

TOWN OF VICTOR ZONING BOARD OF APPEALS, April 17, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on April 17, 2023, at 7:00 p.m.

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

OTHERS: Rob Kruchten, Todd Markevicz, Martin Snyder, Kathryn White, George Snyder, Darwin Wood, Peder Johnson, Erica McGraw, Kevin Spicer, Jim Fenwick, Adam Ryczek, Victor Code Enforcement, Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the April 17, 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. He 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 Matt Nearpass:

RESOLVED, that the minutes of the meeting held on April 3, 2023, BE APPROVED.

Adopted: Ayes 3, Nays 0, Abstained 2

PUBLIC HEARING

Valentown Plaza, 7724 St Rt 96 and 300 High St 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.

Chairman Reinhardt- Alright Valentown, anyone here for the Valentown project? ---- Okay ...

Mr. Snyder- I don't know if the applicant is ...

Chairman Reinhardt- I know I, they may have just pulled in, so let's give them a moment, we can take the next application and circle back. Mr. Kruchten.

Kruchten, 7263 St Rt 96 05-Z-2023
seeking an area variance to install a permanent light box window sign(s) reading "we buy gold", "we buy silver", "we buy coins" and "we buy jewelry" and 2 11 1/2 'windless flag signs

reading “we buy gold” and “we buy silver” to advertise the business Monday-Saturday from 10am-4pm where §165-6 C. Prohibited signs states Neon signs, with the exceptions of a single sign indicating the word "OPEN" during business hours within a window and in accordance with window signs as regulated by this chapter and §165-6 H. states Attention-getting devices such as balloons, nongovernmental flags, streamers and the like may be used to advertise an event for no more the three consecutive days, and not more than 10 times in a calendar year and §165-6 I. states A flag indicating that a business is open may be flown only during business hours. No more than one such flag per building if attached to a building, and no more than one such flag per site entrance if detached from a building.

Chairman Reinhardt- Come on up.

Mr. Kruchten- Good evening.

Chairman Reinhardt- Good evening. Matt, you were, you chaired ...

Mr. Nearpass- yea, yea ...

Chairman Reinhardt- so would you like to summarize where we are in and what the next steps are.

Mr. Nearpass- sure, so, what I believe from the discussions that we had there were a number of options and it was a little, Ill say a little confusing, right, in trying to determine exactly what, the list of variances were and kind of how it was going to look and I believe you kind of walked away with the action to provide us with a drawing and kind of a list of here’s what I, what I want, when we discussed it was more of “well if I can get this, I want this variance, if I cant get this I want that variance” and we really just needed to kind of have you put it in a concise document and say ”here’s what I need” right, here’s 1,2,3,4, however many you were looking for and have something that kind of visually depicts what you thought it was going to look like and so that’s, obviously we couldn’t have made a decision the last meeting because it had to go to the County, and so, kind of let you have some time to kind of put something together.

Mr. Kruchten- sure.

Mr. Nearpass- So I wasn’t sure if you had that with you or something you sent in or ---

Mr. Kruchten- yea, you had mentioned like taking some pictures, so I, well first I, you had mentioned finding like an alternative to the “we buy gold” or “we buy silver” flags.

Mr. Nearpass- mhm.

Mr. Kruchten- and I looked for, about 3 hours online and could find nothing, I mean everything, every one say “we buy” which is the whole point of it of course, there are none that say “gold” or “silver” or anything else for that matter, I found “we buy coins”, I found “ we buy antiques”, but there is nothing that I found on the internet and when I called, like I said the local company it was almost \$500 to, if I wanted to design one and of course I cant design, I cant bring it in and then, you know spend that money and then have it turned down, so that didn’t make any sense to me either, so that’s, I took pictures, like where it is now, which is basically where I would put it, its 35’ from the road, it’s a lot farther than I’d like to see it but I guess that’s what I’m left with, as far as the window sign, I thought we had said that the, I did want the one that said, that was just one sign and not the one that was the 4, so I took pictures, I took pictures which I can show you of the window that I would want it in, but ...

Mr. Nearpass- but what, what variances exactly are you looking for, to meet ---

Mr. Kruchten- Just to have the lightbox sign and to put up a flag that, other than something that says "opened".

Mr. Nearpass- Ill look to code enforcement as I'm pulling it up, but I believe just having those 2 things, isn't just 2 variances, right, there's, there's ---

Mr. Kruchten- it is ---

Mr. Nearpass- kind of a ripple effect ---

Mr. Kruchten- if it is possible to have it, I mean one of the variances we talked about was having it a little closer than 35' from the road because that puts it in the middle ---

Mr. Nearpass- how far?

Mr. Kruchten- of the lawn.

Mr. Nearpass- how far from the road?

Mr. Kruchten- as close as I can, as close as you guys will allow me to. 15' would be great, that's where I've had them for years, is about 15' ---

Chairman Reinhardt- let me jump in a little bit here ---

Mr. Kruchten- yea.

Chairman Reinhardt- just for clarification, an about, kind of, sort of, put your thumb up, it doesn't happen like that, when a variance is granted, it is a specific as you possibly can get it.

Mr. Kruchten- okay.

Chairman Reinhardt- its not going to be by millimeters or inches ---

Mr. Kruchten- yup.

Chairman Reinhardt- but if you say I kind of want it over there, it makes it difficult for the record ---

Mr. Kruchten- sure.

Chairman Reinhardt- or filing or the code enforcement officer to figure out whether or not you're in compliance with the granting of the variance ---

Mr. Kruchten- okay.

Chairman Reinhardt- so, the kind of, sort of, put your thumb, that's not going to work.

Mr. Kruchten- sure.

Chairman Reinhardt- that's why he's asking you ---

Mr. Kruchten- okay.

Chairman Reinhardt- that question.

Mr. Kruchten- okay alright so 15'

Chairman Reinhardt- alright so let's ---

Mr. Kruchten- would be my, would be my request.

Chairman Reinhardt- Adam, is he going to need another variance for that if he's looking for 15', in addition to the 5 variances that he's looking for?

Mr. Ryczek- um, yes, I would have to re-count how I figured all this, because it was very, there was a lot that was going on there so, I mentioned in my initial comments that if it was to be less than 35' an initial, or an additional variance would be required. And I can't remember if that was part of the 5 or not, so let me just ---

Chairman Reinhardt- for each flag? So, he needs 2 separate variances for each flag ---

Mr. Nearpass- well there's only 1 flag, but he wants to switch the flags out. So, one day it might say "we buy gold" the next day "we buy silver" ---

Mr. Kruchten- yes.

Mr. Ryczek- so to allow a flag that doesn't say the word "open" is 1 variance, if its closer than 35' that's a 2nd variance. ----

Chairman Reinhardt- want us to wait a little bit while you're looking at them or proceed?

Mr. Nearpass- yea this is the exact same reason why Id asked the applicant, just bring us a list of concise here are the, you know variances that we, we require ---

Mr. Kruchten- I thought it was already in there that, that's my confusion, I don't, I haven't changed anything from the last time I was here ---

Mr. Nearpass- just like you said, you did, you aid 15', right, when you came in here last time, it was, wasn't sure, right, as much as you can give me, right ---

Mr. Kruchten- well--- yea, and then after that, then Adam came out marked the spot which was another 20' further ---

Mr. Nearpass- that was after the meeting, I mean ---

Mr. Kruchten- it was, so the last meeting I wasn't aware it was going to be that far back either. I thought I had it, I thought I had it to where I, where I, you know needed it.

Mr. Ryczek- It'd be those 2 for the flag. It would be 165-6 (H) which is attention getting device, like a non-governmental flag, so a flag that says "open" is permitted, okay, so we're not going to, the variance wouldn't be for that section of the code, it would be for the section of code that doesn't allow things such as non-governmental flags. Which would be any flag that doesn't say "open" ---

Chairman Reinhardt- So your understanding is that if he has 4 flags, one for gold, one for silver, one for coin, one for jewelry, a variance for each one of those?

Mr. Ryczek- no.

Chairman Reinhardt- what's your understanding of, for those 4 ---

Mr. Nearpass- it would be a sign that says something other than "open" and then we would have to list we allow it to be "gold", "coin", "silver", "antiques" ---

Mr. Ryczek- and you would decide are we allowing one at a time, 2 at a time, so if he's, has 4 that he changes out each day but only 1 is up at a time ---

Mr. Nearpass- which is what I believe he's asked for. --- Right, you haven't asked for 2 or 4? Okay.

Mr. Ryczek- so that's how the variance would be written, a non-governmental flag, and then if its t be closer than 35' to the pavement edge that is code section, I just wrote this down, 165-4 B6.

Chairman Reinhardt- that's for the distance?

Mr. Ryczek- yes, that states no freestanding sign, which this would become, requiring a permit shall be closer than 35' from the pavement public right of way.

Chairman Reinhardt- So, I'm counting 5 now. 3 for the, the window sign, 1 for the flag and one for the distance of the flag.

Mr. Ryczek- correct.

Chairman Reinhardt- okay, got it.

Mr. Salsburg- what are the 3 for the window? ---

Mr. Ryczek- um ...

Chairman Reinhardt- one for the, one for "open" one for "we buy gold, silver, jewelry" and the other is for it being illuminated after business hours. ---

Mr. Salsburg- but isn't the "open" one allowed?

Mr. Nearpass- a sign other than "open"

Chairman Reinhardt- other ---

Mr. Nearpass- if it said "open" it would be okay.

Mr. Ryczek- right.

Chairman Reinhardt- other than "open" ---

Mr. Ryczek- so the sign code allows for a lit sign that says the words "opened" only during business hours, the lighting code says that no sign shall be illuminated and no luminance should come from

signage in windows, so there's a lighting code that need a variance, and the sign code is because it doesn't say "open" and then if he wishes to have it outside of business hours, that's the 3rd variance. ----

Chairman Reinhardt- you want to add anything before we proceed with questions?

Mr. Kruchten- no.

Chairman Reinhardt- Alexis, you got questions?

Ms. Ogra- last time you indicated that you would be okay with not lighting the sign during business hours or after business hours, just keep them on when you're opened.

Mr. Kruchten- Id be happy to get it, yea just to get the sign, but I mean I would prefer to, you know the purpose of having it lit over night is so that after dark people again drive by and see that, oh that's what's in there.

Chairman Reinhardt- you're not withdrawing it, it was ---

Mr. Kruchten- I'm not withdrawing it, I'd like to ---

Chairman Reinhardt- that's what we need to know.

Mr. Kruchten- yea.

Chairman Reinhardt- I, if you don't understand the question just say hey, I don't understand it --

Mr. Kruchten- okay.

Chairman Reinhardt- so, and we'll rephrase it.

Mr. Kruchten- okay.

Chairman Reinhardt- but when a question is being asked if again you say, well sort of, kind of, Id like it, mean what you say, say what you mean, yes, I want it, or no I'm going to withdraw it. Alright, because we're, you understand ---

Mr. Kruchten- I'm trying not to ---

Chairman Reinhardt- dealing ---

Mr. Kruchten- ask for more, too much, I'm trying to be reasonable and like you know, I'm thinking well maybe if I only ask for this, you know I have a better chance, that, so you're saying I should just ask for it all and just, you know its less of a chance that I'm going to get it if I ask for 5 things rather than 2.

Chairman Reinhardt- you can ask for as much as you want, and you put it on paper ---

Mr. Kruchten- yea.

Chairman Reinhardt- but when you move the target around it makes the beard ---

Mr. Kruchten- sure.

Chairman Reinhardt- questions extremely ---

Mr. Kruchten- okay.

Chairman Reinhardt- difficult.

Mr. Nearpass- we often try to, we have to get at, you know needs vs wants.

Mr. Kruchten- yea, I mean if somebody said ---

Mr. Nearpass- do you need or, or do you want it ---

Mr. Kruchten- Id be more apt to get this, sure, if you said Id be more apt to get this if I didn't ask for that then I guess that that was my ---

Mr. Nearpass- no, we're ---

Mr. Kruchten- but I understand what you're saying now.

Mr. Nearpass- I was trying to get you to have today was, I need this.

Mr. Kruchten- okay.

Mr. Nearpass- here's what I need.

Mr. Kruchten- okay.

Mr. Nearpass- like A, B, C ---

Mr. Kruchten- sure.

Mr. Nearpass- D.

Mr. Kruchten- yup.

Mr. Nearpass- vs well jeez I'd really like this, but you know what if I can't get this, I want that, you know like, and then that makes it really difficult for us to ---

Mr. Kruchten- sure.

Mr. Nearpass- decide what you really need vs what a want or nice to have is, right.

Mr. Kruchten- okay. Okay.

Mr. Nearpass- did I say that alright is that

Chairman Reinhardt- yea, no it, right, it's the moving target, mean what you say, say what you mean, if you have questions by all means ask us and we'll do the best we can, and same thing with you just ---

Mr. Kruchten- I'm going into politics, I got to learn all this. So, I understand.

Chairman Reinhardt- okay.

Mr. Kruchten- *giggles*

Chairman Reinhardt- any other questions for now Alexis? --- Lya, questions?

Ms. Theodoratos- not at this time.

Chairman Reinhardt- Fred?

Mr. Salsburg- well, we only now talking about the 24 x 48 flat panel sign in one window, not the ---

Mr. Kruchten- correct.

Mr. Salsburg- 4 sign package

Mr. Kruchten- correct. I did take pictures, but I didn't, I don't know if it helps to give you and show them to you or ---

Mr. Nearpass- no, I was looking for a picture with putting these super imposed over it, like kind of what were used to getting, here's it would look.

Mr. Kruchten- yea.

Mr. Nearpass- right, if we were to put the sign in the window and have the flag out, that type of rendering or ---

Mr. Kruchten- okay.

Chairman Reinhardt- you all set Fred? Or do you have more? ---

Mr. Salsburg- I have more but I don't know what they are yet.

Chairman Reinhardt- okay, that's fine.

Mr. Salsburg- I'm not satisfied.

Chairman Reinhardt- when I looked at, I reviewed the minutes, one of the reasons why you asked for all these variances and to be frank and honest with you, normally someone will come in with 1 variance, maybe 2. When there's 5 variances that all come in, it raises a lot of concerns that, is this really a good fit for granting variance or variances, if you haven't figured it out already, Ill tell you, they run with the land, so you could be in there for a year and move out and the new owner of that property gets all of those variances, so its really not particular to you, if you say well no one can find me, that's particular to you and your business, whatever business is going to be there and I hope you're there for years and years and years and you're very profitable, its, it's the American dream, but we also have to be concerned about that if, whenever it is that you decide to move along and whoever else then purchased that property, or rents, it runs with the land, so that's why we're so concerned about what is it that really needs to happen here, so it goes back to with signage especially up on 96, we've heard this again and again, we cant be found, we're in the 21st century, kids taught me, my kids, you know GPS, and all of those other things you plug

that in, if you're locked and loaded, that car will practically drive itself right to your business, so its really not, for me, I can't speak for the rest of the board, a persuasive argument that my customers can't find me.

Mr. Kruchten- can I add something when you're ---

Chairman Reinhardt- sure.

Mr. Kruchten- there's also that I know of I think 3 or 4 businesses are, that are 82' from the road, most businesses are not that far on 96, so that's why these, both of these is because I have, and you weren't here last time, but I explained that I have multiple people and even since I moved the flag back 20' this has been the last couple weeks have been dead, so you might think that its not a significant thing but I'm telling you, I know that it is ---

Chairman Reinhardt- I ---

Mr. Kruchten- through years of being in there with the martial arts, the flags saved us, so I think without this, in fact I find out tomorrow I might be moving here into the village so it may not matter, but its probable, but, um at least until I do, then you know this is, for me I think life, it's a game changer.

Chairman Reinhardt- to that end, I would hope that a business owner does some marketing strategy, looks at particular properties, I have a friend who is a marketing individual with Wegmans, I've learned so much that they don't put up a store unless they know it's going to succeed.

Mr. Kruchten- absolutely.

Chairman Reinhardt- they are locked and loaded, that this particular location is going to work, so you are telling me that I'm 20', 30', 80' you created that, you walked into that, knowing that whatever business is in there whether it be Martial Arts or your Gold and Jewelry business, whatever it is ---

Mr. Kruchten- well, I can add also that for years since I moved in there, I've been putting those flags 10' from the road and nothing, no body ever said anything, so that was a big part of me, from the day 1 that I move in there those flags have been out there and closer, much closer than they are even recently and that's nobody's fault it just, but it was my understanding that that was okay, and with that premise I continued to lease the building and was pretty successful until COVID.

Chairman Reinhardt- So is it your argument that if you do it, if you get your hand in the cookie jar you don't get caught, its okay.

Mr. Kruchten- no, not at all. I didn't know that I was ---

Chairman Reinhardt- I must have missed your point then ---

Mr. Kruchten- it was a violation of any code.

Chairman Reinhardt- I completely missed your point then, you had the flags out there and no one said anything --- how is that different then what I just described? When the adage you put your hand in the cookie jar if you don't get caught, it doesn't matter. So, you're telling me, you put the flags out there, no one said anything, so it must have been okay.

Mr. Kruchten- no. I put the flags out there because I, I, my understanding was that that was where they could be and I had talked to previous, it wasn't Adam, but previous, um, Shawn, I think it was and there was no issue, so ---

Chairman Reinhardt- and what is the, when you want to know what the rule is where do you go? You open up the book and you read it.

Mr. Kruchten- mhm.

Chairman Reinhardt- did you ever read the code about that particular issue, at the library, you come here ...

Mr. Kruchten- we're going back 4 years but probably. Yea. I would not do it, I would not I can tell you, if you don't know me, but I would not have done it had I known that it was, a violation, no.

Chairman Reinhardt- I'm not quite sure what your point is other than you didn't know and that was okay. And that really isn't a good argument.

Mr. Kruchten- well I'm saying I didn't, I, I believe that I was in the right to put them where I did, not that I didn't know.

Chairman Reinhardt- alright.

Mr. Kruchten- it's all hearsay anyways, it doesn't matter at this point.

Chairman Reinhardt- there we go. So, you're aware the county planning board took a look, because its on route 96, and their recommendation, basically it was no action, but they do have concerns about signage on 96. Did you review that at all, take a look at it ...?

Mr. Kruchten- I'm sorry, who?

Chairman Reinhardt- County Planning Board. You don't know ...

Mr. Kruchten- other than the e-mails that I've gotten which I've read everything. I'm trying to, I'm not following you.

Chairman Reinhardt- there are certain situation when the County Planning Board is required to be notified of a municipality s or I should say an applicant's desire for a variance, we're required to refer that application to the County Planning Board ...

Mr. Kruchten- okay.

Chairman Reinhardt- and we're required to wait for tehri advisory opinion on what to do with it, it could be approval, it could be denial, it doesn't mean we have to listen to them.

Mr. Kruchten- sure.

Chairman Reinhardt- they have certain comments, and in this particular case while they didn't recommend a denial, they did have comments raising concerns about, like they have signage that is on the corridor on 96 corridors. But just those concerns raise our concerns, the intent of the code, the comprehensive plan, its specific again to route 96, that if you just allow all of the signage and allow the

businesses to say, they can't find me, I need help, the signage is really the catalyst to me having a successful business. 96 would be loaded with signs.

Mr. Kruchten- but isn't that the purpose of these meetings is to find out what exceptions are okay, what exceptions make sense? I mean if I get this exception does that mean everybody else can do what I'm doing? Or is it just the person who is in that building at that spot.

Chairman Reinhardt- it's the second part of your question first.

Mr. Kruchten- uh huh.

Chairman Reinhardt- no just because you or an applicant is awarded a variance doesn't mean that his or her neighbor gets one.

Mr. Kruchten- okay.

Chairman Reinhardt- properties are very unique, specific, so your request, granted or denied may not be your neighbors.

Mr. Kruchten- oaky.

Chairman Reinhardt- alright, but what is important here is there is criteria, criteria on whether or not a variance can be granted, you should've seen it because I think you filled it out. Your response to those questions is whether or not there would be a change in the character of the neighborhood. Whether or not

Mr. Kruchten- mhm.

Chairman Reinhardt- it can be achieved by some other method, whether or not its substantial, whether or not its going to have an environmental impact and whether or not the alleged difficulty is self-created. Working backward, you created this, alright so this request for a variance is the difficulty is that's on you, there really isn't any environmental impact, on flags and signs, arguably though there is a dark side complaint, but I don't think you're sign in the window is going to create a big problem, the first 3 though are, Are. The whether or not it would change he overall character of the neighborhood it's a bit of a balancing test as your need to say I want a sign, signs help my business, people cant find me, as opposed to, how, what kind of impact is that going to have in that neighborhood, in that area --- second one is whether or not you can achieve what you're asking for by some other means, some feasible means that is compliant with the code, or if , another way to look at it how much do you really need, you're looking at 5 variances do you need all 5, is it 4, 3, do you, do the signs need to be 10', 15', 30' all those things need to be evaluated, and whether or not the variance is substantial. So in my opinion, the request for variances, 5 of them, is substantial, when you're asking for that many, its, to me, its inherently, that's a substantial ask, that's a big ask, so that's why I think Matt was trying to drive it, how much do you really need here because if it's all or nothing thing you may not like the answer that you get.

Mr. Kruchten- that was my understanding, is come in and ask for more than one thing and maybe I'll get one of 2 of them, not all or nothing. I didn't come in here with an attitude of all or nothing however, if I get, if I come in here with one and that's denied then I've gotten no further.

Chairman Reinhardt- it certainly could but if you...

Mr. Kruchten- and the flag was my first priority, I said that last time, um, because I, I, you weren't here last time ---

Chairman Reinhardt- I'm, I'm ---

Mr. Kruchten- for ---

Chairman Reinhardt- you've said that a couple of times, I've read the minutes, I'm ---

Mr. Kruchten- yea.

Chairman Reinhardt- thorough with it, I got it. So ---

Mr. Kruchten- I was not doing well without those flags, that was, that was pretty consistent.

Chairman Reinhardt- and you're basing that just on your customer ---

Mr. Kruchten- the fact that ---

Chairman Reinhardt- traffic ---

Mr. Kruchten- people called me constantly saying we can't find you and that was with a bigger sign, which the Eastside Martial Arts is bigger than my, the Eastside Gold sign, and people still couldn't find me, and when I put those flags out, that, that was the game changer.

Chairman Reinhardt- but you ---

Mr. Kruchten- and the fact that I ask people when they come in now how, how did you hear about us, they say oh we say your flags. 75% of them and I have been keeping track and it's not from the \$2,000 I'm spending a month on advertising, that helps but my best advertising is those signs and I've been asking ---

Chairman Reinhardt- the truck out there with the advertising on the truck as well.

Mr. Kruchten- yup. Well, that was a \$40,000, once we stopped using it, it sat out there and it was a great sign, but, uh it was a \$40,000 sign so, if I could do that again I would, because that was obviously better than a, than anything I'm asking but.

Chairman Reinhardt- Matt, you have any other questions you want to ask?

Mr. Nearpass- no, I mean, there really isn't too much new, I think we were trying to get at last time as well as alright is there one variance, is there one thing here that if you got it would be your game changer and I know we talked about and that's why he started with saying he um, trying to find a flag that maybe just said gold or just was a little different, at least me personally, I thought the signage and the signs that we had presented, the whole "we buy gold" thing is very pawn shop-y and really wasn't within the kind of character of the neighborhood and it you know kind of gave them an opportunity to say, if you can go and create one flag, because that seemed to be, have the most impact, what would it look like and where would you want to put it? And it sounds like you'd want to put it 15' from the road and it'd have to say "we buy gold" or it'd have to be one of the ---

Mr. Kruchten- yea, that's not a pawn shop, a pawn shop is, well I'm sorry ---

Mr. Nearpass- a pawn shop-esque., I mean I get it like its ---

Mr. Kruchten- yea.

Mr. Nearpass- when I go to places and I see pawn shops, there's always a "we buy gold" sign, there's always a, I'm sorry, it just, it just ---

Mr. Kruchten- that's ...

Mr. Nearpass- in my opinion

Mr. Kruchten- sure.

Mr. Nearpass- and I'm only one vote here but that's kind of the aura that the whole "we buy gold" thing, you know carries with it. And so, I, I just personally don't think its kind of within the character to pepper the front of that building with "we buy gold", "we buy silver", "we buy antiques", "we ..." you know. I'm not sure, it sounded, again it was like the, I forgot the ads from a long time ago, I won't go down that route, but it just felt like it, it cheapened your brand with that, with the building and everything there and it just wasn't ---

Mr. Kruchten- well...

Mr. Nearpass- a fit.

Mr. Kruchten- when I fist came in to ask for this, I specifically said I'm not a pawn shop, I'm not going to buy electronics, gift cards, video games, I'm not going to put people's things in, that's what a pawn shop is ---

Mr. Nearpass- uh, but you also, I said, because I remember I quoted you, was you weren't going to come back in front of the Zoning Board asking for a lot of, I think it was either crazy or weird ...

Mr. Kruchten- you're right before I found out that ---

Mr. Nearpass- so, this time it's ---

Mr. Kruchten- before I found out ---

Mr. Nearpass- neon signs.

Mr. Kruchten- that I couldn't have the flags.

Mr. Nearpass- and all that other ...

Mr. Kruchten- yea.

Mr. Nearpass- stuff.

Mr. Kruchten- that was before I found out that I couldn't have the flags too. So ...

Mr. Nearpass- right but now you're also here, you want the lit-up signs, you want the signs that say, I thought there was also a size issue with the signs as well or the signs are okay in terms of the square footage of the building and all that --- okay. So, it just seems like a lot, whether its not a fit or not, I was opened to like one thing, whether it was just like 1 flag, this particular design, and this is what it would say, placed I don't know 15', 20' whatever your recommendation was, I was opened to that. I'm not a fan of –

Mr. Kruchten- I really did look ---

Mr. Nearpass- the “we buy gold” ...

Mr. Kruchten- anything else that said, “we buy gold”, I'm, you can go online too and look, and there really is nothing, I spend at least 3 hours various times going through from everything and I'm good at searching stuff on the internet.

Mr. Nearpass- so what if, what if you just had an opened sign and it was a little closer, like is there anything that would, tat would be your 80%, 90% solution for you?

Mr. Kruchten- um, well the, you know the lightbox sign is ---

Mr. Nearpass- you've got that lit right now it says ...

Mr. Kruchten- yea, it says ...

Mr. Nearpass- “we buy gold”

Mr. Kruchten “we buy gold” you're right ...

Mr. Nearpass- and it's lit up ...

Mr. Kruchten- you're right.

Mr. Nearpass- I drive by it at night ...

Mr. Kruchten- you're right.

Mr. Nearpass- and I look at it ...

Mr. Kruchten- and the more ...

Mr. Nearpass- it says “we buy gold” I know what you buy. You buy gold.

Mr. Kruchten- sure. That's ...

Mr. Nearpass- what if it was an opened sign, what if you had an opened flag or something ...

Mr. Kruchten- nothing else, if I had the opened sign and the opened flag sign and could put it 15' from the road I guess that would be better than nothing...

Mr. Nearpass- if that was the only variance, you'd have my vote.

Mr. Kruchten- if that was the ...

Mr. Nearpass- if that was all you wanted, I'd be okay with that personally, that's it.

Mr. Kruchten- but the "we buy gold" ...

Mr. Nearpass- I'm not a fan of the ... you've already got a "we buy gold" thing and its lit ...

Mr. Kruchten- yea.

Mr. Nearpass- up. It's there. Right.

Mr. Kruchten- yup.

Mr. Nearpass- so.

Mr. Kruchten- I did find a "we buy coins" ...

Mr. Nearpass- and I know you're ...

Mr. Kruchten- I don't ...

Mr. Nearpass- It's a, maybe it's a blessing and a curse you're below grade, right ...

Mr. Kruchten- so it's not a ...

Mr. Nearpass- but when I look, you can see it. That makes your sign almost at grade ...

Mr. Kruchten- well...

Mr. Nearpass- from the road.

Mr. Kruchten- the flag, the trees that we have, that we can't take down prevent anybody from seeing us until they drive by us going 60 mph, so ...

Mr. Nearpass- well I get that but ...

Mr. Kruchten- that's ...

Mr. Nearpass- but every business has that, I mean that just has that, I mean, not every business is the same ...

Mr. Kruchten- no they don't. But...

Mr. Nearpass- is in the same ...

Mr. Kruchten- yea.

Mr. Nearpass- the, personally I don't think the trees impacted it, impact it that much, we've heard from others in that neighborhood too, about it on the other side of the trees but again if you were to, if you'd said that that was what it really took was to get an opened flag 15' from the road, I personally would be

okay with that variance if that, you thought that would have an impact for you, but a lot of the whole “we buy gold” thing and “We buy ...” all this I just, I’m just not a fan.

Mr. Kruchten- if I had one made that said silver or gold or I mean what are you, sorry, what are you looking for ...

Mr. Nearpass- I’d be opened to hear what everyone else says if there was a particular design or something that we ---

Mr. Kruchten- if I knew I could have it I would be willing to pay extra to pay for \$500.00 ---

Mr. Nearpass- I know I was hoping you were going to come here ...

Mr. Kruchten- to do it...

Mr. Nearpass- with something.

Mr. Kruchten- well, yea ...

Mr. Nearpass- that was the ask right?

Mr. Kruchten- yea.

Mr. Nearpass- show up with 1 flag design that we could all ...

Mr. Kruchten- but they won’t do that for me, until I pay them for it.

Mr. Nearpass- I know but you could have just ...

Mr. Kruchten- made it on a piece of paper ...

Mr. Nearpass- drawn in up yourself and put it on a piece of paper and said I want it to say this word ...

Mr. Kruchten- I’m a perfectionist, so yea...

Mr. Nearpass- and we could ...

Mr. Kruchten- yea.

Mr. Nearpass- and we could do it. But That’s.

Ms. Theodoratos- Can I ask a question? You know when you said earlier that they, you’d have to buy the flag that they wouldn’t, you’d have to buy it before they’d make it up, but wouldn’t they even just give you a drawing ...

Mr. Kruchten- nope.

Ms. Theodoratos- a rendering ...

Mr. Kruchten- I asked them.

Ms. Theodoratos- I can't believe that they ...

Mr. Kruchten- this is Mobile ...

Ms. Theodoratos- wouldn't...

Mr. Kruchten- This is Mobile Graphics they wouldn't, I'm paying them \$60.00/hr. to design it and to create, and to print it, they won't do anything until I pay them something...

Ms. Theodoratos- but you're paying them to design ...

Mr. Kruchten- yea.

Ms. Theodoratos- that's one cost, but they don't, after they design it, they don't even give it to you to look at to see if you like it, you might want to change that design and then you pay them another, you know maybe \$60.00, for another hour, 2 hours of work, but I find that hard to believe that any of these graphic designers are not at least going to give you a copy, even if its black and white, just to show you what it looks like because ...

Mr. Kruchten- no unless I pay them ...

Ms. Theodoratos- what you're telling me is they're telling you ...

Mr. Kruchten- yea.

Ms. Theodoratos- you have to buy it blind.

Mr. Kruchten- I do. No, I have to pay them before they'll put any, any time into it, why would I do that if I don't even know what ...

Ms. Theodoratos- no ...

Mr. Kruchten- anybody wants.

Ms. Theodoratos- yea, agreed its just I find that hard to believe ...

Mr. Kruchten- it is.

Ms. Theodoratos- that they ...

Mr. Nearpass- that's the name of the game right, we have people come in front of us that have paid people to put a design in front of us ...

Mr. Kruchten- yup.

Mr. Nearpass- I, I had to come in front of this board many years ago, I had to pay a civil engineer to put a drawing together \$1,100 to get 18 inches on multi-sport court in my backyard, its, its ...

Mr. Kruchten- I'm just frustrated because I already spend \$500.00 on these flags ...

Mr. Nearpass- unfortunately, there's a cost involved ...

Chairman Reinhardt- wait, I got to ...

Mr. Kruchten- flags to ...

Chairman Reinhardt- hold on, stop, stop a minute, and you keep doing it, we've asked you, don't talk over each other ...

Mr. Kruchten- right.

Chairman Reinhardt- it's creating a mess of a record.

Mr. Kruchten- right.

Chairman Reinhardt- let him finish talking and I promise you, he'll let you talk ...

Mr. Kruchten- okay.

Chairman Reinhardt- and we wont talk over you.

Mr. Kruchten- okay.

Chairman Reinhardt- alright so ...

Mr. Nearpass- yea, I was just finishing, I was just saying that there's, there's no 0 cost game here, right, you've got a, the applicants that, in my opinion, in my experience here, that have the best chance at success are the ones that invested a little bit in there project and have the data to kind of put in front of us and show us, this is what I want and yea it costs them, sometimes it costs them 10s of thousands of dollars to put, if not more, to put drawings and documents in front of us, that's the name of the game, I'm sorry but that's ...

Mr. Kruchten- well I also, I also, it was my understanding that the flags were an Ontario County thing and I had not much chance of changing that so that was the idea of having that LED or the lit box sign was that I had a better chance at doing that so the idea was to come in here with, you know multiple options, not to confuse anybody but, um so....

Chairman Reinhardt- alright, I ...

Mr. Kruchten- is there anyway to find out what everybody would be ...

Chairman Reinhardt- that's what I'm going to do

Mr. Kruchten- okay with.

Chairman Reinhardt- that's what I'm going to do right, because I get the sense that you're either going to get one or the other, you're not getting both.

Mr. Kruchten- I understand that.

Chairman Reinhardt- oaky.

Mr. Kruchten- yea, I think that's fair.

Chairman Reinhardt- so, what I'm going to ask is if the board, little straw poll, if they are willing to grant either the flag variance, those pieces or the pieces that relate to the window box sign.

Mr. Kruchten- okay.

Chairman Reinhardt- alright I think that's going to clear up ...

Mr. Kruchten- yup.

Chairman Reinhardt- a lot of things, because what gathering here is what you're asking for doesn't make any sense, if you said I want it all, you're not going to get it. Alright, Fred, are you of the mindset that its one or the other or its something different?

Mr. Salsburg- I could live with the flag option.

Chairman Reinhardt- okay. Lya, one or the other and which one?

Ms. Theodoratos- the flag option because the others are just too confusing.

Chairman Reinhardt- okay. Alexis what do you think?

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

Chairman Reinhardt- oh, sure, sure, sure.

Ms. Ogra- you mentioned that you were looking to move your business into the village is that based on what we decide here tonight?

Mr. Kruchten- no. No, I just found out this weekend that the jeweler up here is trying to, we're meeting with them tomorrow, so Id literally just found out about this last week.

Ms. Ogra- since the variance goes with the land, I would just be, in my opinion cautious to grant a variance and then have, you know you move and then someone lese comes in, its not you, its based on whoever you know the next person is ...

Mr. Kruchten- sure.

Ms. Ogra- you come here, we know you, we you know, have talked with you ...

Mr. Kruchten-well I'm staying in ...

Ms. Ogra- We don't know

Mr. Kruchten- sure, the Martial Arts is staying in there.

Ms. Ogra- yea.

Mr. Kruchten- that will use that space, so ...

Ms. Ogra- yup.

Mr. Kruchten- its, somebody is not coming in there...

Ms. Ogra- um ...

Chairman Reinhardt- when will you know?

Ms. Ogra- the gold.

Mr. Kruchten- hopefully tomorrow. But I mean we're, this is just a negotiation, and you know, but like what they're looking for and then of course I have to go before the village and ...

Chairman Reinhardt- alright, lets, let's hold that thought, a second.

Mr. Kruchten- yup.

Mr. Nearpass- yea, I feel like we always have that, with every applicant it might be tomorrow it might be next year ...

Mr. Kruchten- *giggles*

Mr. Nearpass- it might be 10 years, so, and that's why we ...

Mr. Kruchten- is it this board ...

Mr. Nearpass- debate this so much, yea that's why often we debate this so much is we have to look, whether its tomorrow or a year ...

Mr. Kruchten- yea.

Mr. Nearpass- or whatever, it runs with the land and there's implications ...

Mr. Kruchten- yup.

Mr. Nearpass- that's why we try to be as specific as possible.

Mr. Kruchten- is it the same board for village? Are you guys the ...?

Mr. Nearpass- no.

Chairman Reinhardt- no.

Mr. Nearpass- no, no, no ...

Mr. Kruchten- no?

Mr. Nearpass- no.

Chairman Reinhardt- no...

Mr. Kruchten- okay.

Chairman Reinhardt- and it's a different code, so ...

Mr. Kruchten- sure.

Chairman Reinhardt- please don't assume ...

Mr. Kruchten- I already called, I called and asked like what's allowed and... yea.

Chairman Reinhardt- I'm highly recommending for you either go to the village, go to the library...

Mr. Kruchten- yup.

Chairman Reinhardt- open up the book.

Mr. Kruchten- yup.

Chairman Reinhardt- and read the code, so you understand it.

Mr. Kruchten- I already take dot the code enforcer.

Chairman Reinhardt- okay, do what you will, do what you want. Um, so we have a new option I think I like, at least I thought that's where Alexis was going... would you be opened to table the issue because the next time we come back, you'll have a decision on whether or not you're going to move to the village, because that would clear a lot of things up for us.

Mr. Kruchten- mhm.

Chairman Reinhardt- if you don't, I think you're getting the flavor that, its one or the other. And when you come back make it as clear as you can I really want to have the window box, or I really want the flags and ...

Mr. Kruchten- the flags obviously, whoops, is a, what everybody including you are saying is the better of the 2?

Chairman Reinhardt- its going to clear things up a lot because asking for both, I don't think its going to happen.

Mr. Kruchten- no, I ...

Chairman Reinhardt- you, you are trying to get 2 of your problems solved with the same thing, it's almost like an overkill.

Mr. Kruchten- sure.

Chairman Reinhardt- so if we now are, if were looking at the flags ...

Mr. Kruchten- yup.

Chairman Reinhardt- that is a much more manageable issue to handle and then apply to the criteria and I think you're hearing from the board that; we're not making any promises because ...

Mr. Kruchten- mhm.

Chairman Reinhardt- everyone's going to vote, that's going to be a much more manageable issue to deal with.

Mr. Kruchten- so what would the next step be then?

Chairman Reinhardt- we would table it; the next meeting is when?

Ms. Downs- May 1 is the next meeting. And I think it would be beneficial if you sent picture beforehand that way, they can all see everything. Through e-mail.

Mr. Kruchten- so weren't going to come to a conclusion tonight regardless, this wasn't a decision...

Chairman Reinhardt- no, no we were ...

Mr. Kruchten- okay.

Chairman Reinhardt- about ready to make a decision ...

Mr. Kruchten- oh.

Chairman Reinhardt- and Alexis, and I think rightfully pointed out that you have a new wrinkle in your business plan that you might be moving to the village and all this gold and silver business ...

Mr. Kruchten- can it be contingent upon, yes but if you don't move ...

Chairman Reinhardt- no, we're not doing that ...

Mr. Kruchten- no, you can't do that ...

Chairman Reinhardt- no, I didn't say we can't, but we've made continuously before but this is already a complicated issue ...

Mr. Kruchten- well ...

Chairman Reinhardt- and you having 5 variances in play make it even more complicated, we're trying to simplify it for the board as well as you, on if the variance is granted in runs with the land, and to Alexis' point that if you move in 2 weeks and we're granted the variances as they relate to the flag, what's the point, to what end, its, the new owner now is going to say, I get flags, or ...

Mr. Kruchten- well its not going to be in 2 weeks, its going to be probably, at the, I mean to, obviously I have to go before them in the meantime even if it is, you know I'd like to be able to use the flag and again nobody is, that I know of is moving in to that spot, because I'm going to be using it for birthday parties or something, if I do move out. In other word the karate school was using it before and will continue to use it if I'm ...

Chairman Reinhardt- I understand that you're staying on the karate, that building, but you're also now telling us that your business could be moved and the issue or issues you have with no body can find me and I need those flags ...

Mr. Kruchten- mhm.

Chairman Reinhardt- is moot.

Mr. Kruchten- well I would ...

Chairman Reinhardt- trying to ...

Mr. Kruchten- no, I would still use it for, you know for the Martial Arts, I mean even if, even if it's, I have Nerf ones that I could put up ...

Mr. Nearpass- yea, but that's the point, is if, what we're saying is, if it gets approved, it could only say "we buy gold"

Mr. Kruchten- okay or opened.

Mr. Nearpass- or ...

Mr. Kruchten- opened

Mr. Nearpass- well that's ...

Mr. Kruchten- okay.

Mr. Nearpass- that's what I was recommending was if again, you have a lit up sign that says "We buy gold" right, and that's lit up its exterior because it's not a window sign, its lit up and it says "we buy gold" right, when you're, even outside of business hours, I believe, what I was opened to was only 1 variance that just said you could put the "open" flag, 15' instead of 35' that particular one, if that was what you're, 80% solution would be and then that would be something that could make sense with Eastside Martial Arts, or whomever goes in that building in the perpetuity because it wouldn't be just a gold or "we buy gold" again I'm just one vote up here, you know I've heard 2 evenings of this and it comes across that you know you, that you really want the flags over the other window signs, I know you want everything but at the end of the day you said your stories are all around the people seeing the flags and then finding where you are, they see the flag, trust me you can't miss the "we buy gold" sign, you don't miss it, I don't think they miss it. Um, maybe the open sign helps draw their attention of something to that affect but, um that's just my opinion.

Mr. Kruchten- was everybody opened to the same, only saying open or could it, could it be something that if I had designed or even the, you know "we buy gold" is everybody opposed to the "we buy gold" if it's a, if it is the flag.

Chairman Reinhardt- you're moving the target again.

Mr. Kruchten- no, I'm not, actually, he's the only one that said that, but they didn't say when they said flag was okay ...

Mr. Nearpass- yea, yea I, I brought that up. Its um, I don't know everybody's opinion on the, whether they like the "we buy..." gold or silver or not but I, my opinion is that I don't, personally don't like the "we buy gold" "silver" stuff, I'd prefer open, and you've already got a "we buy gold" sign and it's lit up, its on the building, I mean we, that's again why I wanted the picture like, you could've just taken this shot

from google earth and you could have just cut and pasted in these windows and with the flag there in probably about 3 minutes you'd see that you were going to have a "we buy gold" sign lit up, then you were going to have 4/5 in your window originally, with the vertical columns and then the other column and then you were going to have the flags in front of it and it was, and its juts, in my opinion, it would show that its just too much. Again, my opinion, the "we buy gold" sign that's already there its lit up, its allowed and you know what we can do to help balance it is maybe let you get an opened sign you know back to where it was 15' to where you had it before, just because I don't, I don't there isn't, the current design that's purposed I'm not in favor of.

Ms. Ogra- but it sounds like Mr. Kruchten, even if you do move your business to the village, you are still looking for the variance because it won't be, you know you won't be moving it tomorrow ...

Mr. Kruchten- correct.

Ms. Ogra- you'll still be in the, the other location on 96 ...

Mr. Kruchten- still going to be stuck there for, yea...

Ms. Ogra- couple months ...

Mr. Kruchten- however long it takes to, if, that's if everything is approved by the village and you know ...

Ms. Ogra- so would you still like us to take a vote tonight?

Mr. Kruchten- I would.

Chairman Reinhardt-alright, um any other questions from the board? --- anyone from the audience want to speak for or against the application? --- Anything Suzy? --- Nope, okay. So, what I'd like to do is treat the variances, we can't do them all at once, we can't bundle it. I see that really there's 2 categories, the variances that relate to the flag, that really are it's the flag and the distance, and then the other set of variances that deal with the window box on the storefront. I think we ...

Mr. Salsburg- and the hours.

Chairman Reinhardt—and the hours.

Mr. Salsburg- over, into the evening.

Mr. Nearpass- the hours lighting up the signs in the window.

Mr. Kruchten- the lite box.

Chairman Reinhardt—right but that, that relates to the window sign.

Mr. Salsburg- yea.

Mr. Kruchten- the light box yea.

Chairman Reinhardt—right, the light box. So, what I gather from the board its one or the other, so going through the flag variance first, is probably then going to trigger the opposite, a denial for everything that

you're asking for for that window box.

Mr. Kruchten- sure, I agree. I understand.

Chairman Reinhardt—alright, the board comfortable with that, if we go at it that way? Do the flags first, flag?

Mr. Nearpass- as purposed? 15' from the road?

Chairman Reinhardt—as proposed 15' from the road, okay, we're good with that so, um for the resolutions for the flag ...

Ms. Downs- just for clarification writing this, is this 4 different flags that we're switching every day that “we buy gold”, “we buy silver”, “we buy coin”, “we buy ...”

Mr. Nearpass- antiques ...

Ms. Downs-whatever.

Chairman Reinhardt-jewelry, coins ...

Mr. Kruchten- no, its just, its just gold and silver, that's it.

Ms. Downs- 2 flags ...

Mr. Kruchten- there's 2 that say, there's 2 that say “we buy silver” ...

Ms. Downs- one out a day.

Mr. Kruchten- one out a day. Yea, 2 silver, 2 gold. 1 per day.

Chairman Reinhardt- and if you move that business, and specific to those flags, you can't change it to nerf wars and martial arts ...

Mr. Kruchten- *giggles*, okay.

Chairman Reinhardt- so, um ...

Mr. Nearpass- so, is he allowed to change it to open? Which is allowed by the code? Or would the distance of the sign of the flag only be for one that does not say open?

Chairman Reinhardt- Adam, on the flag ...

Mr. Ryczek- the flag is permitted to say open.

Chairman Reinhardt- open.

Mr. Ryczek- so a variance wouldn't apply, at that point only the distance from the road would apply. So, I don't know if you need to separate the actual resolutions or if there's a way to word it, the open will always be permitted it just can't be permitted closer than 35'. So, if you're going to do the reduction in distance and only pertain it to the silver and gold signs, then if its an open sign it would not be allowed to

be 15' from the road.

Chairman Reinhardt- so he would need, the variance needs to ready 15' for gold or silver or open.

Mr. Ryczek- correct.

Chairman Reinhardt- okay, the board good with that? --- Okay, Amber, good? ---Alright, so:

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.

in Specific to the flag that would only read "gold" or "silver" or "open" ...

Mr. Nearpass- is it "we buy gold" ... are you okay with its, so that's, that was what was, so as purposed, that's what's going there?

Chairman Reinhardt- right, that's we, those words, "we buy ...

Mr. Nearpass- gold ...

Chairman Reinhardt- alright, so to continue, um ---

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 one flag with the terminology as stated and 15' the applicant has stated that there has been some difficulty with customers locating his business, and also due to the fact that his business structure is, I'm sorry we'll just say, how far off the road?

Mr. Kruchten- from my understanding is 82'

Approximately 82', would anyone like to add anything else for 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: um, I think the justification for the first criteria would apply for the second criteria, would anyone like to add anything to the second criteria? ---

3. The requested area variance is not substantial.

Justification: 1 flag, 15' from the road with the specific language as stated in the first criteria, would anyone like to add anything for 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: we haven't heard anything or any evidence that would show that the flag in and of itself would create any kind of environmental conditions in the neighborhood or district.

5. The alleged difficulty is self-created.

We had one letter from Dr Quatela that supported the request for a variance. Anything else, any conditions to add to this? And the ...

Mr. Nearpass- the language ...

Mr. Ryczek- I'm sorry ...

Mr. Nearpass- the language of the ...

Mr. Ryczek- no, it doesn't need to be a condition, sorry.

Chairman Reinhardt- also if we can incorporate the comments from the county planning board. Alright with that, I would entertain a motion for approval.

Mr. Ryczek- I'm sorry, I did have it, it was in my comments I was trying to find the right page.

Chairman Reinhardt- go ahead.

Mr. Ryczek- uh, I requested that if it was approved there was a condition that the flag remain in good condition at all times based on the sign code section 165-6 under prohibited signs, it says illegible signs, and signs in disrepair, it specifies that they can be removed by the code officer, so just so you're aware, I was requesting it as a condition that it must remain in good condition.

Chairman Reinhardt- that's in the code itself?

Mr. Ryczek- yes.

Chairman Reinhardt- okay so, don't assume anything read the code, it needs to stay in proper condition pursuant to the language of the code. Right, I would entertain a motion for approval.

On a motion made by Fred Salsburg and seconded by Chairman Reinhardt:

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

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

Adopted: 2 Ayes, 3 Nays

Chairman Reinhardt- alright, uh so there was 3 nos''''', okay. So, we will then take a look at then the requested variances for the window box issue. That it will read I guess anything other than "open" this would be the "we buy gold" that was up there, is now ...

Ms. Ogra- no, Suzy could you ...

Mr. Nearpass- could you go back one slide, I think?

Ms. Downs- I apologize again, for clarification, that was then denied?

Chairman Reinhardt- that was a denial.

Mr. Nearpass- Suzy, can you go back one slide? One of two... yea, that one.

Chairman Reinhardt- so the sign in the lower right-hand corner?

Mr. Salsburg- yea.

Chairman Reinhardt- that's what you currently have now? Or that's what you're asking for?

Mr. Nearpass- he's asking for --- originally, he was asking for both of them ...

Mr. Salsburg- either one of those.

Mr. Nearpass- either one.

Ms. Ogra- you're looking for the top, I believe, correct, no? Bottom one?

Mr. Nearpass- the bottom one. The bottom right, he wants the bottom right one.

Chairman Reinhardt-is that correct?

Mr. Kruchten- yes.

Chairman Reinhardt- okay. So, the variance that, the variances that relate to the bottom right sign, and that would be language that states something other than open, as indicated, that currently on the display "we buy gold, silver, coins, jewelry, top dollar..." I can't read that, what's under that? Top dollar what? Top dollar pad. And the sign to be illuminated after business hours. You're still staying with that after business hours? To be illuminated.

Mr. Kruchten- *laughs*

Chairman Reinhardt- Ima asking you ...

Mr. Kruchten- yea, I ...

Chairman Reinhardt- if its all in one ...

Mr. Kruchten- if its, uh, yea.

Chairman Reinhardt- okay. So, any other further discussion then on before we go through the resolution on the rest of the variances? Alright. So ... 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: we can use the same language that we used with the flag, but in addition that the board has decided to deny the variances that are related to the flag proposal. Would anyone like to add anything to the first criteria? --- Alright ...

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: Same thing with the second, same language but additional language that indicates that the variances that related to the flag were denied. Anybody want to add to the second criteria? ---

3. The requested area variance is not substantial.

Justification: same language as what we used for the flag proposed variance. And also add that the flag variance was denied.

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

Justification: There's been no evidence that indicate that all the variances that relate to the proposed sign in the window have anything relative having, to having an adverse effect on the physical or environmental conditions in the neighborhood. Anyone wat to add anything to the fourth? ---

5. The alleged difficulty is self-created.

Any proposed conditions for that variance? Relating to the window box. --- Hearing none. I would entertain a motion for approval ---

Alright, we're not getting any, so that's, they're looking at a denial. So, all those, I would entertain a motion for denial for the window, other variances related to the window box.

On a motion made by Chairman Reinhardt and seconded by Matt Nearpass:

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

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Fred Salsburg	Nay
Alexis Ogra	Aye

Lya Theodoratos Aye

Adopted: 5 Ayes, 1 Nays

Chairman Reinhardt- Alright so, both sets of variances were denied.

Mr. Kruchten- there any, so there's nothing to do at this point? I mean there's no like, if I come back and say, alright Ill just put up one that says ...

Chairman Reinhardt- okay, now, what you're, what you're, I think what you're driving at ...

Mr. Kruchten- for the flag.

Chairman Reinhardt- what's your next step.

Mr. Kruchten- yea.

Chairman Reinhardt- uh, we can't give legal advice.

Mr. Kruchten- okay.

Chairman Reinhardt- so, our best suggestion for you is ...

Mr. Kruchten- other than running, running to get this job maybe because these codes are, when did codes become more important than businesses? I, I this is kind of Ludacris to me.

Chairman Reinhardt- you have, you're entitled to your opinion.

Mr. Kruchten- I am.

Chairman Reinhardt- and you can speak with council and sort through your remedies for the next step if you want to ...

Mr. Kruchten- okay.

Chairman Reinhardt- take up next steps.

Mr. Krcuhten- alright. So, there's nothing more to do tonight then?

Chairman Reinhardt- no.

Mr. Kruchten- okay, thank you.

Chairman Reinhardt- alright, have a good night. Alright so, lets circle back to the Valentown, anyone here for Valentown, I know Mr. Snyder is, are those your folks?

Mr. Snyder- yes, yes.

Chairman Reinhardt- okay.

Valentown Plaza, 7724 St Rt 96 and 300 High St

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.

Chairman Reinhardt- alright ...

Mr. Snyder- we've lost a couple along the way.

Chairman Reinhardt- yes, I know, you were here last time, but they weren't, so, lets go back so it's, I appreciate your patience, so with Valentown, we're going to do a review, there some other materials that were sent, and Suzy has them up, we'll get to those in just a second. Valentown and then Mr. Rainaldi had requested 5 variances and they all relate to a second monument sign, there's already 1 monument sign on that parcel, that would be the Chase sign, they're asking for a second monument sign, the first, I think this dates all the way back to I want to say November, bear with me just a second ...

Mr. Nearpass- looks like November 21st.

Chairman Reinhardt- yep, so, uh, it was November and then December, we had a meeting in January, it was tabled in February, so its been reviewed a number of times, there arguement, the applicants arguement was for the most part was need based, that they were suggesting that they need those signs because customers can't find the building, or the particular businesses, there, uh, the county planning board denied, recommended denial, the new information that the Valentown applicant submitted, suggested there was a public safety issue if they were to put the monument sign on their lot and the use for the High Street entrance exit, it's unfortunate that they're not here, some of the questions I would have asked them is how is it that they found, or their opinion that there was a public safety issue, I don't know if any repost has been made saying, whether it be to department of transportation the county, the town, is it a lame-ance opinion, an expert opinion, have they ever contacted law enforcement, in my eyes suggesting that there's a public safety issue that should they put a monument sign as the code permits, doesn't hold any wight with me. I know, Mr. Snyder you were here before are their new comments or is it pretty much the same on your opposition on why they shouldn't have that sign there?

Mr. Snyder- Id like to respond to their letter of January ... after that last meeting.

Chairman Reinhardt- okay. Come on up. As long as it's something different than what you've said before.

Mr. Snyder- sure. Yea, I understand, yea.

Chairman Reinhardt- go ahead.

Mr. Snyder- thank you, my name is Martin Snyder, I'm a part owner of 304 High Street, with my parents, which is the, on the southern boundary of the Valentown Plaza lot, and as I mentioned I'd

just like to respond to that letter of January 24th, that the applicant submitted, they answered the what is 25 questions at this point, 5 times 5 for the 5 variances, and one of the main things that they kept bringing up was references to Walmart plaza has it, Hampton Inn plaza, they have these signs, but I'd like to draw that right back to what the county planning board has said, and I don't want to waste your time going through that, but um, all those different points of it being, the design just being excessive, it not, uh, that the Town code is, already has what's needed for business identification, its already been addressed, the one unique thing about this site that we're looking at is that we have a historic area vs all these other applications and all these other places you're talking about they're not in these historic areas, we have Valentown Hall, school house #7, which has been there since off the top of my head 1845, the Bonesteel house, which has been there since off the top of my head 1830s, this is all very unique to this area vs all these other places that they've cited and this is very unique, the historical combination along with the business that I think should be considered, and the one thing I, I have to say once again that I did say in the previous meeting that I think a 6th variance is needed, I don't understand how he can get this separate monument sign on that lot where 165-5B1 states that 1 freestanding monument building identification sign may be installed which identifies, I wont even go on to the whole thing, I don't want to waster your time, but we have 2 lots that front 96, one has a Chase sign, one has a Longhorn sign on out, I don't know where we can squeeze another sign in there and on top of that, the sign that the applicant said back at the January meeting that was going to be removed that's been there since 2015, that's still there, once again it's another time when he's gone back on his word, he's giving you his word he's going to do something, it hasn't happened its still there, it's still there this afternoon, going back to the 5 variances, I think we all agree in this room tonight from what has been said that that is excessive, I did reach out to the department of state and there's question on to how many variances we have on the table, each of those different elements that were looking at, and 165-5B1, those are all separate variances, it cant be all grouped together to say oh its 4, its 3, because they're all in the same paragraph. We have 5 variances at least, if not the 6th, to try to get that extra sign on the site, and just to summarize I just hope a decision is made tonight, we we're stood up at the last meeting, everyone, we had all sorts of folks form my neighborhood come, no applicant, uh I guess he did contact the board prior, I contacted the planning office at 3:30 this afternoon, nothing was said about, the applicant did not contact the office, he's playing us. Hess wasting our time, we have people coming out, I'm leaving my sons baseball game early to get here, I hope you can make a decision tonight and just put this to bed and if I can clarify anything that I said, Id be glad to, with the number of variances needed, anything, uh since the applicant is not here to say anything, I just, anything you need from me I'd be glad to clarify anything else that's needed.

Chairman Reinhardt- okay.

Mr. Snyder- thank you.

Chairman Reinhardt- thank you. Anyone else from the public want to speak for or against the application?

Mr. Snyder Sr- I'm George Snyder owner of 304 High Street, right next door, and one point to put out here just common sense, the property he's advertising for is not owned by the property that he's putting the sign on, where as his comparison to Walmart, they own that whole plaza so they can put a sign out there for what's in the plaza, the other thing is, he's wanting to advertise 300 High Street, go by there, there's no identification on that building that says 300 High Street, when I remodeled my house I could not move on the property until it said my street number on the property, and now he's advertising something that's not even marked, thank you.

Chairman Reinhardt- okay, thank you. Anyone else? --- Suzy? --- Fred, comments, concerns?

Mr. Salsburg- well, we turned down a very similar application for the Doctor Quatela building application, they wanted 4 tenants shown, we turned that down, how can we approve this, without going back to ...

Chairman Reinhardt- mhm.

Mr. Salsburg- we're supposed to treat everybody the same, so I'm, when they had the big sign up there for awhile I thought well that's terrible, they made it smaller, but I still don't think they've done very much to identify the buildings, they're back there they don't have any frontage that's their problem, kind of knew that right from the day the drawings were made, I'm not in favor of it.

Chairman Reinhardt- okay, Matt?

Mr. Nearpass- um, I'm also not in favor of it, I think there are things that can be done to clean up the signage in that area, and we talked about trying to bring you know the 2 signs, down to 1, you know they have not proposed that, they've got the complication of advertising on one lot for a business for another, which further complicates it, so I'm, I continue to be not in favor of it, I think if they ...

Mr. Salsburg- Matt are you talking about moving the sign into the Longhorn?

Mr. Nearpass- well, when they were here the first time, my comment was well you bring down the new Chase sign, you bring down the Longhorn sign, and maybe you could have one ...

Mr. Salsburg- oh.

Mr. Nearpass- monument sign for the whole thing but it also doesn't get them through the, the issue we have with a lot of requests that are trying to advertise for signage from different lots, we you know, we've been very strict on that and not allowing that because then you get into, you know a one lot paying another one to advertise for signage on theirs, so, I don't see a path for this to be, to support it with what I know today, so.

Chairman Reinhardt- Alexis?

Ms. Ogra- I think with our applicant not here, I personally don't feel comfortable voting, but I know this has gone on for months and months and months.

Chairman Reinhardt- Lya?

Ms. Theodoratos- I think being that this dragged on for so many months now and that the applicant isn't here doesn't give the board the courtesy to come and to give the courtesy to the neighbors to be here to discuss this, I think we should vote on it, and I want to say the sign looks tacky, I just don't like it, all the other signs, even the ones that pre-dated the code they look a lot better, but also at one of the previous meetings, the applicant did say without the signs they don't, you know they're not doing the business they could, they're losing business, well I drive past there to get home everyday and the restaurant is always crowded, the parking lot is jam packed, and they're not going to the Chase Bank, there's a Chase Bank is empty, and I do even see people in and out the other stores. So, I don't agree that they're losing business. And I do agree Mr. Snyder with what you said it's a historical area and this type of sign would really detract from it.

Chairman Reinhardt- okay, quick question Adam, the Longhorn sign, is that on the same lot as the Chase sign?

Mr. Ryczek- no.

Chairman Reinhardt- okay. A few notes that I would also like to make as far as advertising goes in the, the need that the applicant continually states that I've driven by that parcel so many times and there is a van, it says New York Beer Project, it sits there and they are getting more advertising than they could ever want, you can see New York Beer Project on the side of the building whether you go North or South on 96, the other part that's very concerning to me, I think Matt eluded to it, is to even suggest an opportunity for an applicant to place a sign on another parcel is certainly going to erode the intent of the code and potentially create bigger problems that in essence that anyone then can argue and say well gee I don't have frontage on route 96, so therefore I'm going to lease out or borrow or put a sign on somebody else's property and now the signage issue gets even further out of control, they do have alternatives, they have an option of placing a monument sign on their lot, this would be lot, its lot 3, is that right, Adam? --- Yea, so they could put it on lot 3, putting multiple monument signs on one lot is substantial, and as indicated earlier, just to make sure it's clear in the record there argument that there's a public safety issue that should they put a monument sign at the High Street entrance is completely unsupported, and I echo I think what Fred and Matt and as well as Lya, they're not here, they've been given opportunities, the board or the public should not have to continually wait and wait and wait to make a decision, I don't think they're going to say anything else we can't force them to be there, here, they had their opportunity to be heard and they chose to not show up. So, if there's any other comments or questions form the board, I will continue on with the resolution...

1. An undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification: One being is that there attempt to place a monument sign on a parcel that's not theirs, and when I mean theirs, meaning lot 1, when they have an opportunity to place a monument sign on lot 3, there's also currently a monument sign, so, in addition to, in addition to what was previously stated, that having 2 monuments signs on 1 lot, would certainly change the character of the neighborhood. County Planning Board has recommended a denial, there have been 4 who spoke against the application, and I'm going back to previous minutes, the applicant has also indicated for all of the criteria that they need an additional signage, and my review of all the criteria that, there's nothing in any of the criteria where need is an element. Would anyone like to add anything to the first criteria? --- Hearing none.

2. The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification: Without question, the applicant has an opportunity to put a monument sign on lot 3, which is where New York Beer Project, and the other businesses are. Would anyone like to add anything on the second criteria? ---

3. The requested area variance is substantial.

Justification: The fact that they're asking for a second monument sign on one lot is inherently and clearly substantial. 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 second monument sign, I haven't heard any evidence that its going to create any adverse effect on the physical environmental conditions of the neighborhood or district. Any addition for the fourth criteria? ---

5. The alleged difficulty is self-created.

Simply asking for a second monument sign is a self-created problem. Any additions or conditions or anything else to add for the proposed denial for variance? --- Hearing none, I would entertain a motion for DENIAL.

On a motion made by Matt Nearpass and seconded by Fred Salsburg:

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

Michael Reinhardt	AYE
Mathew Nearpass	AYE
Fred Salsburg	AYE
Alexis Ogra	ABSTAINED
Lya Theodoratos	AYE

Adopted: 4 Ayes, 0 Nays, 1 Abstained

Chairman Reinhardt-alright its carried, its denied. Thanks for your time and your patience appreciate it very much.

Valvoline, 7503 Main Street, Fishers 06-Z-2023
seeking an area variance to operate on Sundays from 9am- 5pm where §211-22 (7) [3] [e]
states hours of operation shall be limited to Monday through Friday 7am -7pm and 7am -
6pm on Saturday.

Chairman Reinhardt- Valvoline. So, you're here the second time, right Matt you chaired ...

Mr. Nearpass- yes.

Chairman Reinhardt- you want to summarize a little bit and where we are.

Mr. Nearpass- yea, um, I think it was a very straight forward, the presentation that he gave, he's looking for similar hours of operation as what is being done in that neighborhood, whether it was the Car Wash, I think it was maybe the gas station and then even ...

Mr. Markevicz- Monroe Muffler

Mr. Nearpass- behind it, where um, what was it ...

Ms. Ogra- Monroe.

Mr. Nearpass- that's right. I think the only thing you, the action you took was to provide a list of services, which you did, we read them, and I think were ready to comment on that, and I think in general there was general support for the hours that the applicant had requested, unless anyone has

got any further questions. I did have, we did have one regarding the list of services, you had tire rotation on there, and the only thing I think of right, when I think of tire rotation is the air gun, you know, sound, is it, is that something you do a lot, is it ---

Mr. Markevicz- to be honest I don't know exactly how often that, they do that service, you know obviously different customers are going to request different things, I don't know the percentages I think the majority of people that go there would be for the oil change, but they do offer some of the other services mostly fluids as you've seen there.

Mr. Nearpass- okay, and on the flip side there aren't any residences within the, I think 500 or 1000 feet. There's going to be a Car wash behind, you got a car wash behind you and in front of you, and you've got the roaring of the throughway and 96, so I think that would help dampen, that was the only thing personally that just stood out to me, but I'm, I still continue to be okay with the application.

Chairman Reinhardt- want to add anything before we go forward and ask questions?

Mr. Markevicz- no I think, you know again good summary, My name is Todd Markevicz, with ADP engineering, and I think you know there's some questions that came up at the last board meeting and we provided a little bit of additional information some exhibits different things to kind of look at, I also know at the last meeting County had not commented yet, I'm assuming they've commented at this point, so again here tonight to requesting that variance and would uh certainly be willing to answer any questions that you have.

Chairman Reinhardt- okay, good, Alexis, questions? --- Lya?

Ms. Theodoratos- just comment at the last meeting you did state that you would even adding more landscaping to what the site is now, and I did look over the drawings and I did see more landscaping and also your photos as well, and I also think with that it might muffle some of the sounds, if there is tire rotation or anything, you know that was one of the concerns. So, I, I think its going to be an improvement to what the site looks like now and thank you for providing all the information ...

Mr. Markevicz- sure, thank you.

Ms. Theodoratos- that we requested.

Chairman Reinhardt- Fred?

Mr. Salsburg- so no question, ready to vote. Almost administratively.

Chairman Reinhardt- okay.

Mr. Salsburg- easy.

Chairman Reinhardt- um, it was pretty straight forward, I agree, anyone from the public want to speak for or against the application? ---- Anyone? --- no, good. Okay, alright yes, thank you for providing the additional information, County Planning Board, no, really no action other than just a suggestion to that the Town Board may want to reconsider amending the code, I agree with Matt, the car wash, and there's going to be another car wash, and Burger King is across the street and so there's some, a number of businesses that, I Think if there were any tire rotation would looking at your list would seem to be the most noise that it would cause, in addition to the additional buffering that seems to,

that's in your plan. I think the impact would be minimal, any comments concerns before we proceed with the criteria? --- Great.

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: As indicated there are a number of businesses in close proximity and an additional business that this would be Delta Sonic, that will be in, in your backyard, that any impact for the Sunday hours would be minimal. 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: Its straightforward, Sunday hours, 9am-5pm other businesses in that specific area are opened and a specific car wash there was a Delta Sonic was also granted a variance for a similar request, would anyone like to add anything for the second criteria? ---

3. The requested area variance is not substantial.

Justification: again, Sunday hours, 9am-5pm and in consideration of as the businesses mentioned earlier have Sunday hours, that should not have any kind of negative impact on that neighborhood so therefore its not substantial. Any additional comments for 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: There's been no evidence presented through this board that would have any indication that there will be an adverse effect with specific to the Sunday hours. Any additional comments/concerns with the fourth criteria? ---

5. The alleged difficulty is self-created.

Anyone like to add anything conditions, with the proposed resolution? --- Hearing none, I would entertain a motion for APPROVAL.

On a motion made by Fred Salsburg and seconded by Lya Theodoratos:

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- thanks so much for your patience.

Mr. Markevicz- thank you very much.

Mr. Salsburg- that's the way they all should be.

Chairman Reinhardt- Mr. Johnson.

Johnson Pole Barn, 7355 Dryer Road

07-Z-2023

Seeking an area variance to place a pole 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- thanks for your patience.

Mr. Johnson- sure.

Chairman Reinhardt- you would like to put up a pole barn.

Mr. Johnson- yes. I am Peder Johnson owner of 7355 Dryer Road, looking to build a barn in front of the house, just due to the difficulties of the property, it's a very deep lot 1500 feet and the house it was in the back at 1200 feet, so looking around the property ourselves and with some builders this was the only suitable location we could find ...

Mr. Salsburg- I'm having a little trouble hearing you.

Mr. Johnson- oh sorry, um, is that better, so looking around the property we brought in some builders, and this was the, what we determined was the best location in terms of flatness, least impact to the land, the furthest we could get setback to any of the neighboring properties, and about it.

Chairman Reinhardt- Matt, have questions?

Mr. Nearpass- where exactly is the home on there, so there's the blue ...

Mr. Johnson- it's the, it's kind of the checker box rectangle ...

Mr. Nearpass- all the way in the corner?

Mr. Johnson- all the way in the back, yea.

Mr. Nearpass- um, no further questions, I, I think this falls in a similar category as many others that have you know, because of its location, its, wouldn't have any impact to the neighborhood or characteristics to the neighborhood or the environment with it being forward of the frontline of the home, in this case.

Chairman Reinhardt- Alexis, questions? --- Lya?

Ms. Theodoratos- just a couple of questions what you proposing to use the barn for?

Mr. Johnson- um, personal use, we've got just storage and maintenance of cars and tractors and boats and a camper that we have.

Ms. Theodoratos- and what utilities are you putting in there, just electricity or anything other than electricity?

Mr. Johnson- just electricity. No sewer, no water.

Ms. Theodoratos- okay. Okay, that's all I have, thank you.

Chairman Reinhardt- great, okay, so uh, just for clarification, the I'm sorry, is it a garage, a shed, what are we calling it, it's not a shed, its too big to be a shed.

Mr. Johnson- uh, no it's a ...

Chairman Reinhardt- pole barn?

Mr. Johnson- pole barn.

Chairman Reinhardt- 54' x 62'

Mr. Johnson- uh, yea it's a 40' x 60' building with a 12' lean to off the side, so the total dimensions 54' x 62'

Chairman Reinhardt- alright, and its approximately 429' from the road?

Mr. Johnson- yes.

Chairman Reinhardt- alright is that measurement from the right of way or the roads edge or where are you measuring that from?

Mr. Johnson- that's from the right-of-way of the property line.

Chairman Reinhardt- okay. Can you give us an idea of why you can't comply with the code, or in other words, why can't you put that barn alongside of the home, or behind the home?

Mr. Johnson- um, so we looked at putting it behind, there's only 250' behind the house to the rear property line, but there's also a 50' elevation drop, so its about a 20% grade straight down to the back property line there.

Chairman Reinhardt- so help me, what it be cost prohibitive to put that barn behind the house?

Mr. Johnson- yea it would be cost prohibitive, and I would say impactful to the environment, we'd have to take down a lot of trees and bring in a lot of outside fill.

Chairman Reinhardt- where the proposed barn is going to go do you have any intention on removing any of the vegetation, trees whatever it is that 429' that's from the right-of-way to the proposed barn?

Mr. Johnson- uh, no nothing in that 429'

Chairman Reinhardt- alright. Anyone from the public want to speak for or against the application? Come on up. Tell us who you are.

Mr. Fenwick- James Fenwick, 7325 Dryer Road- and I'm one of his neighbors, and I can, from the corner of my property you can actually see that and have no problem at all with it, its, the fact that our properties are both well off the road, and you, and the topography of his property goes straight down behind his house. So, he couldn't put anything there.

Chairman Reinhardt- you would agree then it would be cost prohibitive to try and put that barn behind his home.

Mr. Fenwick- yea, it, way cost prohibitive.

Chairman Reinhardt- okay. That's what were looking for. Thank you. Anyone else want to speak for or against the application? Any other questions/comments/concerns? --- Anyone? --- Suzy, we're good. --- Anything else you want to add?

Mr. Johnson- uh, no that's it.

Chairman Reinhardt- lets go through the proposed resolution. Alright.

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: The facts indicate that it's a flag lot, it's approximately 1,200 feet from the right of way of the road, it is heavily vegetated, it would be difficult if not cost prohibitive to comply with the code and place the barn either behind or alongside of the home, also its, the applicant has submitted documentation that's it 8.177 acres, and the proposed barn would be 429' from the right of way of the road.

Mr. Salsburg- and 50', over 50' from each sideline.

Chairman Reinhardt- and add that too. Anything that should be added for 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: As stated for the first criteria, the, it would be cost prohibitive to place the 54' x 62' barn behind the home due to the topography. Anyone want to add anything for the second criteria? ----

3. The requested area variance is substantial.

Justification: Just the due to the distance from in front of the home, creates an argument that it is substantial, however there is sufficient vegetation that you shouldn't be able to see it from Dryer, and there was also a neighbor that indicated not only that it would be cost prohibitive to place the barn behind the home, but also the neighboring property would be difficult to see from.

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

Justification: There's been no evidence submitted that would indicate it would be any kind of environmental impact.

5. The alleged difficulty is self-created.

As far as conditions go, any thought or concerns about conditions for this proposed variance? – Hearing none, I would entertain a motion for APPROVAL.

On a motion made by Matt Nearpass and seconded by Fred Salsburg:

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.

Mr. Johnson- great, thank you.

Mr. Salsburg- I live nearby if you need anything to put in it. I could stop over.

Mr. Johnson- okay. Thanks.

Chairman Reinhardt- Adam, anything for us?

Mr. Ryczek- nope.

Chairman Reinhardt- anyone else? --- Good. I would entertain a motion for adjournment.

On a motion made by Mike Reinhardt and seconded by Alexis Ogra the meeting was adjourned at 8:37 pm.