossing stated that without approval the applicant will not be able to create drawings.

Discussion regarding cost

Mr. McKinnon stated that he wouldn't be here if he didn't think the market supported this type of product in this community. Mr. McKinnon stated that he will challenge his team to see what can be done in 4-stories. Mr. McKinnon stated that he knows the project cannot be done in 3-stories. Mr. Sanderson stated that 4-stories would still require a variance but would be less substantial. Mr. Pancoast explained that the Zoning Board would like evidence.

Discussion regarding height of building and possible solutions for reducing the height.

Mr. Sanderson stated that obviously the height is an issue, but this project has the potential to bring revenue into the Village of Victor. Mr. Sanderson explained that this could help with taxes but the 60' is an obstacle.

Mr. Crossing stated that he works in one of Christa's former building on East Ave. in Rochester and one of the problems is that parking is very limited. Mr. Crossing asked where people would park if the lot were full at 160 School St.

Mr. Goldman explained that they can provide additional parking analysis, but the fact of the matter is that the number of parking spaces is designed to fit the ratio of what is needed.

Mr. Pancoast asked if there will be staff and staff parking. Mr. McKinnon stated that there will be 3 or 4 staff members, a resident manager, a recreation person, a transportation person and a custodian.

Mr. Hanlon stated that he has worked with the Fire Department on previous projects and will comply with anything that the Fire Department requires, and the proposal will also be reviewed by the Planning Board.

Mr. Smith explained that the fire apparatus that we have in the Village would work for the proposed apartment building.

Peter Kowal-200 Maple Ave.

Mr. Kowal asked that the developer take into consideration where snow will be piled or have it hauled away so as not to lose parking spaces.

Discussion regarding parking areas.

Mr. Chalupa stated that he doesn't see outside areas and asked that drawings of the patio are provided as the area doesn't seem useful. Mr. McKinnon explained that the patio will have a fire pit, barbeques and be a beautiful gateway space to the community.

Discussion regarding outdoor space.

Tim McGuinness-127 Maple Ave.

Mr. McGuinness asked about dumpsters and refuse on the site. Mr. McKinnon stated that the dumpster will be in the southwest corner of the parking lot and there will be trash chutes in the hallways for residents to dispose of their trash and the custodian will take it to the dumpster. Mr. Sanderson explained that the Planning Board will address this further.

Mr. Sanderson stated that a traffic report was part of the application and is typically a Planning Board issue. Mr. Pancoast explained that the traffic study was done on February 14, 2023 between 7am and 9am and 4pm and 6pm which does not take into account busiest days and times. Mr. Pancoast explained that the recycle center is open Monday, Wednesday, Friday and Saturday and it is an absolute zoo traffic wise. Mr. Pancoast expressed his concern about the increase in traffic.

Mr. Goldman stated that they will have their traffic engineer look at that.

Discussion regarding traffic. Mr. Sanderson explained that the Planning Board will address traffic.

Discussion regarding ways to reduce or mitigate the variances that are being asked for.

Mr. Crossing stated that he is struggling with the process as the applicant has stated that they will be revisiting the design and considering 4-stories instead of 5-stories and will look at some other modifications such as potentially shifting the building and maybe changing the setbacks. Mr. Crossing explained that it would be a re-application.

Mr. Goldman explained that it depends on what the changes are going to be but if the variances change, the application will need to be resubmitted.

Mr. Pancoast explained that the Zoning Board needs to see the economic data. Mr. McKinnon explained that he will not be able to provide numbers, but they are willing to take the risk.

Mr. Sanderson explained that the application will be sent to the Ontario County Planning Board for their feedback and the applicant will see if they can redesign the building to 4-stories.

Mr. Sanderson made a motion to table the application until the May 17, 2023 meeting and explained that the Public Hearing has been left open.

ADJOURNMENT Meeting was adjourned on motion at 9:08 pm.

Roseanne Turner-Adams, Minutes Clerk