

TOWN OF VICTOR ZONING BOARD OF APPEALS, May 1, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on May 1, 2023, at 7:00 p.m.

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

OTHERS: Brian Ridley, Frank Petrosino, Darwin and Tammy Wood, Rhonda and Chris Bailey, Matt Garber, Kathy Barry, Alan Heard, Nancy Ziarnowski, Richard Soaper, Drew Cusimano, Town Board member, Adam Ryczek, Victor Code Enforcement, Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the May 1, 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. He 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 Alexis Ogra, seconded by Matt Nearpass:

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

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

Chairman Reinhardt- The first Hearing is the Kruchten matter, anyone here for that? Alright so we will put that at the end, that's a bit of a house keeping issue. Next the is it Ridley- Ride-ley? Ridley? --- Ridley. Come on up.

Ridley Pole Barn, 7896 Co Rd 41

08-Z-2023

Seeking an area variance to place a pole barn forward of the frontline of the home where §211-31 G. (2) states accessory structures are not permitted to be forward of the frontline of the principal structure.

Chairman Reinhardt- And you are?

Mr. Ridley- I am Brain Ridley.

Chairman Reinhardt- Okay, Brian, nice to meet you.

Mr. Ridley- nice to meet you.

Chairman Reinhardt- why don't you tell us what your application is about.

Mr. Ridley- uh, it's a pole barn variance based off the lot we had purchased, there is conservation easement so inside of the buildable area is where we're trying to stay, but given the landscape of the lot there's a lot of drumlins and natural characteristics that, they want to try to keep the Town would like us to keep, so where I originally would like to put the pole barn would have been in the northeast corner but being that there's a 20' drop off back there, we would have to move too much earth to be able to do that, so I am proposing or would like to put in a variance to have it moved to the west side of the lot but its going to be forward of the house but it technically would sit behind the hill which is on the left side.

Chairman Reinhardt- okay, so if I understand this correctly, in speaking with Adam, its currently a vacant lot.

Mr. Ridley- yes.

Chairman Reinhardt- and there are conservation easements on 3 sides? Is that right?

Mr. Ridley- yes. Everything inside of the dotted line is the buildable area, everything else outside of that, so 50% of that is conservation easement.

Chairman Reinhardt- alright and the issue that being presented here is the code requires that any structures, other than the principal structure, let me rephrase that, the principal structure is to be constructed sometime in the future, is that right?

Mr. Ridley- yes.

Chairman Reinhardt- okay. So, the code requires that pole barns, sheds, garages what not are to be constructed either at or behind.

Mr. Ridley- correct, right.

Chairman Reinhardt- so the, the problem that we're facing here is you haven't even dug the foundation for the principal structure yet.

Mr. Ridley- no, we have not.

Chairman Reinhardt- alright, so this puts the board into a bit of a quandary is, it's the, you're putting the cart before the horse, so if we're to look at a variance, a request for a variance usually the principal structure is already there and then the applicant might say well, we'd like to have the pole barn, forward of the principal structure because, topography, whatever the reasons may or may not be ...

Mr. Ridley- okay.

Chairman Reinhardt- let me ask you when do you propose to break ground for the principal structure?

Mr. Ridley- we are looking to do that within a year, we would like to do all that, all at one time, pole barn included.

Chairman Reinhardt- so, why not wait until the principal structure is in or at least the foundation is in and then say this is where we'd like to put the pole barn?

Mr. Ridley- we could, I mean uh, the layout for the home is on there as well.

Chairman Reinhardt- so is there, is there a reason why the principal structure can't be moved south, further south onto the property to make room for the pole barn where you'd like it to be?

Mr. Ridley- uh, it, no, the house? The house being moved further south. I'm sorry. I misunderstood what you said there.

Chairman Reinhardt- so currently what you're proposing is the principal structure is to be at the north end of the parcel, is that right?

Mr. Ridley- correct.

Chairman Reinhardt- and you'd like the pole barn to be south of the principal structure?

Mr. Ridley- yes.

Chairman Reinhardt- so, what I'm asking you is, could you move the principal structure south onto the property sufficient enough so that you could have the pole barn either, at the same, at the same, I guess east and west ...

Mr. Ridley- I see what you're saying.

Chairman Reinhardt- without being forward of the principal structure.

Mr. Ridley- um, laying this out like a puzzle, no, my, would be my answer. Because of the drop off, there's almost a 40' drop off from the point of the hill just south of the house and as you can see, we have a guest house which is basically the in-laws quarters which is attached to the house, so again we would have to move all sorts of earth around and basically wipe out the hills in order to do something of that nature and we're trying to keep the natural characteristics per the agreement which they would like us to do.

Chairman Reinhardt- okay, so putting that on hold for a moment, can't speak for the rest of the board one of my major concerns here is that you haven't even broken ground yet.

Mr. Ridley- correct.

Chairman Reinhardt- so without the foundation being where you'd like it to be, its difficult in my eyes to grant a variance when we don't even know where the principal structure is.

Mr. Ridley- okay.

Chairman Reinhardt- it's a proposal is what you're looking at.

Mr. Ridley- right, I see what you're saying. But we ...

Chairman Reinhardt- right.

Mr. Ridley- do know that the principal structure based off what we have written down here in that drawing is where we would like that to be.

Chairman Reinhardt- okay, understood. Fred, you got questions?

Mr. Salsburg- its hilly.

Mr. Ridley- its very hilly.

Mr. Salsburg- and we allowed a shed in front of a house right in the neighborhood not long ago, and uh, I drove by it today, and you don't really pay much attention to the one that we approved, must be right near here, forget the name of the people but ... so, uh, I would go along with building the house first and when the house is 7/8 done or come back, I would personally look favorable on putting the shed , how big is the shed?

Mr. Ridley- well we went, I want the biggest that I would possibly build which would be 40 x 80 ...

Mr. Salsburg- 40 x 80?

Mr. Ridley- 40 x 80 x 12 ...

Mr. Salsburg- *scoffs*

Mr. Ridley- but we're not looking to, possibly not going that big. What's that?

Mr. Salsburg- again the size of it?

Mr. Ridley- 40 x 80

Mr. Nearpass- it's a barn.

Mr. Ridley- pole barn.

Mr. Salsburg- yea it's a pretty good size shed.

Mr. Ridley- pole barn. Which is why, like based off the land ...

Mr. Salsburg- I didn't think it was quite that big.

Mr. Ridley- what's that?

Mr. Salsburg- I wasn't thinking quite that big.

Mr. Ridley- well that's why we were laying it out there once we get to the top of the hill which is the flattest area of the, to actually build the home that's why we put the home there and the only way to tuck it, I would have liked to have it in the northeast corner like I said, but the problem with that is there's such a drop off back there that we'd have to push so much earth around and then I know the Conservation Board is worried about, you know erosion of the conservation easement with a major drop off over there the, you know grade the land that way. So, the best we had was to tuck it behind the front in the hill, the hill in the front there on the left-hand side where the driveway would run up between the valley of the 2 hills, so its off to the side but its kind of somewhat tucked away, you know its not like boom sitting right out in front of you. And of course, everything is to be matched with the house so it's, it's kind of, everything blends in, its not going to build a white house and stick a yellow pole barn out in the middle of nowhere so ...

Mr. Salsburg- I would hope not.

Mr. Ridley- no.

Mr. Salsburg- well good luck on hiding that. That's all I got to say.

Chairman Reinhardt- Alexis? Questions.

Ms. Ogra- No questions, I see what you're saying though Mike about like doing it too early almost.

Chairman Reinhardt- mhm.

Ms. Ogra- is everything, is this all like set in stone, I mean the plans, the architecture everything?

Mr. Ridley- its everything pretty much with what we have is laid out, yes.

Ms. Ogra- I just, I guess my only concern would be we grant the variance and then you go back and move something a couple feet or something ...

Chairman Reinhardt- I, this is again uncommon, to put a barn on a parcel without a home on there is, its almost unheard of, you can't do it.

Mr. Salsburg- because sometimes the house doesn't show up.

Mr. Ridley- no, I, I understand that completely. And like I said ---

Chairman Reinhardt- and that's the whole ...

Mr. Ridley- if anything we want to do it ...

Chairman Reinhardt- that's ...

Mr. Ridley- all at the same time.

Chairman Reinhardt- that's what's driving the train here at least in my mind is if you've broken ground, you poured the foundation for the home, now you've committed that there's going to be a home there, chances are you're going to keep going, you're not going to stop doing, but if we grant a variance with a pole barn, now if the pole barn goes up and then you say well, I ran out of money, I'm not going put the house up ...

Mr. Ridley- understood.

Chairman Reinhardt- you've gotten what you wanted ...

Mr. Ridley- yea, understood.

Chairman Reinhardt- and, okay, that's ...

Mr. Nearpass- is the applicant asking us to build the barn first or you're just asking for, would you be okay with a variance that said, with a condition that says the barn is built after the house but as proposed, we're okay with ...

Mr. Ridley- yes, I'm primarily ...

Mr. Nearpass- because I don't think he's asking ...

Mr. Ridley- looking for the variance ...

Mr. Nearpass- to put one before the other.

Mr. Ridley- yea.

Chairman Reinhardt- the other problem then is, if we grant the variance hypothetically today, it won't be today because it's got to go to the county planning board.

Mr. Ridley- mhm.

Chairman Reinhardt- if it's granted today, once its filled, was it one year from the granting of the variance that you have to use it, if that house isn't done the variance is expired.

Mr. Ridley- okay, then you have to reapply.

Chairman Reinhardt- you're going to have to reapply, and everyone is spinning their wheels with the particular issue. So, there, there's a couple of moving parts, we need to pin down.

Ms. Ogra- I, look favorably on the variance, but I just the timing I don't want to mess up with construction or have you have to come back 3-4 times ask for it to be changed. I'd like to get it right the first time.

Chairman Reinhardt- right. Agreed. Lya, questions, comments?

Ms. Theodoratos- yea, well most of the comments were already made but it seems you said the location of the house is already approved and the proposal location of the barn where you want it, you already documented that, and I guess from everything you've said you can't move, its not feasible to move the house to another location.

Mr. Ridley- it is, if we really needed to, we could, again the problem with it is based off the house and the in laws quarters like that, that is the flattest part of the land ...

Ms. Theodoratos- yea.

Mr. Ridley- up top there, which is why we have that there.

Ms. Theodoratos- yea. Yea, I, I agree with Mike its better to wait until you have something more definitive ...

Mr. Ridley- okay.

Ms. Theodoratos- and that way we can then see it clearer, you know, and also refer this is a good topographical map because this shows us also where the drop offs are, but I mean I'm, you know I don't see anything wrong with it but I don't agree that we should issue it today, you know it just let you break ground, let you get a definitive location of where the foundation is and then we can work from there and this pole barn, what do you propose to store in it?

Mr. Ridley- vehicles, I'm a car collector.

Ms. Theodoratos-oh.

Mr. Ridley- so, I don't want to have everything just laying out.

Ms. Theodoratos- no, no I don't blame you. And just electricity in there, no other utilities?

Mr. Ridley- nope, that's it.

Ms. Theodoratos- okay.

Mr. Ridley- yup.

Chairman Reinhardt- Matt?

Mr. Nearpass- yea, um I don't think, my, I don't think need to wait until the applicant breaks ground but I would think just when you have a firm plan, so if you said today that this is the plan and this is what were going with and to Mike's point we'll have this thing started in you know, within the year, and the pole barn will come after the primary structure, I'm okay with it, in my I don't think I would have a problem with that and I don't think he needs to start laying bricks or anything like that but when you have a, I mean to the rest of the board members points I think its when you feel comfortable that you have a solid plan this is what you're going to move forward with and then we can make decisions based on engineering drawings that say, you know this is how far this is going to be from here and those types of things, then I'm okay with it as proposed and general.

Mr. Ridley- thank you.

Mr. Nearpass- I'm not sure if you're there, I'm not sure if you're there yet right. If the clock starts ticking today or early next month, after the county comes back, I'm not sure if you'd be in a position to be able to say yea in a year from now this whole thing is going to be done, it sounds like ...

Mr. Ridley- yea it's all ...

Mr. Nearpass- far out ...

Mr. Ridley- been a learning curve up to this point, with back-and-forth questions with Lisa and stuff and you know she was actually the one that proposed I apply for the variance at this time to see if that could go through as well at the same time so.

Chairman Reinhardt- okay, so as I indicated earlier it needs to go to the county planning board, do you understand how that process works?

Mr. Ridley- no.

Chairman Reinhardt- alright, so because of the location of Co Rd 41, the law requires that the county planning board weigh in or give an advisory opinion about what if any impact it may have on other municipalities that are close to it or the county as a whole.

Mr. Ridley- right.

Chairman Reinhardt- depending on how they give us, as far as what that advisory opinion is will indicate whether or not we can either approve or deny it, but if we are planning on denying it then it also depends on what kind of majority has to be given for the denial, if you're not sure what that means, I advise you to seek counsel, but its general municipal law, if it doesn't make sense ask me and maybe I can explain a little differently.

Mr. Ridley- okay.

Chairman Reinhardt- alright, so, um the other piece I'm curious about is one of the criteria that we look at is whether or not the applicant is, can pursue this what you're looking for without the need of a variance, so ...

Mr. Ridley- right.

Chairman Reinhardt- so is there a reasonable way to do it can you comply with the code, it's an analysis that we have to look at.

Mr. Ridley- mhm.

Chairman Reinhardt- so one of the pieces then potentially could be you're saying well gee the topography really doesn't lend itself well to moving the house forward, or forward to such a degree that its going to cost money, would you be willing then to talk, looks like you've done some plans, you've got an engineer on board, to give us an estimate to say, in order to comply with the code the house is going to have to move X amount of feet further south, and its going to cost more to construct the house, it doesn't have to be to the penny but some engineer said look if you really want to comply with the code yes you can do it, but its going to cost X.

Mr. Ridley- right.

Chairman Reinhardt- that's going to give us an indication as how reasonable is it to comply with the code as opposed to what it sounds like you're saying is these are really the best places for the homes, not just because I want them there because it makes the most economic sense. Does that make sense so far?

Mr. Ridley- mhm. Yea.

Chairman Reinhardt- okay, great. So, and then the other potential piece is if the board decides to grant the variance what they may look at and say if they grant the variance, they may put a condition on to say, you have to break ground first before you construct the pole barn.

Mr. Ridley- okay.

Chairman Reinhardt- and if you don't, potentially what you could do is say gee, I'm not ready to break ground yet even though the variance has been granted you may have to come back in here and ask for an extension to break ground, so you don't lose that variance. Right, so there are some ways we can do it without just saying no, you got to break ground first and then come back. Alright we're trying to make this as efficiently as we can.

Mr. Ridley- I appreciate it.

Chairman Reinhardt- my question, alright. Questions?

Mr. Nearpass- I don't see how we could have him break ground first other, because he's going to have to have a set of, engineering drawings ...

Mr. Ridley- yes.

Mr. Nearpass- right to go out and get a building permit so its one of those, I think if we wait until he's got a foundation in on the primary structure then its, then there's only one thing he can do.

Chairman Reinhardt- that's just it.

Mr. Ridley- right.

Chairman Reinhardt- when speaking with Adam before, that if there was that intent, you've broken ground the foundation is dug, that's where its going to go, you're not going to, I hope, you're not going to push the dirt back in and move it some other place, right, you're showing some intent that this is where its going to go, but I still think it would be wise for the board to put the condition in and say you need to get substantially going on that house before you put the pole barn up just so you don't have just the barn on the property which the code doesn't permit ...

Mr. Ryczek- allow.

Chairman Reinhardt- permit in the first place.

Mr. Ridley- right. Yup.

Chairman Reinhardt- okay.

Mr. Nearpass- so yea, the house has to finish first, I think technically right the house has to be ...

Mr. Ryczek- no.

Mr. Nearpass- have a CO first or how would you do that.

Mr. Ryczek- what we typically require is the foundation.

Mr. Nearpass- okay.

Mr. Ryczek- before you start construction on the pole barn.

Mr. Nearpass- not before we get, obviously before he gets the variance? That's what I was referring to earlier ...

Mr. Ryczek- well I can't approve ...

Mr. Nearpass- we wouldn't wait ...

Mr. Ryczek- I can't approve the permit without the variance. I can't approve his site plan as it is.

Mr. Nearpass- right, so that's what I'm saying, so we, he has to have the drawings then a variance, then construction on something.

Mr. Ryczek- correct.

Mr. Nearpass- not construction on something and then a variance...

Mr. Ryczek- correct.

Mr. Nearpass- okay.

Mr. Ryczek- you would have to try to do it simultaneously if you guys were to go the route of wanting the foundation in the ground before he came back for approval then they would have to take the pole barn off the site plan for me to approve the site plan for the house. And then they could draw a new site plan with the pole barn back on it and come for the variance, so that's up to you guys.

Chairman Reinhardt- okay.

Mr. Ridley- so if I break ground for the house, just so I understand this, so the plan would be once I had the foundation down, then I could start the pole barn because if we're going to pour concrete, again I'm just thinking ahead, I want to pour all of this at one time.

Mr. Ryczek- yes sir.

Mr. Nearpass- you just want the variance before you even get that far?

Mr. Ridley- yes.

Mr. Nearpass- right?

Mr. Ridley- yes, exactly. Yes.

Chairman Reinhardt- and there would be, again conditions that we would give to you, this is what has to happen first ...

Mr. Ridley- sure.

Chairman Reinhardt- second, third, instead of just keeping our fingers crossed that you're going to ...

Mr. Ridley- right, no.

Chairman Reinhardt- complete the job.

Mr. Ridley- no, completely understood.

Chairman Reinhardt- okay. Good. Anyone else questions, concerns? ---

Ms. Ogra- would we vote on a variance ---

Mr. Salsburg- you need anything over in the barn to help fill out a spot or two?

Mr. Ridley- you know we could push this through, and I got a spot opened for you.

Laughter

Chairman Reinhardt- alright we're ---

Mr. Salsburg- where do I sign?

Chairman Reinhardt- thank you Fred.

Ms. Ogra- um, so we'd vote on the variance next meeting? Or the ...

Chairman Reinhardt- if the county, yea depending on how the county, yes, the answer is, we potentially could vote on the variance next time around once we have it a look at the county planning board advisory opinion and then we can figure out if we want to grant it and if so with what conditions.

Ms. Ogra- you only have a year to use the variance? So... that he doesn't have to come back...

Chairman Reinhardt- right, so, this is, it's happened before, there's a mechanism that if it's now we're in 23, so if it comes to March of 2024, and you haven't even started yet.

Mr. Ridley-mhm.

Chairman Reinhardt- you would be wise to come back in and say I'm a little behind per reasons X, Y, and Z ...

Mr. Ridley- right, for an extension.

Chairman Reinhardt- I need an extension.

Mr. Ridley- correct.

Chairman Reinhardt- and it would be up to the board then to decide we'll give you the extension it sounds like it's a good reason or if you're just kicking the can down the road, listen you're not, you're not going to do it. Its just we deny the whole thing.

Mr. Salsburg- how far off the road would the barn be do you think?

Mr. Ridley- uh, the house is about 350-400 feet off the road so the pole barn would probably be at least 200, 2/250. And like I said there is a big hill in front of it as well so, so its kind of sitting behind the hill.

Chairman Reinhardt- okay. Anyone from the public want to speak for or against the application? --- come on up. No, no come on, we can't hear you, come on up. Don't be shy.

Mr. Petrosino- Frank Petrosino, I'm the good in-law that's moving in up there too. I'm a little perplexed, so if we break ground and then we apply, for the variance, is that what you were saying?

Chairman Reinhardt- no, you've already applied for the variance. The variance process is under way.

Mr. Petrosino- okay.

Chairman Reinhardt- the caution I'm getting, this is your son-in-law?

Mr. Petrosino- yup.

Chairman Reinhardt- okay, giving your son-in-law is, it's a bit premature on its face that you're asking for a variance before the principal building has even started. But there are some mechanisms that if everything falls into place and the board decides to grant the variance, the variance only last for a year, but potentially the conditions to the variance would be you need to do certain steps first, you can't build the pole barn first and then figure out how I'm going to build my principal structure later. You need to show the intent of, we're going to put the principal structure in, and you do that by showing your foundation is in.

Mr. Petrosino- right. The other comment I'd like to make, and I understand it now, thank you. The other comment I'd like to make is when we met and walked that field, up ten times with the Conservation department, and when we met with them, their concern was all the drumlins, they didn't want to move them, and so we put a meandering driveway around the drumlins, the whole thing, and if that comes, if the house comes forward then we're going to get into the drumlins.

Chairman Reinhardt- so, that's an interesting point, so if you could get something from the conservation easement to say, this is really the best place for the principal structure, this is the best place for the pole barn as not to disturb the drumlins that gives us some clues about why it is that you really don't have many choices here, where to put the pole barn, where to put the principal structure.

Mr. Ridley- yea, because I had just met with them last week. Or a week prior. So...

Chairman Reinhardt- something ...

Mr. Ridley- so I have to get something in writing from those ...

Chairman Reinhardt- yea, that would help.

Mr. Ridley- from them?

Chairman Reinhardt- because ...

Mr. Ridley- okay, alright.

Chairman Reinhardt- we've had this a few too many times when applicant comes in and says well, she said this, and he said that, and that gets very confusing.

Mr. Petrosino- I mean the, they did reply back with some of the questions and answers and said, you know they didn't have any issue with it.

Chairman Reinhardt- or if they come in next time and ...

Ms. Downs- I can pull the minutes from that meeting.

Chairman Reinhardt- okay, great. That would be great then.

Mr. Ridley- yea.

Chairman Reinhardt- perfect.

Mr. Ridley- very good, thank you.

Chairman Reinhardt- alright. We're good?

Mr. Ridley- thank you.

Chairman Reinhardt- have a good evening.

Mr. Ridley- appreciate your time.

WOOD, 6721 Co Rd 41 09-Z-2023
seeking an area variance to subdivide 2.609 acres into 2 parcels (approx. 1.1 acres and 1.5 acres) to sell off the additional parcel to an individual who wishes to construct a residence when § 211-27.3 states the maximum living units per acre of gross property area in the B overlay for a Residential 2 property is 0.50.

Chairman Reinhardt- next is the WOOD application.

Mr. Wood- Good evening, Darwin Wood. 6721 Co Rd 41, and we are requesting a, an approval of the variance to divide our current 2.6-acre parcel into 2 parcels, one being 1.45 acres which would be the parcel that our current home is on and the other being the 1.15 acres that would be the vacant parcel which we would wish to sell.

Chairman Reinhardt- okay, so nutshell ...

Mr. Wood- mhm.

Chairman Reinhardt- you're asking to subdivide a 2.6-acre lot into 2 parcels, right, you said one is 1.1 acre the other is 1.5 acres.

Mr. Wood- 1.45, yea.

Chairman Reinhardt- 1.45 okay. And you understand at least the code requires at least 2 acres per lot.

Mr. Wood- right. Correct.

Chairman Reinhardt- so you're, it's the density issue...

Mr. Wood- the density is the issue here, right, yup.

Chairman Reinhardt- is what's being flagged here. Before we get too deep into it, I asked Adam for to do a quick search and it appears that there have been no variances that have been granted in the last 15 years for this specific request.

Mr. Wood- mmm.

Chairman Reinhardt- so, that's going to, that's a hard ask if you will, for a variance when, arguably it's going to change the character of the neighborhood and really the density issue is in the code, doesn't mean you're not going to get it, but it just, that's what your up against.

Mr. Wood- right.

Chairman Reinhardt- the other piece, much like the prior applicant, has to go to the county planning board, their comments will come back, we'll take a look at it so we can't decide on it today.

Mr. Wood- correct, right. Mhm.

Chairman Reinhardt Matt, you got questions/concerns?

Mr. Nearpass- yea, one on the character of the neighborhood, I'm looking at, it looks like 1515 Brace and 6715 Co Rd, you know the two here to the east and to the west of you, most of those parcels look like they're less than 2 acres.

Mr. Wood- yes, they are.

Mr. Nearpass- so I'm assuming previously existing, non-conforming, but is most of the neighborhood like that, Adam, is it ...?

Mr. Ryczek- I wouldn't say most of the neighborhood, no. The overlay district, its not a matter of whether or not the parcel, a 1-acre parcel is sufficient enough for a single-family home lot, it's the density overlay, for *subdivision* requires, you know .5 acre per unit, so he is starting out with less than 3 acres trying to ...

Mr. Nearpass- yea, I'm just wondering if he would be the only one in ten neighborhood that would be .5 per, like today, gain I'm just looking at the snapshot that we was provided by the applicant ...

Mr. Ryczek- well, the other thing is, is that the overlay line is the edge of his property, 6715 is in the A overlay district.

Mr. Nearpass- okay and then it, so it goes east.

Mr. Ryczek- yup, to the east.

Mr. Nearpass- of that.

Mr. Ryczek- yup.

Mr. Nearpass- well, I'm looking at, right 1515 next to it and then 1510 across Brace Road, I mean 1510 looks like its ...

Mr. Ryczek- so 1515 was part of your parcel if I understand that

Mr. Wood- yes sir.

Mr. Ryczek- correctly ...

Mr. Wood- yes, it was originally, yes.

Mr. Ryczek- and you had 4 acres at that time ...

Mr. Wood- 4.4, yup.

Mr. Ryczek- right, and so it met the overlay, the density ...

Mr. Wood-correct.

Mr. Ryczek- for subdivision.

Mr. Wood- mhm.

Mr. Nearpass- so is there, is there a reason other than you're just trying to maximize the, you know the return you get on the land for wanting to subdivide it into 2?

Mr. Wood- uh, well no, I, like I said, I see that property and I just feel it could be used for a better propose than the overgrowth that's there, but in response to the other lots, there are 4 properties to the east of us and I'm pretty sure, I don't know if they're all in the overlay district B or not, but I'm quite sure they're not much more than an acre if they are. So, I think it would kind of blend in with the area more if there was a home there.

Mr. Nearpass- sure, but on the, just back to my question, so is there a, again other than just wanting to get 2 buildable lots out of one is there any other reason why you want to do it?

Mr. Wood- other than the aesthetics, like I said I think it would improve the, I actually think it would improve the aesthetics of the neighborhood in, with moving all that, getting rid of all that over brush ...

Mr. Nearpass- I mean you could do that, you could get ...

Mr. Wood- well yea I could ...

Mr. Nearpass- I mean you could do that, right?

Mr. Wood- right, yes, I could just ...

Mr. Nearpass- you could get rid of the over brush...

Mr. Wood- clean that off if I wanted to ...

Mr. Nearpass- turn it into a lawn for sure.

Mr. Wood- but uh, that would be more, more property that I would have to maintain and it ...

Mr. Nearpass- sure.

Mr. Wood- at my age, I'm trying to minimize that if I can.

Mr. Nearpass- understood.

Mr. Wood- but I, I just feel that it would be a, it would make a nice building lot for someone interested in moving into the town.

Mr. Nearpass- I'm okay for now, Mike.

Chairman Reinhardt- Alexis, questions?

Ms. Ogra-um, do we have anything here from your neighbors?

Mr. Wood- there are neighbors here, yes.

Ms. Ogra- oh, okay. Will we get to asking people ...?

Chairman Reinhardt- yup.

Ms. Ogra- okay.

Chairman Reinhardt- yea, once we're done then we'll ask the public for comments.

Ms. Ogra- okay, perfect, that was it.

Mr. Wood-okay.

Chairman Reinhardt- Lya?

Ms. Theodoratos- um, I think I saw on here you're on public sewer not septic, correct?

Mr. Wood- no, it is a septic. It is septic.

Ms. Theodoratos-oh it is septic.

Mr. Wood-yup.

Ms. Theodoratos- yea.

Mr. Wood- yea we have a septic system and 1515 Brace Road has one, but they have a raised bed system, because it was clay there, but so this lot would also require a septic system, whether it be conventional or raised bed.

Ms. Theodoratos- yea, I guess Mike that's something more the planning board would look at. You know from an environmental impact, okay.

Mr. Wood- and there's public water, and natural gas available there, also, yea.

Ms. Theodoratos- and just, I wanted a point out on the, because I think you probably just forgot to answer one question on the bear with me a minute, on the app, on your application --- oh the environmental assessment form on 17, 17 A, the question was, on that subsection, sub part A, will storm water discharges flow to adjacent properties, you know, you maybe just forgot to check yes or no.

Mr. Wood-I'm sorry, I didn't hear you, I'm ...

Ms. Theodoratos- oh, on 17 A the question was will stormwater discharges flow to adjacent properties, you didn't answer, check yes or no.

Mr. Wood- oh okay. Yea I, I struggled with the application ...

Ms. Theodoratos- oh.

Mr. Wood- a little bit, I must be honest there, but yea, I don't think there would be any ...

Ms. Theodoratos- okay.

Mr. Wood- issue with any stormwaters no.

Ms. Theodoratos- I think that it, but ...

Chairman Reinhardt- Fred, questions?

Mr. Salsburg- no, I'm going to between now and the county, return, I want to take a look at the adjacent properties.

Chairman Reinhardt- okay. Alright, anyone from the public ant to speak for or against the application? Come on up.

Ms. Barry- I'm on the 1510 which is across Brace Road ...

Chairman Reinhardt- and you are?

Ms. Barry- my name is Kathy ...

Chairman Reinhardt- Kathy?

Ms. Barry- Barry.

Chairman Reinhardt- Kathy Barry?

Ms. Barry- my dad is Bob Barry, he's actually lived on that corner for 91 years, he was born in the house across the road, so um, I didn't get to move there until 1963, *laughter* we honestly have no problem with it, because what Darwin was saying like all the other houses, like the house next to it and the house next to it, all of those are definitely smaller lots, I mean those were all approved back when they sold it because it was my grandfathers farm and it was divided so, I don't have a issue with that because aesthetically Darwin is right, I mean it'd be nice to have it be nice lawn. Um, my question is we have the property, the other 2 properties that have got, um right next to it, the one, its not south, yes south, and southeast. We have both of, I have both of those properties and when we were, when we originally were asking about it years ago, it was a minimum of 5 acres because they said it was a septic, so we had to sell it in minimums of 5 acre lots, and then it got changed to 2.5, so I was just wondering if there is something that changed because I have been trying to sell this property for many, many years and um, I just thought maybe the rules changed or something, because when we tried to sell the property just south of that it said we had to have something like 130 road frontage or something, and I just didn't know if, like I said we don't care if that gets divided but I just don't understand why its okay to have one person have a 1 acre lot and if I sell the property I have to have a 2.5 acre lot.

Chairman Reinhardt- alright, so one piece I can answer for you if the, the pre-existing condition, so we're 1510, it sounds like that parcel is, has been in your family for a long time. Right?

Ms. Barry- actually all of that parcel up to Boughton Hill and up to Guinan's was all my grandfathers ...

Chairman Reinhardt- okay, but ...

Ms. Barry- farm.

Chairman Reinhardt- currently ...

Ms. Barry- so ...

Chairman Reinhardt- 1510

Ms. Barry- yea.

Chairman Reinhardt- how long is that parcel as it's shown on the map, how long has that existed?

Ms. Barry- its one acre, its um, 1963.

Chairman Reinhardt- okay, so that's a pre-existing condition ...

Ms. Barry- right.

Chairman Reinhardt- so the code has a few times and probably a few more times after that ...

Ms. Barry- right.

Chairman Reinhardt- but to your other question, I think what Adam is looking at is the properties to the south of where you are ...

Ms. Barry- I thought it said R-2, I mean up until a couple years ago we did not have public water on Brace Road, it just got put in a couple years ago. So, I know things have changed with that so, I'm just trying to find out what I have to do to sell something that's less than 2.5 acres.

Chairman Reinhardt- alright so what I, what I'm going to ask though because your comments are important, but some of your comments are now leading into or bleeding into a concern of what you have ...

Ms. Barry- no, no, no that's the only reason I wanted to know ...

Chairman Reinhardt- its okay.

Ms. Barry- because they're connected, so ...

Chairman Reinhardt- that's absolutely okay, but we may not be able to answer that question today ...

Ms. Barry- no.

Chairman Reinhardt- I think Adam either is going to, do you have the answer now or can you, you want to for the next meeting? ...

Ms. Barry- I mean its not, I just wondered if the rules changed, and you can do one acre lots.

Mr. Ryczek- okay, so the R-2 on, with public water only the minimum lot size is $\frac{3}{4}$ of an acre, so that is the minimum size for a buildable lot, when it comes to subdividing those parcels at least the one directly south is definitely in the B overlay district, I'm not sure about the one to the southeast, and that has to do

with the density, how many parcels you can create with the acreage you have. So, I can, you know if you want to get with the Planning and Building department for more information, we can look at that for you.

Ms. Barry- what is B overlay?

Mr. Ryczek- so, the overlay districts are created for density, the density of a ...

Ms. Barry- right.

Mr. Ryczek- of the homes and B states that .5 acre per unit, so you technically need an acre to build ...

Ms. Barry- right.

Mr. Ryczek- right, so.

Ms. Barry- okay. So that's good. So, it did change when they put the water through, is that what you're saying?

Mr. Ryczek- well so the requirement would change if they added water because without public sewer and water its an acre. Currently. Not $\frac{3}{4}$ of an acre. So, as the utilities come ...

Ms. Barry- okay.

Mr. Ryczek- the restrictions change.

Ms. Barry- that's fine. So, do I contact you or do I contact ...

Mr. Ryczek- if you get ahold of the Planning and Building department ...

Ms. Barry- mhm.

Mr. Ryczek- someone will be assigned to help you, okay?

Ms. Downs- there are cards in the back with the phone numbers and e-mail addresses for us.

Ms. Barry- thank you very much. That's good, I just, we don't have a problem with him doing it.

Chairman Reinhardt- okay. Anyone else want to speak for or against the application? ---

Mr. Heard- um, I just, my name is Alan Heard and 6711 Boughton Hill Road, Co Road 41, whichever and I have no problems with him doing what they're doing, and Nancy would be the one that, right close to the, her property line, and she lives at 6715 I believe it is. Right? --- and if you want to say a little something, but I'm not opposed to the, them going ahead, I don't plan on being there very long *laughter*, so that's all I have to say.

Chairman Reinhardt- thank you. Alright, you're Nancy, your last name?

Ms. Ziarnowski- Ziarnowski

Chairman Reinhardt- okay. Anyone else want to speak for or against the application? ---

Ms. Ogra- 6715? Ma'am, you were 6715?

Ms. Ziarnowski- yes.

Ms. Ogra- okay. Thank you.

Chairman Reinhardt- okay. More questions, comments from the board.

Mr. Nearpass- I have one for the applicant... on the um, if you were to subdivide it, so the current home that is there, is almost right in the middle of the lot, so how would you, how would you propose or where would you propose the other house would go, so it's not, right?

Mr. Wood- right, with in, with the 1.1 acre?

Mr. Nearpass- right. How would you, where would you put the home?

Mr. Wood- yup, uh, well there is, there is sufficient area there I spoke to the code enforcement officer here with the, determining the setbacks ...

Mr. Nearpass- yea the setbacks and the, to make sure its not too on top of ...

Mr. Wood- right.

Mr. Nearpass- the home next to it and then obviously the existing home that's there, you have a, I know there's like a rough sketch submitted but it didn't really show where another home would go.

Mr. Wood- right, yea, the other home could, could, wouldn't necessarily have to even be in line with the other homes that are on that road, it could actually be farther back because there's 388' of depth there so if someone wanted to build it farther from the road, um, I think that would look, I mean an engineer I guess would look at that and decide what they felt the options to a prospective builder would be.

Mr. Nearpass- okay.

Mr. Wood- I think there is sufficient room, yea.

Mr. Nearpass- okay. And you confirmed that then with Adam that ...

Mr. Wood- mhm.

Mr. Ryczek- yea, he, he's got 130' of frontage which is more than ample for a single-family dwelling.

Mr. Nearpass- alright.

Chairman Reinhardt- any other questions, alright then we will see you, when's our next meeting?

Ms. Downs- May 15th would be the meeting after the county on May 10th.

Mr. Wood- very good.

Chairman Reinhardt- alright.

Mr. Wood- thank you very much. Appreciate it.

From the audience- can I ask a quick question?

Chairman Reinhardt- sure.

Mr. Soaper- uh, my name is Richard Soaper, I'm over on Brace Road, uh, I'm looking at the map and it's, there's an A zoning and a B zoning, and that line goes right between ...

Mr. Ryczek- yea.

Mr. Soaper- uh, going just east, of Mr. Wood's property. It goes from B to A, is there a difference in the, the rule about density?

Mr. Ryczek- yes sir ...

Mr. Soaper- I'm sorry if I, I'm not hearing you.

Mr. Ryczek- yup, no problem. So, the A overlay district is uh, I believe it's, I'm sorry, one second, so the B overlay is .5 units per acre, so you need 2 acres for a lot and that's for a **subdivision**. That has nothing to do with the minimum lot required, required lot size. A lot, a buildable lot can be much smaller than that 2-acres, but you need that acreage to **subdivide** in that district. It gets a little confusing ...

Mr. Soaper- and A, how's that go?

Mr. Ryczek- A- is um, man, I don't want to mis-quote it, here we go, so A is .33 units per acre, so you need 3 acres, okay per house.

Mr. Soaper- okay, so *inaudible*

Ms. Downs- sir, I apologize, for the record I can't hear you over there ...

Mr. Ryczek- you need the mic ...

Ms. Downs- so you got to speak in a mic, I'm sorry.

Chairman Reinhardt- so to the mic so it'll, it's ...

Mr. Soaper- I can't hear you... I'm just curious because I live in the neighborhood and I'm in a B zoning, and these people live in the A zoning and I'm wondering what, is there anything important difference to what Mr. Wood wants to do?

Mr. Nearpass- so what it really comes down to, I think that A is less dense than B, correct?

Mr. Ryczek- correct.

Nr Nearpass- A is 1 house per, I'm sorry, 1 home per 3 acres, B is one home per 2 acres, I'm looking to Adam to keep me honest.

Mr. Ryczek- yes when you're talking about a **subdivision**. Only. The acreage you need, required to subdivide. Nothing to do with the size of a buildable lot. Which is much smaller...

Mr. Soaper- right.

Mr. Ryczek- now that goes to which residential district, you're in and what utilities you're supplied with. Okay?

Mr. Soaper- but it, I'm thinking that it gets kind of approaches the question of does it change the nature of the neighborhood by Mr. Wood asking to do what he wants to do.

Chairman Reinhardt- we're not quite there yet.

Mr. Nearpass- that's what we have been debating. We've been, that's what we have been discussing is do we, as individual members, think there's been a change, would be a change or not, positive, or negative.

Chairman Reinhardt- we'll pin this down at the next meeting, okay, which you are welcomed to come back.

Mr. Soaper- alright.

Chairman Reinhardt- okay, anything else? --- Good, thank you we'll see you next time around on the 15th. Good.

Mr. Heard- for you guys when you talk, me too, lean into that microphone.

Mr. Nearpass- alright, we'll make sure ...

Chairman Reinhardt- we can do that.

Mr. Nearpass- we'll crank up the volume next time too.

Mr. Heard- yea, appreciate it.

Chairman Reinhardt- and don't be shy if you can't hear us just let us know ...

Mr. Heard- speak up, *laughs*

Chairman Reinhardt- we can do that.

Mr. Heard- so we're all set?

Chairman Reinhardt- we are all set for tonight for this application.

Mr. Heard- I'm going to go take my nap.

laughter

Ms. Ogra- sir, is this your jacket here?

Mr. Heard- yes.

Chairman Reinhardt- alright, Mobile Graphics.

MOBILE GRAPHICS, 7120 Lane Road

10-Z-2023

Seeking to modify a previously granted use variance (8/28/23) the new proposal includes a 7,488 SF building to support the existing business and provide an accessory apartment(s) The property lies within a R1/R2 district.

Mr. Garber – Good evening, Mr. Chairman and members of the Zoning Board, my name is Matt Garber, I'm with DDS companies, on behalf of Mobile Graphics, I'm here tonight to request a modification to the conditions of an existing use variance for the property, at 7120 Lane Road, any questions operationally based, I will be inviting up the owners Chris and Rhonda Bailey who are in attendance with us tonight. This property has an interesting history, it has operated over 30 years under a use variance with numerous modifications to the use variance, and this request is nothing out of the norm, the Zoning for the parcel is split between R-1 and R-2, R-1 being on the west, R-2 on the east, Mobile Graphics has had tremendous success since they opened up in 2006, and is now in need of an expansion of the existing operations with a new building, they have been sensitive to the neighborhood and want to maintain that same relationship, and the current proposal includes a new 7,500 SF building with minor site improvements, um, and they propose 2-1 bedroom accessory apartments, and after discussing with staff, we understand that the 2-1 bedroom apartments is not permitted, under the R-1 zone and we would like to ask for the best approach for this. And at this time, I'd like to gather any questions or concerns you guys may have.

Chairman Reinhardt- okay, so, I think you are aware, it needs to go to the county planning board, so we can't make a determination tonight. So, before we get into the history because I don't know if, there's a lot there, and you're absolutely right, it's a long, long history, and I saw noted actually, Matt pointed it out, there's a typo on the notification, this dates back to August 28, 1992.

Mr. Garber- mhm.

Chairman Reinhardt- um, the issue comes in for when there is a request for a modification of a use variance, the analysis is whether or not the modification is related to the original use variance, if its not, then you're looking at a whole use variance criteria.

Mr. Garber- mhm, a new use variance. Right?

Chairman Reinhardt- that's right. That's right, so the modification, not only needs to relate but the analysis then is, is it going to be more of an intense use of the property than previously granted?

Mr. Garber- so we were directed by Town staff, the code enforcement officer Adam, to apply for a modification to the existing use variance.

Chairman Reinhardt- okay, so you have some choices here, this is potentially, it is, it's a legal question.

Mr. Garber- mhm.

Chairman Reinhardt- if you want to, you absolutely should, go talk to legal counsel, how do you address use variances, use variances are far different than area variances.

Mr. Garber- mhm.

Chairman Reinhardt- I think you know, use variances, you need all 4 criteria.

Mr. Garber- right.

Chairman Reinhardt- now, when you get into the modification it's a bit of a nuance when you have to show that the modification needs to be related to the original use variance.

Mr. Garber- mhm.

Chairman Reinhardt- so, there are 2 parts, I think to your, well Mobile Graphics request, the garage, and the apartments. I think it would be best if it's the analysis, look at the separately, so you would like, Mobile Graphics, 7,488 SF more space?

Mr. Garber- mhm. Correct.

Chairman Reinhardt- is that related to the business.

Mr. Garber- yes.

Chairman Reinhardt- if so, how, and how is it then that it will not be, or create a more intense use than what is already being used for, then the other part is, the apartments, is that related to the business, if so, how, and if so, is it going to create a more intense use? So that's what we'll be looking at, so if you want a chance to address those two pieces, have at it.

Mr. Garber- yes, I will uh, defer the apartments to Rhonda and Chris they can talk more about how that will be related to the company.

Chairman Reinhardt- sure.

Ms. Bailey- hi, my name is Rhonda Bailey, I reside at 650 Old Dutch Road in Victor, um just a quick question, because we did combine lots, because we did own the house next door for 20 years, so when we, there was barn there now, and we had to merge those 2 lots, because we sold the house at 7126 Lane Road. So, would that be considered now on the same lot? Same special use because we're trying ---

Chairman Reinhardt- what, I, talking to Adam there, you're in 2 different districts.

Ms. Bailey- right.

Chairman Reinhardt- R-1 and R-2, and if I understand it correctly and I think it is in the code, that the more restrictive district, those rules a regs apply.

Ms. Bailey- okay. I was just confused because with the county first which we know is this week I think, Amber, right?

Ms. Downs- May 10th.

Ms. Bailey- May 10th, okay. Because they had signed us up for this meeting first without the county which I don't know if that's normal either so that would answer that question, that we know that the county has to approve it.

Ms. Downs- I always recommend that people come first in case you need to bring something else in, next meeting you're prepared.

Ms. Bailey- I just want to answer that because I was confused like why are we here without the county approval first, so ...

Chairman Reinhardt- its, I caution you, its really not a county approval, it's a county recommendation, it an advisory board.

Ms. Bailey- okay.

Chairman Reinhardt- so, it's still our decision on what to do, but depending on what their advice is will determine on how it is we need to vote.

Ms. Bailey- okay.

Chairman Reinhardt- on granting or denying.

Ms. Bailey- gotcha.

Chairman Reinhardt- okay?

Ms. Bailey- I'll let you ...

Mr. Nearpass- I have a question, when you say you combined 2 lots? – with a, I'm looking at, I think we had up there as well, but I'm looking at the um, it looks like a google earth snapshot...

Ms. Bailey- yeas so 7126 ...

Mr. Nearpass- that lot right there or are you saying you combined one of the ...

Ms. Bailey- well, okay so the history is, in 1992, Eagle Distributing had a special use variance I believe and that building burned down, so that lot was vacant for, 20 something years I think, when we purchased the lot, we did own the house next door 71 ...

Mr. Nearpass- which one?

Ms. Bailey- 7126...

Mr. Nearpass- okay.

Ms. Bailey- to the right, we lived there, actually to the left, if I'm looking at the map, we live, we owned that house for almost 20 years, so when we sold that house in 2018, that existing barn in the back we kept. So, we did in 2018 make that lot one now.

Mr. Ryczek- it was a lot line adjustment, Matt.

Ms. Bailey- yea. Thank you, Adam.

Mr. Ryczek- so the western or left most lot line that is just to the left of the barn in the rear with the white roof ...

Mr. Nearpass- mhm.

Ms. Bailey- that lot line used to be to the right of that barn and that barn ...

Mr. Nearpass- the house isn't on the lot? Its juts, you just moved it a little bit to take in the barn.

Mr. Ryczek- correct.

Ms. Bailey- yea, we only wanted to sell the house and not the barn.

Mr. Ryczek- and then as a condition of that lot line adjustment the, because of the use variance that existed, that barn was not to be used for business related purposes.

Ms. Bailey- which its not, there's no electricity to it. When we sold the house anyway so and the barn has been falling apart, I think it was built in the 80's ...

Mr. Nearpass- alright.

Ms. Bailey- thank you.

Mr. Garber- and then Chris would you like to talk about how the apartment is part of the business, thanks.

Mr. Bailey- in all honesty um, the apartment was an afterthought, we want the business expansion because we need it, we need room to growth, we need, basically the business expansion is going to take away a lot of the materials from our shop, and move it over and we also want to open up the bay area for installation vehicles, so the new building will not have a lot of activity as far as day to day employees and we're not putting equipment over there, we're not putting, its more storage and vehicles so the demands on the property and stuff aren't going to be a lot of employees running around between the 2 buildings, so that, I don't know if that has any grace or not, the apartments themselves, we had a little hardship in our family, and my son is requiring a little bit more maintenance and he's 21, and uh, the apartment was kind of an afterthought, stepping stone, to, that we can, he works at part of the business so, it was something, he can get some individualism and growth himself and was an opportunity for us to you know keep him close to us and, garnish that aspect, so that's why the apartment was an after thought of just our family dynamics and we had the room in the building for the expansion so, there's just a little bit of reasoning behind it because, you know he requests that at times.

Mr. Nearpass- is it one or 2 apartments?

Mr. Bailey- we were requesting 2, just because of, up and down and plumbing and just the way we could do things, but I mean, we are definitely up for negotiations on what would be allowed.

Chairman Reinhardt- more questions?

Mr. Nearpass- I'm okay for now.

Chairman Reinhardt- Alexis?

Ms. Ogra- if you wanted to use the 1 apartment for your son, were you planning on renting out the other apartment?

Mr. Bailey- um, or actually we were looking to simplify our lives and possibly going into the smaller apartment ourselves.

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

Chairman Reinhardt- Lya?

Ms. Theodoratos- um, in the beginning it was said that you plan on doing minor site improvements, what do those consist of please?

Mr. Garber- um, based on the increase in impervious area, we were going to expand the pond that's on site as well to maintain same drainage patterns and to help that.

Ms. Theodoratos- okay. Okay, thank you, and um, I saw a, on one, one site drawing C1, under the site zone notes, it said this is in the flood zone and you know based on that are there any building restrictions, you know being that this is in the flood zone.

Mr. Garber- I don't think it's in ...

Ms. Theodoratos- no flood zone?

Mr. Garber- yea. --- Oh, it might be in flood zone x, which is or A, I don't know what it is for this town, basically meaning that there isn't any ...

Mr. Ryczek- it's a category.

Mr. Garber- yea.

Ms. Theodoratos- oh, okay, I didn't --- I guess I misunderstood.

Mr. Garber- that might be what it is.

Ms. Theodoratos- okay. Okay. Um--- so now you said earlier that you wanted to expand your business is expanding and I saw in the documents that your currently at, you know what's allowable max of 7 employees and so if you're expanding, do you eventually plan on hiring more employees because it seems your business is doing well, and you do do a lot of things ...

Mr. Bailey- yea, we're very diverse and we're trying ...

Ms. Theodoratos- yea.

Mr. Bailey- to get a handle on it ourselves. And slow things down in our business and streamline a little bit, um, yes we would like to approach also to add a couple more employees we're not looking to go gang busters but, we currently have plenty of parking and everything to add a few more employees but we are restricted with what we're supposed to have, um I would say the Ontario County has walked through the site and was disappointed that they put that shell on us, to us, for employment opportunities, um but with the addition we probably would be seeking a couple more spots, to add to the team and with the new building we will also have a lot more parking if it was needed.

Ms. Theodoratos- now another thing, I saw in the um, when the other variance or earlier variance was granted, it said um, the variance would not include any showroom area or like, you know I guess more for customers to walk in, but um, and that's something we need to consider, but you know we do see that you're using and planning to expend for showroom and what else, I saw something else, you know, and your website said storefront showroom, sales office and customer interactive center.

Mr. Bailey- yea, I mean that part could be a little bit misleading we are not looking to expand our sales, well our sales area possibly but our showroom area is not expanding, we're not enlarging anything in that area whatsoever in any of these plans.

Ms. Theodoratos- and the new, um, well I know in the old barn you were just storing; you know like personal, personal equipment and you mentioned there's no electricity, and with the, with the new storage barn ...

Mr. Bailey- mhm.

Ms. Theodoratos- also that's just going to be storage?

Mr. Bailey- the new storage barn?

Ms. Theodoratos- uh, uh yes.

Mr. Bailey- well I indicated a corner storage because we do have a lot of stuff in that barn that we need to go through, get rid of, and ...

Ms. Theodoratos- right.

Mr. Bailey- and we will take a corner of that for ...

Ms. Theodoratos- okay.

Mr. Bailey- those belongings, and the other area, um ...

Ms. Theodoratos- for the apartment or, apartment either 1 or 2 apartments, so approximately how much of that 7,488 SF storage barn will be used for the storage?

Mr. Bailey- its marked on there I think it's, I can't read from here, 28 x 30 is the area.

Ms. Theodoratos- for personal storage.

Mr. Bailey- previous barn storage. I think I ...

Ms. Theodoratos- oh, okay.

Mr. Bailey- indicated.

Ms. Theodoratos- oh okay, yea I see that now. Thank you, okay. Thank you. ---- okay, that's all I have.

Chairman Reinhardt- Fred, questions?

Mr. Salsburg- I had a question but I just found it, I was wondering what happens to the barn that's there now, but its going bye bye.

Mr. Bailey- it's got to go bye bye, yea.

Mr. Salsburg- you have any thought about putting the 2 together?

Mr. Garber- what's that?

Mr. Salsburg- give any thought to, putting the new one attached to the existing.

Mr. Bailey-uh, I don't because it is, it needs a lot of work, and the ceiling heights aren't good, mad its not insulated, its not, um, it would take a lot more work just to frame that out, and it also hurts the plan overall as far as the building being in one, maintained and new. Um, that was kind of where we're trying to be at, so we don't have as much maintenance in the future on it.

Mr. Salsburg- that's it.

Chairman Reinhardt- so, um to follow up with my questions before, the garage itself, 7,488 SF, and you're telling me that's not going to expand your business? Because it again, the condition, you have a number of conditions, and to grant a modification for a use variance there needs to be, it needs to be addressed the issue of, you're not going to expand your business, or create a more intense use of the property. You are more than doubling the size of the current structure that you're in now, I don't understand how it is that you're not going to expand your business then, with the building that's more than double of where you currently work out of.

Mr. Garber- so based on the floor plan most of it will be for either storage or um a place where they can keep vehicles that they're not working on, they're going to work on or stuff like that and then also the apartment.

Chairman Reinhardt- alright, so let me ask it a different way, should this board grant the variance, the modification, production won't be expanded, it's not going to be a more intense use, its just for storage? Is that accurate? Or am I missing something?

Mr. Bailey-its, production is not, no its going to be for material storage, but vehicle installation which we currently do in the other building, we're trying to free up that area so that we can have more working area in our current building because we, we're tight, and we've got to spread our wings a lot more, so we want to move mainly materials over but also once we move the materials and open up the floor space when we bring vehicles in, it covers our floor space so we lose production area, so ...

Chairman Reinhardt- will you be able to produce more should the 7,488SF building be constructed?

Mr. Bailey- yea, I, I would answer yes, but every year we produce more since we've come into business. So ...

Chairman Reinhardt- I, I understand that's the idea, we're trying to fit the criteria here and fill in the facts on if its going to expand, how much more is it going to expand and is it going to create a more intense use of the property.

Mr. Bailey- I guess defining the intense use of the property besides the building is what I don't ...

Mr. Nearpass- I think you mentioned for example, you're also looking to hire a couple extra employees ...

Chairman Reinhardt- and that's another piece, that's a condition to the modification before that was supposed to be maximum 7 employees. You've indicated you want more employees, that's an indication

that you're going to produce more, there's going to be a more intense use of the property which would not bode well for the application to be granted.

Mr. Bailey- okay.

Chairman Reinhardt I, it, I'm trying, I can't answer the questions for you, right, I'm trying to understand what your proposal is and how is it going to impact if at all the property.

Mr. Bailey- I mean, yes, we're out for business growth, that is what we're doing, um, we, over the 20 years we've been there, we, you know if you walked in our building, we just engulfed the building over time with equipment, and materials. So, at this time, you know we got our back against the wall so we're looking for the alternative and the alternative was to either go somewhere or put up another building.

Chairman Reinhardt- okay, so let me ask you, is it possible you've outgrown the property and it may be time to look for a different piece of property? I'm not, I'm not, micromanaging your business, its just a question, a thought on have you outgrown that property?

Mr. Bailey- um, have I outgrown the current building, yes. The property, I mean it, if the property allows the additional building, then I would say no.

Chairman Reinhardt- alright, the other analysis that was done years ago, for a justification on granting the use variance is that the property in and of itself, it was cost prohibitive to convert it back to residential use, and that was a number of time that it was mentioned that I saw both from an attorney, I think, I don't know if it was your attorney that represented you, but it stated that its just not set up for a residential use, but now you're telling us you want to out 2 apartments in there which are residential. How, how, it seems a bit of a contradiction, can you separate that for me ...

Ms. Bailey- I can ...

Chairman Reinhardt- and explain that.

Ms. Bailey- since COVID, 2020, everyone's lives have changed, our business has also changed, so A-I guess I'll rewind, our materials just to print 10 yard signs that say "vote for me, I'm running ..." or "my daughter graduated high school" is a 4 x 8 sheet, when we are getting these in, we order them because since COVID, 3 years now, we cant order 5 sheets, to charge the customer the normal price that they would like to pay, obviously you got to dinner, you pay more money per place, um, so I think since 2020, we've realized that A- we lost a few employees, me and my husband are working our butts off, to maintain a business with 7 employees, B- times have changed with gas money, going here, our daughter is graduating from college this year, four years, she might help out, take some of my role because I cant work full time anymore, to take care of my son. So, since he stopped driving a year and a half ago, got sick, we kind of were tooling around like, if we're working our lives away, right here, we can also have, grow the business where we could get another piece of equipment that could cut the materials for us which is almost another employee but it's a piece of, you know it's a machine, um, time management, jobs are coming in, we can't turn them around fast enough for people, with the way that COVID has brought to our industry as well as many industries is we're short staffed, you know, we can, I can take phone calls all day, first off and give people great deals, but I don't have any workers, so me and my husband for 26 years we're realizing that we are the business, you know we've got employees but could we turn around if we got this proposed to save space, materials over there, we can open up the back where we do installs now, we're not looking to double our business because I don't want to manage more than 7 employees, it's not fun, its 26 years of our life, um, so with that being said, COVID has changed a lot for us, and here we are today not knowing a lot of factors about the business and where its going.

Chairman Reinhardt- I completely understand COVID ...

Ms. Bailey- so we, we got this idea about a year ago and just thought shot our ideas out see what's acceptable, see what's not, um but the material specs that's the big thing is, it's taking up room, I mean we've got it going up high, but its bulky ...

Chairman Reinhardt- mhm.

Ms. Bailey- and if we, we did own 4 properties in Victor for the last 10/15 years, and we've since our fire on Main Street, we downsized, we sold a lot of things, we don't want to be property managers, we don't want to rent things, so it would, if we did downsize our property we would live in that other apartment.

Chairman Reinhardt- right, I completely understand ...

Ms. Bailey- yea, so, hardships have changed.

Chairman Reinhardt- completely understand the negative impact COVID has hit ...

Ms. Bailey- yea.

Chairman Reinhardt- many, many, many small businesses.

Ms. Bailey- yes.

Chairman Reinhardt- I understand that completely. As best as I can understand, but trying to understand how an initial residential that's not going to work there now all of a sudden it will work there and how does the residential piece then tie into the commercial piece of it, it to me, it's a clear apples and orange argument, residential/personal that's a very separate issue from business, the other piece as far as the size of the storage, I'm, right now it comes to mind car dealerships ...

Ms. Bailey- like ...

Chairman Reinhardt- VanBortel, let me finish, and you can ...

Ms. Bailey- yea, okay.

Chairman Reinhardt- answer, I'd love to hear it, VanBortel does not store all their vehicles on those lots, they store them off site, a friend of mine that's what he does, we need such and such a car, go get it, he goes to get it, it come s back, it's a bit of a pain but that's how they navigate the inventory when they need it off site, a cheaper site whatever it may be. Have you thought about that, about storing materials, I know it's nice, it's convenient and you want to have it on site but what about offsite?

Ms. Bailey- yea.

Mr. Bailey- I can answer that.

Chairman Reinhardt- sure. I'd love to, I want to hear.

Ms. Bailey- I forgot what my question was going to be, or my answer, um ...

Chairman Reinhardt- on the apartment piece? Because I, you were ...

Ms. Bailey- you say my eyes going okay I got this answer, um ...

Chairman Reinhardt- you're going to have another shot, so ...

Ms. Bailey- I know ...

Chairman Reinhardt- I know it's a lot to digest, the county is ...

Ms. Bailey- but that's why I was ...

Chairman Reinhardt- going to weigh in.

Ms. Bailey- start.

Chairman Reinhardt- so if you want to come back and ...

Ms. Bailey- yup.

Chairman Reinhardt- I know we're firing a bunch of questions at you.

Ms. Bailey- you bet you.

Chairman Reinhardt- you're going to have lots of chances ...

Ms. Bailey- oh, I think what it was too was the builder that build our original building in 2005, was talking to us about sizes and stuff so I think too, Chris can explain that was ask for something bigger then downsizing, we're opened for suggestions too.

Chairman Reinhardt- okay.

Ms. Bailey- I'm good or you can answer some of that too.

Mr. Garber- yea, I can answer about the residential not being, its more if we were to move and have this turn into a residential because the throughway is right there and because of the location it would be hard to get it to sell as a residential because its already been commercial for 31 years, uh, keeping it commercial would be the easiest thing to do and adding a building with uh apartments for the employees/owner would be easier so they can all be in one area and don't have to worry about um everything else is not more like they're selling the apartments that they're moving into the apartments, um, so it would be harder to sell the apartments because of the location, um so that's why they said that one would be for their son and one would be for them to move in.

Chairman Reinhardt- okay. The storage off site?

Mr. Bailey- yup, I got you.

Chairman Reinhardt- yup.

Mr. Bailey- so I'm a work flow nut lately, and uh I'm already having a little difficult time thinking about getting material from the building next to me, let alone 5 miles away at an off site location, um, it, its time

to and it's also a fork truck at one end and a fork truck at the other end and a box truck moving things so, if I run out of material and I have to fetch it and it takes me 20 mins, um, that's 20 mins of my day lost and that's all we try and do in a work place is gain time, so for me to fact in and say I want to find an offsite location, doesn't even factor to my head very well as a work flow piece just because its you know just doesn't make a lot of sense unless you were forced into that category so, this is an opportunity to see you know where we can go what is allowed, what, um we can do, the other point was we do have a 40 x 60 pole barn existing, um, so it is a definite expansion in size, um but there is a footprint there that already houses a pole barn, the footprint will be larger, the footprint will match our building, aesthetically I think it'll look a lot better, it'll be more professional presentation driving by then what is currently there, but also, obviously we're looking for the gain to help the business, um because the belts a little tight with our space right now.

Mr. Nearpass- can I ...?

Chairman Reinhardt- go ahead, go ahead.

Mr. Nearpass- is there anything you can just do maybe to the existing building, to give yourself not 7,000 SF, but um ...

Mr. Bailey- yea, I, I did consider that, the ideal place to build would be behind it, which we don't really have the setbacks and everything that we could do to expand there, um and I thought actually if we went out to the left side of the building, we couldn't go to the right side with the neighbors, it would just make, I actually thought 2 buildings would be easier than expanding ours and trying to double the size of our existing building all as one, I thought that was more approachable in a town facet, then trying to add on to the structure and the separation factor with, if apartments were allowed, I didn't really want that to be part of the main business structure as well.

Mr. Nearpass- right, the other part, one of the um, I'm looking at the previous variance actually from, this is from June 6, 2006, um, item 4 where it says its located adjacent to the throughway and across the street from the bus garage, it says there's one residential neighbor to the east of the property, it seems like it's gotten more residential over time, right? Does that mean that there was, at that time there was no one to the west of you like there is now ...?

Mr. Bailey- there's been no, um building houses or anything since we've been there. There's been no new development.

Mr. Nearpass- so the house to the west did exist when ...

Mr. Bailey- yes.

Mr. Nearpass- not sure why it had that comment then, there is one residential neighborhood to the east ...

Mr. Ryczek- were you living in that house at the time?

Mr. Bailey- we were living at 7126, I think he's referring to the house to the right or us there.

Mr. Ryczek- right, so I think it was written that way because they owned the other house as the applicant.

Mr. Nearpass- I see. Okay.

Ms. Ogra- do you have anything from your neighbors regarding your application?

Mr. Bailey- I do not, um, we are, you know we've had no outstanding, uh issues or anything on our business or properties from any complaints since we've been there.

Ms. Ogra- have you spoken to them about the proposed structure?

Mr. Bailey- we've talked to one of our neighbors, yes. We have not talked to all the neighbors, no.

Ms. Ogra- okay.

Mr. Nearpass- are any of your employees' remote employees by chance or would any future employees be remote so it wouldn't have ...

Mr. Bailey- we could possibly look at the design, designers as a potential remote, um but the other production people in the front office ...

Mr. Nearpass- for your production ...

Mr. Bailey- yea, it's kind of a tough, and then, I don't know, I just, then one of those once you give one person that leeway then ...

Mr. Theodoratos- yea.

Mr. Bailey- I didn't want to open up that can, you know kind of, I mean in time ...

Mr. Nearpass- I, but everybody's, if we want to refer to our reaction to COVID, that's kind of what everyone has done, right, I'm just saying if you're looking to say, you know I want to have 9 employees or 10 employees, I guess my next question will, well can some of those be remote and still not have the impact on the um, I forgot the specific language but the incremental ...

Mr. Bailey- yea.

Mr. Nearpass- you know additional, um intensity.

Mr. Bailey- quite honestly the 2 employees that we are looking to, um try and add next would be basically to replace my wife and I, so its kind of not, I mean we're looking to slim down our time there, and look to bring in a couple people that can kind of help us step away a little bit, so that's our intention of adding 2 people is to actually pull 2 people away, I know in the eyes of things it doesn't look that way but that's our intention.

Mr. Nearpass- and does the request have an ask for additional people or is that just something we're talking about here...

Mr. Bailey- its something we're talking about today.

Chairman Reinhardt- but there's, that was a condition ...

Mr. Nearpass- before, right of 7 ...

Chairman Reinhardt- before, right.

Mr. Nearpass- but I didn't see in the application where it's asked for another 2 or 3 or whatever ...

Mr. Bailey- would it be on this application or is that a separate application?

Chairman Reinhardt- that would be, you would need to have some modification for the use variance because that was a condition for the use variance ...

Mr. Bailey- okay.

Chairman Reinhardt- but I would think that it would make a difference to Matt's point are we talking about 7 employees on site all the time, or would if you were running the company and you're doing the, or who ever is doing the books and its always, you, uh, always offsite, you're never really on the floor, so at any one given time there would be a maximum of 7 employees on site, I think that's a distinction that needs to be made or if you need more employees would there be more than 7 employees on site at any given time?

Mr. Bailey- yea, as I mean, 20 year old business plus, its you know we didn't know our growth path, we didn't know our success rate and we didn't know, you know we do have a sizable building now, just the way we conduct business with our materials and our equipment uh, we don't have a desire or a need to have 20 employees but um, you know we hit that top, you know as it was set 20 years ago, and now you know we are at an evolution stage that we are looking to try and, you know push forward a little bit and a couple employees are going to be necessary.

Chairman Reinhardt- I didn't quite get the answer I was looking for. On the floor, in/onsite at any given time ...

Mr. Bailey- yea.

Chairman Reinhardt- what would be the maximum employees you'd have?

Mr. Bailey- currently 7.

Chairman Reinhardt- what are you looking for on site at any given time?

Mr. Bailey- I guess 2 more, so would be 9.

Chairman Reinhardt- okay. So then if that's the case, I think you're going to need to amend your request for a modification for a use variance and include that piece in.

Mr. Bailey- okay.

Mr. Nearpass- for example, the county is not reviewing that, right as part of ...

Mr. Bailey- a part of their review.

Mr. Nearpass- their review.

Mr. Bailey- okay.

Ms. Bailey- the 2017 when we put the addition on was that not changed, or was that ...

Chairman Reinhardt- that is my ...

Ms. Bailey- I wasn't ...

Chairman Reinhardt- reading of the history that that condition of maximum of 7 employees was in there.

Ms. Bailey- okay.

Chairman Reinhardt- so ...

Ms. Bailey- we never met that max until 2017 when we lost our other building and moved up there but, that's why I just didn't know if it was in that 2017, I think that's what happened was, paperwork got ...

Chairman Reinhardt- so, it is ...

Ms. Bailey- jumbled.

Chairman Reinhardt- uh, lets see if I can find it, Adam, do you know where that is, where that specific language is that it's a maximum of 7 employees ---

Mr. Ryczek- it's ...

Mr. Nearpass- the 2006 document. That was the one I was reading.

Chairman Reinhardt- yes, right, right, 2006, June 6, 2006, condition, maximum number of employees is not to exceed 7 employees.

Ms. Bailey- correct and then we did an addition in 2017 so 2 people from Main Street when the fire happened moved up there. That's what I'm asking was there anything updated in 2017?

Mr. Ryczek- no, that only went to the Planning Board so those conditions on your use variance would remain.

Ms. Bailey- got you.

Mr. Ryczek- yea.

Ms. Bailey- okay. That's what we have to ...

Chairman Reinhardt- that's probably, it is that's going to delay the process because now the county has to be aware of that, notification needs to be given to the public, um, so we're not going to be able to decide this issue at the next meeting, its probably going to be the cycle after that. Does that make sense ...

Mr. Bailey- yea.

Chairman Reinhardt- there's a public notice issue that needs to be given ...

Mr. Garber- you want us to re-apply with stating that the number of employees will change to x and ...

Chairman Reinhardt- right, ask for it, we ...

Mr. Garber- okay, ask that with the modification ...

Chairman Reinhardt- because right now the public notification procedure hasn't been met, we're just hearing about this now.

Mr. Garber- mhm.

Mr. Ryczek- also, sorry to cut you off ...

Chairman Reinhardt- go ahead.

Mr. Ryczek- Mike, also, if you, because your Zoning application says one apartment and your Planning application said 2, so that should be amended as well.

Mr. Garber- okay.

Chairman Reinhardt- there's no additional fee just, it's an amendment ...

Mr. Garber- mhm.

Chairman Reinhardt- to your original application and then when we come back, I don't think we need to come back on the 15th, we would need to do this all over again ...

Mr. Garber- mhm.

Chairman Reinhardt- I'm just moto planning it through a little bit, I think what we need to do is, get the amendment done as soon as you can, come back on the 15th, but we're not going to have the county uh, comments because they're going to need a new set of information in front of them and its going to be the cycle after that. But it'll give you a chance I think to get some time the questions we're asked of you is and how do the apartments relate and can you, you know its cost prohibitive maybe to uh store offsite, those kinds of things that we're asking you now and maybe get some answers next time.

Mr. Garber- sounds good.

Chairman Reinhardt- alright.

Mr. Garber- yup.

Chairman Reinhardt- anyone else questions/comments/concerns?

Ms. Ogra- yea I would just say on the building itself for the business obviously I don't want to hold your business back um, but it would be for myself personally, if you had something from your neighbors you know written or they don't have to come, but you know something in writing supporting or you know how they feel about the project would be helpful for at least myself to make decision.

Mr. Bailey- okay.

Ms. Ogra- um, and then on the apartments, if you had something you know about really what you're planning on doing with it, um because the variance runs with the land, and if one day you sell the property and its not you and your family, you know the owners after you are they going to rent it out, those things are kind of concerning at least for myself, going forward on the apartment side of it.

Mr. Garber- okay. Sounds good.

Chairman Reinhardt- anyone from the public want to speak for against the application? --- great, okay. Good.

Mr. Garber- thank you for your time.

Chairman Reinhardt- thanks so much. Have a good night.

Kruchten, Gold and Jewelry Exchange
Re-draft of resolution requesting lite box sign.

Chairman Reinhardt- okay, now let's circle back to the Kruchten matter.

Mr. Salsburg- he's here so much I kind of miss him, doesn't seem like we should have a meeting without him being here.

Mr. Nearpass- I was going to ask Adam, that open sign was pretty darn close to the road when I drove by it.

Mr. Ryczek- if you would like to ...

Mr. Nearpass- I didn't get out the ruler or ...

Mr. Ryczek- file a complaint, Matt ...

Mr. Nearpass- *laughs*

Chairman Reinhardt- okay, so, to refresh everyone's recollection, there were 2 parts, for his application, one dealt with the flags and the other dealt with the window lite box. The flags was denied, that was fine, resolution is all taken care of, but when we, when we, I drafted the proposed resolution I did it in the positive thinking that the board was likely to grant the variance relative to the window box sign, so when I didn't get a motion, I then figured well then it looks like there's not enough support for it so it needed to go into a DENIAL, but all of the language that I had inserted for the proposed resolution was in the positive, so what we need to do is, I'm not asking to undo it, is put the justification in the resolution on why the DENIAL is, alright so as we're going through the criteria is the first one being, again this is for the window sign itself:

1. An undesirable change **would** be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Chairman Reinhardt- so what would then be the justification for those who didn't want to grant the variance? What are the concerns? How that particular sign, window sign would change the character of the neighborhood? Or detriment to nearby properties?

Ms. Theodoratos- so that, that was the window sign that was lit?

Mr. Nearpass- "we buy gold", "we buy ..."

Mr. Salsburg- the 4 piece.

Ms. Theodoratos- the 4 piece and that, and it would be lit, is that the sign?

Ms. Ogra- it would be lit 24/7.

Chairman Reinhardt- I think he's ... right, he was, he was entitled to, code allowed "open", that's all ...

Ms. Theodoratos- right.

Chairman Reinhardt- but what he was asking for was "we buy gold", "we buy silver", "we buy coins"

Ms. Theodoratos- right. And I think I remember it was even going to be a lit sign that he wanted that opened originally 24 hours.

Ms. Ogra- yea.

Ms. Theodoratos- yea, okay, I just want to make sure it's the right thing I'm responding to, so I think arguably ...

Chairman Reinhardt- this that we're going to fill in the blank here for, the justification for it being a detriment to nearby properties ...

Mr. Nearpass- that there are no other properties with lit signage from the windows that aren't adhering to the current code and that the size of the sign, although we don't have it in front of us, was rather large.

Ms. Salsburg- 2 x 3 maybe.

Ms. Ogra- it wasn't neon?

Mr. Nearpass- yea the lit-up sign was large, and the lit-up sign was not within character of the neighborhood giving there are no other, um buildings ...

Mr. Salsburg- Doctor Quatela ...

Mr. Nearpass- in that location ...

Mr. Salsburg- that sign ...

Chairman Reinhardt- hold on, one at a time, let him finish and then I want to hear what Fred has to say. Go ahead Matt ...

Mr. Nearpass- yea, there are no other window signs of that size and lit up within that neighborhood. There may be exterior signs ...

Mr. Salsburg- yea, there's ...

Mr. Nearpass- there are no other, there are no other lit up window signs of that size in that

neighborhood.

Ms. Theodoratos- and I would also add that the aesthetics of the proposed window sign is not in character with the neighborhood.

Chairman Reinhardt- how so?

Ms. Theodoratos- well, well the colors, the font type, and the size.

Chairman Reinhardt- Fred, you want to add anything else to that?

Mr. Salsburg- no, uh, I'm not sure he was thinking 24 hours.

Ms. Theodoratos- he had ...

Mr. Salsburg- he said 11:00

Ms. Theodoratos- no, he had originally, the first time he said 24 hours, and then, you know I talked, you know ...

Mr. Ryczek- it was vaguely written ...

Mr. Theodoratos- on the reasons why ...

Mr. Ryczek- on the application ...

Mr. Nearpass- yea he was fishing for what he could get ...

Mr. Ryczek- it just said "at night"

Ms. Theodoratos- right, and then at the second meeting he again was mentioning during, having it on during the night.

Ms. Ogra- I think one of us had asked if he would be willing to do it just business hours, and he said no. He wanted it after business hours.

Chairman Reinhardt- right, so instead of 24 hours, lets put after business hours, so we are looking at there are no other properties in the neighborhood that had this size, the size of the sign, it being lit up, the aesthetics, the font type, the hours after operation ...

Mr. Salsburg- in the window.

Chairman Reinhardt- in the window, right, there's just the window one. Uh, that are not in character of the neighborhood. Does that work for everyone?

Everyone- yes.

Chairman Reinhardt did you get all that, I'm probably going to have to tweak it a little. Alright then, for the 2nd ...

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

Chairman Reinhardt- he is certainly entitled to have an open sign but to be, we could add something different if you want but I think its just he's entitled to an open sign and that should have been sufficient. Right, we're good with that?

Ms. Ogra- yup.

3. The requested area variance is substantial.

Chairman Reinhardt- relating back to the first criteria that the size of the sign it being lit up, it, um request for it being lit after hours, the aesthetics and the font type. It is substantial. We're all good with that?

Ms. Theodoratos- yes.

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

Chairman Reinhardt-we're okay with that.

5. The alleged difficulty is self-created.

Chairman Reinhardt- right, that's good? --- Good. Additions? Comments/concerns? --- okay, then ...

A motion of DENIAL made by Fred Salsburg and Alexis Ogra:

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

Michael Reinhardt	AYE
Mathew Nearpass	AYE
Fred Salsburg	AYE
Alexis Ogra	AYE
Lya Theodoratos	AYE

Chairman Reinhardt- okay, we're all set, good, good, that takes care of that little bit of business.

Mr. Salsburg- how does that get distributed then?

Chairman Reinhardt- as far as what?

Mr. Salsburg- the change? The applicant?

Ms. Downs- he is aware of it, I did contact him prior to the meeting telling him that we we're going to be discussing this, we'll send it to as soon as it gets ...

Chairman Reinhardt- so right, when I looked at the resolution for the, for my signature, as I indicated there were, we had, the motion was brought for the denial but the justification was made in the positive

and no body brought that motion, so now we just had to justification that was already in the minutes to begin with, so all we're doing is just extrapolating the finding of facts from the minutes from the April minutes into the resolution the printed resolution so I can sign it. Okay? --- we're good?

Mr. Salsburg- yup.

Chairman Reinhardt- wonderful. --- Drew? Want to give us any, what we need to know?

Mr. Cusimano- uh, 3 seconds.

Ms. Ogra- big truck day?

Mr. Cusimano- we're working, we're coming along with that. Um, yea from the Town Board things are going well, coming into the summer time so obviously the building and planning picks up a little bit, but as far as really big Town Board things, I mean the imminent domain proceedings just picked back up again on our appeal, so we had our public hearing on that, at the most recent Town Board meeting and I anticipate similar to the last time, its going to be a multi-month process to get through that and that relates to that old Lord and Taylor property, so I think we were pleased to see that the folks from Eastview that presented at the Public Hearing were a little more forth coming and kind of some plans that they have for that property and they outlined you know 2 potential things that they're working through one being an international retailer and one being a local food type store. So those are 2 things they identified and we'll see where that process goes, it certainly didn't work out in the favor of our appeal the first time through the apelet court and we'll see where this one goes and then uh, 2 employment changes, Brittney Pender is in the clerk's office as the deputy clerk, so if you haven't met her yet just stop in to say hello, um, and then congratulations to Casey Paige she was promoted at the most recent board meeting to a position of supervisor department head over at the Transfer Station really to recognize her for the duties that she's carried out successfully for a number of years and really now her job title commence her with the duties that she has been and continues to perform, um, road way positioning, I actually just saw one come through and I can't remember, do you remember Amber, where that was, there was one that was just approved I saw, where they're going to actually change the speed limit on the streets which might be the first one I've seen since I've been with the Town um, but we are petitioning ...

Ms. Ogra- High Street?

Mr. Ryczek- is it on High Street?

Mr. Cusimano- it was not, it was a different one, it wasn't the school, because that's what I was actually going to mention was we just did the petition uh for the school, so with an incident that we had there you know that was kind of a catalyst to it, but um, to try to drive that High Street speed from the 40 which I believe it is now down to the full up to Lane Road would be a school, a school set speed limit, which I think would be certainly appropriate and helpful and now that we have a couple or neighborhoods where we have you know more kids walking to and from school that would be nice to see some speed reduction there certainly, you don't see too many school areas where its 40 mph, so I think bringing that down, I hope that the state sees that as am advantage ...

Ms. Theodoratos- what would it be reduced to? I'm just curious.

Mr. Cusimano- I would hope 25. So, the village and unfortunately and I don't know a tremendous amount about it, but in the Town of the first-class Town have the ability to change their won speed limits, we do not. So, we have to go through the DOT and petition them to change the speed limit, the village has the authority and the legal right to set village speed limits on village roads within the village so for example where High Street breaks off of West Main, they have the legal authority to set 25, to where it hits the village/town line after that its out of our jurisdiction to set those speed limits ...

Mr. Ryczek- I Think its currently set at 30, right?

Mr. Cusimano- is it, yea I can't recall specifically but, but the village so, its very interesting we've run into cases where its outside really the per view of what were talking about but over on Lynaugh when we did the round a bout there, its an interesting thing where the village owns one side, the Town owns the other so technically we could have a speed limit deferential between north bound and south bound on that road, one side being 25, one side being what something higher. So, it's very interesting how that works. We have had a very long struggle it sounds like with getting speed reductions and it would be nice to see, especially that school area, get reduced, so ... I think that was 30 seconds, right?

Chairman Reinhardt- thanks so much. Good?

On a motion made by Mike Reinhardt and seconded by Alexis Ogra the meeting was adjourned at 8:45 pm.