

TOWN OF VICTOR ZONING BOARD OF APPEALS, June 6, 2022

A regular meeting of the Town of Victor Zoning Board of Appeals was held on June 6, 2022, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman Donna Morley; Fred Salsburg, Sarah Mitchell

OTHERS: Al Friedman, Christian Gehlen, Rick McGrain, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the May 16, 2022, Zoning Board of Appeals meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

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

On motion of Fred Salsburg, seconded by Donna Morley:

RESOLVED, that the minutes of the meeting held on May 2 and May 16, BE APPROVED.

Adopted: Ayes 3, Nays 0, 2 Abstained

PUBLIC HEARING

Chairman Reinhardt- Alright, First is AUCTION DIRECT.

Mr. Friedman- Hello, how are you, I am Alan Friedman, general manager of Auction Direct, and we just want to make a very simple application to expand, and you're asking me for directions, I am terrible at directions, but we want to expand the front part of our lot 19' deep and 200' wide from the, heading towards Canandaigua, Farmington is East or West? Whatever that way is, on the left hand side of our lot, inwards, away from the sign, the opposite side of our sign, we just want to simply do that black top it and that's it.

Chairman Reinhardt- okay, so, you've needed a variance before, right?

Mr. Friedman- mmhm. Yes.

Chairman Reinhardt- do you remember how many variances you've had on the property?

Mr. Friedman- over the years, no, not specifically.

Mr. Nearpass- was it the fence that was the last?

Chairman Reinhardt- well I think the fence, you made a proposal for the fence, and I think that was withdrawn, but I think there was a variance with respect to especially the parking.

Mr. Friedman- oh well we –

Chairman Reinhardt- what we have here is, its an approximate, because the, its not a straight line as far as the right of way goes, so it makes it difficult to pinpoint exactly how much you need, but according to Adam it seems to be somewhere between 2' and 6' overall of the 80' does that sound right to you? Or not?

Mr. Friedman- on the grass? I'm talking about taking existing grass and paving that.

Chairman Reinhardt- right, but I, as I understand Adam's comments is the measurement from the right of way to what you need, you're going to need anywhere between 2' to 6' depending on where the measurement is taken along the right of way of route 96.

Mr. Friedman- okay.

Chairman Reinhardt- Did he touch base with you at all in that, or?

Mr. Friedman- not that, he may have, it doesn't –

Chairman Reinhardt- okay ---

Mr. Friedman- I'm not saying he didn't, I'm just saying –

Chairman Reinhardt- so, you're looking to expand, you want it for, what 21 vehicles?

Mr. Friedman- roughly, yea. Yep, 21 vehicles.

Chairman Reinhardt- I think the preliminary plan shows that, so hopefully we have an overview of what we're looking at so, Matt you have any questions/comments/concerns with this?

Mr. Nearpass- no, the only comment I was going to have was in terms of where the other, what we've normally done with the other car dealerships, they're normally, obviously not, there isn't always, well this situation, but normally, generally about 40' from the road? Is that where?

Chairman Reinhardt- that I don't know. We can look into that.

Mr. Nearpass- like Kitty VanBortel, across obviously there isn't always the, I'm drawing a blank for the word here, the, what are we calling the area here?

Chairman Reinhardt- the frontage, the front setback? Or the right of way?

Mr. Nearpass- the right of way, there we go, thank you. Normally it doesn't encroach on a right of way, but I thought typically it was 40' or 60', we've allowed others to have.

Chairman Reinhardt- the code requires 80' –

Mr. Nearpass- correct.

Chairman Reinhardt- and they need anywhere between 2' to 6'

Mr. Nearpass- 2' to 6' within, and all I'm trying to do is understand your ask for 2' to 6' and compare that with other similar and I believe its much less than what other have as well so, in addition I've, in the code comments here, they talked about the fence, so the fence isn't on the table, right?

Mr. Friedman- I'm sorry, I don't know where the fence came from, and I saw Labella very late this afternoon, they wanted updated drawings, I sent that off to McFarland Johnson already so, but I don't know where the fence came in because we don't want to, anything there.

Mr. Nearpass- now if you had to comply with the code because we're, again we could say its only 2' to 6' but do you really need the 6' is it necessary, can you still get what you want if we said look, just go right up, just walk right up to that line, and be complaint with the code, is that a deal breaker, can you not park, put the cars there.

Mr. Friedman- well—

Mr. Nearpass- can you park them at an angel versus straight on?

Mr. Friedman- I mean, well you're saying, you're talking that 6' of grass depth wise disappearing.

Mr. Nearpass- yup. Because the only thing you need the variance for is that 2' to 6'.

Mr. Friedman- oh, oh, over and above, I see what you're saying.

Mr. Nearpass- right over and above, so you're allowed the 80' and you're, you need 78' to—

Mr. Friedman- right, what I really need is the ability for a cars length, to fit, you know, one, I'm not looking to put, you know super duty trucks up there but, just, and typically what we do to display the front width is smaller more compact cars, but either way I just need, whatever a car length is, is kind of what I need, and 6' to 8'.

Mr. Nearpass- I don't know, you tell me. I mean, I see the cars now right, and they're parked at least where they are now, and they're parked straight, and I'm just going okay, well to get you 2' to 4' what if you parked them at an angel, you know, could you still accomplish what you want to do without getting the variance?

Mr. Friedman- no, I think if you do it an angel, you're not going to be able to get 21 across, is what I've experienced, you can park more head on than you can on an angel,

Chairman Reinhardt- I mean I can help, I'm trying to figure this out, the way that the preliminary plan shows, you already have cars that are lined up as, up to the grass area, and what you're looking for is more space towards 96, so are you just pull those cars forward towards 96, or are there going to be cars s, I hate to use the word stacking but—

Mr. Friedman- right so if you pic—where they're parked right now the edge of the grass if you pull the car forward plus like maybe a foot for some clearance space in the back as well is all we're looking for.

Mr. Nearpass- so there will be 2 rows of cars.

Mr. Friedman- well no, I'm not 2 rows of, that row then a row behind it, I need a, you know a setback to be able to drive through, for these cars to get in the front, because I, we don't pull off the front grass into 96, that would, they would have to back up off the , where they currently are and head down the road, the back lot.

Mr. Nearpass- I'm just looking at the proposed plan, there's a document titled proposed site plan, it looks like a google earth imagery photo expansion site plan, its in color and its got a red line, it shows the

obviously where the cars are existing and there's a yellow area, oh there it is, is the proposed expansion.

Mr. Friedman- correct.

Mr. Nearpass- what I'm trying to figure out is, how are you going to put cars there and have those cars behind it and have the space in between the cars to—

Mr. Friedman- well the, if we pull those cars up, you can see there's a pretty significant width between that row of cars right there now and the road behind it today so we would be able to pull those back a little bit. Correct, yes, that's why, we're not looking for, even if you just gave me the length of the car to get on the grass, just the exact, you know 6'

Mr. Nearpass- yea, and that's all I'm trying to figure out because you, what if you didn't, well I'm just, if you didn't get this and you are really short by say 6' at the end of the day, does that, would you be able to make it work if you just, really went right up to the line, you have enough room to play with—

Mr. Friedman- we're at that red line today, you're talking about—

Mr. Nearpass- no, what I'm saying is, you're going to push those cars back and then there's, obviously space in-between today, those cars and the ones just, looks like to the north of them, if you push them back enough and you pave right up until the right of way would that, although its 6' less than what you're requesting, I'm trying to figure out ---

Mr. Friedman- I would say its going to be tough for us to make it work, do I need the full 8', no, but I'm going to need at least 6' to make it work because you got to remember to I have to get snow plows in there, I got customers walking, I mean it becomes, there's other concerns as well that we deal with on a daily basis, there's always people moving around that lot so I want to make sure it's clear enough—

Mr. Nearpass- you only want that expansion area, I noticed, obviously you're not going all the way to the west—

Mr. Friedman- Nope, I know what to ask for. Just, I don't want my cake and eat it too, I just want my cake, so yes, just half way, because I also, I mean, in all honesty the other side of the property is very high traffic, where we're proposing to expand, nobody even sees anything in that corner, I mean it's a, really a, more of a dead visual spot compared to where the sign is and the entrance so, I understand that's a much higher traffic area, much more probability of a possible, someone riding across, but where we're proposing is really off the beaten path from where any traffic comes from, we have no one ever attempt to go through there. So that was the idea of not asking for it all the way down, because we are sensitive to the fact of going all the way down is a little aggressive.

Mr. Nearpass- I'm okay for now.

Chairman Reinhardt- Donna?

Ms. Morley- yea I have a question, why don't you just move it, add on down to the west instead of asking for that closer to the road? Where the, I think I'm to the west, am I seeing the right thing there—

Mr. Friedman- you're talking to the wooded area?

Ms. Mitchell- No. the other direction. Towards the entrance.

Ms. Morley- yea, towards the entrance, why don't you just make the line—

Mr. Nearpass- so the dotted line is the right of way.

Ms. Morley- oh okay, thank you.

Mr. Nearpass- so that would encroach, and in, that's what he was explaining about the view, there's the sign and the, kind of a berm there I believe.

Mr. Friedman- yea if you've ever drive by that property, much where were proposing really, there's not much going on—

Mr. Nearpass- yea, and this if I recall, this is where the sign years ago got destroyed by an car accident.

Mr. Friedman- pretty close to the front entrance yes. Good memory.

Ms. Morley- how many spots are you getting by adding that little bit right there?

Mr. Friedman- approximately 21.

Ms. Mitchell- So I guess my question is why? Like, what will this accomplish for you?

Mr. Friedman- If you look at the picture now through the entire property were just, we're out of space.

Ms. Mitchell- So 21 cars is going to make that much of a difference?

Mr. Friedman- it will open up what I need to open up in the back of the store, yes.

Ms. Mitchell- Milke, we just had recently a variance for the Victor Jeep dealership, we just gave them a front setback variance, do we have any idea what that was?

Chairman Reinhardt- no, we can dig into that.

Ms. Mitchell- I was just curious because they are, they're just a little further down the road.

Chairman Reinhardt- right, this is needs to go to the county planning board, so we're going to get a little bit of time to find out those questions about what does VanBortel have, what does the Jeep have, especially that stretch of road, let's say from Brace—

Ms. Mitchell- right, I'd say even the, because there's something else next to them, and I can't remember what it is but—

Mr. Nearpass- I do recall they used the Auction, the line from Auction Direct as the—

Ms. Mitchell- That's what I was thinking—

Mr. Nearpass- you know complaint, were not going to be any farther forward than Auction Direct but I guess we'll wait to see whatever they ---

Chairman Reinhardt- yup, yup, I think those are good questions.

Ms. Morley- but you're going to park 2 rows of vehicles, if you were to add that on, there's going to be 2 rows of vehicles there?

Mr. Friedman- there's going to be a row where the orange shading is now and then that row that's currently there just picture it back a half a foot or so back. So, there's just one row.

Mr. Nearpass- so you're going to push those cars that you see back, and the make room ---

Chairman Reinhardt- good Donna? You have more questions?

Ms. Morley- nope.

Chairman Reinhardt- Sarah?

Ms. Mitchell- no, I'm good.

Chairman Reinhardt- Fred?

Mr. Salsburg- well you're going to extend what's already there in a straight line so when it's done, it'll be a 200' extension of what's there now, and it sneaks into the right of way by a handful of feet.

Mr. Friedman- yes, sir.

Mr. Salsburg- doesn't sound like asking for, it doesn't seem to be a big deal to me.

Mr. Friedman- and it'll be paved.

Mr. Salsburg- to me, when its all said and done if you drove down there after its done, you'd hardly notice that it was expanded because it'll all look the same, is that right?

Mr. Friedman- yes, sir, I mean, honestly if I, I could put cars there today and you would drive by and probably wouldn't know they were sitting on the grass, I'm saying that for example of visual purposes, you wouldn't even know the cars are there, if I started parking there, we didn't want to take that route, we wanted to do the right thing and do it the right way because we wanted to get it paved so that's why, but its you see the VanBortel side back they have cars right on the road, whether it's the old corvette dealership or the one down in Farmington, they're both right on the road, the current Victor Dodge store is 35' from the road, I mean we're not asking for anything that no one is doing right now so, I most certainly taking the safe route, so all we're looking to do is continue to grow, have the ability to grow our business if you remember we no longer lease that piece of property next door to us so that can strain on, that piece of property is you know, made us more in compass around our own property so we're finding ways to expand our own property, hence also, don't forget we just purchased the property in Victor here the old paint booth, I mean the old ---

Ms. Mitchell- Stockum's

Mr. Friedman- what his name?

Ms. Mitchell- Stockum.

Mr. Friedman- Stockum, thank you. Repair shop, we, for expansion purposes, because we've outgrown the current facility.

Mr. Nearpass- is there, easily the issue here right, is the, going into the right of way, that's kind of what, its only 2' to 4' but it happens to be 2' to 4' within a right of way, is there normally something that the applicant has to get from the town board that, I thought it was for insurance purposes or to do anything within that right of way, it's kind of like a hold harmless or a I thought there was something that in the past we've had to get –

Chairman Reinhardt- that's not going to be the town, that will be the state. Right, so the, my understanding on the purpose of the right of way is to allow the municipality latitude to, whether it be to get in there do any kind of utility work, or expand it, instead of going through the process of eminent domain. So, then what I would suggest is, because, I think you understand this has to go to the county planning board for referrals, so we have to sit tight a little bit, we have some homework, what I'd like to do is find out the Jepp and VanBortel, now you mentioned Farmington, we don't have anything to do with Farmington we have to cross that off the list, and the other dealership if its anything that in the village it's not the jurisdiction of the town, but if it's in the town going in the other direction certainly we can look at it to compare apples to apples as best we possibly can. What I'd ask you to do in the meantime if you're willing to do so is if you could diagram it out, because I think there's some confusion on what is it going to look like if the variance is granted, where would those cars be and I think if I understand you right there's going to be a lane of traffic if you will for snow plowing what not, you're not going to piggy back them, there's going to be a lane of traffic—

Mr. Friedman- behind the cars. Right, right I just wanted to make sure everybody was aware, its not in front, the lane is going to be behind the cars, yea. Yes.

Chairman Reinhardt- so to help us and help the record if you could create that, this is what this area is going to look like, the parking spaces and I think we're going to get a better picture on what that looks like. Couple of questions I have for you is, there is some buffering, vegetation that's in front of the car lot whether it be trees, shrubs, landscaping, you're not going to touch that, that's going to remain the same?

Mr. Friedman- mhm, there's nothing like right there, no we're not.

Chairman Reinhardt- again no objection if the board decided to grant the variance is to keep that as a condition that you would not invade any of the buffering/landscaping, right?

Mr. Friedman- yea, that's fine.

Chairman Reinhardt- okay, hold on one second, I had another question, oh, some of the other dealerships and I will point to VanBortel, they don't keep all of their vehicles on their lot, they have offsite and if someone said hey I want a blue Subaru and they don't have it, they have a runner and they go get it and they bring it back, do you have any capability of doing that or where do you keep those extra vehicles I guess is the better question.

Mr. Friedman- I don't have a, I don't have a storage lot. I mean its here.

Chairman Reinhardt- so all of the vehicles that, whether there be on a trade, or you purchased, they're on this lot and you have no other extra space that you could put these vehicles.

Mr. Friedman- yep, the only other place you'll find our cars is the paint shop, but I'm not sure if it was this board or the other board but I think we promised someone no more than 20- 25 cars over there at any one given time and that was on the heavy side so we're not storing cars over there, those cars are fluid, and that was a promise I made to one of the boards, we wouldn't store cars over there, that's the only other property we own that has any potential for storing automobiles, which now we do, to your point, we

do have customers that come in there and want to look at this car and its down at our paint booth and that's what we'll do, we'll take the customer down, they'll drive it back, or somehow we'll get the car to the customer, but those cars aren't specifically stored there, they're awaiting paint and once they're finished being painted then they're brought back to the main store, so—

Chairman Reinhardt- you have, when you say the paint store, is that the one, yea, thank you, McMahon, how many vehicles do you have, I guess stored there for whether it be waiting for maintenance or painting or –

Mr. Friedman- I drove by it on my way home tonight and there was about 15 of them sitting out there right now.

Chairman Reinhardt- okay so, that's what I'm trying to, its that need, figuring out where you keep your vehicles and it sounds like, correct me if I'm wrong, you're maxed out, you don't really have many places to put these vehicles.

Mr. Friedman- I mean, right, we, to be honest with you, yes, we're maxed, everything whether the car is dropped from the auction or in auction comes to pick up the car from cradle to grave the car lives here. Lives on this lot, there's, I have no ability to store and I have no holding lots of any kind when the auction drop the cars they drop them here, customer take the liberty of the cars here and auctions take away the wholesale cars, they come here to take them away, this is all we have.

Chairman Reinhardt- alright, so I think we each have own homework, we're going to look into what those other dealerships look like and how close they are into the right of way, and if you could get us that sketch with that proposed parking looks like.

Mr. Friedman- yea, I didn't realize it would be this involved so I already end them off to McFarland Johnson, once I got LaBellas notes tonight so—

Chairman Reinhardt-and I think you know, this board is careful about when, whether they grant a variance or deny it, is make sure all those pieces are in place so that it makes sense on why we made this decision that we did.

Mr. Friedman- perfect.

Chairman Reinhardt- alright. Anyone else have any questions? Anyone from the public want to speak for or against? Alright then we will see you, hold on one second—County planning board is?

Ms. Downs- June 8.

Chairman Reinhardt- okay, so, June 21, which is ZOOM only.

Mr. Friedman- okay, so you'll e-mail me the info?

Ms. Downs- yup.

Mr. Friedman- perfect, and I'll e-mail you the new drawing once I get them back.

Chairman Reinhardt- perfect, any other questions for us?

Mr. Freidman- no, thank you, thank you for your time.

Chairman Reinhardt- great good, see you then. Have a good night. RYAN HOMES. They're still not here.

Mr. Nearpass- were they last time?

Chairman Reinhardt- no.

Mr. Nearpass- I thought I saw the dialog in the minutes. Must have been 2 meetings ago.

Chairman Reinhardt- no, at the last meeting we had, was any e-mail sent out to them?

Ms. Downs- yea, I reached out to him, and I never heard back, I did give him a call also, and I spoke to one of his co-workers who said he would be here but—

Chairman Reinhardt- alright well then let's hold them and we'll figure it out after the next application. So, put them on hold for a second, CHRISTIAN GEHLEN.

Mr. Gehlen- yes, its Gehlen.

Chairman Reinhardt- Gehlen, sorry. Theres a restaurant out in, out by Conesus, and I thought I had it right, its Gehlen, okay.

Mr. Gehlen- yes.

Chairman Reinhardt- if you would just—

Mr. Gehlen- I have pictures—

Chairman Reinhardt- oh, okay, go ahead.

Mr. Gehlen- I only have 4 copies.

Ms. Morley- We'll share.

Mr. Gehlen- I sent a whole bunch of stuff via e-mail, I don't know if you have had a chance to look at it or not, but –

Mr. Salsburg- well this is the same –

Mr. Gehlen- yes, I emailed it, just thought it might be easier to look at it if it was printed, but there is a last, the last picture has similar adornment that I'd like to, much smaller version of it above the side door just to kind of spruce the building up a little bit.

Chairman Reinhardt- alright so you would like to, it's a 1,200 SF detached steel garage, right, forward of your home.

Mr. Gehlen- yes.

Chairman Reinhardt- you've got a flag lot, and for reference we had a variance at 7471, which would have been your neighbor to the East, solar panels.

Mr. Gehlen- that's right, he's right next door.

Chairman Reinhardt- great, okay, go ahead.

Mr. Gehlen- well I, the long and short of it is, you know since I was 17 years old, I've wanted a place to tinker with my old cars and my wife and I have 5 kids so all the garages are filled up with bikes and hot wheels, or big wheels you name it, and I turn 48 in August and if I don't do it now it's maybe never going to happen so, I looked around the entire property to try to find the most suitable spot, and I chose that spot, one because its concealed by pine trees from the road, secondly my neighbor in front of me has his house a barn and another barn that they are building which is going to be adjacent to that row of trees, so it'll be well kind of hidden from the road, you can't see it form the neighbor with the panels, pretty much at all, and the elevation, you know if you look behind the house, the elevation is a lot higher than the house so it'll make the building look that much bigger on the property and I'm trying to make it look as aesthetically pleasing as possible, the last thing I'd want to do is detract from the property value, I just want a place to work on my cars, that's it.

Chairman Reinhardt- Fred, questions?

Mr. Salsburg- this place the application doesn't do it justice, the thing is picture perfect piece of property.

Mr. Gehlen- thank you so much.

Mr. Salsburg- and he's got a row of mature blue spruces so healthy the needles go right to the ground, Steve Straight in front of him has got some more trees, you can't see the house, you wouldn't even know there was a house there except for the immaculately edged paved driveway –

Mr. Gehlen- thank you.

Mr. Salsburg- so its not a normal development type of situation, it sets way back.

Mr. Gehlen- yea, Steve and I measured it, and its about 437' from the nearest edge to the road.

Mr. Salsburg- when I first looked at this, I said, well this is going to be a tough sell here, and I looked at it in real life and I think it's a good plan.

Mr. Gehlen- thank you.

Chairman Reinhardt- Donna questions?

Mr. Salsburg- you don't have any extra room in there, coming up do you?

\*laughter\*

Mr. Gehlen- well I don't know; we'll see how things go.

Chairman Reinhardt- Donna you have questions?

Ms. Morley- no, none.

Chairman Reinhardt- Sarah?

Ms. Mitchell- so behind the house, your house sits it looks like maybe at 506, but behind the house to the left, its not much of a difference in elevation?

Mr. Gehlen- It is actually higher.

Ms. Mitchell- okay.

Mr. Gehlen- and I wanted to put it there because it also would negate it having to build, you know the other thing is the driveway to get to it, not only would the cost be prohibitive but it a lot more environmentally disruptive to pave so much more of my yard to get to the garage, if I put it there off the driveway, its just going to require a little tiny ramp to get to it—

Ms. Mitchell- I would say, so this would slightly be off the driveway because this is your driveway here, if this area back here the elevation isn't much different from your house, based on this. Unless I'm reading it wrong.

Mr. Gehlen- I mean I, you know honestly, I don't know how to read a topography map, but if you are in my back yard and you're walking from the back of the house you are, you do walk up hill, and I'm not allowed to put in there because my wife wants a pool so.

Ms. Mitchell- okay.

Mr. Salsburg- this is taking up a pretty good piece of your front lawn.

Mr. Gehlen- well, the bonus is, it will hopefully shave some time off of my mowing, because it takes me 4 hours to mow.

Mr. Salsburg- oh.

Mr. Gehlen- I also—

Ms. Mitchell- how many, I'm sorry go ahead.

Mr. Gehlen- and I also forgot to mention I intend to have the landscaping done around the building, so again, you know, I want everything to look very cohesive, the colors are going to be the same as the house, I went with the same trim, I want to, you know, I want it to look good. I don't want to just slap a building on the property so that I have a place to work on my cars, I want it to enhance the property but also do it in a way that's not going to be extremely, to pave, I already, to seal my driveway is \$1,500.00 because its so long and if I were to pave around the house and to the back yard that would just be that much more to maintain.

Ms. Mitchell- so, how many acres do you have?

Mr. Gehlen- 6 ½

Ms. Mitchell- okay, so –

Mr. Gehlen- most of it's in front of the house though.

Ms. Mitchell- I will say, you're, you have to convince me, because when you have that many acres you need a lot of convincing, just in my eyes and I'm only one vote here but then my next question is why not

move it back closer to the house so the variance isn't as large as what it is?

Mr. Gehlen- I would be open to that, there is a large swell, it's a lot less level than the spot that I picked, you know I would welcome, if someone walked to come and walk the property with me and suggest a better spot—

Mr. Salsburg- but it would still be entirely in front of the house.

Mr. Gehlen- yes.

Ms. Mitchell- yes, but if its closer to the house, just my view of it, we're at least attempting to meet code requirements opposed to just blatantly way out in front of the house.

Mr. Gehlen- I mean in all honesty I would rather it be closer to the house because it's a shorter walk, but the ground is a lot less even and there's drainage, the gutters drain into like this swell, and so it really couldn't go there, I tried to pick the least intrusive spot as well as where it would be, where it would look the nicest on the property and where it would be the least, where the property would be the least impacted by the construction, if I went to one of the, it's a very hilly property, I think it used to be a field before and I don't want to move heaven and earth to build the building and just either gouge out a huge part of the land to recess it or pile a bunch of dirt on top of the area that's lower so that I can have a level spot this spot that I've picked out is one of the most level on the property and its also very well concealed some of the other views show it even a little bit better but again, you would not driving by be able to see it and to, can I call you Fred? Is that alright? To Freds point you can't, you wouldn't see the house from the road.

Ms. Mitchell- right, no I understand that, so I'm sure we've all driven by it because that's one of the things that we do, but no I understand that point of it that you could have probably put it there and none of us would know but I'm just asking why we couldn't have maybe moved it back that's my job to ask you that.

Mr. Gehlen- sure. I understand. Yea, yea, I'm glad to answer to the best of my ability, I don't have a lot of experience with this sort of thing--

Ms. Mitchell- no, I understand.

Chairman Reinhardt- Donna questions?

Ms. Morley- none.

Chairman Reinhardt- Matt?

Mr. Nearpass- I'm all set, I, where you want to put it I'm completely fine with, I think as Mike eluded to that particular code on a lot like this we really don't weight it as heavy, its not a development where everything is straight and in a line and someone is trying to put something forward of the home, I mean to be completely honest right next door there's a hockey rink, probably half, more than, closer than half, the distance from where you want to put this to the road so, it would be well within the character of the neighborhood to have some type of, to have the structure there nobody is going to see it, I think, you're tucked back in there pretty, you put it where it makes the most sense to you is my opinion on this.

Mr. Gehlen- thank you.

Chairman Reinhardt- okay, so I think what is in your favor is you have pine trees that are already potentially going to be, buffer the proposed garage, its not a shed, its going to be a garage.

Mr. Gehlen- oh yea it's a garage.

Chairman Reinhardt- yea, okay.

Mr. Gehlen- no doubt about it.

Chairman Reinhardt- I'm, I have to laugh to myself because I think somebody came in with something of similar sizes and kept calling it a shed, it's like, it's a garage.

Mr. Gehlen- no, it's yea, it's a garage. And its going to have cars in it, so it's definitely a garage.

Mr. Nearpass- Is this going to the Planning Board. Because of the size? Or is it just a special--

Ms. Downs- yes, this is on the Planning Board agenda.

Mr. Gehlen- yea, and the conservation Board too, I believe.

Chairman Reinhardt- the town Planning Board?

Ms. Downs- yes, the town Planning Board not the county.

Chairman Reinhardt- right okay, and as I understand it I, I'm certainly not an expert in reading topography maps but I think that the tighter the numbers the steeper the grade.

Mr. Gehlen- I don't know.

Chairman Reinhardt- so if I, when I'm looking at in your backyard when it says 506, 507, 508, 509, those lines are tight, there's not a lot of space in between them and I can understand what you're saying is it's steeper, you're probably going to have to do more work to try and get that, excavation, in the back yard, the, what I'm trying to look at there is a pad, you have a side load garage?

Mr. Gehlen- excuse me?

Chairman Reinhardt- you have a side load garage, correct?

Mr. Gehlen- side load, well yes, side and front, they're both.

Chairman Reinhardt- okay, there is a looks like a 30, about a 37' by 37' asphalt area that is used to get to the garage.

Mr. Gehlen- yes.

Chairman Reinhardt- so, just for a bit of just walking through some of this to Sarahs point, would you get the, your garage, your proposed garage to the east of, I dot want to call it a pad, but that 37' by 37', have you looked into that?

Mr. Gehlen- so, I'd love to do that, there is, I don't know what you call it, I think its where the power for the house comes from, but it's a massive box.

Chairman Reinhardt- okay.

Mr. Gehlen- that is pad locked, I think its for electrical, I'm not sure.

Mr. Salsburg- Does it hum?

Mr. Gehlen- excuse me?

Mr. Salsburg- does it hum?

Mr. Gehlen- Does it hum? I haven't heard it hum.

Chairman Reinhardt- okay, so just so, again exploring other places that it could go, and because of how Zoning Board if they do decide to grant a variance is to do it as minimally as possible, so when we look at these other areas that's the whole purpose of exploring and we're not trying to re-engineer anything but your explanation about why it couldn't or be difficult to put it in these other locations, that's the exercise we're going through.

Mr. Gehlen- sure.

Chairman Reinhardt- I think its in a note someplace, might have been an e-mail. The distance from your neighbor to the north 7479?

Mr. Gehlen- he's east I think.

Chairman Reinhardt- no, no 7471 is the individual who put the solar panels in.

Mr. Gehlen- yes.

Chairman Reinhardt- the, 7479 would be to the north of you.

Mr. Gehlen- yea, that's Steve Straight.

Chairman Reinhardt- okay, so what I didn't know is when it says 63' from the rear property line are you describing the, where Straight, Steve Straights' property line ends, which would be his rear setback, it would be about 63' from his rear setback to where the proposed garage is going to go.

Mr. Gehlen- to the nearest part of the garage, yea.

Chairman Reinhardt- okay, and you understand when as far as the eves go, that's where the measurement is, its not the wall itself its where the eve starts or ends.

Mr. Gehlen- okay.

Chairman Reinhardt- right, that's where the measurement would be.

Mr. Gehlen- It could be then 62'

Mr. Nearpass- might be another foot or so.

Chairman Reinhardt- just so you know you're clear on where this is going to go if the board decides to grant it, alright I think we're good, wait one last question though I, are you going to disturb any other vegetation, trees, pants, shrubs, anything, you're going to do the best you can and then you're going to add some other –

Mr. Gehlen- yes that's another reason why I put it there because I don't want to have to try and take down any trees or, and it's a beautiful property and the last thing I want to do is mar it, I do intent to plant some flowering trees around the building, like maybe some weeping cherry trees or something but no, absolutely will not be taking anything down.

Chairman Reinhardt- alright, Suzy anyone online? Nope. Going to ask it anyway, anyone want to speak for or against? Hearing none. So now we need to figure out if we were to grant the variance and be as disruptive as we can on the location of the proposed barn, I think you heard with the applicant before is there's distances lets say for a right of way and in this case there would need to be a distance either from, seeing as your home is permanent, how much further north would you be proposing this structure to be? Or we can do it from your front lot line that you're sharing with Mr. Straight at 7479.

Mr. Gehlen- so, well it would be 62' I guess with the eve of the building from my northern boundary but as far as how far it would be from the house, I would say something less than that, but I don't –

Chairman Reinhardt- okay, then let's do 62' from your front lot line and Mr. Straight 7479, his rear –

Mr. Gehlen- his rear property boundary will be –

Chairman Reinhardt- so that gives us north and south, now we got to figure out east and west.

Mr. Gehlen- so to the east is a corn field and to the west is, I forget the address, the guy with the solar panels and –

Chairman Reinhardt- I thought that's the east. No, No, you're right. Go ahead keep going.

Mr. Gehlen- and that's 100' to, from my property line to the back of my proposed garage would be 100'.

Chairman Reinhardt- so 100' to the nearest corner of the garage to 7471.

Mr. Gehlen- yes.

Mr. Nearpass- and you're sure.

Mr. Gehlen- yes.

Mr. Nearpass- I just want to make sure this is within your own personal margin of error.

Mr. Gehlen- well Steve, so Steve and I went out and measured it, he has a, like a several hundred-foot tape—

Mr. Nearpass- oaky, so if, okay—

Mr. Gehlen- yea, we also measured from the edge of the garage to the road and that was 437'

Chairman Reinhardt- alright, that's helpful for the board to understand how far back form the road it is,

but I think what were looking at here is specific to the location to 7479 and 7471 those property lines.

Mr. Gehlen- yea, so its 62' from 7479 and 100' from 7471.

Chairman Reinhardt- okay. Anyone have any further questions/comments/concerns? —Alright, I'm just going to take a quick little straw vote, Fred you're good with it?

Mr. Salsburg- very good.

Chairman Reinhardt- Matt?

Mr. Nearpass- yea.

Chairman Reinhardt- Donna?

Ms. Morley- yup.

Chairman Reinhardt- Sarah?

Ms. Mitchell- well no, but –

Chairman Reinhardt- Alright I'm good with it, so let's go through the criteria. First being an undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by granting the variance. Justification being that it is approximately 437' from the nearest portion of the paved road it is a flag lot and the proposed garage already has significant buffering around it to the north, to the west arguably to the east. The topography in the back yard appears to be not impossible but difficult and potentially prohibitive to put a structure behind the house to comply with the code it is also proposed as difficulty and cost prohibitive is extending the driveway even further. We haven't heard anyone speak against this application, it is of known that we recently granted an area variance for 7471 which is the applicants neighbor to the east for the solar panels and that was for structures solar panels forward of his home. Would anyone like to add anything else to the first criteria?

Second, the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. Much as we had discussed earlier for the first criteria it is a potentially prohibitive to construct the garage in any other location, it's a flag lot, approximately 437' from the nearest portion of the paved road. Would anyone like to add anything or comment on the second criteria?

Third, the requested area variance is substantial. It is forward of the primary structure; however, another factor is his neighbor at 7471, this board granted an area variance for solar panels forward of his home.

Fourth, the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. What is of note is there is current vegetation, trees, shrubs, and what not that's already present that will provide buffering or the proposed garage and it also as Fred pointed out, it is difficult if not impossible to see when this proposed structure goes up, you probably won't be able to see it on Dryer Road.

Fifth, the alleged difficulty is self-created.

As a proposed condition to it the applicant has agreed that he will provide further buffering, vegetation, Trees, shrubs of his choice to provide further buffering or to make it as aesthetically pleasing as possible.

The location of the proposed garage is going to be 62' from this would be to the north (7479) to that lot line and 100' to the east which would be 7471 Dryer Road. Would anyone like to add anything to the conditions or the criteria that we've walked through. Hearing none. I'll entertain a motion for approval.

On a motion made by Matt Nearpass and seconded by Donna Morley:

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

Michael Reinhardt	Aye
Donna Morley	Aye
Sarah Mitchell	Nay
Mathew Nearpass	Aye
Fred Salsburg	Aye

Adopted: 4 Ayes, 1 Nays

Chairman Reinhardt- Good, good luck, thank you for your patience.

Mr. Gehlen- Thank you very much.

Chairman Reinhardt- Alright good luck to you, thanks for your patience.

Mr. Gehlen- Thank you.

Chairman Reinhardt- so now we're going to go back to RYAN HOMES. I believe the last time we were here the applicant was not present, and we decided to reschedule this and table it for this meeting, not here again, so we have a choice, either can table it again, or move forward and either grant or deny the variance. Fred thoughts?

Mr. Salsburg- my thought is that we should approve this variance before they get a bill. Remember the geometry of the fence is so far off to the side—

Mr. Nearpass- its already there Fred.

Mr. Salsburg- I know if, you'd have trouble seeing it—

Mr. Nearpass- I thought you said before they were built.

Mr. Salsburg- well they're going do another section here, one of these days.

Mr. Nearpass- oh I see, okay.

Mr. Salsburg- the front of the house and its relation to this fence in front of it is strange, it, you don't even hardly realize that its in front, remember that part? I think that's important. I think its being well done.

Chairman Reinhardt- right if I understand you correctly, you're in favor of moving forward and you'd be in favor of granting the variance?

Mr. Salsburg- yea.

Chairman Reinhardt- alright, Donna?

Ms. Morley- hmm, I'm pretty much the same way. It looks nice.

Chairman Reinhardt- alright. Sarah?

Ms. Mitchell- I would be too, I'm fine with moving forward with it. But I think we, I wasn't here last time, so I don't know if it's a shot to reach out to them one more time and say, look its this meeting or that's it, or if you still want to continue, but I mean I wouldn't want to necessarily make a decision if they're not here, but that's just my –

Mr. Nearpass- and they haven't been here yet? Right?

Ms. Mitchell- they were here once.

Chairman Reinhardt- yea, they were here the first time, and we had told them that we needed County Planning Board comments and the next meeting they weren't here, there were no comments from the county Planning Board, so –

Ms. Morley- why did they already put it up though?

Chairman Reinhardt- right, they've been moving forward with it.

Ms. Downs- I'm pretty sure the fence that's already up not the part that's seeking a variance, I believe the parts that are seeking the variance on are the 2 lots at the ends, I don't believe that's put up, I could be incorrect, but—

Chairman Reinhardt- I think you're right, the last time I drove by—

Mr. Nearpass- the one parallel to the road doesn't need a variance.

Chairman Reinhardt- no, they're, the pieces that they're looking for –

Ms. Morley- right here, its lot 1 and 31.

Mr. Salsburg- it's the fence parallel to the road that ends in front of the house –

Chairman Reinhardt- well it's not ---

Mr. Salsburg- on the side road.

Chairman Reinhardt- right the 2 pieces that they need a variance for –

Ms. Morley- its right here Mike, I think it's lot 1 and 31.

Chairman Reinhardt- so 1 is on Beaumont and the other is on Claremont and there's, I don't want to call it a wing, but it's a 45-degree angel from the main fence that and it's all for aesthetics so its not a straight line, its that 11' piece, I think, I know its Beaumont is 11' and Claremont I think is about the same.

Mr. Nearpass- yea, so not being here for the one time they were here and probably wanting someone to sell it to me a little bit to understand it, I'd say I'd abstain, would be my, I wouldn't be for or against it, I

would abstain right now if we had to.

Chairman Reinhardt- alright, I think because of some discomfort I would request then that we send another email and express the boards concern and its imperative that they be here for the next meeting, there are questions that some board members have, and they would like the applicant, or representative to be here so that those questions can be answered. Okay. I think that would be as clear a message as we can give. Alright, with that Drew anything you need to share or talk to us about?

Mr. Cusimano- I have one question related to one of these applications if I can.

Chairman Reinhardt- sure you can.

Mr. Nearpass- you got 5 minutes before its 8:00, I don't want you to be late.

Chairman Reinhardt- don't get him in trouble.

Ms. Morley- you're going to be running out of here.

Mr. Cusimano- No, from the town side, I don't have anything except for summer activities are starting up so the concert series on June 16<sup>th</sup>, I think, they start on Thursday so make sure to take a look at that and let your neighbors know, the question I had and Rick I don't know if you happen to know this, I certainly don't but with the gentlemen from Auction Direct from what I understood he would like to push the row of cars currently back and then create a, continue to create a smaller travel lane and then also a new travel lane between the existing line and then the front line, I was just curious about from an engineering standpoint and parking lot and the passage way for emergency vehicles etc. and I speak from experience just because I drive around in a 75, 000 pound truck everyday and we have some lot in our town that are not possible to navigate so I don't know if there are code restrictions on depths and widths of those travel lanes.

Chairman Reinhardt- that's a good question, we've had this before, the one that comes to mind is Phoenix Mills, that there was some variance there that were needed and I don't know which representative from the fire department came saying that it would be difficult to get any kind of emergency vehicle behind there, sure there would be a fire or what not, I think it was Sheds? The sheds and the distance where the sheds were proposed to be, to the rear of the building, it just caused too much trouble so those sheds need to be further back, so it's a good question, that was one of the reasons as well is I wanted to see what that diagram looked like, how much space is going to be between each row of vehicles, is it enough room for just a plow or if it turns out that it's only for a plow what does that mean then for an emergency vehicle whether it be an EMT vehicle a fire truck or whatever the case may be and if we need to take a further look at it and whether it be you weighing in or Fire Marshall weighs in to say that's going to cause a problem and that's valuable information for us.

Mr. Cusimano- well its just something that popped up as I thought about it, I know that the Fire Marshall, Bob Graham has looked at similar instances in the past, I know recently we had to have a building up on the north side of town actually remove some parking spots because you couldn't simply get a firetruck through that area so, he's very helpful with that I just, just something I thought about.

Chairman Reinhardt- Good, I appreciate the thought.

Mr. Cusimano- thank you guys.

Chairman Reinhardt- well done. Thank you. Anyone else have anything for the board,

questions/comments/concerns?

Mr. Salsburg- you want any more stuff from that class I went to or you've had enough?

Chairman Reinhardt- you go right ahead. The more the better.

Mr. Salsburg- okay, I'll keep it coming then, couple more a week.

Chairman Reinhardt- okay. Good, good, what class are we talking about?

Mr. Salsburg- I went to one about Zoning.

Mr. Nearpass- oh okay. Oh yea, the e-mail that—

Mr. Salsburg- I think it was about zoning.

\*Laughter\*

Chairman Reinhardt- alright, don't forget next week, June 21<sup>st</sup>, our next meeting is going to be ZOOM only.

Mr. Salsburg- So I can be anywhere I want to be then, pretty much. Huh? Long as I got a computer connection.

Chairman Reinhardt- If so, you chose, that's what you want to do, you certainly can.

Mr. Morley- your retired life is agreeing with you Fred.

Chairman Reinhardt- okay, alright, I think we're good to go.

On a motion made by Mike Reinhardt and seconded by Matt Nearpass the meeting was adjourned at 8:03.

