

TOWN OF VICTOR ZONING BOARD OF APPEALS, August 1, 2022

A regular meeting of the Town of Victor Zoning Board of Appeals was held on August 1, 2022, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman

Sarah Mitchell; Donna Morley; Fred Salsburg

OTHERS: Eric Ferri, FayMarie Gardner, Bruce Kujawski, Rick McGrain, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the August 1, 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.

PAST MINUTES:

On motion of Fred Salsburg, seconded by Sarah Mitchell:

RESOLVED, that the minutes of the meeting held on July 18, 2022, BE APPROVED.

Adopted: Ayes 4, Nays 0, Abstained 1

PUBLIC HEARING

**CLIFF ANDERSON**, 6756 Co Rd 41 13-Z-2022  
Seeking a use variance to allow a three-family dwelling on the parcel where three-family dwellings are prohibited in the Residential 2 district.

Chairman Reinhardt- All right, first on the agenda is Cliff Anderson, I was informed just before the meeting that that will be tabled, and even though the next meeting is August 15<sup>th</sup>, we're going to make that for September 6<sup>th</sup>, so everybody knows that. If anything changes, we will let you know.

**ERIC FERRI**, 7195 Gillis Rd 14-Z-2022  
Seeking an area variance to place a shed 4' from the side setback where 15' is required.

Chairman Reinhardt- Eric Ferri, did I pronounce that right?

Mr. Ferri- yes

Chairman Reinhardt- okay, great. Come on up.

Mr. Ferri- I'm Eric Ferri, I'm representing my parents at 7195 Gillis Road, we're requesting to put a shed 4' away from the side setback line, due east... \*inaudible\*

Chairman Reinhardt- now, you said you are representing your parents, you don't live at the premises, or you won't live at the premises. I'm assuming, are these your parents?

Mr. Ferri- no.

Chairman Reinhardt- okay, where are they?

Mr. Ferri- they're not available.

Chairman Reinhardt- is there anything that you have in writing that says that you can represent them?

Mr. Ferri- \*inaudible\*

Chairman Reinhardt- Is that here someplace?

\*inaudible\*

Chairman Reinhardt- because normally what happens is the applicant comes in and they have either ownership of the premises for the application or there's something in writing that says that, my fill in the blank will be representing me, an engineer or an attorney will come in and make the presentation, but. Do we have any of that?

Ms. Downs- you're building the home, correct?

Chairman Reinhardt- you're building the home?

Mr. Ferri- yes.

Chairman Reinhardt- there we go. That helps. Okay, alright, Fred, questions/comments/concerns?

Mr. Salsburg- you've gone right to the edge for me, at 4'. I think it was 16' x 20', is that right? I'm kind of going by memory, I don't have my glasses on, and I can't see it –

Mr. Ferri- yes, yes 16' x 20'

Mr. Salsburg- and it's pointing the east and west way, suppose you could rotate that so the 16' --- picked up another 4' off the side yard, there's a garage door that faces the house, the only door, so that could move to the, what's now the end of the shed, that would be 8', if you could slide the swimming pool over a couple feet, you'd have 10' and I would be happy with that. My personal, my vote, my 1 vote, that's my thought on it, you didn't try, my, you didn't try very hard to protect that side yard in my view, there's some things you could do, seems like, at least try.

Mr. Ferri- \*inaudible\* --- rotate the shed --- \*Inaudible\*

Mr. Salsburg- we do not give out all that many that close to the side –

Chairman Reinhardt- I think to hone in on what Fred is getting at is, when variances are granted, we are required to, if it's granted, as minimally as possible, so, we're not trying to reengineer anything, its exploring ideas, seeing if there's anything feasible to either stay within the code or if a variance is granted it's done as minimally as possible. That is kind of where that thought is coming from. From Fred. So, I'm

not sure I caught the answer, is it possible to rotate the shed, is it possible to move the future pool over, would be to the east of the property. If I got my compass directions right.

Mr. Ferri- yes, you basically want to stay out from the back \*inaudible\* --- with the back and bury the shed \*inaudible\* -- and all you can see is --- \*inaudible\* -- catch 4'--- I didn't know what was max or minimum on --- \*inaudible\*

Mr. Salsburg- you are about to find out.

\*laughter\*

Mr. Salsburg- I'll give you it, it's, I don't know how, I was going to try and look into the side lots and I actually forgot to, but I assume it is pretty removed from any public view and there's not a lot of extra traffic around there anywhere that would influence a neighbor anyway, is that right? Is that what you think too?

Mr. Ferri- yes – that's correct --- that's what I think as well.

Mr. Salsburg- so there's one good thing, that's my thought.

Chairman Reinhardt- Sarah, questions?

Ms. Mitchell- \*inaudible\* -- I also think that the pool is not existing currently, there's room to change that right now --- \*inaudible\* --- I agree with Fred and his thinking --- \*inaudible\*

Mr. Salsburg- for the foundation in line.

Chairman Reinhardt- its measured from the eve.

Mr. Ferri- so our inspector \*inaudible\* does not like from – so basically, we did --- \*inaudible\*

Chairman Reinhardt- again, so you're aware, when variances are granted with respect to sheds, the measurement is taken from the eve or the overhang and then over to the lot line. So again, if a variance is granted for however much that's where the measurement is to be taken. Sarah, other questions/comments/concerns?

Ms. Mitchell- no.

Chairman Reinhardt- Donna?

Ms. Morley- nope, I'm good.

Chairman Reinhardt- Matt?

Mr. Nearpass- how far along is the construction project, have you broken ground, I, because I didn't get a chance –

Mr. Ferri- we're framing today, so framers started today, so foundation is in \*inaudible\*

Mr. Nearpass- okay.

Mr. Ferri- \*inaudible\*

Mr. Nearpass- sure, and I mean I, concur with what a couple of the other board members have said, in that at least where, it's for the most part green field so you've, you've obviously, you're framing the house, the house really isn't in question, it's kind of a tight site, right?

Mr. Ferri- yea, it's a tight lot ---

Mr. Nearpass- the side you picked is probably better of the 2, because you don't have another house as, you know, adjacent, adjacent to it. But I would think now is the time to try to mold what the future pool may look like as well as what the shed would then look like, it'd have to be, maybe it's only 15' or 16' or 20', you know or different dimensions out, to make it fit. I'm always a big proponent of having applicants come in and show me a site plan or a drawing that is to code and trying to explain to me why it doesn't make sense, right? Why I can't fit this, especially with an application like this, where at least none of it exists, because often we deal with things that are already there, the house is already there, the pool is already there, so here we do have that pool that isn't, it obviously is not there, there's an opportunity maybe to make everything, you know, fit within the site. Again, I, I'm okay with some leniency on that side of the property being away from the neighbors fence and the house, we still have to hear from the public, but I think there's probably some things you could do, and it's a pretty large shed, right, I mean it's got a garage door on it, is it just normal lawn mower type stuff, I mean it's a, what size is the parcel? Is it a quarter acre?

Mr. Ferri- 100' wide –

Mr. Nearpass- but how many acres is it? A quarter acre, is it?

Mr. Ferri- \*Inaudible\*

Mr. Nearpass- does it say it right on there and I missed it?

Mr. Salsburg- must be over an acre—

Mr. Ferri- .64 acres.

Mr. Nearpass- yea, .64 acres, so it's a little over a half an acre –

Mr. Ferri- \*inaudible\* --- that being somewhat in the middle of the backyard, you only have from that covered porch to that pool, about 10' of flat space --- \*inaudible\*

Mr. Nearpass- it goes up?

Mr. Ferri- excuse me ---

Mr. Nearpass- it goes up?

Mr. Ferri- it goes, yea, I want to say probably \*inaudible\* --- right in the middle so that's why --- \*Inaudible\* --- 10' ---

Mr. Nearpass- you're saying it goes up 50'? From—

Mr. Ferri- oh, I'm sorry, -- those are – from that grade I want to say --- 30', really steep slope.

Ms. Morley- pretty steep.

Mr. Nearpass- from the bottom to the top of that hill is 30', it's going to be as high as the house is tall, is it? – okay.

Mr. Ferri- yea, so the house above us is literally --- \*inaudible\* ---

Mr. Nearpass- and that goes how far into your site? So that grade, right that goes from 30' ---

Mr. Ferri- that grade where I have the arrow showing to the 40' setback –

Mr. Nearpass- okay –

Mr. Ferri- that slopes from the top all the way down, and where the pool area and the shed is, is all flat, so we just -- \*inaudible\* --- had a little backyard.

Mr. Salsburg- does the aerial view show anything from the adjacent properties? – Suzy, could you put that aerial?

Mr. Ferri- \*inaudible\*

Mr. Salsburg- so the house behind it is the driveway to the ---

Mr. Ferri- \*inaudible\* ---

Mr. Salsburg- yea, halfway –

Ms. Morley- yea, its steep, I looked at it tonight, its steep.

Mr. Nearpass- no, I did not.

Mr. Ferri- \*inaudible\* --- going against the house --- \*inaudible\*

Mr. Nearpass- so what is going in the shed?

Mr. Ferri- the sheds going, lawn mowers, all garden stuff, storage stuff –

Mr. Nearpass- and you, and they live next door they don't have one today? Or do they have a shed today and they ---

Mr. Ferri- all their lawnmowers are outside –

Mr. Nearpass- okay—

Mr. Ferri- they are all --- their garage is deeper; my sister's house is deeper ---- the parcel being small --- \*inaudible\* ---

Mr. Nearpass- okay, I'm okay with some kind of variance or leniency here, I just think we could do ---

Mr. Ferri- I'm hearing what you're saying you want to shrink the shed down a little bit –

Mr. Nearpass- well, I don't want to architect it for you, so whether you think it's making the shed smaller, placing the shed differently, it's your site, so I don't want to get into engineering it or future pool moving towards the east, or wrapping it around the porch, you guys are creative. –

Mr. Ferri- yes, yes.

Mr. Nearpass- so that's kind of how I am looking at it, I agree, at least there isn't another home directly adjacent to that side of the house, so –

Mr. Ferri- \*inaudible\* ---into the hill as well so, again --- \*inaudible\* --- trying not to put the shed in the middle of the yard and like you said if its existing or new construction \*inaudible\* should be both ways, right? People have a shed in the back corner and planning the pool there, no matter what that shed would be going at that location –

Mr. Nearpass- yup.

Mr. Ferri- it does stink for us that we \*inaudible\* --- I like Fred's idea by twisting the shed and making it ----

Mr. Salsburg- you do? --- you like my idea? – huh, see what's today? –

Mr. Ferri- yea, I could tell my dad that, I understand 4' I thought it was \*inaudible\* --- acceptable away from the property line –

Mr. Salsburg- if it were in the village, it would be fine.

Mr. Nearpass- well, I think, it all depends on the site, right? If you came here with a site, like look, I absolutely have to have this exact size and I, absolutely the only place to put it is right here with the 4' because, you know what I mean, it's, every application is a little different, and every site is a little different so, it's just one of those, you know, as we try to balance the impact to the site against your needs, because we don't want to completely shut it down, no I think it's just a matter of what the site will support and what your needs support, so, that's all.

Chairman Reinhardt- alright so let me touch on a few, you've touched on a number of issues, and looking at the criteria, no one criteria if you don't meet it will automatically disqualify or the board would have to say no and you don't get the variance, it's a balancing act, alright, so, one of them is whether it's going to change the character of the neighborhood, I don't think that's really it here, one of the criteria, this would be number 2, is whether or not there is a feasible means for you to put the shed in that yard without needing a variance, I think you've already indicated that if you turn the shed 90 degrees, it very well could be that you don't even need a variance because if I'm looking at your drawings on the side of the porch its 17' x 4', if you turn it that's 16' and if you tuck it in with the line of the house that goes north and south, you should be able to accomplish it, not saying you have to do it, the point is that you probably can accomplish putting that shed in that yard without needing a variance or without burying it half way into that hill or halfway up there or however your describing it, you also made it a point to, well we don't want to put it back yard and make it an eye sore, that's a need and want, right? Everybody could say, gee, I don't really want it there because it's not going to look pretty, it's going to look nicer off to the side so I can see my backyard, alright. You/your parents picked that lot, its 100' wide, you knew what you were dealing with, the other part and we've got stung on this a little bit before is people say, I'm going to put a future pool in and then they never do, so if the pool was there and we were looking and say, this is really the only place we can put the shed, we would really like the shed because of --- lawnmowers and things

like that, that does make some sense, but we don't know if the pool is going to be 60' 30' 40', if it's a hot tub, and you could get the variance and say, heck with the pool, we're not going to do a pool, and this board has granted this variance based on a pool that's never going to exist. You follow me so far? – So, these a lot of these variables, these moving targets that the board would rather look at facts that aren't going to move. The unknown is what kind of throws us a bit, all right. So, turning that, let's just talk about the shed a little bit, turning the shed 90 degrees and keeping it within the house line if you will, the north and south house line and even moving that pool over to would be to the west like Fred suggested, is that a possibility to do that and to still ---

Mr. Ferri- so that corner, if I put that shed, the corner of that shed, the sheds going to possibly be like \*inaudible\* so if you're saying, if I go within ---- so, I'd need a variance for the back because it's a 40' setback and a 15' setback---

Mr. Salsburg- is this coming out on the --- can you hear it?

Chairman Reinhardt- hold on, hold on, stop we can't talk over people, Fred did you have a question?

Mr. Salsburg- well, I was asking Amber if what he just said came through. –

Ms. Downs- there is a pointer on there too if that's helpful.

Chairman Reinhardt - okay, thanks Fred, yea, if you go away from the mic it's going to make it hard for Amber to pick up the record, so let's go back a little bit. So, rotating it 90 degrees ---

Mr. Ferri- \*inaudible\*

Chairman Reinhardt- I'm not following how it's in the middle of the yard if you're ---

Mr. Ferri- \*inaudible\*

Chairman Reinhardt- if you're asking for ---

Mr. Ferri- well the corner --- \*inaudible\* --- right now –

Mr. Nearpass- what if you just went with a 10' x 10'? Would that suffice, would that fit within that corner? And be able to store what you need? –

Chairman Reinhardt- a 16' x 20' shed, I have one of those, I didn't need a variance, that's a big shed –

Mr. Nearpass- right ---

Chairman Reinhardt- you could put a small family in there –

Mr. Ferri- understood, understood –

Chairman Reinhardt- so again, we're not trying to engineer it, it's the need and wants, can your desire to have a shed on this property, is it possible to be accomplished without a variance? If it's not, then state your argument on why it is that it can't be done, and we're just exploring --- we're not saying you can't –

Mr. Ferri- that is my argument, yes --- \*inaudible\* --- back yard, upward in the middle, right in that side, you'll see all the shed at the back yard, let's think --- \*inaudible\* --- windows coming --- \*inaudible\* --- from the hole of the back yard ---

Chairman Reinhardt- your --

Mr. Nearpass- also, even if the yard, were flat, you'd still need a variance, right? Because there is a 40' setback? --

Mr. Ferri- correct --

Chairman Reinhardt- your, you built your sisters house? And when I'm looking at the aerial, Suzy, can you bring up the aerial for me? --- So, I'm looking at her, looks like a back patio/hardscape, yea, so where is that in relation to where this future pool and shed, is you go over to let's see the east, to the east of your sister's home, where is the rear of the house? The future pool? The shed? If you follow my question.

Mr. Ferri- \*inaudible\* -- lined up -- \*inaudible\* --- across right here ---- \*inaudible\*

Chairman Reinhardt- not quite following---

Mr. Nearpass- the house is ---

Mr. Ferri- to answer your question --

Mr. Nearpass- the house is farther forward.

Mr. Ferri- huh?

Mr. Nearpass- the house you want to build is farther forward then your sister's house.

Mr. Ferri- correct, correct, the garage is more forward than my sister's house. --- \*inaudible\*

Chairman Reinhardt- okay so that helps me understand, so if your parents' house if more forward or more north of your sister's home, yet as I see her hardscape from the back yard -- it seems its presumably level -- level to the --

Mr. Ferri- hers? --- hers is level -- \*inaudible\* this is the steepest and it gradually ---

Chairman Reinhardt- okay --

Mr. Ferri- it does --- \*inaudible\*

Chairman Reinhardt- do you have a topo map? You didn't get one? ---

Mr. Ferri- no I didn't get one. --- \*inaudible\* ----

Chairman Reinhardt- alright, I'm struggling a little bit on, without some facts in front of me, on why that shed needs to be where it is, it really can't be anywhere else, it sounds more like a needs and wants but we're going to hear from the public so if you have comments/concerns/questions/thoughts before we open up to the public -- love to hear it ---

Mr. Ferri- \*inaudible\* --- we'll work with you, trying to ---

Chairman Reinhardt- okay---

Mr. Ferri- the shed and what not –

Mr. Salsburg- there you go ---

Mr. Ferri- but give some sort of leeway --- \*inaudible\* --- for us to not put it right at the ---

Chairman Reinhardt- I understand looks, and for a lot size of what it is and the amount of equipment that's going into the shed, seems like there a lot of stuff going in there, and knowing from a comparison of what I have and how much I put into that shed I could put a lot more than just a lawn mower in there –

Mr. Ferri- correct- and that's why the garage is designed --- \*inaudible\* ---

Chairman Reinhardt- yea, go ahead—

Ms. Mitchell- so on the site plan itself, it says refer to front setbacks, is that for the principal structure or is that also for an accessory structure?

Mr. Ferri- \*inaudible\* --- that's for any structure –

Ms. Mitchell- so I was thinking --- \*inaudible\* --- okay, that answers my question --- thank you.

Chairman Reinhardt- alright anyone from the public want to speak for or against? Yes/no? Come on up if you do – okay, well you can hold you thought a minute --- come on up, we don't bite ---

Mr. Salsburg- you got this close you may as well go the last 6 feet ---

Chairman Reinhardt- and you are?

Mr. Kujawski- I'm the son, Bruce Kujawski.

Chairman Reinhardt- okay.

Mr. Kujawski- \*inaudible\*

Mr. Salsburg- was your dad Wes? --- and he sat here a good many years, on this board – World War 2 pilot.

Mr. Kujawski- \*inaudible\*

Chairman Reinhardt- hold on, hold on, Bruce, 2 things, so, you have to talk into the microphone so we can hear it, and second this is, it's not permitted to ask the applicant --- you can ask us questions and we can deem it necessary then we can ask him questions so follow that procedure if we could.

Mr. Kujawski - \*inaudible\*

Chairman Reinhardt- mhm.

Ms. Mandrino- there we go ---

Mr. Nearpass- ah.

Chairman Reinhardt- thank you.

Mr. Kujawski- we can still see over, well that, my god, now I can hear myself everywhere, yea, so the only concern I have is what's going to happen at the, because obviously my mother being 92, we're going to have to sell this property somewhere down the line, in the next decade –

Chairman Reinhardt- that would be Lynn?

Mr. Kujawski- yea—

Chairman Reinhardt- I know her –

Mr. Kujawski- yea –

Chairman Reinhardt- so it is a little different animal, if there was concerns, certainly I think the best course would be to talk to the builder and potentially our code enforcement officer, but as far as the variance itself, and I hear you, if it's going to, I should preface that with if it would change any environmental conditions to the neighbors, yes we would be concerned about it, do you think that that's potentially the case, that it would cause drainage issues? –

Mr. Kujawski- well, initially I was a tad concerned because they did raise that area of the property for both houses actually, raised the grade a little bit, but the last time I was in there it looked like they'd run a continuous drain from moms property under and all the way out and it looks like it drains down Gillis Road, just the other side to the west of his sisters property so must be underground drain line, because it looked like there was a surface drain in between both driveways. So, but, when you pull into our driveway, we had a drainage ditch with a pipe under the driveway and it tended to look like theirs was a little bit higher than ours but if the whole thing does drain downhill, it should not be a drainage issue onto our property. I don't think –

Chairman Reinhardt- okay, other concerns/questions –

Mr. Kujawski- just keeping it comfortably away from the property line so we don't have disappointment down the line, you know, that's –

Chairman Reinhardt- sure, understood –

Mr. Kujawski- That's the only issue I have really –

Chairman Reinhardt- oaky good- thank you.

Mt Nearpass- just a quick question, and maybe it warrants going out and taking a look at the site, I'm looking at a contour map on the counties website, I'm showing in the back a relatively steep, but a 10' drop from 750 to 740 and then it gradually drops obviously to the front of the house and towards the road, when we were talking earlier about, numbers like 50' were being thrown around, it maybe just warrants more time to go take a look at it, because I, the data I've got here doesn't show a 30' or 50' drop, it shows it going form 750 relatively quickly to 740, and then towards the road form there so I, I don't know, that may be an option as well, I don't know how much time the applicant has that might help a little bit, often

when we're, we get to where we are like this, usually it helps, you know get to a conclusion, that's just my opinion, because I don't see a 50 or 30' drop at all.

Chairman Reinhardt- would you like to say anything, comments, concerns, questions you have for us? Nothing your good? – okay, if you do just raise your hand along the way, we can get you back up. Okay, Eric, why don't you come back up. Address the concern from Mr. Keyowski, drainage it sounds like you are cutting into that hill, so how is it that you are mitigating/ managing any drainage issues from south to north?

Mr. Ferri- so when we built my sister's house there's a storm line in here ---

Chairman Reinhardt- your running parallel to ---

Mr. Ferri- there's an existing storm line here that had some catch basins. In front here, so we connected all the storm water and everything to the, this culvert pipe that's a storm line and it shoots off into this area ---

Chairman Reinhardt- is that a municipal storm line, or is it just a culvert on the side of the road?

Mr. Ferri- it's a culvert, on the side of the road, and we put a culvert, there was a culvert piper here that was put here to catch at the low part of the neighboring property here so when all the water comes, there's a culvert that goes this way and there's a culvert that goes all the way across ---

Chairman Reinhardt- okay, was that part of your building plan? Mainly does our code enforcement officer know that that's being done? Does the town know it?

Mr. Ferri- yea I would assume so –

Chairman Reinhardt- well we can't assume it ---

Mr. Ferri- because my sister, well I'll, I'll, yes! Because my sisters been approved and C of O and all the final and topo, everything's been quote unquote approved for the storm management and everything within the swills ---

Chairman Reinhardt- let's check with our code enforcement officer, do we know that that's happening as far as the drainage into the storm culvert that runs parallel to Gillis?

Mr. McGrain- I am not.

Chairman Reinhardt- okay, alright, so that would be a concern.

\*inaudible\*

Mr. Ferri- you are correct because the subdivision had, it did show all the utilities and storm management from ---

Ms. Mitchell- \*inaudible\* --- the property--- \*inaudible\*

Mr. Ferri- correct. Yes, and that's why we connected it and we basically put a culvert across my parents property here when we build my sister's house, when we bought both parcels and we went right to the

low part here to catch all the neighboring properties, so we don't have any ponding the houses are raised up, due to get the water away from the foundations.

Chairman Reinhardt- free standing shed?

Mr. Ferri- no, the proposed shed on the drawing shows a foundation.

Chairman Reinhardt- when you say foundation, it's on a pad? – is there drywall?

Mr. Ferri- 4' block and then 6' block and then we have a concrete lip. So basically, a garage design. If you open up the plans, I think I have a section showing the building structure.

Chairman Reinhardt- oh, there it is. I got it, yup. And your garage 700 sf, so its 28' by ---

Mr. Ferri- 24'.

Chairman Reinhardt- well depends on which measurement you take but, 24' on the east and 26' on the west side, is that a 2-bay garage?

Mr. Ferri- yes.

Mr. Nearpass- just real quick, I can confirm from that same county site, that that water, well and sewer runs exactly where the applicant said, you actually should, you should have a manhole in you front yard.

Mr. Ferri- yup.

Mr. Nearpass- somewhere.

Mr. Ferri- we had to raise the manhole up and raise the storm pipes up as well.

Chairman Reinhardt- yup, okay great. To look at the garage reference on the 2-bay garage, arguably you can fit more than just 2 cars in there. You can put tools in there if you wanted to, you can rack them on the side and the back, it's even deep enough to bring a pickup truck in there, so I'm just not quite buying the argument that there's no more room in that garage so you have to put all the tools, all the lawn mowers, everything into that shed, it's a large shed, so I'm not ruling it out, but I think Matt's correct, it's probably worth a look and see, see if for our self, what does that grade look like, and it would be helpful, so you said the foundation is dug? How far along is the foundation?

Mr. Ferri- the house is getting framed right now, so foundation, backfill ---

Chairman Reinhardt- so foundation is in ---

Mr. Nearpass- I think you mentioned the shed might be dug, we're just looking for the ---

Mr. Ferri- yea, so the shed, that's what the neighbor was worried about, we dug basically where the shed would be, we took out dirt and we basically thought the shed would be approved and put in that spot –

Mr. Nearpass- okay, so there's a rectangle in the ground, and ---

Mr. Ferri- correct.

Mr. Nearpass- where the shed would go. Okay.

Mr. Ferri- correct so it'll give everybody a good reference –

Chairman Reinhardt - okay.

Mr. Ferri- \*inaudible\*

Chairman Reinhardt- What's your time frame? When do you need to know?

Mr. Ferri- what do I need to know?

Chairman Reinhardt- no, not what. I know what you need to know. --- When do you need to know this? For the variance? Next meeting is on the 15<sup>th</sup>.

Mr. Nearpass- when's your move in date?

Mr. Ferri- Christmas.

Chairman Reinhardt- okay, you got some room to move ---

Mr. Ferri- yes, yes, we got the house part of it, that's all my parents care about, but my dad quote unquote he was worried about all the storage, again, it is a tight garage, if you open up that door, that door will hit that wall. So, its 24'. So, cars are almost what, 8' wide or almost 10' wide almost with the doors opening up you'll be hitting the walls, it is a pretty tight fit. And I got screamed at by my dad about that too, and I was like that's the way --- either I push the house more back against the hill or we shrink the garage –

Chairman Reinhardt- I'm, I have a 2 – bay garage that's similar to this size, I have a pickup truck and my wife has a Subaru Ascent and we can open up the doors, we're not banging into each other. I –

Mr. Ferri- okay.

Chairman Reinhardt- there's room, so I think, I like Matt's idea is to get out there take a peek at it, look at the slope, look at the proposed site, and then reconvene, the next meeting is going to be on the 15<sup>th</sup> of August.

Mr. Ferri- okay, I can do that. Yes.

Chairman Reinhardt- if there is any other information that you have for us in the meantime, have at it, but it sounds like its being framed up we can have a reference of where the house is, are there stakes marking the property lines?

Mr. Ferri- there are stakes marking the property, yes. We both share stakes; they are right at the electric pole, and you can see them all going up ---

Chairman Reinhardt- that's going to help, so as reference to where that proposed shed is going to go, where that property line is, it's going to give us some good reference points.

Mr. Salsburg- and at the same time it'd be working out to see if you can gain a little bit more space on the sides without –

Mr. Ferri- well, so this is what's going to happen, if I turn that shed, I'm going to shove it as far as I can into that hill, and I'm probably going to need a variance for both. So, the 40' setback and the 8' setback.

Mr. Nearpass- I'm not following you.

Mr. Ferri- So, the 40' setback ---

Mr. Nearpass- yup, I know the back. What's the 8' ---

Mr. Ferri- So if I flip the shed and I want to shove it more into the hill, so basically the shed will be going right where this is, so I'd be 8' from here and also probably another 10' from this building 40' setback.

Mr. Salsburg- well its whatever you want to do.

Chairman Reinhardt- what's the size of the proposed future pool?

Mr. Ferri- \*inaudible\*

Ms. Downs- can you just speak into the microphone please.

Mr. Ferri- 12' wide by 30' long ---

Mr. Nearpass- on the drawing it looks like it's almost as wide as the shed is deep, right so 18', looks like it's about 16' by, I mean if it's just a rectangle you can tell me with no thought put into it, but, on here its showing 16' by 30', 40'.

Chairman Reinhardt- okay, alright, so let's do that, everyone will at least ---

Mr. Nearpass- I do have one question, if I can ask the public, where if, if it were to go farther back, is that a positive, a good thing? Or a bad thing, do you not want to see the hill kind of carved out more, or you just want to make sure it's all kind of in harmony and it all done properly as far as drainage and ---

Mr. Kujawski- exactly.

Mr. Nearpass- and obviously there's ---

Mr. Kujawski- it's not 40' or 50' but it is maybe 25' to 30', I mean it's a steep little drop back there, I've stood at the edge of it, at the precipice and look over as his dad was digging the foundation for the house, I'm going oi that's going to be a tight fit, but ---

Chairman Reinhardt- but let me ask you this then, on the east of the proposed shed is the driveway --

Mr. Kujawski- right ---

Chairman Reinhardt- and I take it you maintain the driveway the grass, what not ---

Mr. Kujawski- yes---

Chairman Reinhardt- any thoughts on, would it make any difference to you or your mom, if there was some buffering in between where the shed is and the property you're maintaining?

Mr. Kujawski- well that's where I was in agreement with Fred when he said to spin it, I thought get it in a little, squeeze it, so it doesn't feel like it right on top of the property line, because even the 15', I had to do I double take when I pulled in the driveway before the backfill was there because I was like dang that seemed awful close –

Chairman Reinhardt- right, right, but if its 5', 10' something where a variance is needed, there are occasions then when variances are granted, to minimize the appearance of it being so close or on top of that lot line is to create some buffering so as to shield the rest of the public or the neighbors or really so that shed isn't as close as it is to it ---

Mr. Kujawski- well and in keeping with that, I have no problem with him moving back, but then I still have a concern with how that, you know, ground is protected there, so that ---

Mr. Nearpass- the house on the top of the hill ---

Mr. Kujawski- yea, so were not eroding the front, house on the round as everyone calls it ---

Chairman Reinhardt- I'm not sure I got an answer –

Mr. Kujawski- what's that?

Chairman Reinhardt- buffering meaning vegetation, if there were shrubs or something that would guard where the shed is, you might have some, let's say for example, arborvitaes, and then the line, so let's say when you or your mom are going up and down that driveway you really not going to see that shed ---

Mr. Kujawski- cuts down on the visual, yes.

Chairman Reinhardt- right on the lot line, so maybe more pleasing, aesthetically.

Mr. Kujawski- and if you go back to that one aerial shot that you had, if you look at the back of the property line up on that hill, we actually did plant some, you can see 3 or 4 bushes on that east corner up there. To try and create a little visual barrier form the front door.

Chairman Reinhardt- I'm on favor of taking a look and see, and really get a feel for what's going on back there, take a look at your concerns and also ---

Mr. Kujawski- some shrubs, great idea!

Chairman Reinhardt- thank you, anyone else. Sarah, questions? – you're good, Donna, you're good? Good, good? --- You're good for now? ---

Mr. Salsburg- guess I'm good.

Chairman Reinhardt- okay, – anything else? Thoughts? Questions?

Mr. Ferri- so basically, I'm going to resubmit per everybody's comment and push the shed in the back --- no.

Chairman Reinhardt- well if you don't, if you turn the shed in if you will, and what you're saying is and push it back into that hill and still need a variance, before you start reengineering all of that, all we're going to do is, we can't do it collectively because open meeting laws is going to frown on that, we're

going to have to come in pairs if you will, or individual to look at and get a feel for it, is 4' reasonable or should it be moved over and continue the discussion at the next meeting

Mr. Nearpass- my advice would be ---

Mr. Ferri- oh I was trying to tackle it so next meeting get it approved with everybody's ---

Mr. Nearpass- my advice would be, kind of take in everybody's comments today and for the next meeting show up, maybe in your back pocket some ideas you had or some other things, concepts that are acceptable to you, maybe have more or less impact, like if I put it over here I have to get this kind of variance or put it over here, I don't need a variance, so it'd be good if you had some options, as we're all going to go out and take a look at it, we're all going to have an opinion, and then we'll just talk about, you know try to again balance what your needs and wants are against the criteria, there isn't one specific thing that was said tonight that you kind of, have to do, you could come back and say I don't want to change anything and we can do an as is vote on it, but I'd come with some ideas just based on the, you know, kind of the feedback from the board tonight and the public ---

Chairman Reinhardt- you know, can you push the pool over further to the west to accommodate if the shed is also moved over to the west, keeping it within 40'8" from the rear lot line and still comply with it, you're just shifting everything over, so that everything fits and you don't need a variance, can it be done? That's kind of the question is, it's the difference between can it be done, or I don't want it.

Mr. Ferri- Basically yes it can be done, but it's going to be an eye sore, that the shed, once you go there, you'll see how small the backyard is, it's going to be like boom right, basically, right out that back door --

Mr. Nearpass- so that comment is why I'm stumped as to why you need such a huge shed for so many lawn mowers.

Mr. Ferri- understood I get it, it's just my dad's, that was just my dad told me, I want this size shed, I want to put all my road tillers, the lawn mower, the Christmas stuff, their sauces of jars, that we make 300 jars --

Chairman Reinhardt- your sister's garage --- \*laughter\*

Mr. Ferri-no, I get it, it's just basically he had that shed in Fairport, so that's basically his mentality is like I want that same size shed, to fit all of his stuff so. Again, it was just ---

Mr. Nearpass- there's no way to alleviate some of it, with basement storage or attic space above the garage or, you know that kind of stuff --

Mr. Ferri- again old, up and down, outside, grab it, go ---

Chairman Reinhardt- I think you get it, we're ---

Mr. Ferri- understood. I know you're throwing out the questions, again, I was just trying to answer, again the shed would be right in the middle of the yard if we put it within the setbacks, I like putting the shed tucked in the back so then you don't see the side when you're driving up, basically you just see a roof and a garage door, because both sides would be buried that would, definitely the back would be buried, so, you can walk basically from the top of the hill going on top of the roof, so, once you see that shed, steepness ---

Ms. Morley- when we go there, we will be able to tell exactly where you want to put the shed ---

Mr. Ferri- I'm going to put, I'm going to spray paint the 15' setback, so you guys can see where the holes and your 4' and then I'm going to measure from their bush line, they have burning bushes, hiding from the back of the property and that's where the line is and I'll measure 40' down the hill, and I'm going to throw some spray paint there as well.

Ms. Morley- yup, thank you.

Mr. Ferri- so you guys can take a look and see

Chairman Reinhardt- perfect good thanks.

Mr. Ferri- proportion of the backyard.

Chairman Reinhardt- is someone generally there during the day?

Mr. Ferri- well, you'll see my dad there or me.

Chairman Reinhardt- then, very good, we won't try, we don't mean to scare you but ---

Mr. Ferri- no, no, no, --- then, just hearing everybody's thoughts, it'll be awesome to come back the next meeting and say hey, okay, moving, rotating the shed, putting it in the space, but ---

Chairman Reinhardt- very good.

Mr. Ferri- all right, thank you guys.

Chairman Reinhardt- thank you so much for your time, you have a good night. You're all set, you're all set, no. --- so next meeting, you're welcome to come back that would be the 15<sup>th</sup> and we can take comments again, alright then, does anyone have anything else to come before the board. Hearing none.

On a motion made by Fred Salsburg and seconded by Donna Morley the meeting was adjourned at 8:01pm.