

TOWN OF VICTOR ZONING BOARD OF APPEALS, June 21, 2022

A regular meeting of the Town of Victor Zoning Board of Appeals was held on June 21, 2022, at 7:00 p.m. via ZOOM

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman Donna Morley; Fred Salsburg (came in late), Sarah Mitchell

OTHERS: Al Friedman, Adam Ryczek, 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. He asked 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 Donna Morley, seconded by Matt Nearpass:

RESOLVED, that the minutes of the meeting held on June 6, 2022, BE APPROVED.

Adopted: Ayes 4, Nays 0, Absent 1

PUBLIC HEARING

Chairman Reinhardt- Alright, so we have a continuation of the AUCTION DIRECT variance to allow parking within the 80' front setback, the applicants ready and with us here?

Mr. Friedman- yes. Yes, I am.

Chairman Reinhardt- So, just a quick review, the Ontario County Planning Board had no comments for us and indicated that we certainly can decide as we see fit, we had some homework on our end some other variances that were granted in the past VanBortel had looks like 4 of them dating back to 1986, ranging from 80' to 50' then in 1999 50' to 40', 2007 80' to 40', and the in 2022 80' to 40'. VanBortel Ford, I'm sorry, if I didn't say earlier, it was VanBortel Subaru, VanBortel Ford back in 2007 was 80' to 35' but I think its important to note that that is on the, would be the west side of Victor, so its still applicable but Subaru I think has more applicability to it, also Victor Auto Group in 2014 80' to 35', Victor Jeep in 2020 80' to 41.5' and the applicant is looking for 80', now correct me if I'm wrong but it appears that its going to range, you need about 2' to 6' over the 80' front, no there's more than 80' frontage, but anyway 80' to would then mean 78' to 74', does that sound accurate?

Mr. Friedman- Yes, that sounds right. Yes, sir.

Chairman Reinhardt- okay, and we asked for some homework from you, looking for some kind of diagram demonstrating what that parking looked like, so I think one of the concerns the board had was that weather or not there was going to be sufficient room for emergency vehicles to get, if you will, a drive by there, or pass-through the parking, were you able to do that?

Mr. Friedman- well, so, yes and no, I've engaged, re-engaged McFarland Johnson and they're in process of re-diagraming that whole area for us, they're backed up like everybody else is in the world, but they're

moving as fast as they can to re-do the diagram, I've asked them to include examples of parking and really diagram it out as far as spacing as well so, as soon as I get that I will e-mail it over to Amber the second I get it from them.

Chairman Reinhardt- So let me ask you this, the spacing as I'm looking at, I'm looking at an aerial, there is currently a row of cars, 2 rows of cars, and then there is spacing into the next row, do you know, do you have any idea what the spacing is between, of those 2 parking spaces? There, that's the picture I'm looking at.

Mr. Friedman- honestly, yea, I honestly don't know, I'd have to physically be there, I don't want to guesstimate because I've never been sked that before, so I don't know.

Chairman Reinhardt- okay, so, I think that's what, at least my concern, we can certainly touch base with all the other board members, that that appears to be a sufficient and safe distance between the 2 vehicles to be able to allow, I think the purpose is to allow emergency vehicles to go back and forth, or to get in there without issue. Would that be possible with, if, if the variance, should it be granted to have similar spacing in between the proposed expansion area and then the next row of cars.

Mr. Friedman- well, right, that's what, when we walked it out, you know ourselves, I mean we obviously took that into account, you know, we, you guys look at the emergency vehicles, rightfully so, we also look at the ability for these cars to be parked, you know, pull in and out of their parking spaces without hitting other cars and we feel confident that once the land is paved and the space is there, we'll be able to show you before then that we should have ample spacing between the rows.

Chairman Reinhardt- oaky, so let me then go to other board members and see what their concerns and questions are, Matt questions, comments, concerns?

Mr. Nearpass- No, I, I'm okay, and what I was looking for from the last meeting and what, is what you read out at the beginning, because I recalled others really being in that 40' range, and obviously we're not really approaching that with what the applicant is asking for here, obviously if he had the data that kind of said, yes they're going to be this far apart and that is what we need for emergency vehicles, again even if, in my opinion if that number even pushed the variance out a foot or 2, I'd be willing to support that as well, I just, to your point want to make sure that, this doesn't go through, you know if this goes through, that they, the applicant has to come back in here, in front of us because, you know there just isn't enough space, so I'd like to try to get it done right the first time, is my opinion on it.

Chairman Reinhardt- Do you, would you prefer to have that diagram before us before we make a decision? Or are you ready today?

Mr. Nearpass- I could be, if the applicant doesn't have and I, asked specifically, if he's under a time crunch and, I can make a decision today on it and I would be in favor of it. If there isn't the time crunch it would be great to see it, but...

Chairman Reinhardt- oaky, Sarah? Questions, concerns, comments?

Ms. Mitchell- nope, I have nothing else.

Chairman Reinhardt- Donna?

Ms. Morley- I have one question about the trees in the front, or the shrubs and stuff, is that going to be gone from there or, it looks like you're going to have 2 on that one end part, take some of that?

Mr. Friedman- no, I don't think we're, we're not planning on touching any of the shrubbery and if we did have to pull something up, we use Country Care as a landscaper, if we had to pull something up I would replant right 5' over, I wouldn't, would never discard any of the work up front for sure.

Ms. Morley- okay, thank you.

Mr. Friedman- and I don't think, I, yea, I don't see where we would have to move any, we looked at that and we, I don't think that would be an issue.

Ms. Morley- because they're, I don't know when that picture was that you are showing us is taken but when I looked at it, those shrubs are pretty big, it looks like it would be kind of, part of them on the east end where you're adding it on, looks like but I may be wrong too, so, that's fine, thank you.

Mr. Friedman- yes, ma'am.

Chairman Reinhardt- Fred? Questions, concerns, comments? ---- we may have lost Fred. Okay, Adam, let me ask you on what's your---

Mr. Salsburg- am I on?

Chairman Reinhardt- Fred, you there?

Mr. Salsburg- Can you hear me?

Chairman Reinhardt- yea, I can hear you now.

Mr. Salsburg- hello?

Chairman Reinhardt- Fred?

Mr. Salsburg- hello?

Chairman Reinhardt- I can hear you, Fred.

Mr. Salsburg- I don't have any ---

Chairman Reinhardt- Okay, some technical difficulties with Fred, so lets hold that for Fred for a moment, so Adam the concerns that I think are on board at least that I've raised, any thoughts on that, on safety issues, on allowing emergency vehicles or providing for enough space for emergency vehicles to get through, you know seeing what really what his plan is on how much room he really needs, an I know that there's 2 rows of cars and I don't know what to call it other than stacking the vehicles or piggy-backing the vehicles and if he does that there still appears to be enough space for those emergency vehicles, plow whatever they particularly need, but I think more so with emergency vehicles, any concerns with that?

Mr. Ryczek- I mean, I agree with what you are saying, it looks like, I don't know if we could get that image back up, but it looks like if he was to adjust the cars that are all the way to the street now, let's call it the south, that front row of cars that are slightly apley parked, if he was to shift those cars backwards, he's going to blocking this turnaround that's to the east here, at the side of the parking lot so, I'm not sure, Mr. Friedman in this yellow area are you looking to put a second row of cars and leave the existing row of cars directly behind it, kind of like the middle section behind it, are you planning on shifting the

existing row of cars to the north and providing space in between that row and the row that will now exist in your new paved area, does that make sense?

Mr. Friedman- right, but, yea, we'll, what our intentions are is to park a row of cars, you know in that yellow area and then have that, we cannot have the cars, you know fender to bumper kind of thing they just, they need space themselves so, whether we pull back another row or if we're able to get, I forget the gentleman's name that said that we get a couple more extra feet to insure that it's not a concern that we can push the rows up 2 or 3' to make sure that's not a concern and that we're able to push that existing row back a foot or 2 we'll have more than ample space to accommodate any kind of vehicle going through there at that point.

Mr. Ryczek- yea, so that's all I could see, or the only concern I would have is if, from a safety, you know for emergency vehicle access point there's that turn-a-round at the side of the parking lot and if you were to shift this row of cars that's angled to the north you'd be obstructing that turn-around. So, you know, that would be my only concern.

Mr. Friedman- yea, I, I hear you and I ---

Mr. Salsburg- am I on?

Chairman Reinhardt- so Adam, on the turn-around concern, is that an issue more for Planning, when they look at a site plan on where the cars are going to be, is that a Planning Department approval or denial?

Mr. Ryczek- yes, it would be the Planning Department but from approving the variance standpoint, it may be true of the applicant to request more space, a greater reduction in the setback to accommodate for anything that may infringe upon that access.

Chairman Reinhardt- let me ask you this way, is, would it be a code violation for what you described, if those current, excuse me, the vehicles that are currently depicted in the photograph, if they were to move however many feet to the north and allow spacing for the new area, the proposed expansion area thereby blocking that turn-around, would that be a code violation?

Mr. Ryczek- I'd have to look into it further.

Mr. Nearpass- it definitely looks like it's a car length short, I'm, you know, I'm, if I'm just looking at it here with the photo that we've got, unless you're going to park those cars, you know bumper to bumper like you said you don't want to do, the only thing you can do to Adam's point is shift those cars up by at least a car length, if you're going to want to be able to get cars in and out of there, so I, it is a little confusing to figure out how its really going to work if you're, if you really don't want those cars bumper to bumper there.

Chairman Reinhardt- when, my concern is, is that if we grant the variance today for what he's asking for, and then however he parks the cars, Adam or another one of our code enforcement officers goes out there, looks at it and says, you can't do it this way, it's a code violation, and now he's got to go back and do this all over again, it seems to be an inefficient use of the applicants time.

Mr. Nearpass- I'm with you, I was of the mindset that he's probably going to have to park them bumper to bumper, and not take up much of that lane, but if he doesn't want to park them bumper to bumper, I don't see any other, and to your point the question that you asked Adam and I think he said he just needs to do a little more research, if it is a code violation or not, is there a code that says it's got to be, you know the alley ways have to be, you know so wide, I know there's, I recall a code that talked about, you

know space around, getting around a building and in those kinds of things, I'm not, I don't know if we have anything that talks about parking lot width.

Chairman Reinhardt- okay, Fred, it looks like you're with us, you have any questions, comments, concerns? -- Fred?

Mr. Salsburg- no, I, my thought was it's a continuation of exactly what's there now, and I felt pretty good about that because I'm not aware of any problems.

Chairman Reinhardt- Alright, I, yea, I don't think the issue necessarily really is granting what, at least my feel for the rest of the board, granting the variance of what he's asking for, the reason that I had requested the diagram demonstrating, again is to make sure that everyone is on the same page and that there would be no issues with other code violations should we move those existing, what we see in the aerial, the existing vehicles, if they would block any access to emergency vehicles. So, let me ask Mr. Friedman, I get the sense that the board has enough information to grant the variance and I, hopefully you understand our concern is that should the variance be granted, if you move those vehicles, those existing vehicles any more to the north what I don't know, and it sounds like Adam doesn't know right now, without doing research, whether or not there would be a different code violation and you may need a variance or you'd have to go back and re-do the variance and that's, asking for more room to the south, so, I will ask you, would you prefer, well I guess 2 part, what's your time table and would you prefer this board make a decision today and you keep your fingers crossed that you got it right or hold us over until the 5<sup>th</sup> get those drawings to us so we can make sure that you're not in a bind with a different code violation.

Mr. Friedman- so the next board meeting would be July 5<sup>th</sup> is what you're saying?

Chairman Reinhardt- correct.

Mr. Friedman- you know what to make everybody feel good about this, why don't I wait until the 5<sup>th</sup>, I'd rather be able to demonstrate and even, let me ask you a quick question if I could, if I did want to say just to make it, everybody's life easier, I wanted to move up another 4', would I have to re-apply to the office for a new variance, I'm just saying, I keep hearing that, you know I think the spacing is the issue so and someone else had said and I forget who has said it, I apologize, that we're well below the, you know, some of the other dealerships, that we were asking for another 4 to 5' and I'm just throwing out numbers with that, and I need diagrams, would that be an easier route and then get a diagram to correspond the additional 4-5' further up, that will clearly demonstrate plenty of room for safety vehicles or anything else that passes through.

Chairman Reinhardt- okay so, my concern is that the notice issue, the board in the past has granted variances for something less than what the applicant has asked for, but in this instance what you're asking for is a little bit more, so I think that procedurally we would have to put out a notice for a change in what you're asking for to make sure that, again on the procedural end, that the public is fully notified that instead of asking for 2-6' you might be asking for 10' or 12', I don't exactly know, but let's just call it 10' for example. I think they would need to be a notice and as far as I understand, there wouldn't be an additional charge it just would have to be an additional notice for you want to change the request for a variance.

Mr. Friedman- you know what if, as much as I want to get it done, I want to get it done right so I think that's probably the safer bet, is, because I don't want to do what we're talking about and then, like you said have someone else come out and say, that's not, and have to pull the cars back and start the whole process, I'd rather know going in that I'm 100% compliant, so, can we do that, then, I mean I can come back and fill out any of the necessary paperwork to re-apply and then get back on you guys calendar, but I

think that would be the best bet for all and for the board.

Chairman Reinhardt- oaky, so then what I suggest you do, and you got a little more homework, is one, get that diagram demonstrating what that parking looks like, and I guess I would have to put it on you, if you think that, instead of asking for 2-6', if you think that 10' would give you more latitude, then I think you need to, pick that number, if its 12' you pick the number, come into Town Hall, and touch base with Amber are you going to be around? I think what he needs to do is amend his application to change the request instead of 2-6' he needs to pick something a little greater ---

Ms. Downs- yea, I'll be around, so he's more than welcome to stop in.

Chairman Reinhardt- yea so to make an amendment to the application and find the number that he feels more comfortable with, and its certainly up to you, if you think 10' would work, or 12' something to give you enough room so that this issue of getting those emergency vehicles enough space and I think what I also hear you're saying is that if you do ask for more and it starts encroaching on the current landscaping area, you would either move it, or re-plant or you'd do something to re-create, is that right?

Mr. Friedman- absolutely, you can count how many trees and bushes are out there now and the same amount with be out there in some form or another.

Chairman Reinhardt- got it. Does that make sense? Do you have any questions about what we're asking you to do?

Mr. Friedman- no not at all, and I will stop by to see Amber on Thursday and take tomorrow to get a, I want to come in with a real measurement a real ask and I'll stop by Thursday and amend the ask and look forward to talking to you all next time I'm on your calendar.

Chairman Reinhardt- Let me just make sure everyone is on the same page, Matt does this sound good? Sound like a plan?

Mr. Nearpass- yea that sounds good.

Chairman Reinhardt- alright Donna, sound good to you?

Ms. Morley- fine, thank you.

Chairman Reinhardt- Sarah, sound good?

Ms. Mitchell- yea, that's fine.

Chairman Reinhardt- Fred you good with that? --- Fred?

Mr. Salsburg- yea, I don't care.

Chairman Reinhardt- okay, good. Alright, I think it sounds like a plan, so this way we're going to do this as efficiently as we can and get it done right. Alright!

Mr. Friedman- Thank you very much!

Chairman Reinhardt- alright, thanks for your patience, you're welcome we will see you, I guess we're Suzy, we're going to be life on the 5<sup>th</sup>.

Ms. Downs- Yes, in person.

Chairman Reinhardt- alright, very good. Thank you, Mr. Friedman.

Mr. Friedman- Thank you all, have a good night.

Chairman Reinhardt- Adam, I got a question for you, our friend on Dryer Road with all the tents, they're still there?

Mr. Ryczek- He's, so he has permit applications in for all of them, he's working right now to level out the land up behind his home, to get them moved, he's moved 2 of them, he has 2 more to go, but he's doing the work himself and it's a little slow but, his permits aren't expired, so he technically has the time to do it.

Chairman Reinhardt- okay, alright, as long as he's not ignoring us, he's moving forward with the project as planned—

Mr. Ryczek- nope, yep.

Chairman Reinhardt- okay, good. Alright, anyone else have anything else, questions, comments for anyone. --- Sounds like we're all good.

On a motion made by Mike Reinhardt and seconded by Matt Nearpass the meeting was adjourned at 7:25.