

TOWN OF VICTOR ZONING BOARD OF APPEALS, March 6, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on March 6, 2023, at 7:00 p.m.

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

OTHERS: Pauline White, Mary Knapp, Barb Snyder, George Snyder, Erica McGraw, Kevin Spicer, Kaitlin Yackel, Sheri Yackel, Nancy Demo, Martin Snyder, David Palmer, Hans DeBruyn, Tom Sembach, Jenn Greindl, Brad Humberstone, Susan Sherman, Deborah Earsing, Alex and Trevor O'Shea, Steve Myer, Sharon Madison, Steve Madison, Adam Ryczek, Victor Code Enforcement, Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Michael Reinhardt called the March 6, 2023, Zoning Board of Appeals meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Chairman Reinhardt welcomed everyone. He gave the meeting announcements; location of emergency exits and restroom. 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 will talk one at a time, not over each other. Also, to let the board know if there are additional exhibits.

PAST MINUTES:

On motion of Fred Salsburg, seconded by Alexis Ogra:

RESOLVED, that the minutes of the meeting held on February 6, 2023, BE APPROVED.

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

Valentown Plaza, 7724 St Rt 96 and 300 High St **TABLED 4/17/23** 24-Z-2022
seeking an area variance to allow a freestanding monument sign 74 SF in total identifying a specific business (4 to be identified) where §165-5 B. (1) states one freestanding monument building identification sign may be installed which identifies the name of the building or plaza but does not identify any specific business. A building identification sign may be freestanding, not to exceed 10 feet in height and 20 square feet in total area. The sign will have multiple typeface fonts where §165-4 (4) states No more than two typeface fonts may be used on any one sign or group of signs indicating one message and will advertise for the use on an adjacent parcel where §165-6 D states Unrelated signs. Business use signs must advertise a bona fide business conducted on the premise where the sign is located.

VAN BORTEL SUBARU PARKING LOT EXPANSION

Request for extension of time.

Chairman Reinhardt- Okay, VanBortel, anyone here for VanBortel? – Lucky You. You need an extension?

Mr. Humberstone- That's it.

Chairman Reinhardt- and you are?

Mr. Humberstone- My name is Brad Humberstone, I'm with Mitchell Design Build.

Chairman Reinhardt- Okay, and could you give us a brief idea of what it is, what is unforeseen circumstances related to the current economic landscape? What does that mean?

Mr. Humberstone- pretty self-explanatory ---

Chairman Reinhardt- well I'm just a ---

Mr. Humberstone- yea, the automotive industry is a little tough right now but obviously Kitty VanBortel is looking to at least a year ago was looking to expand the parking lot and that is, has not happened within this year so the goal is to push that out another 6 months with the intentions of doing that again, so – keeping it opened, keeping our options on the table and exercising our Zoning Board rights here in extending it by 6 months.

Chairman Reinhardt- Okay, so you're thinking that this project will be under way within the next 6 months?

Mr. Humberstone- that's the goal, yes.

Chairman Reinhardt- Fred, questions? Concerns?

Mr. Salsburg- no.

Chairman Reinhardt- Matt?

Mr. Nearpass- no.

Chairman Reinhardt- Alexis?

Ms. Ogra- none.

Chairman Reinhardt- Lya?

Ms. Theodoratos- no.

Chairman Reinhardt- anyone from the public want to speak for or against? – Okay, very good. With that and the way you've explained it, I don't think there's any issue with it, I would entertain a motion for approval for an extension for 6 months. That would be starting today.

On motion made by Alexis Ogra, and seconded by Matt Nearpass:

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

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Alexis Ogra	Aye
Lya Theodoratos	Aye

Fred Salsburg Aye

Adopted: 5 Ayes, 0 Nays

Chairman Reinhardt- motion carried. Very good, good luck to you.

Mr. Humberstone- Thank you so much.

Chairman Reinhardt- Next is the O'Shea application.

O'SHEA, 145 Baker Road

04-Z-2023

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

Chairman Reinhardt- 145 Baker. Seeking an area variance to place a barn forward of the frontline of a home.

Mr. O'Shea- Hello.

Chairman Reinhardt- and you are?

Mr. O'Shea- this is Trevor O'Shea; this is Alexandria O'Shea.

Chairman Reinhardt- okay. So, what normally happens is the applicant starts first would you ---

Mr. O'Shea- okay.

Chairman Reinhardt- would you want, do you want us to help you a little bit or you think you can get enough running with what you're looking for and why it is that you want a barn forward of your property line? Excuse me your residence.

Mr. O'Shea- yea, so, as you can see our yard is kind of circled by trees and doesn't really have a view from neighbors or the road, we picked the spot that we want to which is in front of the house because its flat, our septic tank is behind the house, its opened we don't have to cut any trees there, yea, it's on the lower left hand side of that opened space and it really just makes sense in our opinion.

Chairman Reinhardt- alright, so I think you, in your application, you're on 7 ½ acres?

Mr. O'Shea- yep.

Chairman Reinhardt- and you also had 2 of your neighbors that were, they weren't objecting to it. Is that accurate?

Mr. O'Shea- yea. They're the, I guess the 2 that would be the closest in that corner. So, I guess, in that picture on the bottom and on the right, those are the neighbors that we went to and asked if, you know they had any objection.

Chairman Reinhardt- so that's 175, they don't object?

Mr. O'Shea- correct.

Chairman Reinhardt- what's the other one?

Mr. O'Shea- 6950 Valentown. And we didn't ask anyone else. So...

Chairman Reinhardt- okay. Alright, Fred do you have any questions?

Mr. Salsburg- no, this lot is so big, and its almost a technical issue that its in front of the house because you would hardly know it, so I think this is a good application.

Chairman Reinhardt- Matt questions?

Mr. Nearpass- um, what do you want to do in the pole barn?

Mr. O'Shea- right now we just need extra space, so, for storage...

Mr. Nearpass- okay.

Mr. O'Shea- general storage. Right now...

Mr. Nearpass- okay, alright.

Mr. O'Shea- and ...

Mr. Nearpass- you're not like running a business or anything like that ...

Mr. O'Shea- oh, no.

Mr. Nearpass- you're just like, personal stuff and ...

Ms. O'Shea- yea.

Mr. Nearpass- I agree with Fred.

Mr. O'Shea- yea, with the, I was actually curious with in front of the house too, because I was like, our house is kind of angled, our house isn't directly towards the road so, I guess what is the actual rule? Is it like straight line to the road or driveway, like I didn't, I wasn't even totally clear on that, but I guess I'm just curious ...?

Chairman Reinhardt- the driveway is going to dictate where the front of the house is not your front door, and I know it seems to be intuitive that your front door would dictate where the front house is ...

Mr. O'Shea- yea.

Chairman Reinhardt- but the way that it looks, what you have is, the way your driveway is, albeit its winding, you then look to the closest corner to then the roadway.

Mr. O'Shea- mhm.

Chairman Reinhardt- alright, you see what at least what I'm referring to, I think its going to be just to the left of, what is it 52.3' wide, is that your, the width of your home?

Mr. O'Shea- I can't see from here, but ...

Chairman Reinhardt- alright...

Mr. O'Shea- that might be right.

Chairman Reinhardt- so it's, what I'm trying to get at is, it's just to the left of the 5 that corner ...

Ms. O'Shea- mhm.

Mr. O'Shea- okay. Got it.

Chairman Reinhardt- I don't see a compass direction, oh there it is, north, so its going to be the west corner of the home and then a line to the road.

Mr. O'Shea- okay.

Chairman Reinhardt- so ...

Mr. O'Shea- so it makes it even closer ...

Chairman Reinhardt- perpendicular, if you draw a perpendicular line from that corner, you can see where the proposed barn is going to be, its in front of that corner.

Mr. O'Shea- gotcha.

Chairman Reinhardt- alright, make sense?

Ms. O'Shea- mhm.

Mr. O'Shea- yea, thanks for clarifying.

Chairman Reinhardt- did I ask you, you're good with questions?

Mr. Nearpass- I'm good.

Chairman Reinhardt- alright, Alexis questions?

Ms. Ogra- I don't have any questions, you guys already want to you know got your engineering study done, you're not going to have to cut down any trees which is great for the Town's Conservation, we're good.

Chairman Reinhardt- great, Lya, questions?

Ms. Theodoratos- yes, I have one question on one of your elevation view drawings, on the elevation for the gable end this is drawing, there's no number on it, um, oh yes, drawing A-1.1, um, it shows that the elevation for the actual barn but it should, excuse me it shows the length of the actual barn, you know for that elevation, but it should also show the width including the gables ... so, um, you know the engineer should just make that ...

Mr. Ryczek- the eves.

Ms. Theodoratos- that, the eves, excuse me, that's what I meant. He should make that notation on this drawing; you know before it's submitted for final.

Mr. O'Shea- okay. We can ask him for that.

Chairman Reinhardt- Do you know what the width of the eve is? Because that's going to count for the distance of the overall width and also it looks like the length as well. Do you know what it is?

Mr. O'Shea- is that the overhang?

Chairman Reinhardt- right, the, the eves, so your, the drawing the elevation shows 32' ...

Mr. O'Shea- mhm.

Chairman Reinhardt- but then it also shows that there is a dimension for the eve. You have to include that as well for ...

Mr. Nearpass- some municipalities measure from the footers or the wall so to speak, we measure from the farthest out, so we measure from the eve so if each eve is a foot ...

Mr. O'Shea- yea.

Mr. Nearpass- add 2 feet and that's really the box that we would measure from so as we, we say you're allowed to be, I don't know, I don't know what the number is here, 10' forward of the frontline, we want to make sure its 10 not 11' so we don't have a problem when code enforcement comes out and starts measuring and it's a, it's a foot over and you got to come back.

Mr. O'Shea- okay.

Mr. Nearpass- and all that stuff.

Chairman Reinhardt- you're not sure what that is, do I gather the pause...

Mr. O'Shea- I understand what it is, I don't know what the measurement is, right now.

Chairman Reinhardt- Adam can you, looking at the drawing, if, its really not a side setback issue but just so that we have in our record, what it is that they're asking for, for the actual dimension of the shed, the barn.

Mr. Ryczek- yea, standard eves 1'. So, on each side.

Chairman Reinhardt- right, so then we're looking at 32' no, 34' total, right? ... Alright, do you have as far as the specific location about the distance from the home itself? What that is ...

Mr. O'Shea- I don't have the exact ...

Chairman Reinhardt- what I'm driving at, the board prefers that when you're asking for a variance if its just located someplace on a survey map, and we grant it, and then you decide that well I don't quite like it there and you put it some other place other than where we thought it was going to be, were not on the

same page.

Mr. O'Shea- mhm.

Chairman Reinhardt- do you have those distances for example on how close is it to the road and how close is it to the house or just something that we can locate where it is that, that structure is going to be.

Mr. O'Shea- I don't have the distances on me right now.

Chairman Reinhardt- when would you like to get the shovel in the ground on this project?

Mr. O'Shea- I guess as soon as we can, we were hoping for May or June, but it depends on I guess their schedule and weather and stuff like that.

Chairman Reinhardt- any utilities in the structure, electricity...

Mr. O'Shea- uh, just, we're looking for lights inside.

Chairman Reinhardt- just electricity, no water?

Mr. O'Shea- correct.

Chairman Reinhardt- Matt, how comfortable are you with the location as on the survey map or do we need to have them come back with ...

Mr. Nearpass- I'm okay with saying as proposed, it would be, I would say after this meeting I'd recommend them come back with real dimensions, but I don't think its necessary to write it into the ...

Mr. Ryczek- so the size of this pole barn they have to go in front of the Planning Board, so based on that process the location, the exact location, may move so it'd be hard for you to put ...

Chairman Reinhardt- okay.

Mr. Ryczek- a detailed, you know the variance should be forward of the frontline and then, you know based on their Planning Board, their site plan for that, it may get shifted.

Mr. Nearpass- can we say, can we refer to whatever the ...

Chairman Reinhardt- subject to the approval of the Planning Board.

Mr. Nearpass- yea.

Chairman Reinhardt- you okay with that Fred?

Mr. Salsburg- yup.

Chairman Reinhardt- Alexis?

Ms. Ogra- good with me.

Chairman Reinhardt- Lya?

Ms. Theodoratos- yes.

Chairman Reinhardt- anyone from the public want to speak for or against the application?

Mr. Salsburg- we could even make those dimensions as built for all I care, its so big.

Chairman Reinhardt- anything else you want to add?

Mr. O'Shea- nope, thank you.

Chairman Reinhardt- hold on, we need to do a resolution here.

Mr. O'Shea- okay.

Chairman Reinhardt- unless you don't want us to, I think you want us to make the resolution.

Mr. O'Shea- that'd be nice.

Chairman Reinhardt- there we go, okay. Alright first criteria.

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification: being that it, 7 ½ acres, wooded lot, the survey map indicates that the location of the proposed barn is a significant distance from the right of way of the road and the application is going to be subject to the Planning Board approval. Also, there are septic systems that need alternatives measures, so it appears that this is the best location for the barn itself. Would anyone like to add anything to the first criteria?

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification: Again, relying on the survey map it's a significant distance from the roadway and the marginal distance that is front of the primary structure along with the septic system heaving other alternatives indicate that the applicant cannot achieve construction of this barn by some other feasible method. Would anyone like to add anything to the second criteria?

3. The requested area variance is not substantial.

Justification: Again, as indicated with criteria one and two the distance from the roadway is significant, the distance of the barn forward of the primary structure is not, would anyone like to add anything to the third criteria?

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

Justification: The board has not seen anything in print or heard anything otherwise that would indicate that the location of the barn would have an adverse effect or impact on the physical or

environmental conditions of the neighborhood or district.

Mr. Salsburg- and 2 neighbors agree with that.

Chairman Reinhardt- thank you Fred, and 2 neighbors agree, and let's put that in the first criteria, I think that's best there.

5. The alleged difficulty is self-created.

However, that in and of itself is not necessarily a negative to the granting of an area variance. As a condition the granting of the variance will be subject to the Planning Board approval. Anything else we need to add on this? --- I would entertain a motion for APPROVAL.

On a motion made by Fred Salsburg and seconded by Alexis Ogra:

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

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

Adopted: 5 Ayes, 0 Nays

Chairman Reinhardt- motion carried, thanks so much. Good luck to you.

Ms. O'Shea- thank you.

Mr. O'Shea- thank you.

Ms. Ogra- congratulations.

Mr. O'Shea- thanks.

Mr. Salsburg- I wish we had more of them like that.

Chairman Reinhardt- Okay next is the Gypsum Mills application.

Gypsum Mills, 6249 Murphy Drive

25-Z-2022

Seeking an area variance for a non-conforming lot. Lot width is 54' where §138-6 states Each manufactured home lot shall contain at least 7,200 square feet with a minimum width of 60 feet.

Gypsum Mills, 6261 Murphy Drive

26-Z-2022

Seeking an area variance for a non-conforming lot. Lot width is 53' where §138-6 states Each manufactured home lot shall contain at least 7,200 square feet with a minimum width of 60 feet.

Chairman Reinhardt- 6249 Murphy Drive and 6261, I think we can do this together, you're Jean right?

Ms. Greindl- Jenn.

Chairman Reinhardt- Jenn sorry.

Ms. Greindl- its okay, I get called Jean tons, so ...

Chairman Reinhardt- okay, so last you were here was January 17th.

Ms. Greindl- correct.

Chairman Reinhardt- there was a County Planning board referral and we'll get to that in a moment, there are, I have 562 lots, but when I look on the map it seems that there are more, so what I'm just doing is I'm just trying to go through what those minutes had shown and we can correct it as we go along, you had an interpretation that is based on these 6249 Murphy and 6261, and the interpretation that this board made was that there are, it needs to be 10' between fixed structure, there were a number of public concerns, most of them were opposed, there were 2 in favor. The County Planning board believed that it was in their opinion, was that in order to continue any can of delay, that there should be some efforts to do measurements to see whether or not variances were required. And the, and they were referring to the Plan itself, was that all of those lots needed to have 60' of road frontage.

Mr. Nearpass- I think the one thing they said is that on the plan all the lots have 60' of frontage...

Chairman Reinhardt- right.

Mr. Nearpass- so I think that's the confusion, is that they're looking at then plan and it says all the lots here have 60' and so as I'm reading their comments to me it sounds like "it is recommended that the CEO measure the lot in question to determine if a variance is required as the approved site plan indicates all lots have 60' of frontage" So I guess the way I read that is, the paperwork says it should be 60', you're saying its 53'? 54'? Yea, I think the county is saying there's some weird math going on here because in all of our documentation it says all these lots are 60' wide so why is this one and another one, you know 53' 54' ...

Chairman Reinhardt- right, so they should be 60' and what troubles me is the county planning board is expecting or asking our code enforcement officer to go out there and measure some 600 spaces, I don't want to call them lots because we went down a rabbit hole and they're not formal lots, they're divisions where utilities are, and where homes go and the way that the site plan reads is that there's numbers and each of the homes was supposed to go on those particular pieces of property. So, to have our code enforcement officer go out there and I'm trying to find the highest number here, if you're telling me, well correct me if I'm wrong, are there 600, or excuse me, 562 spaces.

Ms. Greindl- there are 562 and they are called lots. But yes.

Chairman Reinhardt- okay, so, you can call them lots and we'll call them lots for now, what I don't want to get into the confusion of is when there are formal lots that there are side lines that can be measured, the code I think is clear and I think the board was clear that its in lieu of a side lot line, so to get to my point is I don't think its fair for our code enforcement officer to go out there and measure all of those lots to see is it 60' is it 61' is it 54' how many of those are non-complaint. I think we have a bigger issue on how it is that those homes were put there on each of those lots in the first place.

Ms. Greindl- so the, this whole thing started because Rick who is not here, he was our building inspector, he was working with Cooks and we had no problem placing the homes, now the lot, like I said the original drawings that were given out are not about the entire space that was available that is the space that we actually ask them to use just for the home...

Chairman Reinhardt- okay, I'm going to stop you ...

Ms. Greindl- so we already ...

Chairman Reinhardt- Ill give you a chance to speak, but it sounds like you're trying to push Rick in front of the bus.

Ms. Greindl- no, I'm not.

Chairman Reinhardt- the way, the way that I understand the code is that it's the property owner, the property manager's responsibility for telling the builder this is where this home goes on that lot. Not the code enforcement officer. Is that right?

Ms. Greindl- the, I, I'm not trying to throw anybody under the bus ...

Chairman Reinhardt- okay, okay ...

Ms. Greindl- I'm just trying to talk about what happened ...

Chairman Reinhardt- okay. Go ahead.

Ms. Greindl- so, he came to me after this whole thing happened and I was told, I cant prove this, because I don't, I haven't seen the paperwork, so we had no problem with Emily Madison's home on 6261, there's no problem with her home, there's no problem with the placement, its perfectly set its just right there and there's no issue with it, now I, I understand that it says 53' on her form, but that just where we would like the home to be placed, that's all that is, its not saying there's only 53' in fact for Emily Madison's home there's a lot of, a ton more space than 53' where it is, I can show you where the homes are placed on the side lots, I have pictures of those, plots for those, plot plans for those, and it shows that they are placed off of their lot line that you guys wont call lot lines, like every other home in the property when they were told what the lot lines were they made sure they left at least the 5' most are 7' away from the lot line, so ...

Chairman Reinhardt- there are no, its not that what "we guys want" ...

Ms. Greindl- I'm, I'm not saying what you guys want, its just what we call lot, what we call lot lines no one else has even disputed. No mobile manufactured home community and installer, no body has said oh these aren't lines. We've always ...

Chairman Reinhardt- the law says they're not lines.

Ms. Greindl- used them. I'm not talking about, I understand, that they're not individual lines because the parcel numbers are all the same, I understand that. But in our community we try to treat everyone fairly and by the same rules so if were going to say this is your spot here's where you have to take care of, you have to mow it, you have to take care of it this tree that on this, you have to take care of it, its your space if you'd rather call it a space than a lot, that where we go by and there are, here your lot starts here and your, on the right side and your, you know depending on which way you're looking and the other one is on the other side that where your space is. So, there are defined lines within our parks so people understand where their lines are and what they have to take care of in that individual space so with that so that were treating everyone fair and knowing their space we make sure that they come those few feet in to make sure everyone has their own privacy and their own line and no one is invading anyone else's yard, no ones saying oh mine is right here, no mine is right here. We make sure we define where those lines are and with that is why we give the drawings in reference to things like the cable box, and the electric boxes to where their lines are and how far they should go over to make sure a home is placed in a, in that space centered or maybe a little bit one way or a little bit the other way to ensure that everyone does have their own home space, whether it's the, they own the land or they're renting the land, everybody still wants their own space if they're going to put their own home on that space.

Chairman Reinhardt- the drawing that you're referring to, can you show that to me again?

Ms. Greindl- yes. Um, are you, which one did you start with, does it matter, I have both, but I can ...?

Chairman Reinhardt- you're showing, you held up an individual ...

Ms. Greindl- yup, hang on one second, I'll give, I have them both, so ...

Chairman Reinhardt- that's what I want to refer to.

Ms. Greindl- yep.

Chairman Reinhardt- so that is a drawing, would you agree with me there's no stamp on it, there's no approved sign, much like this original site plan that has an engineer's signature, stamp, approved, that's an official document ...

Ms. Greindl- I was told you guys don't accept that document.

Chairman Reinhardt- pardon me?

Ms. Greindl- I was told you guys don't accept that document.

Chairman Reinhardt- who told you that?

Ms. Greindl- Amber.

Chairman Reinhardt- as far as accepting it for what?

Ms. Greindl- that, because that is the form that Canandaigua wanted, the plot plan and I have it on the big sheets and she just asked me if I could take the corner of where these 2 were, and when I, she sent ask me to send it to Amber as well so that you guys knew what I was submitting at the, at Canandaigua, and Amber sent back to me via an e-mail that you guys don't accept that document because it's a plot plan ...

Ms. Downs- that is not what I said. I said that is the original site plan we couldn't prove that you were abiding to it, and we needed a survey of the lot itself.

Ms. Greindl- right, but I'm just saying that I didn't bring that, anything like that because of that ...

Chairman Reinhardt- so this site plan that has a stamp on it an engineers stamp with a signature that's been filed, this document is a document that this board can use to stop the target from moving, what's up on the screen is a moving target, to be more specific is, if you just say we just want to keep everybody happy, the people that are here in the neighborhood they don't know as far as well gee we just want to make sure we have some space, and it invites a, the owner or the property manager to put their thumb up and say yea that can go, the house can go right there without any need to look at measurements or surveying or to hire a surveyor to go out and say this is where this house should go because it is 60', 120' whatever the particular lot that that particular home goes on, instead of finding out that some of these homes have a 60' road frontage, some have 64' and it sounds like some have less than 60' but I think you were talking about, or you let us know before hand, in January that there are a number of lots that have less than 60' of road frontage.

Ms. Greindl- yes, there are a few that have 58' or 59' ...

Chairman Reinhardt- and the code says ...

Ms. Greindl- but they've been there ...

Chairman Reinhardt- and the code...

Ms. Greindl- so ...

Chairman Reinhardt- the code says that you need variances for those parcels. Where they are, we don't know yet. All that we have right now is our code enforcement officer has told us that this would be 6261 or lot 641 ...

Ms. Greindl- mhm.

Chairman Reinhardt- and 6249 or lot 647 require a variance because 6249 has only 54' of road frontage, and 6261 has 53' of road frontage. So, do you dispute that? Or ...

Ms. Greindl- yes, that's what I had said last time, is there is much more road frontage, its not about how much space, there's a, there's amply, there's more space that is there between the homes if you measure between the 2 homes there's much more than 60', we, the only reason why we have the plans is because that is where we would like according to this space that's the space we would like the house to use ...

Chairman Reinhardt- you don't have ...

Ms. Greindl- because we are ...

Chairman Reinhardt- you don't have a surveyor to back up or prove that you don't need a variance for those 2 properties.

Ms. Greindl- I wasn't told I needed anything, I was told by Rick to come in here show you guys these things, and you'd approve it in a minute, and that was because this was no big deal, so I didn't prepare ...

Chairman Reinhardt- so this is ...

Ms. Greindl- for anything because of that.

Chairman Reinhardt- it is for the applicant to prove that they would like a variance to the board, that, that whole process of, the code enforcement officer would go out to a particular property, not just yours in specific, but would go and they may see whether a building permit or there's some issue and the code enforcement officer says wait a minute, you can't put that shed that close to the lot line, or you can't put a mobile home on this parcel because the code requires 60', so the code says, code enforcement officer to the property owner, you need a variance, if you think otherwise and you say no, no code enforcement is wrong on this one, it's not that were all the neighbors are trying to hold hands, you get a survey to say no we are on, just like what this site plan says, we don't need a variance, there is 60' and here's the survey map to show otherwise. That's not here, so why should we say, or why should this board say that you need a variance, or the code enforcement officer is wrong, how are we to know?

Ms. Greindl- I, I, I was never told I needed to get a survey, anybody to come out and do any surveys, so here I am, I'm doing what I'm told, I was told to come here by Rick, I was said, just present this paperwork, this is fine that will just get approved so we can place the homes there ...

Chairman Reinhardt- Rick said it was going to get approved?

Ms. Greindl- yes. That's why I'm here. He said this is simple, sorry, he told me he was only writing me up because he had to write up Cooks and they brought this up and so just come in here and you guys would do a fast approval on this and I'd have no problem, then and I'm not blaming her, Amber tells me no, I have to go to a Planning meeting that I shouldn't even come to this meeting, I go to the Canandaigua planning meeting because I had to go to a Planning meeting first before I would come see you guys, so that's what she told me, she said no, sorry you should go to a Planning meeting first, so I came here last time anyway, you guys said nope go to the Planning meeting, which is what she said anyway, but I was already planned to be here, I go to the Planning meeting in Canandaigua and they ask me 10-12 times why are you even here? This makes no sense.

Mr. Nearpass- The County?

Ms. Greindl- and, yea, the...

Mr. Nearpass- County Planning.

Ms. Greindl- the County Planning meeting you sent me to they said "why are you even here, this makes no sense" and I said I don't know I was told I had to come to this meeting, I don't really understand it, they asked for the whole story, so I had to stand and tell them the whole story from the beginning to the end, and they said this makes no sense if this whole thing came up because of the placement of a home why are you having to figure these things out, so I said I have no idea, we've never come into this problem before, we give somebody the usable space for a home, they put it properly like they did with Madison's home, hers is placed just fine, I have no issues with that home where it is and she should just, her home should be released, Cooks needs to put in the right foundation and this lady should be able to be moved in, she's been waiting for forever for a home that's placed perfectly on the home, on the space that they had to use ...

Chairman Reinhardt- do you know if there's 10' to either side of those homes?

Ms. Greindl- yes, 100%

Mr. Nearpass- at the last meeting we confirmed that the ...

Ms. Greindl- yes ...

Chairman Reinhardt- can they put a garage, if they install a garage is there going to be 10' between, so we're speaking to 6261...

Ms. Greindl- 6261, that is correct.

Chairman Reinhardt- so if that homeowner puts a garage in, is there going to be 10' between 6259 and 6263?

Ms. Greindl- um, hang on one second, the driveway is on one side, so if, her driveway is on, if you're looking from the road, her house is on the right hand side, if you're like, looking at, from the road, towards the house, her house is on the right and her driveway is on the left and she would be able to put a garage behind her driveway if she would want to and still have the space.

Mr. Salsburg- did you say ...

Ms. Greindl- and there are 18' right now between, wait hang on, that's the wrong side, there are 30', its 30.6' between the house if you're looking from the road to the houses, if you're looking at the house to her left of her home, there's 30.6', 62 around 641, right? Make sure my drawing... yep so on 641, so the house on her right, sorry, on her left if you're looking from the road, there's 30.6' between the home and her home so if there is, like obviously that's not including the space for the garage I'm just talking about her home, if there was a garage put in there she would still have enough space. On the other side of the home there's 18' from the home to hers ...

Chairman Reinhardt- so let's, for the time being, its ...

Ms. Greindl- of course.

Chairman Reinhardt- 6261.

Ms. Greindl- 6261.

Chairman Reinhardt- and if we're looking at, to the north, so this would be going towards Roberts ... Do you agree with that? If you look at the home to the left, that's facing north towards Roberts. Roberts Road.

Ms. Greindl- oh, to the back of the, okay yes.

Chairman Reinhardt- right, just so we got our compass ...

Ms. Greindl- yup.

Chairman Reinhardt- correct.

Ms. Greindl- that's fine, I'm sorry, yes.

Chairman Reinhardt- if their garage was there, what is the space ...

Ms. Greindl- yep.

Chairman Reinhardt- the distance between 6261 and 6259?

Ms. Greindl- 30.6'

Chairman Reinhardt- just want to be abundantly clear...

Ms. Greindl- yup.

Chairman Reinhardt- if there was a garage there, you took a tape measure from the, where the garage would be to 6259, 30'? ...

Ms. Greindl- nope ...

Chairman Reinhardt- 30' 6"

Ms. Greindl- no 30' between that home and her home, so if you put a garage, you'd have to take off the, um, the, um the 26', so there would still be, there would be, well, no 20 what is it, for a garage ... I mean, a, I mean I don't know a standard garage, so 20', I don't know what a standard garage is because I don't install them, so ...

Chairman Reinhardt- alright, then what about going south ...

Ms. Greindl- between her home and the ...

Chairman Reinhardt- 6263, what's the distance?

Ms. Greindl- there's 18'

Mr. Nearpass- between the 2 homes?

Ms. Greindl- yes, sir.

Mr. Greindl- the total length is 75', 75 1/2' between one home to the other with hers being in the middle obviously.

Chairman Reinhardt- alright, same analysis for 6249. So, if you look at 6249 and you look to the north with a garage, what's the distance between 6249 and 6247?

Ms. Greindl- 33'

Chairman Reinhardt- with a garage?

Ms. Greindl- no, that's just between the 2 homes. Between that home and the side of the other home, the side of the home that is there now there's 33'

Chairman Reinhardt- and what about between 6249 and 6251?

Ms. Greindl- about 10' ... only the home, that's not including the porch that's being added.

Chairman Reinhardt- alright, I'm going to come back with some other questions, but I think you, I really troubled with the number of homes that are on parcels that re not in compliance with your site plan. And I don't mean your site plan, but the owner, whoever initially put this together submitted it, they're all supposed to be 60' not about, no kind of, 60' its one thing to be off by a couple of inches, but in this case, and other cases we've had, 6', 4', 5' and it may not be a big difference but in a park like this, a few feet make a huge difference. I've driven up and down that neighborhood, I spent a lot of time, multiple times trying to figure out, it really should be very symmetrical, very evenly spaced out and they're not. There are some big spaces on, why does one homeowner have a pretty good size backyard, and others they're pretty tight together. What I mean by backyard, the, there, it was a cross street, so if the one home for example is facing Roberts, their backyard ...

Ms. Greindl- oh, okay, backyard, sorry.

Chairman Reinhardt- goes to the first house on Murphy Drive, and it seems the house on Murphy Drive should be tighter to the first house on Roberts. So potentially what in mind is happening here, you have a number of unbuildable lots, the lot is too small to put a home that should be there or could be there to begin with. Just me, we'll hear from the rest of the board. Matt, your thoughts? Comments, questions?

Mr. Nearpass- yes, so, this is probably the most confusing thing I've seen in my 15 years, my apologies but, we've got a site plan that shows every lot is 60', so what do you, if we went out, or if we had someone go out and survey and stake the corner of each of these lots, what do you think is going on, is it just the margin of error in the, in where the homes are or where they're being measured as they're going in over time and now that there's only a couple left, they are tight lot ...

Ms. Greindl- yea, we ...

Mr. Nearpass- there's no, I mean, its not, it's not like there was supposed to be, what's the total number of lots?

Ms. Greindl- 562.

Mr. Nearpass- and there's 562, right, you didn't fit, 570 or anything like that ...

Ms. Greindl- no.

Mr. Nearpass- and I'm right, there's 562 ...

Ms. Greindl- yea, 562 and some of them can't be, can't have a home, so some of them are wide opened because they are in what's considered the flood zone.

Mr. Nearpass- okay.

Ms. Greindl- so, there, we don't have 562 homes on our property.

Mr. Nearpass- okay. I think we, we came to the conclusion last time that it was the 5, you know the whole 5' between, really 10' between 2 structures, right, 5' on one side, 5' on the other and that these were both complaint to that, I'm just trying to get, I think were just going to, I think the understanding is just that it's a 54' wide lot, but when you first started, what I didn't understand was, you said, no, no no its not a 54' wide lot it's a 60' wide lot, that's because you put the drawing up there that showed 54' is what's got everybody confused because when you, I'm trying to figure out is it your drawing that's wrong

or and that you adhere to the site plan that says its 60' or again did, do we have all, a couple lots here that are just skewed because of how things have been put in over time.

Ms. Greindl- yes, so I did a new drawing, I was just going to give it to everyone, and it has attached to it, it has the plot plans for the homes beside it, to show that we always place a home that has the few feet towards what their lot line is, the 2 on the outside of both of them are 60' this one the 54' that were talking about, the 54' for 647 which is 6249 Murphy, we said 54' of usable space, that where we would like the home placed but there's, there are 5' to one side and 7.3' to the other side, so there are more than 60' of available space to use, this is just the 54' we would like them to use. Yea, so that's not saying that there's less than 60' of frontage, there is more, this is just where the area that we would like them to use for the home to ensure that it is not, nothing is being placed on either lot beside of it. So, because they've already established their homes there and we've already told them where their line is on their property to take care of, so we just provide this to make sure the home is placed in the correct space, so there are more than 60' of available for both homes, this one like I said is 54' plus 7.3' and 5' so that equals ...

Mr. Nearpass- what's the 7.3' and 5'? That's to the other home?

Ms. Greindl- to, its, well no, its just the space that they, you know there's, there's the 2 homes and we have, they have the side yards ...

Mr. Nearpass- right.

Ms. Greindl- so we ...

Mr. Nearpass- but you can't count the side yard twice. It seems like you're ...

Ms. Greindl- nope.

Mr. Nearpass- I mean when you say its not 54' and its really I've got an extra 7 here and extra 7 there, you're taking it away from the 2 lateral ...

Ms. Greindl- no, there's more than enough space. I'm just saying that there are 5', so, I, I ...

Mr. Nearpass- I, I've got a ton of pictures here and there's a lot of rulers ...

Ms. Greindl- yes.

Mr. Nearpass- people got out and ...

Ms. Greindl- oh yea.

Mr. Nearpass- measured things.

Ms. Greindl- oh yea.

Mr. Nearpass- and it just, the math just doesn't, its not working for me, I can't, I can't figure it out, it looks like it's, it is coming up short, you're meeting the 5' ...

Ms. Greindl- yup.

Mr. Nearpass- but you're here trying to say its not really 54' its whatever we want it to be, but if you're going to, you're going to rob Peter to pay Paul, if you're going to take the other, if its not 54', and you're making it wider than you're taking that space away from the adjacent parcels.

Ms. Greindl- but there are no parcels like you say.

Ms. Ogra- but you say there are.

Ms. Greindl- so ...

Ms. Ogra- so...

Ms. Greindl- I, yea, yes there are.

Mr. Nearpass- no, I mean there are lots, there's lots on this diagram, there's lots that the county refers to and there's lots that are code refers to, and I get it, what Mike is saying is that in lieu of side, of side lot lines, the code talks to having to have a minimum of 60' and a minimum of what 7,200 SF per lot, and that you have to have 60', each lot has 60' of frontage. This drawing here, which is the approved site map, has every single lot with 60' of frontage, and then varying depth to give them 7,200 or more to be in compliance, and it just, its obvious that this wasn't adhered to, you know strictly and maybe if it was staked out better, I don't know, but at the end of the day, when you say its 60' wide, you cant show that its 60' and then the next, the 2 adjacent houses are also 60' wide because you can only count it twice, or once.

Ms. Greindl- right, so if you looked at, if you look at this particular one 647, which is 6249 Murphy Drive, on, if you're looking from the road and if you want to, we were doing directions for, to the south of the 5' on that side is the other persons lot, but the 7.3' on the other side is actually part of this lot. Which would make this 61.3' ...

Chairman Reinhardt- so let me just jump in really quick, let's say our code enforcement officer goes out there, uses the site plan, finds a monument and starts to measure on one particular side, and I'm not gambler, but Id be willing to bet that at some point in time, there's going to be some, this one isn't right, this one isn't right, and keep going down, but the homes were already there, asking for multiple variances, in theory, hypothetically certainly this board could say, move the house, move the house, move the house, move the house, how expensive is it going to be to move a number of houses instead of trying to get as many as you can right before the houses are affixed in the first place.

Ms. Greindl- I can't tell you that.

Chairman Reinhardt- a lot of money.

Ms. Greindl- yea, I just am saying I can't answer that, so I don't know.

Chairman Reinhardt- - So wouldn't you want to get it right now? Because having these homes where you have the need for 2 variances, at least it has the appearance of, what are you holding the desk for?

Ms. Greindl- because I just moved.

Mr. Nearpass- you just moved, it's on wheels...

Ms. Greindl- just rolled up ...

Chairman Reinhardt- oh I thought you were in shock at what I just said ...

Ms. Greindl- I was, I was in shock. Yes. Sorry.

Chairman Reinhardt- you have other available lots that you can move those homes that would be in compliance, without the need of trying to get a variance for these 2 lots, potentially more variances for one parcel, and what I mean by 1 parcel the whole Gypsum Mills. There's going to be a need for more than 10, more than 20, more than 30 variances, that means there's something seriously wrong with where the homes were placed in the first place, just getting 1 or 2 variances for today if they were to be granted, I can see it coming, I think you can see it coming, there's more coming.

Ms. Greindl- I, we, we have other lots available, I, uh, as soon as Cooks brought in the home for 6249, it was placed where it was, I immediately said please don't place it here, it's not in the right space, its, you know if, you got to move it over, they told me "no" they're not moving the home. I've asked them several times; they won't move the home.

Chairman Reinhardt- who's in charge?

Ms. Greindl- I, well, I tell them I don't want it there, but they don't care what I say.

Chairman Reinhardt- who when they ...

Ms. Greindl- and that's why I went, that's why I went to Rick, and I talked to him, and he says no, then I'm not allowing them to place the home there...

Mr. Salsburg- who is the Cook?

Chairman Reinhardt- so who is Cook to you?

Mr. Salsburg- yea.

Ms. Greindl- a company.

Chairman Reinhardt- your boss.

Ms. Ogra- what do they do?

Ms. Greindl- oh no. No, they have nothing to do with me or my company.

Chairman Reinhardt- they're the builder?

Ms. Greindl- they're just a mobile home installer for the resident.

Chairman Reinhardt- okay so you answer to whom?

Ms. Greindl- my boss. Horizon.

Chairman Reinhardt- so, going to your boss and saying they're not listening to me, I don't want it there, we can't have it there, tell them to move it.

Ms. Greindl- yea, so that's why I went to Rick and Rick told me, yep, I'm already writing them up, so I just need you to take these in to get these approved, that's what I was told and that's the only reason I'm here.

Chairman Reinhardt- you're the owner of, you or your company is the owner of the property, its not the tenant's responsibility to tell the builder, they have no say in it, you do.

Ms. Greindl- right, and that's why I said, and you guys actually said in the last meeting that we could amicability figure something out, they don't, I've already asked them if they would just move the home, they said they won't move the home and they're not going to. So, that is why we had to come to this point right here.

Chairman Reinhardt- to put the burden on these future homeowners for 6261 and 6249 is misplaced. It's the owner of the property that should be taking the reigns and say we're going to move these 2 homes on parcels where they have 60' or more and get them placed, get them in homes.

Ms. Greindl- right, but, but the, these homes are not ones that I asked to be moved in, they're not ones that we have purchased, as, they're not ones that we are selling, they're not homes that have anything to do with our company. This is simply a home that was purchased by the 2 people on these 2 homes, they went to the company, they designed their home, and they're bringing their home in, I was told by, the building inspector that the original placement of the home on 6249 and the design of the home that was submitted and, in the first, the first time they submitted it, A) it's not the same home and B) it's not in the same placement.

Chairman Reinhardt- as the owner of the property, the owner has say on where it goes because I hope you're not expecting to believe that the builder just, Cook just comes in middle of the night, plops down a house without you knowing it and leaves.

Ms. Greindl- no, so what happens ...

Chairman Reinhardt- you, you have the say. And it's like, I don't want that home there, you have ...

Ms. Greindl- right ...

Chairman Reinhardt- no right to put it there, put it over there.

Ms. Greindl- I did say that. I said that before they even set this home when they put, because the plan that I saw and the building inspector say, the peers for this home were 10' over. So as, in the middle of the lot, okay. That's not where they are, that wasn't where they were place in the end. They were placed ...

Chairman Reinhardt- what ...

Ms. Greindl- completely different and when the home was pulled into the lot, everybody that you see here and other people that live right there where that home is placed way too close to Ms. Lechner's home called me and I was down there the second they pulled it into my park and I said you can't set the home here, it's too close ...

Chairman Reinhardt- what are you going to do if these variances aren't granted?...

Ms. Greindl- get a lawyer. Go to court, have the house moved. Because Cooks won't, Cooks won't move it. If, I have no problem with the home and I don't want to make, Sherri Yackel's been waiting way too

long for her home. Emily Maddison has been waiting way too long for their home. Her home. Now Emily Maddison's home is placed just fine, nobody has anything against Emily Maddison's home, but here she is still waiting, Yackel, Ms. Yackel, she's been waiting for her home for a very long time, before they set the home, I asked them to move it, they said no, we're leaving it right here we don't care what you say, I call Rick, they're setting their home, and it finally had to come to this.

Chairman Reinhardt- I'm sorry, I cut Matt off.

Ms. Greindl- *laughter*

Mr. Nearpass- no, no, no, that's okay. So, I, again I find myself even more confused prior to your discussion with Mike in that you started before Mike started interrogating ...

Chairman Reinhardt- oh come on.

Mr. Nearpass- going down this path. I say that jokingly of course. Going down this path of its compliant, its 60' ...

Ms. Greindl- it is. There are 60' of usable space. There are 60'

Mr. Nearpass- for everybody?

Ms. Greindl- yea.

Mr. Nearpass- not overlapping space?

Ms. Greindl- not overlapping space, like I said ...

Mr. Nearpass- it makes no sense.

Ms. Greindl- on the one side, the one that is 54' was just the space where we would like them to put their home, there are 7.3' I know I went and measured it, I mean I'm not a builder and inspector ...

Mr. Nearpass- if I take that 7.4 or ...

Ms. Greindl- 7.3 ...

Mr. Nearpass- away from that lot, is that lot still a 60' lot?

Ms. Greindl- yes. It's just where the, it just happens to be where the homes are placed.

Mr. Nearpass- and then your, so you're, so then you're saying it's just that the home is too big. Or is larger than ...

Ms. Greindl- no, this home, I mean its going to depend on how its placed and what everything, what she's going to put with it, if she wants to put it on this 54' lot she's, I mean it's ...

Mr. Nearpass- you just told me it was a 60' lot ...

Ms. Greindl- well it is ...

Mr. Nearpass- this is where ...

Ms. Greindl- okay.

Mr. Nearpass- I'm losing my mind here.

Ms. Greindl- well...

Mr. Nearpass- keep referring to it as 54', I don't even think you'd be in here if you could have showed them 60' ...

Ms. Greindl- well...

Mr. Nearpass- it was out there ...

Ms. Greindl- I never would have sent these in if I wasn't told Rick told me I had to these in. He says just send these in, they're going to approve them, this doesn't make any difference. So, I didn't go any further to try to do anything else other than submit the drawings he told me to submit...

Mr. Nearpass- because the only variance that's required is for less than 60' but what you're saying is you've got 60' ...

Ms. Greindl- yea, I, I mean ...

Mr. Nearpass- and, but you can't prove it because everything you show has 54' on it and so again maybe that comes down to getting it professionally surveyed or something, but you keep showing 54' and that's the only reason why you're here. The house may be too big, it may be set wrong, its still within compliance of the code. Other than the lot size and so, that's where I am, I don't, I don't want to have the homeowner wait a second longer for the house, but I also don't want you to have, you know free reign to kind of do this again and again and again, I'm, and I'm also curious, again I don't want to hold up the homeowner, as to how many other situations have been created like this, but again, if you're telling me that its 60', there's 60' than you got to prove it to the code enforcement officer because right now nobody is buying it, and whatever you say 60' the entire public behind you shaking their head and so its really hard for me to believe I know the math doesn't work and the residents are, are also saying the same thing, they're the ones out there measuring it, I mean I've got all the, I've got a ton of pictures of people measuring things, so ...

Ms. Greindl- yea. I'm, I know that the, everyone's issue is the placement of the one home, I know that's what it is...

Mr. Nearpass- and that's your issue with the community, but your issue with the Town is literally only the lot width, if its 60' she doesn't need to be here. And so, but if you're telling us its 60' ...

Ms. Theodoratos- can I ask a question?

Mr. Nearpass- absolutely.

Ms. Theodoratos- yea, so referring to your picture here that's titled home lot layout.

Ms. Greindl- yes.

Ms. Theodoratos- so, um, I understand what you're saying 54" is the width of the actual ...

Ms. Greindl- feet ...

Ms. Theodoratos- the, of the mobile home?

Ms. Greindl- no...

Ms. Theodoratos- no? But that, its 50, because you mentioned the 54' and the 7.3' ...

Ms. Greindl- mhm.

Ms. Theodoratos- so 54' is the center of that parcel where you want that home placed, that's what I understand, you're using that 54, you're not taking the 60' because you want to let them know, you want 54 is so it can be centered on that parcel ...

Ms. Greindl- correct.

Ms. Theodoratos- correct? Okay. So that's the 54' you have and then you mentioned before there's an additional 7.3' on one side...

Ms. Greindl- the north side.

Ms. Theodoratos- the north side, okay and then the 5' you mentioned on the other side that belongs to the adjacent parcel, correct?

Ms. Greindl- correct.

Ms. Theodoratos- okay, so 54 and that 7.3' comes to 61.3' ...

Ms. Greindl- yes.

Ms. Theodoratos- is that...

Ms. Greindl- I don't know if you're asking me, or ...

Ms. Theodoratos-correct ...

Ms. Greindl- I can't, so...

Ms. Theodoratos- I just wanted to make sure because I usually do it with a calculator, so I just wanted to make sure, but then my question is, okay so you have that 61.3' width of that particular, of parcel, lot 647...

Ms. Greindl- yes ma'am

Ms. Theodoratos- so, but why then do you have 7.3' on one side, why isn't that, where you have that 54' you're telling the person who is going to place their mobile home there, why isn't that centered? You know to make sure there's the, enough property, enough space on each side?

Ms. Greindl- so the reason why we start the 54' where it is right now is because that takes care of the 5' away from the house to the south, so we make sure there's the 5' there because that house is 5' away from their property line, so we start it right there, now we take it out the 54' so they can use all of that and still be that 7' away from the line on the other side, so the 54' is they could start right from that line on, to the south, they could go 5' in and start building. But that's, 5' in for every structure. 5' from that line. This house itself they decided to place the actual house right there 5' and now they're wanting to add a porch to that ...

Ms. Theodoratos- so ...

Ms. Greindl- side of the house.

Ms. Theodoratos- so they, they placed that house, the actual house on like the parcel line of the adjacent properties 5' space?

Ms. Greindl- no there's 5', no that's okay, there's 5' to the line and then there, the house is 5' into that line. So, there's 10' in between the 2 homes ...

Ms. Theodoratos- the 2, okay.

Ms. Greindl- but now they're adding, they want to add a deck and stairs to the home which is going to be on that property line.

Ms. Theodoratos- right, so that doesn't give them, so, because there's only 10' between the 2 homes, counting both, both the 5' on each side, so, and that was going to be my next question, so their, their I guess front door, you know, front door and with the deck is going to be on that 5' side, not the 7.3 side?

Ms. Greindl- they have a door on both sides.

Ms. Theodoratos- on both sides?

Ms. Greindl- so the door on the side that goes towards the south side of the home towards where there's only 5' is a sliding glass door on that side.

Ms. Theodoratos- okay.

Ms. Greindl- there is another door on the north side which will be the side of the driveway which is just a regular entry door.

Ms. Theodoratos- right, okay. Right.

Mr. Nearpass- how ...

Ms. Theodoratos- so on the north side, that would be like, that would be considered like the front door and then where the sliding door is and I'm assuming because it's a sliding door it's like a double door ...

Ms. Greindl- yes ma'am.

Ms. Theodoratos- I had it, so that's like, you know that would, for all intents and purposes that would be like your back ...

Ms. Greindl- back door.

Ms. Theodoratos- your back yard. Or side door. Yea, and so then, it, so building a deck, how can you even build a deck with 5'? I mean ...

Ms. Greindl- That's ...

Ms. Theodoratos- I mean it's too small ...

Ms. Greindl- that is one of our concerns, is because they're trying to say they're only going to build steps towards the front and it is, if you draw a diagonal line to the home, to the, um garage, its, the corner of the porch will be 10' from the garage but as far out as the deck is going to go, its actually going to go on the line between the 2 parcels, so the actual, the actual porch would not 5' from the line.

Mr. Nearpass- but because the Town doesn't enforce the side setback, its still complaint. Because its more than 10' from the corner of the structure to the corner of the structure. Go ahead, yea...

Mr. Ryczek- I just have a quick question, I'm sorry, I was just noticing something here, how wide did you say the home is on 60, wait where are we, lot 647? 6249?

Ms. Greindl- 6249, okay, what was your question? I'm sorry.

Mr. Ryczek- what's the width of the home? That was placed.

Ms. Greindl- the width of that home, hang on, I have to go back and look, hang on, 28', 28'? 28'.

Mr. Ryczek- so your sheet there says home size 22' x 55' max.

Ms. Greindl- yea, I, I didn't draw those and I never would have written it that way, I just submitted the paperwork I was told to, I've, so I didn't realize this was going to be such a thing, I was just told this was a quick thing to come in and I should just submit what I had, so I, I drew up completely new papers, so that it doesn't say those things there, so that, that is what someone suggested that they should do a 22' x 55' home, that was a suggestion, I'm not saying that's the only house that would fit there, so that's something that somebody else put on there, that doesn't even work here anymore, so ...

Mr. Ryczek- I got you, I guess I'm just confused because if all the lots, not lots, whatever you want to call them, are 60' ...

Ms. Greindl- yes.

Mr. Ryczek- then the home, the max, then every lot you would think would only allow a 22' max, why, why have a variant ...

Ms. Greindl- I, I don't know why that's ...

Mr. Ryczek- maximum size...

Mr. Nearpass- you can have as long as it's, there, its 10' away from the next ...

Ms. Greindl- yea, yea.

Mr. Nearpass- it would fit.

Mr. Ryczek- right, that's why I'm just confused/curious why at some point ...

Mr. Nearpass- it would be larger ...

Mr. Ryczek- in time somebody decided that this is the ...

Ms. Greindl- yea and I can ...

Mr. Ryczek- max size ...

Ms. Greindl- can't tell you who wrote that so I don't know, so I re-did the whole thing because I, I only simply submitted those because I was told I should, that's, none of that's accurate, so ...

Mr. Nearpass- so lot 647 ...

Ms. Greindl- yes.

Mr. Nearpass- how wide of the space that they have, how wide are they going to mow? How wide is their responsibility to mow is it 54' or do they have 61.3' ...?

Ms. Greindl- they would be ...

Mr. Nearpass- they're going to mow...

Ms. Greindl- uh, well honestly, I think that, as far as mowing in reality, its going to be closer to the 54' probably 56' because the neighbor on the north side already mows that and is used to mowing it, but ...

Mr. Nearpass- Technically, forget the fact that the neighbor's nicer of one of the ...

Ms. Greindl- *laughter*

Mr. Nearpass- if you, if everyone mowed exactly where they were supposed to mow, would this, would 647 mow 60' wide or 54' ...

Ms. Greindl- if, yes, if everybody said you have to mow 60', everyone would mow 60', our community is just not like that ...

Mr. Nearpass- no, no, I get that ...

Ms. Greindl- so, yes.

Mr. Nearpass- I totally get that.

Ms. Greindl- yep.

Mr. Nearpass- but I'm trying to, you, like everyone's been dragged here over this 54' number and it just seems to me like if its, somehow you got to prove to us that its really 60' after 2 meetings and a meeting with the county that they've, they think its 54', and the county literally said go back and measure it all because the map says its 60' that's, I don't know, that's where I'm at, I mean if, if you went out there

would you, you'd be able to show him a 60' wide lot number 647 forgetting, I totally get it, you and the community have a problem with where the house is set, but I think where the house is set as we determined last time, is still within code but not desirable by the community, we're here to really talk about this 54' vs 60' and you're telling us now its 60', so if you bring him out there and you prove him that its really 60' on all of these, then you can start, I think immediately after, but and so, I don't, I don't even, I wouldn't even vote on it in my opinion, I wouldn't even vote on a variance tonight ...

Mr. Salsburg- I think the county said the lots in question to measure, no all of them ...

Mr. Nearpass- not all of them, but I'm just, it just said in general all the lots on the map are 60' so they basically said, so back and measure it because something doesn't add up here. It should all be 60' and if earlier or last time we were talking about margins of error and maybe this lot is a little smaller because someone took a foot here or 2, you can't say that at the same time you say its 60' so if you can prove to him its 60' you know...

Mr. Salsburg- there's no question to answer, if its 60'

Mr. Nearpass- there's no variance to be had.

Mr. Salsburg- yea.

Chairman Reinhardt- hold on, hold on, I do, I appreciate your patience ...

Mr. Salsburg- he's about ready to blow a fuse over there.

Chairman Reinhardt- no don't, please don't, please don't, please don't ...

Mr. Nearpass- no, I'm all set.

Chairman Reinhardt- hold on.

Mr. Nearpass- come on.

Chairman Reinhardt- hold on, we're not quite, Alexis do you have questions or comments?

Ms. Ogra- mhm. So, what's changed between the January meeting and this meeting?

Ms. Greindl- nothing.

Ms. Ogra- okay, but so we were here for hours the January meeting so did you not think that that was a serious meeting? ...

Ms. Greindl- I was told at ...

Ms. Ogra- didn't change anything ...

Ms. Greindl- I was told at the end of that meeting that, um, everybody was going to look into something that I might not even have to go to the Planning meeting that this might not even be anything that we have to even consider and then I went to the Planning meeting anyway, they don't even understand why I'm there, since we're a manufactured home community and this shouldn't matter, and now I'm back here and everybody's saying it is a big deal, so I don't know who I'm supposed to listen to when I get told a bunch

of different things so if somebody wants me to go get somebody measure out the lot and then come back and file for another variance I will if I have to and if I don't, I don't, but ...

Mr. Nearpass- we're here so long ...

Chairman Reinhardt- hold on. Let her ...

Mr. Nearpass- because you insisted that it was 54', we talked for 2 or 3 hours ...

Ms. Greindl- there's ...

Mr. Nearpass- on it and if you were sitting on the fact that it was really 60' wide the meeting would have been over in the first 30 mins.

Ms. Greindl- I did say something about that when I was here.

Mr. Nearpass- id love to see it in the minutes because I ...

Ms. Greindl- yea because I said it was 54' of usable space, that was all that was, was just what we supplied to people to tell them where we would like them to push, to place the home. I'm ...

Mr. Nearpass- 54' of usable space, sounds like ...

Ms. Greindl- that's where we would like ...

Mr. Nearpass- I'm mowing ...

Ms. Greindl- them to ...

Mr. Nearpass- 54' of a 54' wide parcel. You didn't say no, no, no its 60', its 60'

Chairman Reinhardt- Matt, let's let Alexis finish.

Mr. Nearpass- yep, yea.

Ms. Ogra- right, and so that's what you submitted the last one, but you said at the last meeting and just now that its not 22' wide the home, that 26' ...

Ms. Greindl- 26'

Ms. Ogra- 28'

Ms. Greindl- what was it?

In audience- 28' with overhang.

Ms. Greindl- oh, okay but 26', yea.

Ms. Ogra- and you said you changed it?

Ms. Greindl- I just redrew it. So that everyone ...

Ms. Ogra- was that provided to us because I have this and its still says 22', did you give this to us before?

Ms. Greindl- no I brought that, and I was going to hand them out and everyone started talking so ...

Ms. Ogra- why didn't you send this before?

Ms. Greindl- it's a bigger deal, that it was.

Ms. Ogra- okay. And Horizon, the company that owns the park, correct?

Ms. Greindl- uh, correct.

Ms. Ogra- and they're a large national corporation?

Ms. Greindl- correct.

Ms. Ogra- and have you notified anyone higher up in Horizon about the issue about the variances?

Ms. Greindl- yes.

Ms. Ogra- but they only sent *you* to represent them?

Ms. Greindl- correct.

Ms. Ogra- have they told you why they've only sent you?

Ms. Greindl- um, because I, I've, um communicated with them what I've been told and I didn't, no one told me that this was a huge deal.

Ms. Ogra- okay, and then for the lot layouts you drew these yourself? Correct?

Ms. Greindl- not those. But the ones I just handed you.

Ms. Ogra- so who drew this?

Ms. Greindl- I have no idea. Someone prior to me.

Ms. Ogra- and then this, did you draw this yourself?

Ms. Greindl- no.

Ms. Ogra- someone else drew this?

Ms. Greindl- right.

Ms. Ogra- prior to you working for Horizon?

Ms. Greindl- correct.

Ms. Ogra- and is there a reason you didn't get a survey done can Horizon not afford a survey to be done?

Ms. Greindl- uh, because basically what we, when a, um mobile home company, or manufactured home comp, um and, installer brings in the home, they normally look at the home, they will do whatever they do to place the home like if you'll see on the 2nd and 3rd page s for the ones that are posted next to them, you know the installers did this.

Ms. Ogra- okay.

Ms. Greindl- and brought them to us.

Ms. Ogra- when people ask for sheds, fences, you know, etc. You need more than, I would call these scribbles. I mean when I needed my fence permit, I needed more than drawings, in pencil ...

Ms. Greindl- right, so when we, when anybody wants a shed or anyone wants a garage

Ms. Ogra- I'm not talking about sheds for you...

Ms. Greindl- no.

Ms. Ogra- I'm talking about when the town or you know village etc. Askes for, you know you want to permit for your shed in your backyard, when somebody wants to put in a barn, they get a survey, they get an engineering report, they have plans, they're done official, they'd have a seal on them, they have to spend money as a homeowner ...

Ms. Greindl- mhm.

Ms. Ogra- to get that done, they don't bring us what looks like a kindergartener did it.

Ms. Greindl- that's what we submit from Gypsum Mills anything we submit they have to draw a ...

Ms. Ogra- this is what a national company submits to a Town when they want to get a variance done for a home? Not a shed, not a fence. A HOME. This is how serious they take it?

Ms. Greindl- that is what we hand out to, that is what to the comp, manufactured installer to tell them the usable space. We've never had this issue before like I've said, every other one has gone and they've done the plot plans and they have submitted them to us for approval, we didn't get one for these lots...

Ms. Ogra- quite frankly it seems like Horizon wants to cheap out, they want to get this through, you know, us, our little, small Town as quickly as possible, and have no problems here, because they've continued to send you, you have changed nothing from January to now, and you're not taking this seriously.

Ms. Greindl- no one told me it was this serious.

Ms. Ogra- you, you placed, the home is there. People come to us before, you know if they have, if they need a variance, they're supposed to come before they place anything. Does it happen? Yes, have they placed sheds, yes. When they shouldn't have? Have they placed hot tubs, have they placed fences? Etc. All before, you know before they got a variance, and then they come to us and say, I'm sorry I place XYZ incorrectly, yes, it happens, should it happen with a HOME? No. No, it's a lot more serious than a fence, or a hot tub. So, it seems like, quite frankly, Horizon is trying to cheap it out and not take it seriously and get it through the ZBA as quickly as possible, but you're not taking this seriously, nothing has changed

from January to now, we don't typically have 3-4-hour meetings, for something that, you know "isn't serious". So, if you didn't get that impression at the last meeting, I'm not sure why.

Ms. Greindl- I didn't get that impression at the last meeting because at the end you guys said I didn't even know if I needed ...

Ms. Ogra- I didn't say that.

Ms. Greindl- I dint say you ...

Chairman Reinhardt- alright let's stop, just, I'll give ...

Ms. Greindl- so...

Chairman Reinhardt- you a chance.

Ms. Greindl- I'm...

Chairman Reinhardt- what I'm concerned about is there's been many times you've said, I didn't know, they told me, I don't, who submitted the application in the first place? It was you. Right?

Ms. Greindl- uh, yea. Rick told me to ...

Chairman Reinhardt- and you signed your name to it ...

Ms. Greindl- right, I did.

Chairman Reinhardt- indicating that everything in the packet was true to the best of your knowledge. And to Alexis's point, now all of a sudden, we have another moving target, we thought it was 54' and 53' now its mysteriously 60'...honestly I don't know what to believe anymore.

Ms. Ogra- this isn't Cooks application, it's the homeowner's application, this is YOUR application.

Ms. Greindl- right but I, I didn't know the severity of this meeting, we've never had to deal with anything like this before, like I've said before, so I did what Rick told me to do and I filled out the forms the way he told me to and I handed in the paperwork, he told me to hand in. So, if someone ...

Chairman Reinhardt- did he ...

Ms. Greindl- would have said to me ...

Chairman Reinhardt- did he hold the pen in your hand, did he sign? YOU signed it, your responsibility, own it. OWN it. To your ...

Ms. Greindl- I understand. But had I know, if, someone, if he would have said I need you to prove this lot size, this is a big deal, then I would have taken the extra steps but if I'm told by the building inspector, just hand in these forms its no big deal, fill out this paperwork, they're going, you're going to go in there, you're going to be in there a couple minutes, they're going to approve this and you're going to get to go back because the real issue is the home placement. That's what I get told and now you guys are telling me it's a bigger issue. If somebody ...

Chairman Reinhardt- do you have anything in writing that Rick said what you are saying?

Ms. Greindl- I have an e-mail from him telling me ...

Chairman Reinhardt- saying its no big deal?

Ms. Greindl- I don't know if it says its no big deal in that one, he came to meet with me and he says I'm going to go back, and I'll send you an e-mail and Ill hook you up with the lady there that will help you fill out the paperwork. So, he left my office, he went here, and he sent me an e-mail, now I sent him an e-mail right after our meeting in January and I've gotten no reply since January ...

Chairman Reinhardt- your e-mail was asking for a legal interpretation.

Ms. Greindl- what was that?

Chairman Reinhardt- you're asking, you were asking him for legal opinion about what our interpretation meant.

Ms. Greindl- yes, I asked what, like...

Chairman Reinhardt- he cannot, nor can this board give you a legal interpretation of what you think is happening. If you want legal advice you need to go get your attorney and to Alexis's point and even Matt said you have council, use them.

Ms. Greindl- okay, but if ...

Chairman Reinhardt- it's a big corporation.

Ms. Greindl- right, and I, I'm just saying that if you guys in the January meeting would have said after you leave here I want you to go and I want you to survey both of these lots, so that by the time you get back here we'll have those done but, in the end of the last meeting you guys said you didn't even know if I'd need to even go to that Planning meeting ...

Chairman Reinhardt- well that's curious because when I talked to Rick, he told ME, that you didn't want to pay for the surveyor.

Ms. Greindl- I never said that.

Ms. Ogra- as far as ...

Chairman Reinhardt- how strange is that? So, you want us to believe everything that you're saying but when I just indicated this is a conversation, I had with Rick you say that you don't believe me.

Ms. Greindl- I'm not saying that I don't believe that he said it.

Chairman Reinhardt- I'm sorry, I must have misunderstood what you said. But ...

Ms. Greindl- no, but, if, if he said it to you, then he said it to you, I'm not telling you that you're lying, that he said it but I'm telling you that I never said I wouldn't pay for a survey to him because he never asked me to get anything surveyed.

Chairman Reinhardt- so you are willing to get a surveyor out there and straighten this whole mess out that side of the street on whether or not those lots are accurate?

Ms. Greindl- yes if someone would tell me to I will. I never said I wouldn't. But no one told me I needed to.

Chairman Reinhardt- lets take a little vote here, do you want a survey? Lya?

Ms. Theodoratos- yes.

Chairman Reinhardt- I'll get back to you Alexis, just a quick little survey, do you want a survey if she gets that straightened out? Will that help?

Ms. Ogra- if you want to keep going with this application, but it seems like the easy thing to do is to put these homes on to lots that meet the 60' requirement, you don't have lots that meet the 60' requirement.

Ms. Greindl- yes.

Ms. Ogra- so why can't they be moved?

Ms. Greindl- I, sure, because...

Mr. Nearpass- you keep telling us that the lot its on is 60', so why aren't you telling her "It's on a 60' lot." That's why it doesn't add up.

Ms. Greindl- well, because if I ...

Mr. Nearpass- the house is placed wrong.

Ms. Greindl- have to come back, right.

Mr. Nearpass- that's not our problem.

Ms. Greindl- that's fine, its fine if you ...

Mr. Nearpass- why aren't you saying it's a 60' lot that's why I'm suspicious.

Ms. Greindl- well because they're in paperwork right here, no matter what I say you're not going to believe me. So, I do have ones that already say ...

Mr. Nearpass- but you're confident ...

Ms. Greindl- 60'

Mr. Nearpass- but if you're confident that you, if you get a survey and its going to show there's 60', that's, that's your trump card, there's no other reason to be back here. So, I can, the fact that you're not saying its on a 60' lot but its placed horribly wrong, and I'm working that, I'm going to get a lawyer involved and I'm going to move it, I'm going to make the community happy. But you, for some, for some reason you're not saying that which is why its tough for me to believe that it's ...

Ms. Greindl- I was just simply agreeing with her and she says it could be moved to a 60' lot and it can be...

Mr. Nearpass- because she's implying its not on a 60' lot.

Ms. Greindl- because it doesn't say on these paperwork's, so you guys don't believe it's a 60' lot. So, I'm just saying...

Ms. Ogra- well...

Mr. Nearpass- this is ...

Ms. Ogra- I think maybe we're having a little bit of a comprehension issue here because you know you're saying that you didn't think this was a serious issue at the last meeting but I think a lot of us would agree we maybe inferred from the length of the meeting, the amount of people who attended the meeting, the fact that we're dealing with home variances, and not, you know smaller items like fences and hot tubs that it was a serious meeting so, I'm sorry we didn't come out and say specifically this is a serious matter, we had, you know members of the community come, who were taking this very seriously, we thought maybe you would have inferred this is a very serious matter. So, I'm saying it now, this is a very SERIOUS matter. It should be treated as such, and you may want to take that back to Horizon. I don't know if we should ...

Ms. Greindl- yea I'm ...

Ms. Ogra- ask them ...

Ms. Greindl- I'm just letting you know that if somebody in the January meeting would have said before you come back here, please have both these lots surveyed, I would have but no body told me that ...

Ms. Ogra- we thought maybe you could have inferred that this is something that should be taken seriously, and you could go above somebody, you know in Horizon or gotten maybe them involved. Nut clearly you didn't understand that or infer that from the meeting even though we have 2 people here who are looking to be homeowners and move in, you didn't take that seriously, so ...

Ms. Greindl- right, but when somebody says they don't even know if I'll need to come back to this meeting and I don't even know if ill need to go to the Planning meeting, that kind of leaves me in a thing where this might all be dropped anyway after you guys have a discussion about it, so that doesn't leave me with a, with a feeling that you should go out there and get a survey done so, we kind of have top, you know figure out, I'm not a stupid person, so I get that it's a very serious about these homes, and I get its very serious for these people back here, that even though you guys approved the placement of the home, that home is not placed correctly, that's why I'm here fighting, if I didn't care about the people that I'm trying to represent I wouldn't be here, and if I would have been told at the January meeting ...

Ms. Ogra- you don't represent these people.

Ms. Greindl- please go have a survey, so when you come back here, we have surveys, I would have done that, but I was told that you might have to go to a Planning meeting, but you might not have to and you might not even have to come back here, so that's a huge difference than go get a survey to make sure you have one before I come back then, maybe you'll have to go a meeting and maybe you'll have to come back here. And I'm, but that, those words were said in the first January meeting, so if you want a survey, I would be glad to go get a survey.

Ms. Ogra- I don't know if we need the survey ...

Mr. Nearpass- the reason why we didn't ask for the survey, is because in the 3 hours we talked, there was no question in the 54', you agreed with the paperwork that said it was a 54' wide lot, and so there was no debate or discussion over the size of it, I'm only asking for the survey because you said now its actually 60' and I, so I'm saying okay well prove it to me because the hours of discussion we had before were 53' and 54' and the paperwork albeit hand drawn, says 53' and 54' but now you're here saying its 60', so I'm just saying prove it. The only way to really prove it is to go get a survey. And if you get the survey and it shows its 60', I've got, there's nothing to vote on.

Chairman Reinhardt- I'm not buying that you didn't catch it was serious, because again we spent many hours here, and this is maybe a 1/3 of the number of people that were here before, most of them, with the exception of 2, and I think the 2 that spoke had invested interest in those 2 properties, the rest of the neighborhood was adamantly opposed. With long, and even multiple times they would come up, we don't want the variance, this is wrong, we are in, and on and on and on, and you even admitted this isn't the only 2 parcels, there were more parcels out there that it could be in need of a variance. So how is it that you didn't get the gravity of this is a serious problem, picking up the phone to your boss, to say "it was hard, man this is serious, we need legal counsel, I don't know what to do, I am in the cross hairs ..." any of the above, so you telling us like "I didn't think it was that serious" I'm not buying it. Hopefully, you now know this is serious.

Ms. Greindl- right, and like I said if you would have told me you wanted surveys, I would have scheduled them.

Chairman Reinhardt- it's not for the board to prove your case, its YOU need to prove to the board why it is that you need the variance or why it is that the code enforcement is wrong, the burden is on *you*. Or your company. Or counsel, so if you call it counsel and say "how am I supposed to prove what it is that they're looking for" I would guess counsel would say "lets get a surveyor out there and lets show them, that they don't have their numbers right, that the survey is correct and the houses are placed correctly, there's no need for a variance ..." or whatever it is that the argument that you want to present, right now there are bits and pieces that this board is hearing that, we don't know what's true and what's not. One day its 54' another day its 60' its this moving target and its not fair to that whole community on what it is. So, its not what we want, if you think that you can live without a survey, if you want this board to vote, I don't think you're going to like the answer. You think that gee I think we would need a survey here because it's in the company's best interest to show that maybe the code enforcement officer didn't have the numbers right, and maybe you should call counsel and say I think we need this. Its not for us, that what we want, your job is to figure out what it is we need to see, why, what you need. Fred, do you have any questions or comments?

Mr. Salsburg- I think it'd be nice to know how big the lot is. But, on this sheet its 60' and then usable 54' so where does the 6' not usable come from?

Ms. Greindl- so, like I said the 54' was just where we would like the home to be placed ...

Mr. Salsburg- but that doesn't subtract ...

Ms. Greindl- I never ...

Mr. Salsburg- from the lot size.

Ms. Greindl- I'm sorry.

Mr. Salsburg- that doesn't subtract from the lot size, though. By moving the home.

Ms. Greindl- what do you mean, moving a home?

Mr. Salsburg- where does the 60' become 54'? Where the word usable, that ...

Ms. Greindl- that's just ...

Mr. Salsburg- it must mean something.

Ms. Greindl- right because that's just the usable space that we would like them to use to place the mobile home in. That's just ...

Mr. Ryczek- I have a question, so again looking at your ...

Ms. Greindl- its, its ...

Mr. Ryczek- form. Sorry to interrupt you, but it says lot dimensions 54' x 135' and then underneath it says 54' x 115' usable ...

Ms. Greindl- right.

Mr. Ryczek- NOT 60' x 135 and then 54' x 115' usable, it says 54' as the level is the lot width ...

Ms. Greindl- right, I know that.

Mr. Ryczek- and the usable width.

Ms. Greindl- and that's why I redid the forms to hand out ...

Mr. Ryczek- this document ...

Ms. Ogra- you only gave us 1 copy.

Mr. Ryczek- is the reason why code ...

Ms. Greindl- huh?

Mr. Ryczek- enforcement ...

Ms. Greindl- no, I handed out 4 ...

Mr. Ryczek- is under the impression that the lot is not the right width, which is why we're here. Okay... yea but I mean I could of re-wrote one too, you know, I'm just saying this document is what prompted this whole thing. Okay? This, which ...

Ms. Greindl- that's not what I was told, but okay.

Mr. Ryczek- okay.

Mr. Salsburg- I think we've ground to a halt here without knowing what size the lot is.

Mr. Nearpass- it's got to be 60'

Mr. Salsburg- I don't remember it being 60' last time ...

Chairman Reinhardt- alright, the public has been waiting for a while, so we'll probably circle back with you momentarily. When I ask is there anyone who wants to speak for or against the application, if you've already said it in the last meeting, just say same thing as I said last time. If its something new, we'd love to hear it, so, would anyone like to speak for or against the application? Come on up, thanks so much for your patience.

Ms. Salsburg- at last.

Mr. DeBruyn- I'm Hans DeBruyn, 65 or 6295 Kim's Drive, um, I sent a letter, for this hearing, and I commented last time, I'm opposed to it, now one of the things talking about lot sizes, perhaps being different, what isn't in those maps is the easements for the sewers, and you get easements running through 20-30 feet wide and then they spread the houses out, now on 6249, there's a, an easement for about half of that backyard that's for a sewer drain that comes from Hunts Park, it goes underneath the fence, we weren't sure, we thought at first it went through the, the lot itself but it does a quick right angle and goes behind the houses so there's another 20' that cant be used for half of it in the art that is not usable is the hill, so placing a shed on that property could be difficult at some point and it might have to be up sitting in the neighbors, uh dinning room window, so, yea that's it, also as far as horizon goes, they've got an F rating, from the Better Business Bureau and we've gone a step up with a D rating for Cook. So that's what we're dealing with.

Chairman Reinhardt- okay.

Mr. DeBruyn- thank you.

Chairman Reinhardt- thanks so much. Anyone else like to speak for or against the application? ... hold on, hold on, she's ...

Ms. Sherman- good evening, folks, I am Sue Sherman, I am with Cook Properties, the only one here from Cook tonight, in addition to what I think I tried to explain at the last meeting and um, Matthew, can I address ...

Mr. Nearpass- Matt, only Matthew if I'm in trouble.

Ms. Sherman- okay, sorry Matt, I think you were in understanding with what I was saying before when we applied or when we have a customer that comes in and wants to place a house within a community, and it's not one that own, we refer to the site plan that's already been submitted to the Town as to what the sites are for the park, the park management usually tells us these are the sites available for the home you would like to place there, they gave my customers site numbers, these are sites that you can chose from for the house that you wish to purchase, we of course go by their 60' lots, or at least they meet the 7,200 SF of usable space for the house and I think it was established at the last meeting that our placement, I know they don't, I know that Jenn does not have a problem with the one unit being placed, and that's the one we've already closed the loan on, this gal is making a payment on a house she cant live in, she was sent by the park a lease agreement that she was supposed to legally sign March 1, 2023. She can't sign that, she cant get a permit to live there yet, So, that one is absolutely crucial, her livelihood is at steak here as to what can we do, the other gal, that's the one where we had applied for the variance permit

for placement and I believe it was my understanding at the last meeting that you agreed that the 11.3' or 11.5' was admissible including where the steps would be placed from that patio door, I had nothing to do with the placement of that home, I understand people within any community, and that's how, I dealt with mobile home parks for 35 years, this is not abnormal that customers or that tenants within a community may have a problem with the neighbors placement of such and such and, it happens all the time, but if we're within state code requirements for placement and we have customers that truly want to live in their homes, and these meet all the codes, and I would just ask that we can get that passed today especially for the one and I have advised her seek legal counsel, you need a lawyer, you may need a lawyer and I don't want to have to have you spend the money for one, but someone is at fault for whatever's happening here and I don't truly understand it, because you got a site plan that shows x number of sites, these house are within those sites, I'm not getting why we're here either. So, I guess I just want to say, I've got the lively hood of people at steak, and I want them to be able to live in their homes.

Chairman Reinhardt- Let me ask you a question then.

Ms. Sherman- yes.

Chairman Reinhardt- because there was a statement that Jenn made, you work for Cook?

Ms. Sherman- I do.

Chairman Reinhardt- and she indicated, unless I was misunderstanding completely, Cook will not move the home from one lot to the other? WON'T. Is that true or false?

Ms. Sherman- *sighs* they're in the understanding that they should not have to based on how the permits were written and issued to begin with ...

Chairman Reinhardt- so if the ...

Ms. Sherman- I'm not going to speak for the upper people at Cook per say, but let's, I'm, one, we have 2 separate houses ...

Chairman Reinhardt- you're not answering the question.

Ms. Sherman- okay.

Chairman Reinhardt- it's either, yes, no, I don't know.

Ms. Sherman- to be honest with you, I DON'T KNOW.

Chairman Reinhardt- okay.

Ms. Sherman- If I were to tell you my opinion, I would say heck to the no, they're not going to want to do that, for many reasons...

Chairman Reinhardt- if there was, if the owner says this home needs to be moved, it's a non-compliant. unbuildable lot, whatever terms that you want use, said, owner says we will pay you, \$5,000.00 to move it to right across the street, to a compliant 60' lot ...

Ms. Sherman- mhm.

Chairman Reinhardt- will they do that?

Ms. Sherman- if they're paid for the movement, I would assume that yes, they probably would.

Chairman Reinhardt- Do you know if there's any communication between Jenn, Horizon, and Cook on moving that home from the 54' lot or 53' whichever one it is, to a 60' lot, I don't care if it's across the street or somewhere in the ...

Ms. Sherman- I'm unaware of communication at this point.

Chairman Reinhardt- okay.

Ms. Sherman- Can I ask a question? Would that be alright? Okay. I heard Jenn say at the beginning of this and I think the people in this room probably agree with this, even though these are 2 separate lots and she's looking for a variance combining them, they are 2 separate entities, is there any way to at least make a decision on one of them that nobody in this room has questioned?

Chairman Reinhardt- I don't know where you got that impression, they're 2 separate variances.

Ms. Sherman- okay, then that's good.

Chairman Reinhardt- no ...

Ms. Sherman- 2 separate variances.

Chairman Reinhardt- its not because the problem is, is that Jenn had indicated that there's multiple lots throughout Gypsum Mills that they're going to need variances, which could mean ...

Ms. Sherman- for homes that have been there for a long time?

Chairman Reinhardt- yea, which could be mean 10's, 20's, maybe 100 variances for 1 whole ...

Ms. Sherman- oh my god.

Chairman Reinhardt- Gypsum Mills. This is a serious problem.

Ms. Sherman- absolutely.

Chairman Reinhardt- okay, then we understand each other.

Ms. Sherman- and I knew that coming in ...

Mr. Nearpass- I don't see how that's possible though, I can understand ...

Ms. Sherman- I don't either.

Mr. Nearpass- where houses have been moved here or there, we have a site plan, I bet if you went and surveyed it, they'd all be 60' per the site plan.

Ms. Sherman- mhm.

Mr. Nearpass- but I bet you'd find some houses are a little more this way ...

Ms. Sherman- yes.

Mr. Nearpass- some houses are a little more that way.

Ms. Sherman- correct.

Mr. Nearpass- it would still be complaint because the code says as long as the houses are 10' apart, because there's no side lot lines, right?

Ms. Sherman- mhm.

Mr. Nearpass- it's okay. I get it, she showed, she showed documentation that she shouldn't have, and it wasn't, its not an engineering drawing, it's a, I guess a placement drawing or instructions to Cook or whomever to place these homes, but my gut tells me if they go and remeasure this original site plan, they're all going to be 60' they have to be. Because it was probably done once or twice before and where the houses were placed and where people mow over time ...

Ms. Sherman- neighbors ...

Mr. Nearpass- there's no stakes in the ground like in a development would have because to Mikes point earlier, they're not technically lots, but we call them lots ...

Chairman Reinhardt- I don't particularly agree with you, because driving through that neighborhood, you can tell there are some lots that are wider than others ...

Mr. Nearpass- because of how the homes, because of how the homes were placed. The code doesn't care ...

Ms. Sherman- correct.

Mr. Nearpass- in this situation, how necessarily the homes are placed on these lots as long as they're 10' from each other, because there's no side lot lines so as long as they're far enough back and we can do the math, there's just as many homes ...

Ms. Sherman- agreed.

Mr. Nearpass- as there are lots here if you go ...

Ms. Sherman- yes.

Mr. Nearpass- and you measure all of this, divide it by the number, you're going to get ...

Ms. Sherman- right.

Mr. Nearpass- 60', I mean you're going to have to.

Ms. Sherman- if there's 562 approved lots...

Mr. Nearpass- they didn't because there's no way ...

Chairman Reinhardt- stop, stop, stop, stop, we can't keep talking over each other. Okay, I, let him finish ...

Mr. Nearpass- there's no way to shorten the lot sizes.

Ms. Sherman- mhm.

Mr. Nearpass- if you can say usable space or use all of these other terms.

Ms. Sherman- exactly.

Mr. Nearpass- but if this is the survey of that land. Those lots and those dimensions still exist and that's what they are, where you put the houses on them, again, per the code it doesn't necessarily matter as much because there's no side setbacks because its only, as long as they're 10' from each other and I think that's what's confused this whole thing ...

Ms. Sherman- agreed.

Mr. Nearpass- I agree. I put it on the applicant, they should have taken this more seriously, they should have come in here with counsel, and they probably never would have had to come in here to begin with, and back in January both of these tenants would have been able to move into their house...

Ms. Sherman- mhm.

Mr. Nearpass- so now here we are with 53' and 54' on the record for 4-5 hours' worth of deliberation here and someone now has to prove that the, that its 60' again and I'm just looking at it, I'm just one person, I, I honestly, my one opinion is that I don't think the variance is required, I think you've got a 60' lot based on the original site plan, the houses maybe skewed over time and some are more one way and the other but there's no extra houses, right, they didn't, they didn't squeeze ...

Ms. Sherman- correct.

Mr. Nearpass- an extra 4 or 5 houses and take a few feet away from one lot or the other, I think it's just how the, how it looks when you drive by certain areas some houses are oriented a little differently but, I've said it too many times, already ...

Chairman Reinhardt- anything else you want to add?

Ms. Ogra- I just have a question...

Ms. Sherman- yes.

Ms. Ogra- um, the property manager had indicated that when Cook came to place the home she, one of the homes, she had stopped the people who were installing it, asked them not to place it there and was told, "no, we're going to place it there" by Cook, is that correct?

Ms. Sherman- I'm the salesperson and do the finance part, I have no knowledge of that and that is the truth.

Ms. Ogra- okay.

Mr. Nearpass- I'm assuming when the house shows up there's already footers in the ground and it's ...

Ms. Sherman- correct.

Ms. Ogra- and ...

Ms. Sherman- yea.

Ms. Ogra- do you do, does Cook do the installation themselves or do you hire that out?

Ms. Sherman- both, we have our own crew, and we use ...

Ms. Ogra- but for this case?

Ms. Sherman- and we use subcontractors. Um, I do not, it is my understanding that the peers that were placed in the ground are done in house with our actual employees, that is not ...

Ms. Ogra- okay.

Ms. Sherman- something we generally sub out. So, the actual foundation would have been laid by us.

Ms. Ogra- okay.

Ms. Sherman- the actual set onto the foundation can be one of, either way. Either a crew that we hire that's state certified or our own guys that are, one of the 2.

Ms. Ogra- okay.

Ms. Sherman- So, I guess just to finalize Mr. Reinhardt, I apologize, I didn't mean to be brass in any way, but I do agree with what you're saying, I look at a site plan, if there's 562 lots, we have a house on one side and a house on the other and there's a vacant one in the center and that's offered to us, we go by the assumption that the site plan is correct and we are able to place that home there.

Chairman Reinhardt- alright, were not in the business of assuming, alright, when, let me ask you something on a ...

Ms. Sherman- agreed.

Chairman Reinhardt- you've been in business a long time ...

Ms. Sherman- yes.

Chairman Reinhardt- you sign lots of documents.

Ms. Sherman- many.

Chairman Reinhardt- when you submit those documents, what does that signature mean to the receiver? Is it fair to say that its accurate and true to the best of your knowledge?

Ms. Sherman- absolutely.

Chairman Reinhardt- okay then.

Ms. Sherman- If I'm signing it, yes.

Chairman Reinhardt- so what we're seeing here is when we receive documents ...

Ms. Sherman- mhm.

Chairman Reinhardt- and the code requires, I don't think this is any question, code requires 60' of road frontage.

Ms. Sherman- mhm.

Chairman Reinhardt- and here we have documents, multiple times 53' and 54', there isn't anything left for this board to presume that when somebody signs it, that its accurate and a variance is required, that's why we're sitting here for hours and hours.

Ms. Sherman- and that was signed by Horizon? Correct? That's my question to you.

Chairman Reinhardt- that was signed by Jenn...

Ms. Sherman- okay, Horizon.

Chairman Reinhardt- who is a representative of the park, who is a representative of Horizon.

Ms. Sherman- okay.

Chairman Reinhardt- Anybody have any questions here. Anyone, come on up.

Ms. Demo- I will be brief because I know there's someone else that wants to come up, I wasn't able to be at the first meeting ...

Chairman Reinhardt- I'm sorry, I'm sorry...

Ms. Demo- Make an observation...

Chairman Reinhardt- and state who we are and where you live. Who are you and where do you live?

Ms. Demo- My name is Nancy Demo and I live right directly across the street from this mobile unit that is in question. I'm at 6252 Murphy Drive. So I see what's going on all the time and it hasn't been pretty, and you, I'm not going to, I was going to ask to see the photographs again but that's getting timely, what I would like to mention, during these, what I've heard tonight, the representation, the manager of Gypsum Mills has mentioned more than once, I do what they tell me, and with that thought in mind, I don't know why we don't have some representation from Horizon, Inc here then. Who, it has the authority to make decisions, amen.

Chairman Reinhardt- thank you. Go ahead.

Mr. McConville-Alright really quick, um, ...

Chairman Reinhardt- you are?

Mr. McConville- My name is Matt McConville and I'm representing my mother who is not here, she lives at 6251 Murphy, right next to 6249, I sent in all those pictures, Amber, sorry about that, I couldn't narrow it down, she asked me to take pictures, but I think that, uh, the reason why the 60' dimension hasn't been stamped and approved and certified is because it's really not 60' its 54' or 53' it's, on top of that, the house size is significantly bigger than what she has written there, you know it's like 28' x something along, so, I believe some board members actually drove by the neighborhood today to see and it sticks out like a sore thumb, because of the sheer size of the building on a smaller lot, if you look at the houses, I sent pictures like, kind of, they're cookie cutter houses, they're in a row and nicely organized and this house sticks out like a sore thumb, because its on a small lot and a bigger house. Um, uh, so uh, obviously anybody walking by that, that's why so many people are here because its just obvious to them that its just not normal, on top of that the uh, the uh, patio door, the 2, you know, you take 2 steps out of it and this particular case and the people exiting that door would pretty much be on my mothers driveway. Um, you know, um, if this was allowed, I, you know, I think it is pretty clear that its undesirable, it would be an undesirable change would affect the character of the neighborhood, and that's why all these people are here and that's why people wrote letters, I mean it definitely sticks out, like a sore thumb. It would also definitely be a detriment to near by properties, including my mothers, right next door, and their value, um, I think a simple remedy is to move it, to, there's other 60' lots right across the street, there's a, more 60' lots that this would fit on, bigger lots, this home is just too big for a small lot, um, so uh, that's all I have to say, thank you.

Chairman Reinhardt- okay, thank you.

Mr. Nearpass- the one document we have that is stamped and signed shows they're all 60'.

Chairman Reinhardt- right and we have the applicant submitting contradictory ...

Mr. Nearpass- right.

Chairman Reinhardt- information ...

Mr. Nearpass- correct.

Chairman Reinhardt- that, what are, I don't know what to believe.

Mr. Nearpass- correct.

Chairman Reinhardt- so I don't know how we can grant ...

Mr. Nearpass- I'll say 2 things ...

Chairman Reinhardt- the variance...

Mr. Nearpass- I don't think its been presented well on the applicants side and, no offense, but what she presented isn't an engineering drawing, its not a technical drawing, it's a drawing that she normally uses to not go in front of Zoning Board's, to provide to Cook to place homes, its not a drawing that's in, again, I wouldn't have pitched it this way, but I've been doing this for 15 years. Its not a drawing I would have presented as something as an engineering drawing, it doesn't have lot lines, it doesn't show anything, I get it, it shows that there's 54' and 53' width of usable space, its extremely confusing and I went down the same rabbit hole as everybody else on this board, but the official site plan, shows that everybody who has a home is on a 60' parcel. And this is, this is stamped, this is a multi-10's of thousand dollar document to give back in the day to plot all this and measure all this out, and so in my opinion, they'd

have to go and get it re-measured or again work with the Town code enforcement on it because again the only official drawing we have shows they're all 60' and the homes may be skewed one way or the other but as long as ...

Chairman Reinhardt- what information, this is a site plan, this is BEFORE a home, any home...

Mr. Nearpass- yes.

Chairman Reinhardt- how do you know that those homes were placed in close proximity to what this plan dictated?

Mr. Nearpass- all that matters is that the homes aren't closer than 10' ...

Chairman Reinhardt- I disagree with that because ...

Mr. Nearpass- where does it say that in the code? Because the code says in lieu of, in lieu of having side setbacks as long as the homes are 10' from each other or more, we're, the Town is okay, because they okayed that in lieu of the side setbacks and I'm looking to Adam to tell me if I'm crazy or not, so with that regard as long as there's as many homes in this row as there are lots and none of them are closer together than 10', it doesn't matter, she can, she'll go and she'll draw here's the 60', and it doesn't matter if the house is on what they would say the lot line or even just over it, it would be about, as long as they're not 10' apart. Because there's no side setbacks. That's, that's how this is managed and that's how this is perceived, again, I think we went down a rabbit hole very early on in this, because, ill be honest and myself this is the first time I've encountered this scenario with mobile home parks and the lot lines and all that so there's a lot of research we've all had to do on this and it is confusing, but the code is clear there are no side lot lines its in lieu of that, they've got to be 60' and the homes have to be 10' apart, it doesn't say that a home for example couldn't straddle one of these lot lines, they've got to just be 10' apart and I mean I would think, you'd want to have them on it, but at the end of the day as long as you have as many houses as you do lots, they're within the 10', I think its going to be very, it's very easy to show there's 60' there, go and measure 180' and put dots on each one and it doesn't really matter where the house falls...

Chairman Reinhardt- alright so, let me hypothetically you have 3 homes...

Mr. Nearpass- yup.

Chairman Reinhardt- one home to the south, one home to the north, and one that's in the middle ...

Mr. Nearpass- mhm.

Chairman Reinhardt- the one to the north and the south are straddling it closer ...

Mr. Nearpass- okay.

Chairman Reinhardt- and are pinching the one in the middle.

Mr. Nearpass- as long as the one in the middle is 10' away from them, its perfectly okay.

Chairman Reinhardt- I don't think so.

Mr. Nearpass- in my, it might not be the ...

Chairman Reinhardt- no, no, no ...

Mr. Nearpass- the public might not want it there ...

Chairman Reinhardt- that's not true because the code says they need 60' for that one in the middle ...

Mr. Nearpass- no, it is on a, the 60' is on it. The one in the middle is on a 60' lot, as long as its 10' away from the other homes...

Chairman Reinhardt- I don't think so.

Mr. Nearpass- That's, they're not crossing a lot line ...

Chairman Reinhardt- go ahead, come on up.

Mr. Nearpass- the other 2 ...

Chairman Reinhardt- alright, Ill get to you next.

Mr. Nearpass- but this there the other 2 aren't crossing a lot line ...

Resident- Can we put it in, you can see a picture of this? It's on a flash drive.

Ms. Ogra- you can come to the microphone.

Mr. Nearpass- is it one of the things that was submitted? Pictures that were submitted?

Resident- No, I couldn't get them in here my computer wouldn't work, which is another story.

Chairman Reinhardt- okay. What do you want to do? Do you want to show us?

Resident- *Inaudible* brought this over ...

Ms. Downs- we can't here you unless you're in a microphone, I'm sorry.

Chairman Reinhardt- and that's on your ... This is the only copy you have? Alright so, Ill tell you, use your copy and we can pass this one around a little bit and ... Is what's on the thumb drive, this?

Resident- Yes.

Chairman Reinhardt- then, we can work with this. Thanks.

Resident- *inaudible*

Mr. Nearpass- these are.

Chairman Reinhardt- yea.

Resident- *inaudible*

Chairman Reinhardt- go ahead.

Resident- Okay, when I went after this 4 or 5 weeks ago and since I lost everything I had to bring it back again, I went online, went to the county, went to the map thing and then you got the google earth, okay, I went over to my house, measured everything out, got my 60', I drew it out on that red square you see, that outline, and I brought that all the way over to Murphy, it wasn't the balloon that the Chinese had, just a joke there, but I brought it over dropped it on that lot and dropped it on the 45, 6245 and 6251, based on rough measurements of what our houses look like at 60' ...

Chairman Reinhardt- right, I just want to stop you just a second, I've marked the copy that you sent me, gave to me as exhibit A ...

Resident- yup.

Chairman Reinhardt- and its marked as Exhibit A 1, 2, 3, 4, and 5.

Resident- okay.

Chairman Reinhardt- okay.

Resident- yup.

Chairman Reinhardt- so whatever page that you're talking about, so that ...

Resident- we're on page 2, then.

Chairman Reinhardt- so that the record is accurate, just tell me you are looking at Exhibit A 1 or A 2 and then, tell us what you want.

Resident- okay, alright. So, looking at A2.

Chairman Reinhardt- okay.

Resident- I brought that plot over, that square box over, the red line, and dropped it over the houses, okay, you will notice that the plots or the hoses are not truly square within a foot of Murphy Drive, you notice that right about, looking down and, a couple people have noticed that too, and have done measurements.

Mr. Nearpass- and the box is 60' wide, you're saying?

Resident- yes. Roughly.

Chairman Reinhardt- how do you know that?

Resident- roughly. I measured my plot over on Roberts Drive, dropped my line, okay, 60' wide, and this is all rough ...

Mr. Nearpass- so what you don't know is where each of those 2 homes 6245 and 6251 are in relation to the fictitious lot line, side lot line.

Resident- yes, yes.

Mr. Nearpass- you just centered it.

Resident- I'm, centered it over them homes, okay, based on, oh we have like 5' on each side and so that line is kind of trying to maintain that, but you can see that no matter what, where the placement is, the lot at 6249 is definitely smaller than 60' wide.

Mr. Nearpass- well, but its only smaller than 60' wide because 6245 you placed it where, I mean, you can easily also do the same drawing and show that 6249 is 60'

Resident- oh, yea, yea. I'm just saying what I did was ...

Mr. Nearpass- measure it and they may say oh look the 60' is ...

Resident- if you look ...

Mr. Nearpass- here.

Resident- if you look at where the ...

Mr. Nearpass- and the 60' ...

Resident- where the homes are, okay, I used the same distance between the house and that line and the garage and the lines, from my house, okay based on what I'm mowing and what my plot showed, which they give us a plot which isn't stamped, its shows its 60' and then goes back places my shed, my patio and everything on there, everything's out there in feet, but its not a stamped, it's a drawing, not like this, it's a survey, not a surveyor, um, its Passero, what was the name of the? Plot Plan. Passero who draw it out which you got so I'm told. Okay, years ago when Morgan owned it, or even Murphy maybe...

Mr. Nearpass- yea, Passero, yes.

Resident- okay, Passero, oaky, that's what we got when my lawyer looked at it and we purchased the house and we were going to, we put money down on that lot. That's what we did, so that's what I used that for. As a refence that square. It's damn close. Closer than anything you're seeing here. Okay. I don't do that for, that's the truth. So, when you plot them, okay, no matter if you move it a little bit to the north, you're going to bump into the hose or south, you're going to bump but you're not getting the same distance, you're not getting 60' between those lines no matter what you do, Matt.

Mr. Nearpass- I don't know, I'm looking at it and it looks, if that one goes north a little bit, it looks like you'd fit a 3rd, a 3rd box in the middle to me.

Resident- but I can get there because of the house above it, take a look where that line runs down through there ...

Mr. Nearpass- yea, you've got another 5', that other house could be right on the line ...

Resident- yup.

Mr. Nearpass- it could be right on it.

Resident- I'm just saying, there's no, there's just a picture of what were looking at.

Mr. Nearpass- but if I, if I take this red box on the top and I move it, and I, put the house right on the lot line, you'll fit a, I, just looking at it, you'll fit a third one in there, I mean its all close, right ...

Resident- yes.

Mr. Nearpass- I mean, we're all ...

Resident- it's very close.

Mr. Nearpass- looking at satellite photos and we're drawing ...

Resident- yup.

Mr. Nearpass- squares in PowerPoint or something here, but to me, I look at that and there's plenty of, there's ...

Resident- it might be up a couple feet but you're not...

Mr. Nearpass- you could also make the same case that, here's how it fits. Because ...

Resident- but can we go on?

Mr. Nearpass- to be honest with you.

Resident- can we go on from that, Matt, yes, I agree with you.

Mr. Nearpass- okay.

Resident- not going to argue with you, I'm right, you're right. Good with that. Okay, and I checked this out I just didn't do this out of a whim.

Mr. Nearpass—no, no, I ...

Resident- this was hours and hours of work I did.

Mr. Nearpass- I appreciate it, this is all great stuff.

Resident- okay, alright. So, I go on to page A3, we got 6249 and 6251, 6249 is on the left, we took we measured over the 5', we're just about where that red line is, is a person holding it, between the garage of 51 to that line that's 5' and right on the other side of that arborvitae is the power pole. Okay? Which comes out just about center of where that power pole is. Okay. Now you're looking at the voltage box and the communication boxes in front of there, okay. That's 5' go to page A4, this is platform and steps, I dropped in and tried to, I got that as close to being what I figure 4' is, okay. And dropped that little yellow box on, steps have got to be roughly 4' wide and that's what I call a structure, I was told it was a structure by engineering people, okay. So, when you're talking about measuring from a structure, you're talking houses, we're talking structures. So that's an argument that we can have, a discussion. Okay. So, you can see how much closer, and you can look in there and you can see where the voltage box is out towards the road, by the red line that's there, so when you got o move snow, in the last 3 winters that I've been here, we seem to get 10" in a whop. You know. And I don't care if you blow it out, shovel it, or push it, you're not going to get much room, you're going to bury them steps. Or that thing that's, that's out from that house. You're that close. 3-5' is not enough, even with 10' between my driveway or more, between my

neighbors house, I got plenty of room to put snow in there, 10' plus. But when you put a structure out from there and bring it 5' over, you're really limited. You got to agree with that. Just a point I'm making today. As far as having a variance that, go ahead put your steps in.

Mr. Nearpass- I think that....

Resident- the other, the other part, we go to A5 ...

Mr. Nearpass- I don't think on this one, I think everyone in the room, everyone even Cook it sounds like, is not happy with the placement of the house.

Resident- oh yea.

Mr. Nearpass- like ...

Resident- I agree.

Mr. Nearpass—right, there's ...

Resident- and I got to agree with everybody, you know if is, then move it. Sorry, I'm just to keep making a mistake and let it be that way ...

Mr. Nearpass- when you look at us to say move it, I think you're looking at ...

Resident- I know.

Mr. Nearpass- the wrong, you're looking at the wrong organization.

Resident- I know, so I just put the steps in, just gives you an idea of what its going to look like and how close everything is, between the voltage box, steps of a, any sort going in there. So.

Mr. Nearpass—the discussion we had at the last meeting, I'm not sure if you were here on this, on the steps for that ...

Resident- yes.

Mr. Nearpass- its not about lot lines. It's, and I get it, its, but those steps I believe the corner from corner to corner was like 12' or something to that effect...

Resident- yes, could I have the number of where that code is, because I have looked on your site and looked on it and I remember, I remember that came up and somebody brought it up there and I can't find it, because we looked underneath manufacturing codes, its not there that I've seen.

Mr. Ryczek- It's a yea, Its right in the first couple paragraphs.

Resident- is it under 184 or something?

Mr. Ryczek- 138-6.

Resident- I'm sorry 138-6 is what it is.

Mr. Ryczek- 138-6 B

Resident- and is that in the manufactured code? Because all, everything in manufacturing is 180's.

Mr. Ryczek- this is in the Town of Victor code.

Resident- Town of Victor code?

Mr. Ryczek- right, the 10' requirement ...

Resident- so, what's supersedes the manufacturing, the manufacturing codes, or the Town of Victor codes?

Mr. Ryczek- right, I think ...

Resident- and what do you call a structure?

Mr. Ryczek- the 10' that you're referring to is in the health departments...

Resident- Health department?

Mr. Ryczek- yes.

Resident- which wasn't in the manufacturing code that I saw.

Mr. Ryczek- I'm not sure about what's in the manufacturing code ...

Resident- I'm pretty sure.

Chairman Reinhardt- we are also asked for an interpretation of what does that mean in the last meeting ...

Resident- right.

Chairman Reinhardt- and we made a determination and an interpretation and there's a resolution, so that how its measured, 10' between the homes.

Resident- so that's supersedes ...

Chairman Reinhardt- structures.

Mr. Nearpass- structures, and the stairs are a structure.

Resident- stairs are a structure?

Mr. Nearpass- the happen to be 12' away from the nearest structure.

Resident- yea.

Mr. Nearpass- nearest other structure.

Resident- so a structure when we talk about 10' between homes ...

Mr. Nearpass- 10' between structures.

Chairman Reinhardt- structures, so if ...

Resident- structures.

Chairman Reinhardt- so if the deck, the deck is permanently affixed to the home, we count the deck, the steps, whatever ...

Resident- alright.

Chairman Reinhardt- that is.

Resident- okay.

Mr. Nearpass- and the steps I believe are 12', close, its all close. All real close, but it's ...

Resident- yup. And the only goal I have, not to be a complainer I believe in solutions, that's what I do all my life is fix things, okay. And I hopefully we can fix this and just want to make sure that, that we all understand where the code is being, that people are following them. From the manager of the park to the people bringing in and setting it up. And it seems to me a step was missed here, a big step, where there was no communication from the house first arrived, nobody said, I got to go see the manager or I got to get a, get the permit, was the permit showing the layout and I'm seeing that it wasn't the correct layout or plot whatever it was called, when it was handed to you. Or to the um, code enforcement.

Chairman Reinhardt- okay, thank you.

Resident- okay, thank you.

Chairman Reinhardt- you wanted to say something?

Ms. Yackel- hello, I wasn't able to come last time, I'm Kaitlin Yackel. I'm one of the owners of the trailers, at hand, I'm sorry, I'm really nervous.

Chairman Reinhardt- its okay, take your time.

Ms. Ogra- don't be nervous.

Ms. Yackel- um, but I mean we've been going through this for a long time, and it seems like every step that we go through, it's been just so much, and sorry. And I don't know, my boyfriend that's supposed to be living with us, is now just like, popping between homes because he doesn't know where he's going, and its just hard because, I mean we don't, it doesn't seem like these meetings are helping with anything. Like it keeps saying that like, it could be skewed either way, but I don't think moving it is going to help at all either, because we're going to have that same type of issue, is it 60' or is it not. So, I don't know. I'm sorry.

Chairman Reinhardt- its okay. We are ...

Ms. Yackel- I kind of lost everything as soon as I got up ...

Mr. Nearpass- do you need tissues?

Ms. Yackel- here. I'm good.

Chairman Reinhardt- no, its okay. We understand the gravity of it, and we are hopefully, the community, everyone can tell, the questions that we are asking and the amount of time that we're spending on this, debating, deliberating, trying to get the right answer ...

Ms. Yackel- yea.

Chairman Reinhardt- we are taking this very seriously.

Ms. Yackel- I know. And I'm glad that you are, and I'm glad that we found this issue because it seems like its going to be, it's a big issue, that doesn't seem like any of those lots are the right amount of size, I mean technically, I mean, the way you're moving them they are all, technically within the same ...

Mr. Nearpass- it's all ...

Ms. Yackel- within the 60' ...

Mr. Nearpass- it's all very confusing.

Ms. Yackel- yes.

Mr. Nearpass- I believe based on engineering drawings that all of the lots are 60' wide.

Ms. Yackel- just depends on ...

Mr. Nearpass- but how it was presented ...

Ms. Yackel- where in those ...

Mr. Nearpass- in January to us, it wants presented as 60' wide, we were presented as 53' and 54' lots.

Ms. Yackel- right.

Mr. Nearpass- and the last time we signed them, we did go through a lot of detail in that newer mobile homes are 26'8" wide and the old ...

Ms. Yackel- right.

Mr. Nearpass- and the older ones, the ones made 10, I don't know 10-15 plus years ago, were 22' or something to that effect, were smaller. And it is a, you know a larger than, a larger sized mobile home, then the area ...

Ms. Yackel- than what they're used to ...

Mr. Nearpass- but its

Ms. Yackel- in their trailer home ...

Mr. Nearpass- it still fits within the code, although not everybody's liking, in the one particular placement is also, you know not the best to say the least of one of the homes ...

Chairman Reinhardt- if I could hit the gravity of this situation here, there are 3 choices, those 2 parcels either need a variance, or they don't need a variance or there needs to be something done to convince the board of either one of the 2.

Ms. Yackel- right.

Chairman Reinhardt- and to Matt's point, it's like well he, I think where he's going is, there no need for a variance because relying on the site plan is, they're all complaint, its all good, and it was an error, harmless error ...

Ms. Yackel- on somebody else's path.

Chairman Reinhardt- 53' 54' I am not convinced that that is the solution to the problem. I'd like to make sure we get it right, on whether or not we do or do not need a variance, because this isn't just 2 issues ...

Ms. Yackel- its going to be a lot.

Chairman Reinhardt- it's a much bigger problem if its 4-5, 10, 20, variances needed that means it is an enormous problem, and if you start granting 20 variances for 1 parcel, 1 this is the whole Gypsum Mills, that means the language of the code requiring 60' of road frontage is completely dismantled.

Ms. Yackel- right.

Chairman Reinhardt- we cannot as a board re-write the code.

Ms. Yackel- so what would happen if say you did bring a code inspector out, or whatever and you measure it and found that almost all of these properties are not within the good amount, I mean the 60', I mean what are you going to do with all the houses that have been there for so many years. Do you move them?

Mr. Nearpass- I think that would be a low probability of happening.

Ms. Yackel- low probability that they're all skewed...

Chairman Reinhardt- I wouldn't even guess at that...

Mr. Nearpass- I'm looking at, only because I'm looking at an engineering document with all of the lots on them and the same number of lots as homes. And I just find it hard to believe that this document, those documents are wrong, I find it hard to believe this document is wrong, I find it very hard to believe this document is wrong. I'd bet a paycheck that its right. I, and there's, and if you told me there were a few extra mobile homes in there, Id be, Id be with Mike, going, oh, okay wait a minute, someone is double dipping somewhere, there's extra homes, but there's one home per lot, that's my, again one person's opinion. But that's how this whole thing enfolded, Mike said it more eloquently than me that it was a, call it an innocent mistake that brought us down a rabbit hole, with these drawings here being ...

Ms. Yackel- accurate.

Mr. Nearpass- presented as engineering drawings or lot drawings and they're not.

Chairman Reinhardt- if this was just one lot, I think I'd be more likely to say, Matt you know what you're right, because...

Mr. Nearpass- you did the same thing, I bet she's got this exact same drawing for all the lots that show 50 something feet ...

Chairman Reinhardt- alright, I'm not comfortable at this point ...

Mr. Nearpass- that's...

Chairman Reinhardt- because I don't have enough information on whether or not we need a variance or no variance, whether or not we need a variance. There isn't sufficient, this, the original site plan just tells me how it was supposed to be, what we're hearing from the community is it doesn't appear that that's what's happening.

Mr. Nearpass- I don't know about that, I agree that they don't like that the homes are larger than the homes that are in the neighborhood. And that the homes, the bigger homes are tighter, I totally agree and the placement of one home is just not to anybody's liking, including myself when you look at it all.

From audience- bigger homes require larger lots.

Ms. Yackel- but are there larger lots?

Mr. Nearpass- again, we can, we can have some ...

Ms. Yackel- because each one of them are 60'

Mr. Nearpass- some lots are bigger than others, but all of these, its really really small writing, I wish I had a large one, but all of them look like they have 60' wide in that the lot difference is usually the depth. In the ...

Chairman Reinhardt- alright, wait, what –

Mr. Nearpass- I ...

Chairman Reinhardt-what I don't, really, we've been its, and I ...

Mr. Nearpass—absolutely ...

Chairman Reinhardt- no, I, stop, stop, please stop, please stop ...

Mr. Nearpass- because ---

Chairman Reinhardt- please, please stop. Please stop.

Mr. Nearpass- when you measure it ...

Chairman Reinhardt- Matt.

Mr. Nearpass- its, I'm just saying. I agree that they're close, but when you measure it, its per the code and we're about the code.

Chairman Reinhardt- I understand your position, you feel you have enough information to...

Mr. Nearpass- yup.

Chairman Reinhardt- however the motion is drafted that no variance is required, is that accurate?

Mr. Nearpass- correct.

Chairman Reinhardt- okay, and I don't think anybody is going to say anything different that's going to help us decide whether or not a variance is needed. So, I appreciate everybody's comments, I think we know where everybody stands. I'd like to know from, excuse me... thought somebody said something. Um, Alexis, do you have enough information to rule on a motion on whether or not there's enough information for a variance here? To grant or deny a variance?

Ms. Ogra- would we be voting on the variance?

Chairman Reinhardt- well I think there's 3 choices, either 1) we don't need a variance, or they don't need a variance, 2) there's enough information and I will rule for or against a variance, or 3) it's like I don't have enough and if they're willing, Horizon to say, yea we see that this is serious, we will show you that we don't need a variance because all these pieces are lining up in place and there's 60' of road frontage.

Ms. Ogra- I'm fine if we vote tonight. They've asked for a variance; they want an answer.

Chairman Reinhardt- okay, so you have enough information today to rule for or against the variance?

Ms. Ogra- yes.

Chairman Reinhardt- Lya? Do you have enough information?

Ms. Theodoratos- I'd want more information.

Chairman Reinhardt- such as?

Ms. Theodoratos- a survey, and decision than being made that, if it doesn't fit on this lot to move to a different lot.

Chairman Reinhardt- Fred? Do you have enough information? ---

Mr. Salsburg- no, I'm not ready to vote.

Chairman Reinhardt- so you'd like to see -

Mr. Salsburg- yea.

Chairman Reinhardt- alright, again, are you finished, or you have something else you want to say?

Ms. Yackel- I just wanted to say that I've put a lot of trust in people that supposedly know what they're doing, you know, like she's been in business for 30 years, she's been in there for so long too, how did it get missed, that's all.

Chairman Reinhardt- okay.

Ms. Yackel- that's all I got for you. Thank you.

Chairman Reinhardt- thanks for your time.

Ms. Madison- are you voting for both of these, are we combining the ---

Ms. Ogra- no, they're not combined.

Ms. Madison- we're going to separate them ...

Ms. Ogra- they're 2 separate variances.

Chairman Reinhardt- right, right. Anyone else for or against? So, do you want to come up. Because I have a question for you. --- You do have some control here, you would like to request this to be tabled until you can go speak with counsel, Horizon, wherever you need to say, you know what this is serious, I don't know if the board has enough information, I don't know if the board is going to rule in our favor here, I will give you that option, if you want to say, you know what, I'm good, we can draft up the motions and the board will vote tonight. How do you want it?

Ms. Greindl- well, do you guys, there was several people you asked, and they said they wanted more information, so that mean you can't vote if people want more information.

Chairman Reinhardt- no, I just asked what their opinion was, if I think Matt is ready to vote today, Alexis is ready to vote today, Lya said she'd like more information doesn't mean she, if a motion was put before her, doesn't mean that she wont vote today. And Fred said the same thing ...

Mr. Salsburg- I won't vote for it because I don't want to get it wrong.

Chairman Reinhardt- if a --

Ms. Ogra- all we need is a first and a second to vote.

Chairman Reinhardt- right.

Ms. Ogra- so, you have 2 people ---

Chairman Reinhardt- we could rule in favor, oppose it, you can abstain if you want to, you can vote how you please.

Ms. Ogra- would you like an answer tonight? Or do you want to come back is really the question here.

Ms. Greindl- so if we get an answer tonight then and if it's a negative that the variance isn't going to be granted then we would have to go a whole, another route, right?

Chairman Reinhardt- that's correct.

Mr. Nearpass- I think you know its 60'

Chairman Reinhardt- I would recommend then you speak to counsel and figure out what those remedies are.

Ms. Greindl- I say let's take a vote because if anything can get passed tonight then Ill get passed tonight if not, we'll make other choices, I mean if a decision can be made tonight separately ...

Chairman Reinhardt- right, so if you, the method is, if you decide to re-apply for these, hypothetically, the board denies both variances, your remedy is not to re-apply for the variances, you're going to have to appeal the decision, its called an article 78, we don't hear it, you'd have to go to court and appeal it, you are precluded from re-applying for those same variances for a whole year. The only way to prevent that would be, is to withdraw, and you could re-apply. At any time that you want. So, it comes with some consequences if the board decides that you don't get a variance, its denied, there are legal consequences to it.

Mr. Nearpass- I honestly would like to recommend or be, give them the time and go validate this. Go pay someone to validate the, where the locations and the widths of the 2 homes, and the homes adjacent with a surveyor. That's my opinion. And then, when, if that comes back and it validates this, you don't even, you don't even need to be back here. You're back into him, with him and you're showing him where those stakes are in the ground and if they're all 60', there's no variance to be had. That's ---

Chairman Reinhardt- if you can show the board, its ---

Mr. Nearpass- you don't even need to be back here.

Chairman Reinhardt- the code enforcement officer that, just like he's describing, got a surveyor out there, all these homes are in line there's 60' of frontage, for all of those homes and the 2 that we believe, we thought we needed variances for 6261 and 6249, we don't need variances because there is in fact 60' and the drawings that were submitted were a, an error, then right, you don't need a variance, but right now, I don't have enough information that, that's accurate, Matt sounds like he's got enough information.

Mr. Nearpass- not to vote, to say they don't need to be here.

Chairman Reinhardt- that they don't ---

Mr. Nearpass- that's my --

Chairman Reinhardt- right, right, right. Sounds like Fred wants some more information. Lya wants some more information. So, I've asked you, do you want to provide more information such as, I'm not telling you, you have to do that, it is your option, say yea I can show you, by a survey map, talk to legal counsel, how are we going to show the board that we don't need a variance here. Use your resources, or don't. Its up to you. You're in control here. ---

Ms. Greindl- well I know that were going to have an issue no matter what with one of the homes, so I guess we'll just get everything measured. We'll just get everything surveyed. But we only have to survey the 2 lots? We're not being asked to survey our entire ...

Chairman Reinhardt- right, the only thing that's on the table ...

Ms. Greindl- park.

Chairman Reinhardt- now are those 2 lots.

Ms. Greindl- okay.

Chairman Reinhardt- that's what you'd like to do?

Ms. Greindl- sure, yes that's what we'll do.

Chairman Reinhardt- so, we will table it until the next meeting, and it sounds like what you'd like to do is talk to Horizon, maybe talk to legal counsel, here's what's happening ...

Ms. Greindl- so if we get the, if we get the survey though and we have the 60' then I don't have to come back to this meeting?

Chairman Reinhardt- talk to the code enforcement officer.

Ms. Greindl- right

Chairman Reinhardt- code enforcement ...

Ms. Greindl- yea.

Chairman Reinhardt- officer is satisfied that, got it, understood you do, for those 2 lots you have 60' of frontage then, no you don't need a variance. But you're asking me to get out my crystal ball which I don't have and tell you exactly what's going to happen when ...

Ms. Greindl- you should bring it next time.

Chairman Reinhardt- I, I, magic eight ball is all I have, I don't have a --- I think that's the path, because that would provide so much more information, on, that you're complying with this site plan. And those people who are out of their homes can get in. The quicker you do that, the quicker that they can get into their homes.

Ms. Greindl- okay.

Chairman Reinhardt- sound like a plan?

Ms. Greindl- yup. Just for the record, I never made anyone sign a lease. That was put out to everyone that someone said that I ...

Chairman Reinhardt- okay.

Ms. Greindl- someone said that I was trying to force someone to sign a lease and I did not, so I just wanted to let everyone know that.

Chairman Reinhardt- okay. That's not an issue.

Ms. Greindl- I know, but I just don't want, I want that on record that I did that so.

Chairman Reinhardt- okay. Sounds like you have some homework, I think you know what you need to do., if you need to know or have questions about how this works talk to your counsel, talk to your, don't start he said, she said and they told me, you have resources and a pretty big corporation that should be able to help you through this. Okay. Thanks, see you next time. Where's the a, oh, I marked it. Here you go. Whose is this? --- Did you want to hang on to this, they're going to come back next time.

Mr. Nearpass- I'm expecting they're not ...

Mr. Salsburg- is that it for the agenda.

Chairman Reinhardt- oh, no, no, yes.

Resident- Can us citizens get a copy of that survey?

Mr. Nearpass- here, I'll just give you mine.

Chairman Reinhardt- it should be, aren't all the documents online?

Mr. Nearpass- it should all be online.

Ms. Downs- you can FOIL anything you want ---

Chairman Reinhardt- is it online?

Ms. Downs- that is not physically, but you can FOIL anything you want the Town Clerk's office. But you can have that site plan.

Resident- excuse me sir, what you put up.

Chairman Reinhardt- what do you need?

Ms. S. Madison- I just wanted to know how come we couldn't see what you guys were seeing on what he was carefully mapping out with that 1, 2,3,4, 5 ...

Mr. Nearpass- I've got it right here.

Ms. S Madison- that would have been a help. You know, to know what, because I don't know what your point was to say that it is accurate, or it isn't accurate.

Resident- no I was just pointing out that ...

Chairman Reinhardt- okay, wait, I, I got to stop all this because this, this isn't going to work, if there's dialogue between whether you're for or against, the questions come to the board, that's much cleaner, its easier, its just going to get out of hand. So, if you have a question for us, you know, why couldn't you see it or what would you, I'm not quite following.

Ms. S Madison- I do have a question, this is just, when the gentlemen came up who had all of the Exhibit A 1, 2, 3,4, 5. What was the point of that, was it saying yes there are 60' between lots.

Chairman Reinhardt- I believe what he is trying to show is that there's not. That his, his boxes tat he was putting over ...

Mr. Nearpass- you can see them, they're right here, you can come on up. The, and we, we kind of both walked away, I believe saying its kind of inconclusive right, because it really, what he was saying is right here, this is smaller and my point was that, look this box could easily be a little more, so it's, I, I see it as, its kind of inconclusive because this house could, might eb right on the lot line, and if it is you could fit another one in there and there's a margin of error here that we're all playing with, that, um, he did, he did prove and show that right, its about 10-12' from the steps and he made a good point that it's all really close, and its all really tight and its all undesirable by the homeowners, my push back a little bit was that it may be true, but its still per the code.

Ms. S Madison- okay.

Mr. Nearpass- that's, all the other homes might be, well, they obviously are, they're a lot farther from other homes and things but, um, it just works out, it's a larger home and it's misplaced on the, on the lot itself. No one would disagree with that, and so that made things a lot tighter than it should be in certain areas.

Ms. S Madison- and was, was I supposed to identify myself properly.

Chairman Reinhardt- sure.

Ms. S Madison- okay, Sharon Madison.

Chairman Reinhardt- thank you.

Ms. S Madison- I'm the mom of the one with 61, and she never wants me to come up, but I don't know how you make any decisions if you don't have all the information, so I was just curious when you were speaking earlier, I think you were talking to Jenn and you said, or maybe it was Sue, that you said if somebody paid \$5,000.00 towards having one of these house, you know moved to some other site.

Chairman Reinhardt- okay.

Ms. S Madison- why would that be the, um, the new owners expense? Rather than ---

Chairman Reinhardt- I never said it was the new owner's expense ---

Ms. S Madison- no, that's what I'm asking. Is, I thought what you meant was, that I misunderstand that. Would it be Cook's responsibility to move it?

Chairman Reinhardt- that's between the homeowner, and Cook and the owners of the property, it was a hypothetical to ---

Ms. S Madison- okay.

Chairman Reinhardt- to flush out whether or not that home could be moved to what cost, who is responsibility for it, because what I'm trying to sort through all that is, its certainly not, should not be, the homeowner to move a home from one to the other unless it was by their choice.

Ms. S Madison- okay. Thank you, I appreciate the clarification. And I appreciate everybody going through what you're going through.

Chairman Reinhardt- Thanks so much for your patience.

Ms. S Yackel- I'm sorry, I'm the homeowner of 6249, Sheri Yackel. Um, first off, wouldn't you think that Jenn would have checked, when they were putting the footers in where this house was going to go, I don't know nothing about this, why wasn't she doing her job, and checking where this was supposed to go, and stopping it right then and there, and say hey, you got to scooch it over or its, she's saying now, okay, well now, I'll move that to a larger lot, when she gave me a map of like 5 different spots and said just pick one, they're all the same size, I'm going by what she's saying.

Chairman Reinhardt- I, I appreciate ...

Ms. S Yackel- I think she's sitting here lying the whole time.

Chairman Reinhardt- okay, she's not here, so ...

Ms. S Yackel- well ---

Chairman Reinhardt- so please don't ---

Ms. S Yackel- that's because she quickly took off.

Chairman Reinhardt- alright, I'm, there's no doubt in my mind, every member ---

Ms. S Yackel- it's very frustrating.

Chairman Reinhardt- every member of this board is taking this matter very very seriously, it is a complex issue this isn't just a shed, or a fence, this involves multiple homeowners, we are doing our very best to get this right, so that's where we are, we're going to give her an opportunity, I'm sorry I didn't mean to point at you, um, we're giving the Gypsum Mills, Jenn, Horizon, an opportunity to provide us with sufficient information, their argument now is saying we don't need a variance, show us, if they cant show us, then they've had their chance, and the board then will make a decision on whether or not they want to grant the variance---

Ms. S Yackel- but how long does this stuff take? Because we've already, like she's making payments, I'm, I bought this house almost a year ago.

Chairman Reinhardt- I understand, I understand that, right now there are ---

Ms. S Yackel- something has to be done.

Chairman Reinhardt- there are, and I, we've, I've said it the last time ...

Ms. S Yackel- no, I know.

Chairman Reinhardt- I said it the last time, if you think that your rights have been violated, go seek legal counsel, go call your assembly men, call the attorney general, call legal aid, there's multiple places that you can call and says, I need help, I don't know what to do, here's what's happening. There are resources out there.

Ms. S Yackel- but I did call a lawyer, and the lawyer told me as long as they were making steps to go forward, I had no grounds, at that point. I don't know, where else to go, we're just stuck. Sitting here waiting. So, I don't know.

Chairman Reinhardt- I don't know what, what it is that we can, we can't, we're not ---

Ms. S Yackel- no, no, no not necessarily you guys.

Chairman Reinhardt- were not doing anything ---

Ms. S Yackel- but I'm just saying.

Chairman Reinhardt- the board.

Ms. S Yackel- no, I know, I just, it's just so frustrating.

Chairman Reinhardt- I understand it's frustrating. But hopefully you can appreciate what we're doing our very best ---

Ms. S Yackel- oh no, I appreciate you all.

Chairman Reinhardt- to get, thank you.

Ms. S Yackel- I just don't appreciate what they did.

Chairman Reinhardt- I understand that.

Ms. S Yackel- *laughter* thank you.

Chairman Reinhardt- thanks you have a good night. --- You know what unless its pivotal.

Ms. E. Madison- no, it's legit. Yup it is.

Chairman Reinhardt- its absolutely pivotal, it can't wait? It can't wait until next time.

Ms. Sherman- no.

Ms. Ogra- come on up.

Chairman Reinhardt- please be brief.

Ms. Sherman- I agree, just a quick question, who determines where this survey line starts?

Chairman Reinhardt- that's going to be for the surveyor, hopefully to find a, what's called a monument. And start from the monument and measure out.

Ms. Sherman- So, they'll be measuring more than the 2 lots, they're going to have to. I'm guessing.

Chairman Reinhardt- Don't guess ---

Ms. Sherman- no ---

Chairman Reinhardt- that's not ---

Ms. Sherman- based on my many years of experience.

Chairman Reinhardt- I don't know ---

Mr. Nearpass- they'll measure what they pay them to measure.

Chairman Reinhardt- I don't know what they're going to do.

Ms. Sherman- okay.

Chairman Reinhardt- I don't, again, I don't have a crystal ball.

Ms. Sherman- mhm.

Chairman Reinhardt- at issue are those 2 lots.

Ms. Sherman- okay.

Chairman Reinhardt- the surveyor marks off from a monument and measures off that these are where these 2 lots are, here's how it can be shown, that there's 60' of frontage for this lot and that lot, then shows it to the code enforcement officer, the code enforcement officer then says, no you still need a variance or no we're good. Everything is fine. That's how that works.

Ms. Sherman- okay.

Chairman Reinhardt- alright.

Ms. Sherman- that's all I was wanting to know.

Chairman Reinhardt- thanks. Alright, I think we're done with that piece, um, just to let everyone know I think Matt is, I already talked to Matt, I'm not going to be here on April 3rd, so he's going to cover, Ill be back for the next meeting, the other piece is, I've been looking into some training, schedule, I found some good pieces, part of it was from HR asked for me to look into and I, I think there's also some courses that the state runs, but there's other courses that could give us a really good perspective on what it is, how to present an application, where the challenges come from, those kinds of things, there's case law to it, so its on video, there's probably I think in total, about I think 2 1/2 – 3 hours, we don't have to watch it all at once, what I'm trying, what HR is asking though is for, to set up a time, Suzy you know this, don't you? Yea, okay, so, coordinate through Suzy, and find a time when we all can meet run the video, if it's a, hopefully about a block of an hour, we watch it and then we're done we have some discussion about what it means and it counts for our training, so put that in your thinking cap, if you want it to be like say, after a Monday meeting, great, if you ant it to be a different night, we can do that, so let's talk about what is best for our, you know our schedules, on when you'd like to see it, I know we work and do different thigs, shoot me an e-mail and give me some dates or rather days of the week and if your, Tuesday night, Wednesday night whatever the case may be. And we'll coordinate it. Sound good. Anything else?

Mr. Salsburg- after a meeting sounds good to me.

TOWN OF VICTOR ZONING BOARD OF APPEALS, March 6, 2023

Chairman Reinhardt- alright well then, I'll make a note of that. Everyone else can think about that and, Adam have anything for us? --- Okay, good. Anyone else? Good, good, good. Okay, Thank you so much.

On a motion made by Chairman Reinhardt and seconded by Alexis Ogra the meeting was adjourned at 9:52 pm.