

TOWN OF VICTOR ZONING BOARD OF APPEALS, March 7, 2022

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

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

OTHERS: Brad Humberstone, Mitchell Design Build; Drew Cusimano, Victor Town Board; Al Benedict, Adam Ryczek, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Kim Reese, Amber Downs, ZBA secretary

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

PLEDGE OF ALLEGIANCE

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

PAST MINUTES:

On motion of Fred Salsburg, seconded by Donna Morley:

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

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

MITCHELL DESIGN BUILD, Van Bortel Subaru, 6327 State Route 96 1-Z-2022

Area variance for proposed asphalt that is within the 80' of the road right-of-way where no parking is permitted per §211-32A(2)(c)[1][a].

Chairman Reinhardt – Alright, we have a continuation of Mitchell Design. You're the guy. Alright, you want to give us, you're it today so take as much time as you need, but an overview, that'd be great.

Brad Humberstone: Sure thing. Good Evening board, my name is Brad Humberstone. I am with Mitchell design Build I am the Director of architecture. I am representing the Van Bortel Group, and the project consist of expanding the parking lot, to the East at Van Bortel Subaru, the existing or the parking lot that we are expanding to the purple shaded color there is currently a house the property is owned by Van Bortel, it will be raised and again the parking lot is going to be expanded. The issue with this and the reason that I'm here tonight is to get a variance for an area variance for proximity to the setback or to the right of way it is according to the zoning code it is 80' and what this is now proposed to be about 41' away from the right of way the whole goal of this was to be in line with the existing parking lot which expands the entire length of Rt 96. That's it.

Chairman Reinhardt- Okay great, so fair to say that there have been multiple variances on the adjacent lots.

Brad - yes

Chairman Reinhardt- and its fair to say, as well is what you're looking for, Van Bortel is looking for is really a continuation of the right of way so it looks more cohesive, more consistent. Right?

Brad- yes sir

Chairman Reinhardt- you don't have to say sir, that's fine thank you. Alright I think Adam had a thought on this, how many variances, there are 4 variances, or 3 other ones on this one.

Adam Ryczek - I believe there's 3 previous variances

Chairman Reinhardt- okay so what we'd like to do and I think it's a great suggestion Adam had, I think it was Adam I don't want to step on Al's toes over there. Is to make a reference in really in both directions that should the board grant the variance that there's gonna be a reference to the previous variances so anytime anybody looks at whether it be this proposal or the 3 previous ones it'll make more sense and it'll be referred. So, I think unless somebody has any other comments or objections that if this board grants the variance that it will be a condition that all the variances for this application be referenced to all of the prior variances and conversely the prior variance will refer to this one. That make sense for everybody?

Everyone agreed.

Chairman Reinhardt- Alright, the other point we wanted to make sure we make is a county planning board referred this as a class 1 shouldn't be an issue with that, so lets just make sure everybody is on the same page. Fred, questions, thoughts, comments?

Fred Salsburg- I have a question here, continuing on the same line as the front of the other lots will the appearance be continuous as your drive along after a while you wouldn't realize that it was changed?

Brad- That's the whole goal, yes, just make it look continuous. Yep, Exactly.

Fred- and I believe the county asked for some shrubbery and landscaping

Brad- yup, we planned on doing some landscaping all along

Fred- I don't think that defined what it was but that's it for me, it's an easy thing to picture how it would be

Chairman Reinhardt- Alright so the condition, would you be comfortable with the current landscape that's there is to continue that kind of landscaping, doesn't have to be exact but something as similar as you can get it so it looks cohesive

Brad- yes, on our site plan as part of the planning submission we have landscaping as a component of that

Chairman Reinhardt- Alright, any other question, comments, concerns?

The board had no comments/concerns

Chairman Reinhardt- I have to ask, is there anyone in the audience floor for or against the application? No, okay, Adam anything else you wanted to add, thoughts, concerns?

Adam- nope, as long as we get consistency of the 4 parcels, otherwise

Chairman Reinhardt- Okay, Al, don't want to leave you out, thoughts, concerns, comments?

Al Benedict- none at this time.

Chairman Reinhardt- Alright, lets go through the criteria,

Fred- is there anybody out in cyber land either?

Chairman Reinhardt- oh sorry, I didn't ask, Suzy? No, we're good. Thank you Fred.

Suzy Mandrino- No, we're good.

Chairman Reinhardt- Alright, the first criteria being whether an undesirable change would not be produced in the character of the neighborhood or detriment to nearby properties created by the granting of the area variance. And the justification being that there have been 3 prior variances similar in nature for Van Bortel and then the current proposal application is just a continuation of that, so with that is there any one else that has anything they want to add or comment on the first criteria. Hearing none.

Chairman Reinhardt- and second, the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the area variance, and much like the first justification it's a continuation from the previous 3 variances this board granted so it seems to make common sense to grant this particular variance, anyone want to add anything else to second criteria. I'm hearing none.

Chairman Reinhardt- Third is the requested area variance I think arguable it is substantial, however again as the first justification it is a continuation of the 3 previous variances that have been granted, would anyone like to add or comment on the third criteria? I'm hearing none.

Chairman Reinhardt- The fourth the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I haven't seen or heard anything that the proposed variance will have any kind of impact on the physical or environmental conditions, would anyone like to add anything to the fourth criteria? I'm hearing none.

Chairman Reinhardt- And fifth the alleged difficulty is self-created. As we've discussed there are some conditions, one is that the current landscaping in front of Van Bortel, that it would continue in similar nature to the parcel that is subject to the discussion today and then the previous variances that were granted will be referenced to this particular application as well as the prior variances that were granted should have a reference to this one. Anyone like to add or comment to the conditions to this proposal? None, none, none, okay and I would entertain a motion for approval.

On a motion made by Mathew Nearpass and a seconded by Donna Morley the project was approved.

All in favor 5 ayes

Any opposed 0 nays

Chairman Reinhardt- Carried, Good luck, Thank you for your time.

Brad- Thank you, board.

Chairman Reinhardt- Good luck to you.

Chairman Reinhardt- Alrighty, Al any updates for us on little projects we had for you?

Al- 7036 Dryer was a commercial property that you had me look into went back to the planning board resolutions they are substantially compliant the other properties I had were various sheds of types they've been put into the system and are being worked on.

Chairman Reinhardt- okay, good, thank you. Adam, questions, concerns comments in a general sense

Adam- not today

Chairman Reinhardt- good, thank you, welcome aboard. Does anyone else have anything that they want to?

Mathew Nearpass - We had a couple applicants in front of us, one was the individual out in the front that probably both went to court by now, right? One was the individual in front of Pinnacle, that and then the fence one that was going through the conservation easement, how did they end up, are they still?

Al- the one for the Use Variance?

Chairman Reinhardt- yea, yep, the DMV

Al- he did withdraw his application; he is proceeding at completing the building to get a C/O

Chairman Reinhardt- okay

Al- sorry what was the other one,

Matt- Fence through the conservation easement

Al- Fence, I believe that is still before the judge and I believe it is due back in court in a couple weeks I think. He does have an attorney, he has consulted his attorney on, so he will appear with his attorney on the next one, but don't have any results or how its gonna go. Obviously.

Chairman Reinhardt- okay

Matt- Okay just curious sometimes we, they come in front of us and then we never know how it ends up, so...

Chairman Reinhardt- Alright, anyone else? Alright, Before we adjourn, I do want to thank you, Kim, for the tremendous work, you've been outstanding in keeping us in line and I do, we do appreciate it, everything that you've done.

Kim Reese- Thank you

Chairman Reinhardt- Good luck to you, and what you're doing in the future and come back and visit if you want,

Fred- yea, come back and visit.

Chairman Reinhardt- and now welcome aboard, don't hesitate if you have any questions, we can certainly spend some time and keep things on track, well and you're not to far away to give her little tips and tricks. Alright, we're good? Drew anything else you want to saw, speak about...

Town Board member and ZBA liaison Drew Cusimano addressed the board with an overview of town board business.

Drew - Yea, I gotta say something,

Chairman Reinhardt- sure, earn your money.

Drew- yes, Kim, Thank you very much, you know only 6 months out of the year for 2 years so I don't get to see a whole lot in this role but I get to see often in the building and you do a really nice job and appreciate everything you do, a few quick notes relevant to what we're doing at the town board now just to let you guys know we rejected a bid for pump station 11 to have that replaced the cost of it was much higher than we had anticipated and were going to pull that off and then were going to go out for a future bid that comprises multiple pumps station projects that will relate to a lot of the stuff that we'll probably see down the line on the East Victor Road side of those projects over there the Southgate Hills and then some of The Morell projects that have come before for zoning overlay changes so, you know just a heads up on that, the hot topic from the social recreational side of things is the pickle ball stuff going on right now, so if you do hear talk around town about that, it has become quite a conversation, the Farmington/Victor Pickle Ball Association which is a non for profit 501C3 organization, has about 350 people playing pickle ball pretty regularly down in the Fishers park there, so its created a little bit of contention with the residents in the Hamlet and hopefully we're still working through the hoops there to try to bring resolution satisfy both sides and ensure that pickle ball goes on but also the residents down there have the peace and quiet that they really have grown to expect in the Hamlett of Fishers, so, the only other thing is the library I know March 30th, I believe will be the date that 7pm where the supervisor will host along with Tim Kniver and the staff from the library a question/ answer session here at Town Hall related to that potential project and the vote that happens in May there so if you're interested in that library and have some questions March 30th will be the day to come out, Thanks guys.

Chairman Reinhardt- Thanks so much. Alright, we good? Nope.

Al- Just like to throw in that Adam will be taking over as the representative from code enforcement.

Chairman Reinhardt- okay

Al- As I will be planning on retiring shortly so...

Chairman Reinhardt- big shoes to fill

Adam- Yea, I'm aware.

Chairman Reinhardt- welcome aboard, same thing if there's any questions don't hesitate to give me a call and we certainly can guide you through it, I'm sure you'll do fine, Alright, we're all good? Motion to adjourn.

On a motion by Donna Morley, seconded by Sarah Mitchell, the meeting was adjourned at 7:20 pm.