

TOWN OF VICTOR ZONING BOARD OF APPEALS, July 6, 2021

A regular meeting of the Town of Victor Zoning Board of Appeals was held on July 6, 2021 at 7:00 p.m. There was no public gathering based on the recommended precautions for limiting exposure to COVID-19. The following members were present virtually via ZOOM and the meeting was live streamed via YouTube:

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

OTHERS: Robert Rotach; Joe Logan; Ed Kahovec, Town Board liaison; Al Benedict, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Kim Reese, ZBA secretary

Chairman Reinhardt called the July 6, 2021 Zoning Board of Appeals meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

PAST MINUTES:

On motion of Fred Salsburg, seconded by Matt Nearpass:

RESOLVED, that the minutes of the meeting held on June 21, 2021 BE APPROVED.

Adopted: Ayes 4, Nays 0 (Ms. Morley recused herself from the Wilkins application, so she did not vote.)

PUBLIC HEARING:

Chairman Reinhardt – We have two applications and I see both, Mr. Rotach is with us and Mr. Logan. So, I'm going to at least presume for the time being that these are the first applications that are being presented by the two applicants so we'll just run through the basic, if you will, the ground rules. We'll give the applicants an opportunity to make the presentation. If there are exhibits that are going to be used, just let us know which ones you are referring to. Do your best to use compass directions or things that are identifiable on the particular exhibit, north, south, east and west, streets, whatever. Instead of saying over here, over there, that's going to be hard when we read the record. The other thing that I think the board would appreciate is that when you're making your application, certainly take your time and we'll give you all the time that you need and we're going to do our best not to talk over you and if you would do your best not to talk over us, so that when Kim creates the record she can tell who's talking and what was said. And, if there are any questions, certainly feel free to ask and we'll do our best to answer them. If I'm not mistaken, both of these applications have been sent to the county planning board, is that right Kim?

Ms. Reese – That's right.

Chairman Reinhardt – The board cannot make a decision today. We need to wait for the county planning board to make their recommendations. If everything goes right, the next time we meet, we'll have an opportunity to review those comments and you'll have another opportunity to respond to the county planning board's comments. The board may ask some more questions here. In the end we'll certainly give you an opportunity to address both the zoning board's comments and questions and the county planning board's comments.

With that being said, Mr. Rotach.

1. Robert Rotach, 1373 School Road, Victor, NY is requesting an area variance for placement of a 40'x40' accessory structure forward of the front line of the primary structure, whereas §211-31G(2) states no accessory structure shall be forward of the primary building. The property is zoned Residential 2 and owned by Robert Rotach.

Chairman Reinhardt – If you can hear us Mr. Rotach, you need to unmute.

Mr. Rotach – Can you hear me?

Chairman Reinhardt – We can now. Your application is for a 40 x 40 accessory structure forward of the primary structure. So, I think we all have the folder, so you go ahead, make your presentation and then we're going to one by one, as a board ask you some questions about your application. So go ahead when you're ready.

Mr. Rotach – I'm aware that a garage/barn which is what I want to put up has to be, the way the code reads, further back from the road than the house is. And that would be pretty much impossible for me. It's the only spot on my property where it's not completely wooded is the area where I marked out for this barn. It's a garage, basically. I've got four vehicles and a tractor to put in it and it really needs to be close to the house for me to even be interested in continuing with it. I have nowhere else on the property that I could put it that wouldn't cost a lot of money in terms of fill and getting rid of trees which I definitely don't want to do. That's pretty much my reason for it, it's near where the electric and things like that are. It's on one side of the driveway towards the very end and the house is on the other side. Oh and by the way, the building that I proposed would be 210 feet back from the road. The house is 300 feet back from the road and at this time of year you can't see anything anyhow. It's all wooded except for that one spot. I hope I sold myself, but that's about all I can think of saying.

Chairman Reinhardt – Okay. Let's start with you, Donna. Do you have any questions about this application?

Ms. Morley – Not at this second.

Chairman Reinhardt – Fred, questions?

Mr. Salsburg – Mr. Rotach, your neighbor sent in a letter and he asked if you were going to do mechanical work for hire. And, he was nervous about the lights, so are you going to do

Mr. Rotach – It's funny for as long as he's lived here he's never brought anything up like that to me and I'd be glad to change a few things, but I've got two lights on the house that have been there since it was built. And, I don't know I don't think it's right. There's no law against having a light outside your house. I don't understand even what the issue is. If he would have come over there and said something to me, I could have put a different light fixture on that wouldn't have been so bright or something.

Mr. Salsburg – I didn't know which side of your property he was on, but the houses aren't very close anyway.

Mr. Rotach – I know. I knew he was going to find something to complain about. The other remark he made in that letter was that he's also somewhat concerned that I'm going to start an auto repair business there. I don't even know where he comes up with that. I don't even think I've even repaired my own car once, let alone. And, I'm retired. The whole letter seemed to me like a lot of nonsense, but I understand

I've got to probably respond to something here, but I don't know what it's going to be.

Mr. Salsburg – Do you have a color in mind that you'll use for the barn, the garage?

Mr. Rotach – The same color as the house. It'd be a light gray color and the roof would be a dark, a real dark blue. The same as the house. It would have one foot over hangs all the way around on all four sides. I can see where he's nervous about assuming that I would put a bright light on this garage, but I will definitely not do that just to keep him happy. I don't want to make anybody irritated but I've lived here longer than anybody on the road and I just never heard any complaints until now. Really if you drove by, I don't think you'd find anything to complain about.

Mr. Salsburg – That's fair enough. That's all I've got.

Chairman Reinhardt – Sarah, any questions?

Ms. Mitchell – I have a question, how many acres to you have?

Mr. Rotach – 3.30

Ms. Mitchell – And, how far will this garage/barn be from your house and it looks like your septic tank?

Mr. Rotach – The septic is in back of the house. That's no where's near where this barn is.

Ms. Mitchell – That leads to my question as to why the barn can't be moved back closer to the house?

Mr. Rotach – Well I don't see any solution to it to meet the codes. I just don't. If you were to all come out here, I could show you. But it would cost me a fortune. The house sits on a high spot. The rest of the land around there is pretty low and there's just not a good place. I'd have to cut down a lot of trees and bring a whole lot of fill dirt and have it compacted. I'd have to find a place, I'd have to put 10 feet of fill in some of these areas. There just isn't a close place anywhere near the house. Where I have it is the most convenient for us. That's the only thing I can say. I don't have to change my driveway very much. I don't have to do a lot of things that could make this a prohibitively expensive job. This is where I need to do it I guess. I don't know if I've answered that well enough.

Ms. Mitchell – I mean just looking at the pictures that were submitted and driving by the property. I'm not saying that I would feel it necessary to completely meet the code requirement of the barn being completely behind your primary structure, but I feel like there is an opportunity to move it back closer to your house so we are at some point. I mean it's a garage, so to me a garage is storage for vehicles, so typically that's closer to your home.

Mr. Rotach – Where I want to put it is the closest spot to the home. If you were to come out here I could show you exactly why. I've got the underground drainage for my basement. There's a ditch on the south side of the house that drains the whole place, the whole building, the house structure of the basement. And, I've got the septic starts out on the south side of the house and then goes around to the east side, that's where my leech lines are. And the only other place anywhere near that house and I'm sure this wouldn't go over because it would be right over close to the border, between me and Steven Sykes and I don't think he's going to. If he's concerned about my lights being on, I don't think he's going to go for me moving a barn or a garage over there. It's not going to be any closer to the house if I did, it's just going to be a different place. Here's another one, the only other place I can move it, it's still not in back of the house. If someone could show me a better way of doing it, I'd be more than happy to do it. For me, it would be prohibitively expensive proposition to do anything else and that's where I'm at.

Mr. Salsburg – I pulled into your driveway about half way in far enough so I could see the opening where you're planning on it. I think if I owned that lot, I would want to put it in the same place.

Mr. Rotach – Makes more sense than anywhere else.

Mr. Salsburg – And, it is way back away from the road.

Mr. Rotach – Yeah, it is. It's 210 feet. That's where the barn would be, which seems like a pretty good distance. I can see why they have, every town has that zoning law because it would really be a whole different ballgame if my house was 100 feet back from the road and I wanted to do this. Let's face it, but I mean the house is 300 feet back in. In order for me to put a garage back there it's going to have to be quite a ways back in and it would take a whole lot work for a driveway to get to it. I've been planning on this place because it makes the most sense of any place on my land for a lot of the reasons that I mentioned.

Mr. Salsburg – The doors would be opening to the driveway, of course.

Mr. Rotach – Yeah.

Chairman Reinhardt – Are you all set with your questions?

Ms. Mitchell – I'm all set.

Chairman Reinhardt – Fred, are you all set with your questions?

Mr. Salsburg – Yes.

Chairman Reinhardt – Okay, Matt, questions for you?

Mr. Nearpass – I've got a couple, Bob. We talked earlier about electricity, obviously you're going to have electricity run to it, but you're okay with a condition that there's no exterior lighting?

Mr. Rotach – If I were to have a light to this barn, my proposal would be, like I say I'm going to have a one foot overhang and I could see maybe having something that shines straight down in front of each door, just so I could see the garage door maybe, but certainly nothing now I know my neighbor doesn't like the light, I'd certainly find a solution that would make him happy, I guess.

Mr. Nearpass – If recall the location where it is is probably higher than Steve's property right?

Mr. Rotach – Well part of it.

Mr. Nearpass – On the back end, down toward the creek there. Personally, I think I'd like to see no exterior lighting on it, right? We try to listen to everybody that chimes in on these things. I don't think it would be too unreasonable to do that.

The only reason I want to say it is that we can talk about what the lighting is all day long here and unless there's some kind of condition or something that really defines what that lighting should or should not be and I think we can talk about it somewhere between no lighting and to your point, maybe it's something that has to be downward facing towards the road and certain times where it can and cannot be turned on or off? We can bound that, right? Because what we do here runs with the land.

The other question I had is in your drawing you had indicated that it was either going to be 40 or 50 feet long. Is it 40 or 50?

Mr. Rotach – Well when I called, there's three places I believe that I called for estimates and I went with 40 x 40. What I wanted to actually do was I was going to add, it's hard to describe, but picture a 40 x 40 and if you extend one side down another 10 feet. You've see a lot of barns like this and they have an outside area, an overhang of a 10 foot section there. I'd kind of like to do that, so it would be 50 foot wide and 40 feet long, but that's just what I'd like to do, but to compare prices I just kept it simple at 40 x 40 and that's where it's at.

Mr. Nearpass – Mike, I assume because of the size, this is probably going to the planning board?

Mr. Benedict – That is correct. It is going to the planning board.

Mr. Nearpass – They will get into the aesthetics of it. At this point, we're real just talking about how far from the road we're looking at here. And, Bob to get back to the lighting and maybe just a condition that says downward facing lighting or something to that effect to kind of (inaudible) you and your neighbor there.

Mr. Rotach – And, I don't have to have a light outside. I'm willing to bend anything that I have predetermined just to make everything go smooth. It's not a big deal for me to make some changes into what I plan on doing if I have to.

Mr. Nearpass – And, we have to wait for the county to come back on this one?

Chairman Reinhardt – Yes.

Mr. Nearpass – So there's certainly time after we have the discussion today to revisit it. The other question, I remember a number of years ago, that creek got pretty far up your road. How far did that creek go? And is there any concerns with that? With the placement of the barn?

Mr. Rotach – Well the guy next door that's upstream from me was over yesterday and I talked to him and he wondered if there was anything he could do to help me out here and I said no, there's nothing you can do. I went over all that with him of course. I definitely don't want to dam up anything, but I realize putting three foot of fill under where I want to place this barn certainly isn't going to help a flood stage if it happened again, but there's some things that I might be able to do and I talked to him about it yesterday. I might be able to cut down my driveway a few inches in one area in case it ever did flood again. It can be a wet area. In 1992 I got hit pretty hard up here so, I know what I shouldn't do. I definitely don't want to dam up. The only thing it would affect by me putting this barn there would be that white one bedroom cottage there to the south of me probably. It's been a long time since that's happened. My neighbor used to live across the street years ago, Mrs. Northrup and she told me that was a once in a 100 year experience. I guess her family has lived there all that time. I'm not saying it can't happen again, it could but when I talked to my neighbor we're all under the impression that you almost have to protect your own property because nobody else is going to. And, he understands that and I kind of understand it but I don't want to dam up the water if it ever did flood again. I told him that I would keep this garage as far to the east as I could get it, so that there's a lot of area in the front of my property for that water to go over my driveway and flood and go downhill if it ever happens again.

Mr. Nearpass – Are we sure we're not putting the structure in a flood plain or anything to that effect, per DEC? Nothing's changed in that area? I'm sorry Bob, I was asking, Al, the code enforcement officer.

Mr. Benedict – There's no documented 100 year flood plain on this property. I say documented, it doesn't mean it doesn't exist. It's just not documented.

Mr. Nearpass – Okay.

Chairman Reinhardt – Anything else, Matt?

Mr. Nearpass – I'm okay for now.

Chairman Reinhardt – Okay, so Mr. Rotach, you mentioned a couple of times that you didn't know of any law regarding lights outside your building. The town code does have laws, codes regarding such things. The lights need to be dark sky compliant, but I appreciate your willingness to cooperate for your neighbor. That's a step in the right direction. The other piece that Matt brought up and I'm also concerned that your proposal really needs to be pinned down. The board really can't deal with ifs and buts. You've got to pick a size. So if it's 40x40 then that's what we'll look at. If it's 45x50 we'll look at it. But you can't be then just on a whim say we'll I kind of feel like it so I think I'm going to expand it to something bigger than what I actually asked for. So, either today or at least by the next meeting, you've got to pick a number so we know what we're dealing with. Can we do that?

Mr. Rotach – I'm pretty sure I've got that in my own mind I know what I'd like to do. The part of the building that would be enclosed would be 40x40 and what I'm talking about doing is putting a 10 foot over hang extending the roof line down on the one eave side there.

Chairman Reinhardt – Well that's, Al correct me if I'm wrong, but overhangs and eaves and things that's going to count for how large the building is. So, again, Mr. Rotach I don't mean to nitpick you here, but you can't tell us, I kind of think that this is what I sort of going to do. You got to pick a number, so we know what we're dealing with. Because if a variance is granted it runs with the land, which means whether you're there a year and you sell it to somebody else who sells it to somebody else, that variance runs to all the new owners, including you. So it's really important that if this variance is granted that not only that this board knows what they've granted, but the public knows what's been granted. Exactly what you're asking for, okay? Either today or by the next meeting, you've got to pick a number on that dimension so we know what we're dealing with. Okay, can you do that?

Mr. Rotach – And, I will do that. The only thing, I was told by the one builder that I think I would like to go with, he's got to come up with plans I'm pretty sure, doesn't he?

Chairman Reinhardt – Yeah, for a building permit. Plans are going to be needed. Which brings me then to the next point that whichever contractor that you hire, it would help this board out I think tremendously if you get some information from that contractor that says this is really the best place. It can't go anywhere else and if you were to put it in a wooded area, it's going to cost X amount of dollars more. Because right now, and all due respect sir, you're just telling us that it would cost a fortune. It doesn't tell us a lot. What we really need is, it doesn't have to be to the penny, but if your contractor says hey if we put it back into the woods, we got to cut down trees and it's going to cost about this much to take the trees down, it's going to cost about this much for the fill and now, as a board, now we have an idea of what cost prohibitive means.

Mr. Rotach – I guess to take it right to the point, I understand and I'll do my best to get whatever you need here, information wise, but where I've chosen to put the barn, I mean, if I can't put it there then I think I'll be withdrawing anything because it makes no sense to me to put it. What would you want to put a garage where you're going to be parking your cars a hundred plus feet from your house? What would you want to do that?

Mr. Nearpass – With all due respect, I don't think that it what Mike is telling you to do. I think we're trying to explain to you that we balance pros and cons, benefits to the applicant, benefits to the public and we just need data. That's all. We really can't go off of like he said, I think it's going to cost a fortune or here or there. We're just looking for you to do a little more homework. I don't think anyone here has said they are against your application, but we just need some facts. That's all.

Chairman Reinhardt – Mr. Rotach, for a zoning board to grant an application, there's five criteria and if we're going to grant a variance we need to push some facts into the criteria that qualify an application for a granting of a variance. And the questions that we're asking you, we're trying to sort out and maybe plug in those facts into, for example will it change the character of the neighborhood. But really the one question that we're focusing on when you say it's cost prohibitive, the criteria that we're focusing on is whether or not there is an alternative feasible means to achieve what you're trying to do. That's another way saying *it's going to cost a lot of money if we put it some other place*. We're just trying to plug in some numbers here so that we understand what you're trying to explain to us that in your opinion, it really can't go anywhere else. So, if you help us out, understand why it can't go anywhere else because it's cost prohibitive. One way you could do that is to get a contractor to say *boy it's going to cost a lot of money to cut all those trees down and put all kinds of fill back there*. Okay? Does that make some sense?

Mr. Rotach – It might make sense, but the one gentleman there that drove in here, Fred, I think he said it best. I just don't think if you drive in here and you look anywhere in this place you're going to find a better spot to put it than I have chosen. All my utilities are buried under the driveway, I don't have to worry about a driveway extension. There's a lot of things and I don't know I can write them on a paper and tell it all to you, but I think we've kind of gone over it pretty much here.

Chairman Reinhardt – We're going around in circles here. I think you understand what we're looking for. Just because one board member has one opinion, we'll looking for all the other board members too, so you can do it or don't. It's certainly up to you. It's just suggestions. No one's forcing you to do anything.

Mr. Rotach – Sometimes driving up to a place and physically looking at things gives you a whole lot of a better idea than looking at a map. My whole point for bringing that up was I think if you drove in my driveway you would see how much more sense it makes to put it where I want to put it. To me, that's my business decision for Bob Rotach. I don't know what anybody else would do, but I know what I can afford and that's it.

Chairman Reinhardt – Understood. Al, the size of the barn, is a sprinkler system required?

Mr. Benedict – A sprinkler system is not required for residential structures.

Chairman Reinhardt – For residential structures. Even though this is a barn.

Mr. Rotach – Well if it isn't a residential structure, then what is it?

Chairman Reinhardt – A barn. Are people going to live in it?

Mr. Rotach – I know one thing that is not going to happen with my neighbor Steve Sykes' letter he put he's concerned that I'm going to start an auto repair business in it. That just goes to show you what I'm up against here. Nonsensical remark. I don't know why he even made it. I have no desire to work anymore. It's not even a question, I don't even know why he would bring it up. He could have brought up anything it would have made as much sense.

Chairman Reinhardt – Al, is there anything else you think we ought to know before we circle around once more for questions.

Mr. Benedict – No just to reiterate on the accessory structure everything that’s been explained here is that it’s an accessory structure to a residential use. The sprinkler portion of our code does not require sprinklers for such a building, regardless of size.

Chairman Reinhardt – Okay good. Donna, any further questions?

Ms. Morley – None.

Chairman Reinhardt – Sarah, any further questions?

Ms. Mitchell – No.

Chairman Reinhardt – Fred, any other questions?

Mr. Salsburg – No.

Chairman Reinhardt – Matt, any other questions?

Mr. Nearpass – No, my only other comment is just I know you referred to 1992 Bob, but I’m pretty sure within the last 5 or 6 six that water has been almost up to the road.

Mr. Rotach – I’ll tell you what I can guarantee you that I haven’t had any happenings as far as floods go, that it got me worried. I do have a small one foot, maybe two foot berm on the south side of my property next to the drainage ditch that goes all the way back and it’s there for a reason. It got up that high for part of a day here this spring and it did its job. It deflected a little water. The guy next door lives in a real bad spot to the south there and I can tell you in 92 the old people that lived there had to sit on the kitchen table, the water was so high. So it really didn’t do much to me, but it came real close and I’m just saying that even though it’s not considered a flood plain it can flood a little bit.

Chairman Reinhardt – Anything else, Matt?

Mr. Nearpass – Nothing else. Thank you.

Chairman Reinhardt – Mr. Rotach, you brought up a prior comment about something in the nature in the flooding, you need to take care of your own property. I would caution you with that kind of philosophy and I would recommend that if you have an attorney, talk to your attorney that what happens if you do something to your property and as a result of whatever you’ve done, causes flooding or damage to your neighbor’s property? There could be consequences. I just caution you with it. That’s all. I don’t want you to be led to the belief that you can do whatever you want with your property and that’s not quite true.

Mr. Rotach – And that’s not the way I meant it, but I’m talking with my neighbors. The only one that is even in danger of possibly getting flooded and that’s the way he talked and just for what it’s worth, nothing’s going to happen here unless we protect ourselves I’ll tell you that. To me that was a pretty honest comment. If the water wants to get that high, you’ve got to be able to do something about it and it’s happened very few times in the last 100 years, but it could happen. I understand.

Ms. Mandrino – I have three comments from Steve Sykes on YouTube. The first one he says that he does agree with Bob that the location he wants to put the barn is the best location. He also says that the

downlight suggestion is also okay with him. To put the light facing down, your suggestion. And, then the last comment was about flooding, he says that on July 13, 2017 the property flooded and came from the south of Bob across his property and then through Mr. Sykes' and he has photos.

Chairman Reinhardt – Thank you, Suzy.

Mr. Rotach, anything else that you want to touch on for now we're going to table this until we get the comments from the county planning board.

Mr. Rotach – No, I have nothing else to say. How long do you think it will be? I'm just waiting to find out one way or the other because I've got to make a contract with a builder here pretty quick because the waiting list is a good three months.

Chairman Reinhardt – Understood. The next meeting we have is,

Ms. Reese – July 14 is the county meeting and ours is July 19.

Chairman Reinhardt – July 19. So, Mr. Rotach, the next meeting is July 19. We will review the county planning board's comments. You'll have an opportunity to address those and there could be more questions from this board regarding your application and you'll also have an opportunity to address those questions. Do you have any more questions before we go?

Mr. Rotach – Probably not, I guess. For what it's worth though, I offered to buy the place next door there and if I did, I would have knocked it over and it never would have been a problem with it ever getting flooded again. The place was build right on the side of the creek there. And, I've got to ask you as long as everybody scrutinizing my situation I find it kind of odd that when this house was built it had an illegal septic system and it was all redone. The house next door was done by the same guy and I was told years ago, it was the same situation. Nobody ever did anything about it and I think a lot of people are worried about my situation but I think by the year 2021 I think every house in this country ought to have a legal septic system and I'm not sure that is the case down here, for what it's worth. I'll patiently wait and see what happens.

Chairman Reinhardt – Okay, thanks so much, Mr. Rotach we'll see you on the 19th. You'll be joining us on the 19th?

Mr. Rotach – I plan on it.

Chairman Reinhardt – Great, very good. We'll look forward to it.

Ms. Morley – Mike, he has to come to the town hall.

Chairman Reinhardt – That's right. Thank you. Mr. Rotach, you'll be coming to the town hall. You don't have to, but I would recommend you doing that.

Mr. Rotach – I will.

Chairman Reinhardt – We'll look forward to seeing you on the 19th at the Town Hall.

Mr. Rotach – Okay and what time would that be?

Chairman Reinhardt – Seven o'clock.

Mr. Rotach – Thank you very much. Have a good evening. Bye bye.

Joseph S. Logan, Jr. and Heidi B. Logan, 7117 Dryer Road, Victor, NY are requesting area variances to the set-back for a shed, whereas §211-19C states 15' is required and for a horse barn and manure pile less than the 100' required by §211-19A(4). Also the horse barn is forward of the front line of the primary structure, whereas §211-31G(2) states no accessory structure shall be forward of the primary building. The property is zoned Residential 2 and owned by Heidi Logan.

Chairman Reinhardt – Mr. Logan, how are you?

Mr. Logan – good evening everyone. Very well, thank you.

Chairman Reinhardt – I think you heard the drill. We're going to let you make the presentation. This is another one that's going to go to the county planning board so we can't make a decision today. We'll be asking you some questions after your application. It looks like you have three variance requests, set-back for the shed, 15 feet is required, the horse barn and manure pile must be 100 feet or more. This looks like it's closer to the proposed lot line and the horse barn is forward of the primary structure. So I think part of what's happening here and correct me if I'm wrong, is that you want to divide the property which is causing if you will, the need for the variances, is that about it in a nutshell?

Mr. Logan – That's correct. Good summary.

Chairman Reinhardt – So, make your presentation. Fill in any kind of blanks and let us know what you want to do.

Mr. Logan – The house that we live in is 7117 Dryer Road. Right next store on the driveway you see in the aerial on your screen. We have owned actually 13 ½ acres from 1982 and subdivided the western parcel, four acres with the Figueiredos who live there now and then the second subdivision for my wife's parents who have passed away in the last 10 years and so we several years ago moved to 7117 Dryer Road on the top of the hill which is on the bottom of your screen. We've always intended to sell the 1 acre parcel with the house at 7081 Dryer Road and between the time that we parceled off the piece to my wife's parents in 2003 we acquired a couple of horses. In 2003 we came before the zoning board to get a variance on the side setback for the horse barn and if you want to go back to the other drawing? You can see the lot line from the new corner near the horse barn goes diagonally back to the back of the property. Everything to the east of that was about 3 acres and most of which, two acres of it contained horse pasture and the horse barn. But, our intent back at the application in 2003 was to subdivide the parcel once we moved into my wife's folks place and just for the record that we had agreed to parcel off the property for my wife's folks so that we would have first rights to acquire the parcel from her parents, from the estate. So, we have since done that. At the time we put the horse barn on we expected to be doing that so we asked to put the barn where it is. The zoning board did the review. It's only a 15 foot setback from the current property line. We're actually improving the setback to the 39 ½ feet as you can see on that plan, but it still doesn't meet the 100 foot setback that's required. And, now it's ahead of the house that's on 7117 which what we want to adjourn, which I think Mike you just stated. So long story short, that was the anticipated plan, the zoning board reviewed it. That was the reasoning I gave for putting the barn where it was at the time so we would have access off of the driveway to 7117 and they all agreed that that would be a reasonable approach and granted the variance with this expectation. So now we're in a position to sell the property at 7181 and put the lot line in the approximate location that we had anticipated back in 2003 and we're faced with this variance request. That's the need for that. The

manure pile is an odd one because the location of it now was the only place we could have put it with the old lot line because it was 100 feet from our neighbor's to the east, the Wojcik's. More than 100 feet from the Simonds and then it was exactly 100 feet from the soon to be eliminated property line to the Berndt's property, my wife's parents. So now it will be less than 100 feet from the side setback to do the proposed property line and so that's a variance we're going to request in this application and also request for the ability to actually move that or stage the manure pile from where it is now and move it to the back of the lot which borders Ganondagan. And, that shows up if you can switch to the other aerial at the bottom that orange oval that's about the location of where we would move the manure pile it's just behind pasture fencing, which you can perhaps make out just I'll call it north of that going east/west. Just we would put it just outside the fence line.

The other issue is the shed as you mentioned on 7081 is now 14.3 feet from the proposed lot line whereas I think, Al you said 15 feet was required. I originally read it as 40 feet, but you corrected me. That's not as critical but we still have the shed there that we like to get it approved if possible. And, the shed does go to 7081 Dryer. It does not go with 7117.

So that's in a nutshell. Probably a little long winded, but hopefully you followed all that and I'd be glad to answer any questions that you have.

Chairman Reinhardt – Great. Thanks so much. Donna, any questions?

Ms. Morley – Yeah, I got a couple. 7081 has a shed on it now?

Mr. Logan – Correct.

Ms. Morley – That's you're asking for a variance?

Mr. Logan – Yes, as we put the lot line in the shed becomes now closer than the setback requirement.

Ms. Morley – Because you changed the lot line because you're going to sell it? Is that what you're saying?

Mr. Logan – Yeah, we want to keep the horse pasture and the barn with 7117. And, two acres of the three acres that are part of 7081 are going to be attached to 7117, or amended, I'm not sure what is the proper phrase.

You can see how the new lot would look in that picture, the survey map that we had prepared.

Ms. Morley – Okay. And, when you move your manure pile back, what type of variance are you asking for? It has to be 100 foot off the lot line?

Mr. Logan – It will be closer than 100 feet from Ganondagan and in actuality the zoning board, Paul Lytle was chairman at the time, he asked if we wanted at that time to get approval for that variance to put the manure pile less than 100 feet from Ganondagan and he said if you didn't at that time, they would without prejudice consider it in the future and that's what I'm asking for with this application as well.

Ms. Morley – Okay, thank you. That helped me understand what you are doing.

Chairman Reinhardt – Fred, do you have any questions?

Mr. Salsburg – No.

Chairman Reinhardt – Okay. Sarah, questions?

Ms. Mitchell – I just have one question, the manure pile will be 40 feet from the back property line and how far from the side?

Mr. Logan – From the side it's more than 100.

Ms. Mitchell – Oh, it is. There's nowhere where you can move it slightly forward just to give a little bit more than 40 or is that too close to your house at that point?

Mr. Logan – It would be on our property, as far as proximity goes it wouldn't be too close. There's no variance required for the house, 7117, but if we move it forward, north then it's inside the pasture fence line. So we were just putting it slightly behind the fence line and it violates the requirement for 100 feet to Ganondagan.

Ms. Mitchell – I have nothing further, Mike.

Chairman Reinhardt – Matt, questions?

Mr. Nearpass – Just so I understand, what is different here with how you're operating today? Is this really how everything is today and the issue is created because you're doing the subdivision? So everything is really preexisting, but because of the subdivision it's kind of put you in this spot, here?

Mr. Logan – There's absolutely no change in how we are using the property. We own both parcels now. We were living at 7081 as long as my wife's folks were alive and they were certainly more than amenable to doing what we did. We actually accessed the barn from their driveway and some of the horse pasture they allowed us to use over the lot line as well. They understood that this is where we were going. They actually planned for it with their estate so there was never an issue there.

Mr. Nearpass – Okay and the barn itself was just built back in 2003 I think you said.

Mr. Logan – Right it's a 24 x 26 foot rectangular barn.

Mr. Nearpass – I'm okay. No further questions.

Chairman Reinhardt – Mr. Logan, you currently own horses.

Mr. Logan – Yes.

Chairman Reinhardt – How many horses?

Mr. Logan – Two.

Chairman Reinhardt – Any plans on having more than two horses?

Mr. Logan – They are kind of retired at the moment. We ride them occasionally, but they are very big pets.

Chairman Reinhardt – They are and they produce a lot of manure.

Mr. Logan – Especially the burgeon, he’s prolific. He’s a big boy. We don’t intend to replace them. I’m retiring in the near future here.

Chairman Reinhardt – I ask that because the more horses that you have, the more manure problem that you have which makes a concern. It’s not so much having horses, it’s the now you’re proposing to have it within 100 feet of a lot line so if there were say two horses, I know horses a little bit, but not a lot, but if you have four horses now you’ve just presumably doubled the amount of manure to the lot line.

Mr. Logan – It depends on the size of the horse, sometimes it’s more.

Chairman Reinhardt – Could be more, that’s right. I think you heard the discussion at the last application. Is there anywhere else on that property that you could place the manure so that it complied with the code? So it wasn’t within 100 feet of a lot line?

Mr. Logan – Technically you could, but unfortunately if you put it anywhere else on the lot that’s flat for a manure pile, it would be close to the Simonds property and if you go back from the barn it’s all up hill to the upper riding ring behind the middle pasture there where it says lot R1 Logan subdivision right in the middle, that’s actually is a grazing pasture. There is another grazing pasture to the northeast behind Wojcik’s and next to Simonds, so that’s grazing. Can’t put manure there because it’s too close to those parcels. So it’s the most practical location and our plan is to migrate manure from front to back part of property. The stuff’s like black gold when you want to make gardens and things, so it sits in compost quite well.

Chairman Reinhardt – So, if this board decided that as a condition to the variance for the manure pile for you not to board horses, would you be amenable to that?

Mr. Logan – We will not be boarding horses. No problem with that.

Chairman Reinhardt – Just your horses that you have as big pets and you enjoy them.

Mr. Logan – Correct. They are in the early, mid-twenties, 23 or 24 almost, so we don’t expect to have them for too many more years. So, your question about boarding is more that you wouldn’t add horses to the lot, is that what you’re saying?

Chairman Reinhardt – Right. I think that if you board horses you almost turn it into a business, which I think would raise some concerns I think for the board, at least for me anyway. But if you’re using them more as like you call them, your big pets, I would think at least in my mind the concern of the manure pile would be minimized.

Mr. Logan – It’s a finite problem. Timewise, I think. That doesn’t mean that somebody, eventually twenty or thirty years when we sell the property maybe they’d want horses, I don’t know if they would still have to come before the board, but.

Chairman Reinhardt – Right, if as a condition to granting the variance if this board decided that for granting the piece of the manure pile issue that there would be no horses permitted to be boarded there.

Mr. Nearpass – Or Mike what about just no more than two horses?

Chairman Reinhardt – Well that’s another thought, too.

Mr. Logan – I would prefer that language, not that we’re even thinking about boarding horses.

Chairman Reinhardt – Okay, you'd be open to that?

Mr. Logan – Yes. It's a two stall horse barn. There's no way to put more horses on without building on.

Chairman Reinhardt – Okay, just going to make a note of that. Anyone else have any questions for Mr. Logan?

Mr. Logan – Thank you, Matt. I appreciate the suggestion.

Chairman Reinhardt – Great. Okay. I honestly was thinking about that a little bit, but was like I'd hate to pin you down for something that you have a fair amount of land, but I think we got to the end result. I'm not seeing anyone that has any other questions. So, Mr. Logan, you will have an opportunity to hear what the county planning board has to say. You'll have an opportunity to address any concerns. This board may have some more questions for you and then we will go through each of the requested variances and address them and make a decision on the 19th. So this will be in person, oh you're not going to be here are you?

Mr. Logan – Unfortunately we will be travelling that day and I wouldn't be in a position to call in even until well beyond your meeting starts and that's if airlines schedule perfectly.

Chairman Reinhardt – Do you have anyone that you feel to represent you at the meeting. That you're comfortable with?

Mr. Logan – I will be asking Scott Harter who did the survey work and actually he was on zoning board at the time that this was approved. So he's, I believe, quite familiar with this and he prepared these plans so. If necessary I'll have him come before the board to represent me.

Chairman Reinhardt – Okay. Anything else from anyone?

Ms. Morley – Is there anything else on YouTube? Anybody from YouTube comment?

Ms. Mandrino – There are no comments for this.

Chairman Reinhardt – Okay, Mr. Logan thanks so much for your presentation and your patience and we will imagine talk to Scott or whoever else is going to be representing you at the next meeting.

Mr. Logan – Okay, thank you, Mike and thank you for the board. Appreciate your hearing this.

Chairman Reinhardt – You're very welcome. Thanks so much for the presentation.

Mr. Salsburg – I have a question for Al. I didn't see any code comments on this application. Was there a reason behind it?

Mr. Benedict – We're shorthanded and I haven't had a chance to get to it. I will get to it before the next meeting.

Mr. Salsburg – Okay.

Chairman Reinhardt – Okay. Thanks, Fred. Anyone else have anything they want to discuss before entertain a motion to adjourn? Ed anything else you want to touch on before we adjourn?

Mr. Kahovec – No, just the next meeting will be live and in person, right?

Chairman Reinhardt – Very good, we're going to plan on that. Start time 7pm, on Monday, Matt.

Mr. Nearpass – I'll be there.

Mr. Salsburg – I'll make a motion to adjourn.

Chairman Reinhardt – Everyone have a good evening. We'll see you in a couple of weeks.