

TOWN OF VICTOR ZONING BOARD OF APPEALS, April 18, 2022, 2022

A regular meeting of the Town of Victor Zoning Board of Appeals was held on April 18, 2022, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Donna Morley; Sarah Mitchell; Fred Salsburg

ABSENT: Mathew Nearpass, Vice-Chairman

OTHERS: Corey Shultz, Megan Burch, Christina Cassiris, Chris Shaefer, Greg MacAnn, Ted Rund, Steven Barbash, Micah Barbash, Al Benedict, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the April 18, 2022, Zoning Board of Appeals meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

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

PAST MINUTES:

On motion of Fred Salsburg, seconded by Sarah Mitchell:

RESOLVED, that the minutes of the meeting held on April 4, 2022, BE APPROVED.

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

Chairman Reinhardt- Okay, so with that, the first on board is Kassis Superior Signs. They're not ---

Mr. Shultz & Ms. Burch-We're here from Kohls

Chairman Reinhardt-You're here from Kohls, okay.

Mr. Shultz-Kassis is just the company asking for the sign.

Chairman Reinhardt-okay, so come on up, tell us who you are.

Mr. Shultz-My name is Corey Shultz, I'm the store manager of the Kohls in Victor and this is Megan Burch, she'll be running the Sephora shop inside of the Kohls.

Chairman Reinhardt-okay, so last, I don't think, did you make the presentation before?

Mr. Shultz & Ms. Burch-no, it was from the development company was here.

Chairman Reinhardt- okay, so just a quick review, did you see the minutes? Or we can touch base on that a little bit just to try to...

Mr. Shultz-yea, we watched the YouTube replay of it

Chairman Reinhardt-okay, alright, great. So I think the general feeling of the board is, in Victor pursuant to the code you can get a sign on the building whether it be the business sign or a sign that identifies what's in it, for example Kohls, the code really doesn't allow for multiple, if you will sub distributors or whatever is in that particular store so you're going to need a variance and the discussion we had last time is that were trying to figure out, we really didn't get a clear answer on whether or not Sephora was merging with Kohls, is it separate? So could you clarify that?

Mr. Shultz- so, they are separate, it's a shop within our store, so it'll be our employees, but its more than a brand, so its not like how we sell under armor, like Sephora has some product they make but Sephora is the shop not the brands we'll be selling in Sephora, so it'll be 3 walls the center of the store, like it's its own separate thing, its not, you know, a Nike section among other stuff, its more of, they're still brands but it's the brand of the shop not the product we're selling.

Chairman Reinhardt-okay, how is this different than from amazon in Kohls?

Mr. Shultz- that's just returns.

Chairman Reinhardt-still its an amazon name, if someone is looking for a return generally they know, and I rely on my wife for this she tells me that, if I need to make a return for amazon, you go in to Kohls, you go in the back store, you make the return and you leave.

Mr. Shultz- yea, to me, its that the amazon returns if you've done them is that you know, its a little desk in the back where this is you know a, I don't want to say a store inside a store because its still all Kohls but I mean it's a full shop and I mean I see the point with the amazon I just, its just that's one of those ones that you know people find out through amazon to come there, its not something we're actively advertising, to me its more similar and I think it was in the notes, the company said like the CVS Pharmacy at a Target, where its another store within there, not just a brand we're selling.

Chairman Reinhardt- alright so you're making a distinction on, I think I brought it up at the last meeting Dicks sells under armor and Nike and adidas and when I think the code is really trying to, at least the intent of the code is, you just have the store name, what else is in the store is really up for the store to figure out how they're going to sell all those other brands because if you open up that pandoras box of well now you have all these brand names that are going to be plastered all over the stores and I don't think that's really the intent of the code to allow that to happen.

Mr. Shultz- no and I agree, I just think it's, to me they're 2 district things, you know having an under armor and Nike where that's just a product you sell where Sephora is the shop, its not Sephora product its hundreds of brands that we sell through Sephora in the building.

Chairman Reinhardt- so what I think you, and I saw it in the e-mail, so Al could you comment on that, on the CVS if you will brand name or business CVS is within Target we got CVS has a sign outside of Target?

Mr. Benedict- I don't think I have that e-mail but um, I'm not sure I am aware of that.

Chairman Reinhardt-neither am I, I just, its curious to me that, I read the e-mail, without a picture without really looking at it and for the time being, I'm trying to figure out if that's permissible or this last as I understand the code correctly its that its Target, its Walmart, its Kohls and that's what you get not store within a store within a store and having all these brand names all over the place.

Mr. Benedict- In the instance of CVS in Targe if CVS is an actual subtenant of Target then by code they would be allowed a sign.

Chairman Reinhardt-would that be similar to what was it Lazy boy in, we had a variance for, wasn't it Lazy boy, it was either Stickley or was it City Mattress, what's?

Mr. Benedict- I can't remember

Chairman Reinhardt- I might be confusing some of the brand names there but there was, one of the businesses had sublet from the main store and it might be City Mattress and it might have been Lazy Boy or another one and they were able to get a sign on this building as well, but I think its separate entrance into that particular store, lets say for Lazy boy than it would be for City Mattress and, but I'm not remembering seeing that in this case where you still go through Kohls from door to get to Sephora.

Mr. Shultz- Right, yea, that entrance would still lead into the full store, so the only other example I could come up with, it was actually a former employer, I worked there it was Little Ceasars within K-Mart and I don't know when the code was, I know they're out of business, but they were able to have a Little Ceasars sign and that was almost the exact same thing, it was little Caesars brand but it was Kmart employees, we hired them, we trained them and that was similar was a shop within there and they were able to have the Little Cesars sign on the outside of that building in that plaza.

Chairman Reinhardt-That I think I, that has some recollection to me that there was a Little Ceasars, but I don't know if that was around

Mr. Benedict- yes

Chairman Reinhardt- pre-dated, preexisting condition.

Mr. Benedict- yea, that'd be prior to the present sign code. For sure.

Chairman Reinhardt-Alright, any idea how long Target and CVS have been opened or if that's a preexisting condition.

Mr. Benedict- It should be under the present code Id think, or close to it, well it might be previous, but I'd have to go check the record for that.

Chairman Reinhardt- I think for this, were just holding that thought, if you have any other examples of similar to a CVS in a Target situation.

Mr. Shultz- That was the only one that they gave to us.

Chairman Reinhardt- Alright, lets hold that thought a second, Sarah do you have any questions?

Ms. Mitchell- Do you have pictures of that because I don't recall seeing it, I mean of the CVS outside of Target that sign.

Mr. Shultz- I don't

Ms. Mitchell- okay, because I don't recall, it doesn't mean that its not there, I just don't' recall seeing it, So, pictures are always helpful.

Mr. Shultz- and yea, unfortunately, and I'm just going by the e-mail from our development people.

Chairman Reinhardt- Any questions.

Ms. Mitchell- No that was, no.

Chairman Reinhardt- Fred questions?

Mr. Salsburg- well I think the Stickley/Lazy Boy situation was Stickley didn't need as big of a store as they had, and they split it and they're 2 different operations.

Chairman Reinhardt-right

Mr. Salsburg- and this isn't, I picture this as being a small percentage of the whole Kohls floorplan and I'm kind of concerned that things change/businesses change and come and go and products rise and fall, and the Sephora sign could become outdated in a decade or so and then there's the issue of all the other stores and I'm kind of in favor of standing by the code on this application and that's not my usual stance but I think its right. If Kohls can advertise Sephora in other means besides having a sign on the front of the building. That's my take on it.

Chairman Reinhardt-Right, I am curious on the CVS/Target issue, it might be one, you have a picture of it.

Mr. Salsburg- I didn't even know that CVS was over there.

Chairman Reinhardt-Just who are you, and...

Ms. Cassiris -I'm Christina from Kassis Signs

Mr. Salsburg- you were here last time?

Ms. Cassiris- yes

Chairman Reinhardt- and that's the, what you're showing me, That's the Victor store?

Ms. Cassiris- yes, that's their front entrance, so like Kohls, there's the Target Logo, order pickup is underneath and to the right of the store front is CVS. And all stores from now on for all Kohls will be built, brand new stores will be built up with Sephora and Kohls.

Chairman Reinhardt-That's all fine and good but if they're not in Victor...

Ms. Cassiris- I Understand, I'm just letting you know.

Chairman Reinhardt- well thank you, but I'm just letting you know that if its in Pittsford, Timbuctoo wherever it is, they're all different codes, right, were dealing with Victor's code. So, you bring a compelling question before the board though is CVS currently has, excuse me, there's a CVS sign on if you will Targets façade.

Ms. Cassiris- yes

Chairman Reinhardt- and how and when that exists, I think is worth exploring, what's your time table on

getting the Sephora sign up?

Mr. Shultz- so we grand open the first week of June, I don't know if, I mean I don't think it, it was something that was you know decided in July we would still be fine with it, it's a long term partnership, you know so it's not like it needs to be done next week, I know as soon as it, if it was to be approved, they're ready to go, to do it but, there's no deadline.

Chairman Reinhardt-So what, and I think this board does a good job of, we do our very best to get it right and sometimes it takes a meeting or we have to adjourn it for 2 weeks and but we want to get it right, so what I'm asking is if you're okay with it, is to, we're going to table this, if the board is okay with it, table it for the next meeting which is May 2, it'll give us some time to do some research, going to go take a look at it, we're going to check where the code enforcement officer, when did it become in existence, is it a pre-existing condition, is it current? You know with the current code? That's going to make a difference on how the board will take a look at this whole thing, it's a big issue here, if you're okay with that, yea?

Mr. Shultz-yea

Chairman Reinhardt-Is the board okay with that, just follow up with the CVS issue and certainly if there's any more Victor type of these scenarios wed love to know it, certainly would be helpful to know before the meeting so we can follow up take a look at it, but for the time being were going to take a close look at the Target and CVS Issue, okay? Good?

Ms. Burch- Can I make one small comments about...

Chairman Reinhardt-absolutely

Ms. Burch- the Nike situation, so like Nike, you can come into Kohls, and you can buy that you can go into Dicks you can buy that, you can go into Macys, where Sephora is strictly in the mall, they are loosing their contract with JCPenney by 2023, which it is on the outside, granted its in the windows of Sephora within JCPenney's so when they come to Kohls, that's the only other place aside from going in to the mall that they're going to be able to shop, so it stands out, it brings, I understand there's a code to it, but, it brings the customer in there they might be shopping at Walmart and that's going to bring them in, and no offense to anybody I don't read any of the marquees at the road, unless I'm stuck a stop sign, so I feel like that there will be noticed and bring them in to shop at the store.

Chairman Reinhardt-So what were, and I hear what you're saying, say if you will, the pulling at the heart strings kind of issue, but the code takes a look at the 5 criteria and it needs to, its not a one criteria is a make or break it, you look at it collectively and is this going to change the character of the neighborhood, and what we've been talking about is if there's signs on target and kohls and Walmart and its, that's going to start changing the character of the neighborhood, we look at the code, variances are to allow some flex within the code, you cant break it though, if you'll break the rules, and it don't mean, you're breaking the rules but the, rules can be flexible but if their not its not going to be very effective if they're too rigid, if you know what I mean, if they're too flexible then the code needs to be amended so, we didn't write the code, we can just go by the criteria. For the time what were going to do, what were going to take a good look at is that Target/ CVS issue and see if there's any other issues out there, alright other comments/questions you have? Any comments/questions from the public? ---Suzy, do we have anybody watching online for this one? --- No, okay, alright then, I think the board is in agreement, we'll see you on May 2nd, if there's anything further by all means let us know and we'll see you back here on May 2nd, thanks so much for your time.

Mr. Shultz & Ms. Burch-Thank you!

Chairman Reinhardt- Alright, RYAN HOMES 1505 Beaumont.

Mr. MacAnn--Hello, My name is Greg MacAnn, I'm with Ryan Homes.

Chairman Reinhardt- you are looking for 2 variances? One is the fence in the front line of the principal building, its going to be higher than 2 feet high and the sign is within 35' of the pavement right-of way, right?

Mr. MacAnn- correct

Chairman Reinhardt-well this is a fence that is primarily to notify the name of the neighborhood is that the idea?

Mr. MacAnn-Correct

Chairman Reinhardt- you want to make your presentation?

Mr. MacAnn- sure I didn't know if there was more question.

Chairman Reinhardt-No, I'm going to have more questions, but you go right ahead...

Mr. MacAnn- so the fence is going to run along, parallel to Boughton Hill Road and the fence is going to be a split rail, 3 rails vinyl fence with stone pillars and then a stone monument in the middle of it, so there's 2 entrances into Bluemont Rise, you're looking at the first one on Claremont Court there is another one, if your looking at this map, there is another one to the east which is on Beaumont Way, so as you can see in the picture there the frontline of the house, were going to be about 14.5' past the frontline of the house with the fence and we're going to be off the edge of the pavement of Boughton Hill Road about 40' so the request is the approval for this fence to be 14.5' in front of the front line of the house. This picture you're looking at is Boughton Hill Rd as you go along Boughton Hill Rd the fence continues on the other side of Claremont Court continuing parallel with Boughton Hill Rd, I'm just going to step over to this so, so you guys can see. *Pointing at map* This is the proposed sign, and this is the proposed fence line, the fence is not 35' off the edge of the pavement it is actually 40.1' off the edge of the pavement from the original review of the notes. So that is in the paperwork to be reviewed today as a 35' requesting a variance but actually we are 40' off of the edge of the pavement from Boughton Hill Rd. and I believe that's within code, am I correct, 40'?

Mr. Benedict- yes, 35' from pavement edge

Mr. MacAnn- is minimum?

Mr. Benedict-yes

Mr. MacAnn- okay

Chairman Reinhardt- you're within as far as the second piece of the variance, within the right of way you don't need a variance or? I'm not quite clear on what you're asking---

Mr. MacAnn- that is the question, it was number 2 on there about the 35 feet, is that a variance request or is that within the code.

Chairman Reinhardt-go ahead Al

Mr. Benedict- I think that was what was originally called out because we weren't sure of the dimension was, but I think you've clarified the dimensions since then, just hasn't caught up with this paperwork.

Mr. Salsburg-so that variance can go away

Mr. Benedict- correct

Chairman Reinhardt- alright, so the only thing were looking at is the fence that's forward of the principal building.

Mr. MacAnn- correct, and there's actually 2 lots that that is going to happen on. 1505 Beaumont and the first one we saw there which is I don't have the address, its 31 Claremont Court. Yes. So 6420 Claremont Court and 1505 Beaumont Way, and you should have examples of the proposed fence on both of those forward of the front line of the house, so this is the sign, that will be in between the fence, that will be 40' off the Boughton Hill Rd and if you want to go to the next slide, that's just an overall plan and I can show you here.

Mr. Salsburg-we used to have a pointer; I haven't seen it in years.

Mr. MacAnn- *pointing at map* so this is Boughton Hill Rd as you can see, this is 6420 Claremont Court the proposed fence line is here and it has a what we call a little angle from the front line of the house here that what I'm requesting a variance for and over here 1505 Beaumont Way we have a fence that is right along Boughton Hill here angled here and this portion from this point forward is about 14.5' from the front line of the house is what were requesting for a variance there.

Ms. Morley- Can I ask you a question, is that Beaumont Court, the sign going to be on the angle is that where it's going?

Mr. MacAnn- uh, no unfortunately the sign is going to be in the middle of another set of fence, the whole fence for this project, you have 2 entrances off Boughton Hill Rd, you have Claremont Court entrance here and Beaumont Way entrance here, the fence is running from this point here, stopping, picking up here, this is where the monument sign is going to be, fence continues here, stops here, across the street at Beaumont Way the fence picks up again and that's over here. And these are not enclosure fences, this is strictly a decorative fence to make the curb appeal more appealing to the entire community, right behind there is Bluemont Stables, the horse farm there and in keeping with that we would like to have the split three rail fence and its going to be roughly 3 feet 36-40" sticking out of the ground about this high. So—

Chairman Reinhardt- what is this high?

Mr. MacAnn- oh.

Chairman Reinhardt -I see what you're doing.

Mr. MacAnn- so 36-40 inches out of the ground

Chairman Reinhardt- there you go, for our record.

Mr. MacAnn- well I said it.

Chairman Reinhardt-so it begs the question, why do you need the 14.5' on either end of the fence, why is

that? Is it critical, is it decorative, esthetics?

Mr. MacAnn- Esthetic and symmetrical. So, the, if you see on Claremont Court, it is to keep the symmetry when turning into the community. So, *stepping over to map* if you cant hear it on the microphone but, side of the road, equal distance out from these 2 points right here, that is the bed of the fence where stone pillars are going to be and the fence is going to angle back in and that wasn't 14' back it would not have an ideal appeal because it would stick further back than this here on the opposite side of the road.

Chairman Reinhardt- Alright, so its really purely for esthetics on the reason why you need that 14.5' one for Beaumont and the other for Claremont

Mr. MacAnn- Correct

Chairman Reinhardt- is that Fair enough?

Mr. MacAnn- correct, yep.

Chairman Reinhardt- are stop signs coming off of Beaumont and Claremont?

Mr. MacAnn- the stop signs I believe are already in place and these aren't impeding on those, and the Claremont is on the right had side Beaumont is on the right hand side, but, trying to recall if the stop signs have been installed or if they are required.

Chairman Reinhardt- I've been in new neighborhoods and have recognized the problem of these decorative fences and monuments and greenery and blocking stop signs, line of sight causing issues for in and out and if its just for esthetics that would be at least my concern, I don't know about the rest of the board, is, its just purely for esthetics and you're creating a bit of a hazard of, that's certainly not what, I would think I would want, I don't know about the rest of the board, so what else is going to go then between that end of the fence and the road itself?

Mr. MacAnn- nothing, so you get into the, we are actually, if you're looking at the Claremont Court picture, you see the fire hydrant, right there it's HYD, that is the setback for the right of way, if you go to the right of HYD you see the gutter drawn and the road, so we are, ad then you see the distance of 25.9' from the right of way to the edge of the fence, do you see that? So, we are close to, we are close to almost 47/48' off of the edge of the gutter and typically stop signs are within a few feet of the gutter.

Chairman Reinhardt- and if the board denies the variance for really both sides of the fence, what's your game plan?

Mr. MacAnn- To understand the code better and re-request for the variance.

Chairman Reinhardt- Alright so you, what I'm driving is, you wouldn't necessarily shorten the fence?

Mr. MacAnn- correct?

Chairman Reinhardt- you would leave it, want it that long, its all or nothing, you wouldn't put the fence up the monument then? Help me understand what's happening here if the board just, I understand and I appreciate it, you're going to read the code and you want to understand the code as best you can but sometimes what the board will do is say, well if you don't get it what would you do, and some people say, well I would shorten the fence up and some might say were not going to do anything, were not going to

put it in, we wont deal with it, so what I'm asking you is to play in the land of its and butts a little bit, if you don't get the variance, would you shorten the fence up? Re-think it? Or this is it? Its all or nothing? You want it 14.5' long, maybe its 7' long or, really on of the criteria that we look at is whether or not its substantial, and sometimes the applicant will take a look at it and say, well gee I don't need 30' I can do it with 15' we're not trying to reengineer it or over engineer it but trying to understand really what the intent of the applicant is.

Mr. MacAnn- mhm, I, to your question of what we would do, that is something that is not within my pay grade.

Chairman Reinhardt-fair enough

Mr. MacAnn- but I can speak for the company that's why I am here today, we would come back and try to understand better what the opposing factors would be from the town, because the way we see it, and I have a little prior knowledge because I'm in that environment all day long, 14' 14.5' in front of the front line of the house is not a substantial amount, especially in relation to the gutter and to the road, people often have plantings, berms, little raised flower beds, trees well in front of the front line of their house which can obstruct traffic, can obstruct views of stop signs, we designed this to be, again appealing from the road and not to inhibit traffic, not to inhibit any dealings with the town, and as far as the road ways are concerned, so we feel that the request is not a burden to the town or a substantial request.

Chairman Reinhardt-Fred, do you have any questions/comments/concerns?

Mr. Salsburg- well, the house fronts, the side street, I don't even think, I don't think the fence really identifies that well with the front of the house—it looks nice, the fence is so far away from the house that I think it's a very low impact almost a technicality.

Chairman Reinhardt- well yea, its part of the, how the code is written, and it appears that its really not the homeowners fence it's the developments fence. Is this an HOA or is it...

Mr. MacAnn- uh, no, so what would end up happening is the person who buys the lot would take ownership, we would have verbiage in the contract that they would take ownership of the fence because its not on town property it's on that specific home owners property, and whenever we sell a house with a monument or anything like that, with a fence that conversation is had and it's in the verbiage that it is their maintenance because its not a town structure.

Chairman Reinhardt- you have a hold harmless with the town?

Mr. MacAnn-Hold harmless, yes.

Chairman Reinhardt-okay, Donna questions, comments, concerns?

Ms. Morley- So in ten years if that fence falls down they're responsible for putting it back up the same way that it is now?

Mr. MacAnn-correct

Ms. Morley- okay, and the other question was, as Fred is saying its so far, but its still in front of the house, if were considering it, do we consider that fence to be Boughton Rd? or d we consider that fence to be that name of the street that...

Chairman Reinhardt- its, it's where the driveway, because the driveway is coming onto Beaumont and Claremont, technically it is forward.

Ms. Morley-Beaumont and Claremont, okay. So how many feet is that front yard?

Mr. MacAnn- so its 42' to the right-of-way and then the right of way is typically another 17' so 59' to the gutter is the front of the house and then we're at the same distance, so we are actually 59' to the fence, to the front of the fence, or I'm sorry, I said that wrong 59' from the front of the house to the gutter and then we are 14.5' in front of the house.

Ms. Morley-okay. Thank you.

Chairman Reinhardt-Sarah?

Ms. Mitchell- The fence is vinyl I assume?

Mr. MacAnn-yes.

Ms. Mitchell- so I just have a few comments actually, I feel like the fence is only 3' 3.5' tall, I don't really think its going to impede vision on either side of the roadway or from the resident leaving their home, I think its fits with the characteristic of the neighborhood, so I'm actually in support of the application the way its presented. That's all I have.

Chairman Reinhardt-okay, there is a county planning board referral, so we have to hold on that... you're aware of that correct? Or you're not?

Mr. MacAnn- uh, I'm not.

Chairman Reinhardt-Alright so the county planning board, were required to send this application to the county planning board for their comments, they'll send it back to us, we'll take a look at it depending on how, the manor in which they determine will trigger whether or not we can decide on it my majority or by super majority.

Mr. MacAnn- So I guess I'm unclear the county's position here.

Chairman Reinhardt-Its because of the proximity to Stae roads, boundary lines and I think this one is because its close to the Farmington boundary line, where are we, do you know Suzy off hand or AI?

Ms. Mitchell-its on County Road 41.

Chairman Reinhardt- its on a county road, thank you.

Mr. MacAnn- So does this have to do with, does it have anything to do with the Monroe county water authority which is what they were requesting

Chairman Reinhardt-its usually its proximity to State Roads, county roads, town, county boundary lines, its General Municipal 235M or N?

Mr. Benedict- something like that, yea.

Mr. MacAnn- So, Am I responsible for sending over the application to the county? Or how did they? Are

Chairman Reinhardt-No, you can attend the meeting if you want, you can make your comments if you want.

Mr. MacAnn- I just wasn't aware of that being sent on our behalf. So I don't know when that meeting is or when that's happening or I don't know, when any of that is going down.

Chairman Reinhardt- the town is required to forward that to the county planning board for a referral.

Mr. MacAnn- Okay so...

Chairman Reinhardt- so you're all set on that piece.

Mr. MacAnn- So the town is sending that over, that's already been sent, when was that sent?

Ms. Downs- when you turned in your application, the application was then sent to the county and it will be reviewed in May, unfortunately I don't have the exact date, but I can let you know, then they generally come back with comments after that.

Mr. MacAnn- how often do they meet?

Ms. Downs-once a month.

Mr. MacAnn- do we have the date, I'm sorry.

Ms. Downs-its in May, I don't have the exact date in front of me.

Ms. Mitchell- I think it's the third Wednesday.

Mr. MacAnn- third Wednesday. So, this has to go to the county for review because of proximity to County Road 41.

Chairman Reinhardt-right.

Mr. MacAnn- and at that point, once the county does give their opinion or ruling on the structure that comes back to the town Zoning Board or are we separate now because the 2 requests essentially, the way I understand it, the 2 requests that were asking is for Claremont Court and Beaumont Way to be in the front of the line of the house.

Chairman Reinhardt-right.

Mr. MacAnn- its sounds like this is the entire project by the county. And the entire project is all along Boughton Hill Road, so do we have the towns approval for the 14.5' and 14.1' in front of the 2 residence, do we have the Zoning Board of approval for that.

Chairman Reinhardt- county planning board is going to review your request for a variance for a fence, not Monrow county water authority not what's going on up and down the road, this, they're going to take a look at this variance.

Mr. MacAnn- how, why is it a variance to the county road I guess is the question, because the way I'm understanding the variance is that I'm in the front line of the house on two lots.

Chairman Reinhardt-mhm.

Mr. MacAnn- that's why I'm here requesting the variance.

Chairman Reinhardt-because of the proximity to County Road 41, the New York state law general municipal law

Mr. MacAnn- again do we know the distance is, the proximity distance is?

Chairman Reinhardt- 500 feet.

Mr. MacAnn- 500 feet?

Chairman Reinhardt- its 500 feet Al?

Mr. Benedict- that's correct.

Chairman Reinhardt- so its 500 feet to a county road, a state road, a county line, a municipal line, its going to cover a lot of different things.

Mr. MacAnn- yup.

Chairman Reinhardt- if you really want to know, you might want to ask your council and say what were they talking about, tell me how this works, how the thing ticks and they'll probably tell you clearly about what your rights are and what you need to do if anything with regard to the county planning boards required review of the towns how they look at this particular variance.

Mr. MacAnn- I think I follow you, I just, I wasn't aware of the extra step, so that's why I'm gathering up all the information because I'm going to be asked a lot of questions, so I want to make sure I have all the answers.

Chairman Reinhardt-sure. Ask us whatever you want.

Ms. Morley- this is Ontario County planning board last month, how many towns and things they saw so, you're not just being singled out.

Mr. MacAnn- no no no, I'm not feeling attacked. Like I said, I am just gathering my information.

Chairman Reinhardt- you might get some traction too if you call the Ontario County planning board and just ask, how does this work, I was in front of Victors Zoning Board and you have to review it, what's the mechanism, how does the whole thing, and they'll tell you.

Mr. MacAnn- okay, so again at that point, I will probably attend that meeting as well, once they make their ruling does that come back to the town then you have to review it, I'm just trying to understand a time table.

Chairman Reinhardt-it'll come back here and it, there's certain classes on how they take a look at things so there are some classifications that in a nut shell they just may say, it's a class 1 do whatever you want to do with it, but there's others that they may say, boy this is an important issue, its going to impact not only the town but also the county so if the board what's to make a ruling in favor of granting the variance it has to be done by a majority plus 1, in other words a super majority.

Mr. MacAnn- okay and that could get ruled depending on the super majority could get ruled depending on how the county views this project.

Chairman Reinhardt-right, right. So I cant tell you how their going to take a look at it, until we see what their opinion is on this.

Mr. MacAnn-mhm, understood. I just want to make sure I don't have any other questions, and just for my clarification, and so I understand your position of this, it goes to the county, they come back and were doing what ifs, they say we have the approval, do you have to have another meeting, or does it automatically get a stamped approval?

Chairman Reinhardt-no, it'll come back here.

Mr. MacAnn- so it has to come back to the town.

Chairman Reinhardt-irregardless of what they say, they either could say, town o Victor do whatever you want, or no were going to require that, if you want to grant the variance you have to do it by super majority, you're going to be back here with the next meeting after their done.

Mr. MacAnn- okay.

Chairman Reinhardt- in May...

Mr. MacAnn- so I'm going to come back here and report the findings of the Ontario County and or are they going to report the findings back to you?

Chairman Reinhardt-yes --- the second one.

Mr. MacAnn- and then, I'm going to come here and then you're going to tell me the findings and then you are going to rule on that finding and your opinion?

Chairman Reinhardt- more than likely we'll give you the ruling once we see what the county planning board does, we may ask you a few more questions for clarification, and then the board will decide, grant the variance or not.

Mr. MacAnn- okay.

Chairman Reinhardt- other questions?

Mr. MacAnn- no, I think I covered it all.

Ms. Mitchell-Greg, I think it's the second Wednesday, I had to pull, I just pulled the calendar, I think their next meeting is the 11. Does that make sense?

Mr. MacAnn- the 11th of May?

Ms. Mitchell- yea. But their agenda should be on their website too. With the county planning website.

Mr. MacAnn- okay. Thank you very much. Just for future if there is this kind of, I may be, maybe I missed it, in e-mails, communication that this is going to the county, that was not communicated. So that's why I'm surprised and trying to gather all the information.

Chairman Reinhardt- thanks, have a good night. ---- THIRSTY TURTLE.

Mr. Rund- Good evening.

Chairman Reinhardt-how're you?

Mr. Rund- I'm doing well, how are you?

Chairman Reinhardt- Good.

Mr. Rund- My name is Ted Rund Jr. And I'm just here on behalf of my father and my family, my father couldn't make it tonight but I'm certainly well informed with the project and before I get started I just want to thank you guys so much for allowing us to do this last year we weren't able to get it completed until the end of September so we really didn't get as much use out of it as we wanted to but it was good in the sense that we were able to get feet a little wet with how to conduct business out there, during COVID we were in the parking lot and we were not allowed to have people in the building so walking to greet a guest take their order walk all the way back to the middle of the restaurant, walk all the way back with the drinks, leave, come back again, and do the same process to get the food, the amount of steps we were tracking on our watches was incredible so, I do appreciate you guys allowing us to kind of make our property better, and our patio that was limited in size, and we've been able to kind of recreate that atmosphere out there with a very esthetic feel and I just want to thank you guys again for allowing that to go through because I do know that I've gotten a lot of compliments and I've actually heard that there's been multiple businesses that have thought about doing this, one specifically is K2 Brewing in Webster that was, they got the turf and installed it so, I'm pretty proud of what we have in Victor and I think for our restaurant it kind of sets us apart, different than many of the other restaurants around town and I just want to thank you guys again. But I can certainly go into some more details about what we're here for today--- so we were trying to get a variance for our sprinkler waiver, when we constructed the bar out there one of the reasons why we did it was to provide better service because again we were still going all the way to the middle of the restaurant to fill up a non-alcoholic or an alcoholic beverage and so one of the biggest things that will allow us to do is be more efficient and just serve our customers a little bit better, I'm not sure if you're aware but most restaurants during this COVID experienced and post COVID, we're still getting many people that are afraid to come inside, we're still getting people that are just doing take out orders, so when we were going through this whole experience over the last 2 years we went from doing so much take out to the allowing people in our business and having that business but on top of the take out business as well, so it was a challenge for us, throughout 2021 and somewhat of 2022, to try and make sure that we were not over promising and under delivering as far as like, timing of stuff, so this structure will kind of allow us to have a station where we can order food right from and serve out people and get back to them as well as some of, allow us to be more efficient as far as community events, I know that we've done a handful of fundraisers for local charities and school events and stuff like that, so this will really allow us to protect our equipment and also serve our customers better. --- And if I could just add because I know that it was a topic not to talk about the Bristol's Garden but we have, we are in the process of putting up an 8' by 40' wall because we're losing the hill in the back, so we're actually adding 10 full parking spots which will bring us to, I believe we were at 113, 108, so now we'll be back to 118, so we'll get those 10 spots back that we lost. We lost 13, so we'll get 10 out of 13 back that we had. --- And that's ---

Chairman Reinhardt- so the criteria for a sprinkler waiver, you have one of the bigger pieces is the Fire Marshall doing an evaluation, and it appears that the Fire Marshall doesn't oppose it, provided that it stays an open-air pavilion.

Mr. Rund- okay

Chairman Reinhardt- so you're planning on keeping it an open pavilion?

Mr. Rund- um, we are planning on, well we were planning on having temporary gates that would come down to keep the wind and the snow from coming in, so if we had like a cooler underneath you that you were to take a can of beer or can of soda out of, we're trying to eliminate, to hold down on some of the weather elements that would be coming from the North West ---

Chairman Reinhardt- if I understood the evaluation from the Fire Marshall was that its not going to be closed in, a permanent enclosure.

Mr. Rund- okay –

Chairman Reinhardt- is that not accurate?

Mr. Rund- well I, I didn't see his notes, I just had talked to him briefly about what we were trying to do, and I mean we want to be able to secure our equipment and our products out there so for us to have to wheel a dolly out with sodas and canned beer every day, would be a challenge, I mean ---

Chairman Reinhardt- the e-mail that we have from the Fire Marshall to Amber here, the Fire Marshall does not appose the granting of the requested sprinkler waiver for an open-air pavilion. If the pavilion is sometime in the future is to be walled in, creating an enclosed environment, we may wish to further comment at that time. So at some point it appears the Fire Marshall think that its going to be an open pavilion ---

Mr. Rund- okay, okay.

Chairman Reinhardt- so if that's starting to change than its important, I think to communicate ---

Mr. Rund- Sure, absolutely.

Chairman Reinhardt- so that the Fire Marshall can figure out what their take on it is.

Mr. Rund- Sure, okay and ---

Chairman Reinhardt- for a little background, we've had requests for sprinkler waivers, its property is important, lives are important, which an issue, the intent of the sprinkler code is that the quicker that that fire can be suppressed, the safer the men and women are when they get to the fire ---

Mr. Rund- sure

Chairman Reinhardt- so if its out of control, even before they get there, that creates a whole host of other problems, let's say they like to know what's in there, so that they can attack the fire as need be.

Mr. Rund- right.

Chairman Reinhardt- if it changes it certainly, I think you can understand if it's an open-air pavilion its much different than if it's an enclosed pavilion.

Mr. Rund- okay

Chairman Reinhardt - so I think that that's one particular piece, let's hold onto that thought a second, there's other criteria that is to be looked at and one being is the undue economic hardship, have you looked into the cost at all about what it would be to put a sprinkler system in there?

Mr. Rund- well, I guess my question would be the building is grandfathered in, if we went with a closed area, is that something then where we would just have to do that area, or the whole entire building?

Chairman Reinhardt-oh, no, no, its just the pavilion, right, that's they're not looking at the entire building.

Mr. Benedict- no, as long as the pavilion is not attached to the main structure and its not greater than 50%

Mr. Rund- sure, yea, no, I know for a fact its not, its not attached and I guess that would raise the question as to open-air because we do have intent to go over the top of the back wall fence to get the water, where the roof will drain, it will drain to the back side of the parking lot and then follow the rest of the water, so there will be parts that will be opened air if you know what I mean but I mean I certainly will go ---

Chairman Reinhardt- I think what it sounds like at least on that point is to get clarification to the Fire Marshall

Mr. Rund- sure

Chairman Reinhardt- this is our plan, this is what we'd like to do, Fire Marshall can then give us an opinion on what's the risk factor on should a sprinkler system be in there or is this a situation when its really not necessary, the factors certainly on whose going to be in there, are employees going to be in there are people going to be in there are combustibles going to be in there, how hard is it going to be to fight that fire, that I think goes in the big piece of the Fire Marshall's opinion, and how you deal with it.

Mr. Rund- sure.

Chairman Reinhardt- but what also comes into play is when I asked you the first a few minutes ago is the first criteria is, is it an undue economic hardship, if for example the code requires a sprinkler system in a pavilion, enclosed pavilion but employees aren't going to be in there or people aren't going to be in there so the need for the sprinkler system is probably lower than it would be if employees were going to work in there or customers were going to be in there, so it's a bit of a take a good look at it and how much money is it going to cost to put a sprinkler system in there in the first place, is it cost prohibitive or is it something that it just can't, its so far out, if you will from the main structure that you cant get water or whatever the case may be which goes into the next, is it a physical or legal possibility, that's another criteria. Another one is whether or not the code really, the intent of the code is being accomplished and achieved. Whether or not it's a necessity in light of other alternatives, we've had sprinkler waivers before when if you will, you if any employees would be in there but the applicant said look were going to fire extinguishers in all these exits so the Fire Marshall took a look and it and said okay well that will suit the situation safety is of course paramount, so I think communicating with the Fire Marshall is going to be important so that he/she can understand what you want to do and what's the Fire Marshall opinion on safety.

Mr. Rund- okay

Chairman Reinhardt- so that's what it comes down to, so.

Mr. Rund- okay. And I guess just to clarify something with that statement, the, I don't know, I think I submitted some documents, but I don't know if they're on record with the application, no. That's okay.

Chairman Reinhardt-we've got an aerial.

Mr. Rund- no, that's okay, I guess what I want to say, the only person that, the only people or person that would be in that enclosed area would be a bartender or a bar back which we would only be using, hopefully for 4 months out of the year, but lets be honest, probably only 3 months out of the year , and the where the customers will sit, they'll just be an overhang, so they actually, no customers will actually be inside of the bar, it would only be a couple of staff members, but I certainly have no problem clarifying to the Fire Marshall what it would be, maybe letting him know that we would have multiple fire extinguishers in that small area, etc. etc.

Chairman Reinhardt- id you could, if you have some drawings or some idea of what it is that you're, you'd like to do, not only communicate that to the Fire Marshall but also to the board, this is what you'd like to do, here's what its going to look like, here's how many employees are going to be there, customers are/are not going to be in there, little clearer picture on what this looks like, instead of everybody starting to, I think I know what you mean, I'm not sure what you mean.

Mr. Rund- yea and I want to apologize because I had and architect draw everything up and when I submitted it to codes, see we were, when we first came to you guys, what was stated was from Kim Kinsella was we think that that'd it would be helpful for the planning board for have everything indicated on the plan also include as much detail with your letter of intent including your phase 2 for the building so that you don't have to come back to another planning board, so at the time, you know, we were going through so much, I mean, I think that we just didn't realize, you know, and we only had so much money, so we couldn't, we couldn't really put the whole plan together but we knew that we wanted to have something, some kind of roof over that area to be efficient, now that we put that together I submitted it to them, to Shawn, and he said that I had to go for the waiver, so when I had submitted the application I had all the drawings in there but when I had submitted, found out that I had to be a part of this meeting I guess I didn't know that those weren't going to come over, across.

Chairman Reinhardt- right, so it sounds like Planning Board has your materials, but we don't have it, okay.

Mr. Rund- Right, and I apologize.

Chairman Reinhardt- so, lets do this, um we can--- Amber, if you would get the, all the notes, all the minutes, everything that was submitted to the Planning Board, we'll take care of that piece.

Mr. Rund- okay.

Chairman Reinhardt-Right, getting all that information, if you've already submitted to the Planning Board, Amber's going to take care of it, to get it to us. In the meantime, I think it would be best for everyone to visit with the Fire Marshall again clarify that this is what you'd like to do, so that he understands, do you know who you met with?

Mr. Rund- well I, chief Chapman was at my place, I'm trying to, we have a great relationship with Fisher's fire department and Chief Chapman, but I also did call Fire Marshall Graham and spoke to him on the phone.

Chairman Reinhardt- right so why don't you stick with Fire Marshall Graham.

Mr. Rund- absolutely.

Chairman Reinhardt- and say, just the board, Zoning Board is asking for a little more clarification, maybe a little walk through, whether it be if you take a picture or 2 and send it so that he completely understands what it looks like, what you want to do, how many employees, how many customers.

Mr. Rund- okay.

Chairman Reinhardt- and let him know that, in the acclimate weather you may want to put plastic or something to keep the, the elements out or is this something a little more permanent?

Mr. Rund- So this would be something more permanent, were really trying to have as little wood and materials in place, obviously we've spent a lot of money, and taken out a loan to do this, and this is the phase 2 that we want to finish up so we're trying to keep this as efficient as possible and what were trying to do is just treat it like a pavilion where a garage mechanism type thing would just roll down, okay, on top of the bar and the contain all the stuff in there, where the actual citizens or customers will just be on the outside but under the overhang, the overhang is only a little bit, but ---

Chairman Reinhardt- during opened hours? Or when you close for the night?

Mr. Rund- so we would only run it, like we would, it wouldn't be open every day, and it would probably be something that we would run, like Wednesday through Saturday from 5pm-10pm we would shut it down, obviously ---

Chairman Reinhardt- that doesn't answer my question very well. The garage door mechanism that yore talking about, is that come down when you close up for the night?

Mr. Rund- that would come down when we close up, that's right.

Chairman Reinhardt- that's a good point to make to the Fire Marshall, during the day or when were opened these doors, if you will, will be opened, but when we close, it comes down, so let him know what you're thinking and how its all going to work, because initially I'm thinking that you're going to close all these walls in -

Mr. Rund- yea, yea. ---

Chairman Reinhardt- and employees are going to be, but ---

Mr. Rund- Nope, I got you.

Chairman Reinhardt- yup, there we go, so clarifying with the Fire Marshall is going to be important.

Mr. Rund- okay. One last question—

Chairman Reinhardt- sure. Go ahead ask as many as you want.

Mr. Rund-so, hypothetically I reach out to Fire Marshall Graham, he understands me, says okay no problem, I understand everything, I'm going to grant the waiver, I'll send it to the board, am I just waiting until the next meeting?

Chairman Reinhardt- you're going to come back to the next meeting, if you have, I take it this idea just didn't pop into your head overnight, you saw something somewhere around, if you can take a picture, this is kind of what I want, you knows its this bar at, I don't know where, Pittsford or wherever you've seen it,

so that we can say, oh, now were on the same page, and I know what were talking about, and everybody knows exactly what you're talking about with the whole thing and what it looks like, instead of initially I'm thinking you wanted some plastic and that's, now I understand you want some kind of garage door mechanism to come down, so if you have a picture of another bar, another restaurant, that would be helpful for the board to understand what it is that you'd like to do.

Mr. Rund- mhm.

Ms. Morley- and he's not really granting the waiver, he's sending to us to go through the criteria and then we either grant it or not.

Mr. Rund—right, I understand.

Chairman Reinhardt- another piece, if you could is, it is important too, as far as one of the criteria is, if you got an estimate for what it would cost to put a sprinkler system into that pavilion, it might be, for example, if its \$500 compared to \$55,000.00, well I think you might be able to see, One I think it might be cost prohibitive for what you'd like to do, but one it's like gee that's \$500, I know it's a lot of money but it's different than, is it cost prohibitive, because its so expensive to accomplish what you'd like to do.

Mr. Rund- sure.

Chairman Reinhardt-or is that, is it a good bang for your buck, for lack of a better term.

Mr. Rund- I understand.

Chairman Reinhardt- so try and get an estimate if you could so, how much and what would it cost to install a sprinkler system in there.

Mr. Rund- okay. And I guess the only other thing I will ask is, so my only option is to really wait one more month now to come back to you guys to get this waiver, is that?

Chairman Reinhardt-no we meet May 2.

Mr. Rund- oh okay.

Chairman Reinhardt- if you can get this done before May 2 and send it over to us.

Mr. Rund- oh I certainly, I'm running out of time so---

Chairman Reinhardt- I got it.

Mr. Rund- the sun is going to be here and I'm going to be very fast, so I will try and have this to you guys by the end of the week.

Chairman Reinhardt-right so you could be back here May 2 and if you have all the pieces in place we probably can take care of this for you.

Mr. Rund- sure, okay. Is there any other questions that maybe you guys might have?

Chairman Reinhardt-Sarah, questions/comments/concerns?

Ms. Mitchell- did you submit renderings to the planning board of what its going to look like, or is that not part of the site plan.

Mr. Rund- I believe I submitted renderings.

Ms. Mitchell- okay, because Amber, that would be great if we could get the renderings.

Ms. Downs- I'm on in, I've got it written down to pass those along to you.

Ms. Mitchell- okay, that will be helpful, so then you're not just describing it to us we can actually see the pictures and it would be a whole lot easier for us to understand what you're doing.

Mr. Rund- yup, yup.

Ms. Mitchell- but that's all I had.

Chairman Reinhardt- Donna?

Ms. Morley- nope, none.

Chairman Reinhardt- Fred?

Mr. Salsburg- I'll be glad if I know what we've been talking about *laughter* I've been guessing about everything, changed my mind every 5 minutes.

Chairman Reinhardt- no were good, were just trying to get clarification, I appreciate your patience.

Mr. Rund- sure, absolutely. Thank you for your time.

Chairman Reinhardt- very good, see you in a couple of weeks.

Mr. Rund- okay.

Mr. Salsburg- I thought I was the only one that didn't know.

Chairman Reinhardt- Alright, me too, and then was like, wait a minute, that's not what he's talking about. We're good, we're good, we're good, we're good. Let's see here. STEVEN BARBASH. 7471 Dryer.

Mr. Shaffer-Good evening.

Chairman Reinhardt-how are you?

Mr. Shaffer-My name is Chris Shaffer, I own and operate Solar and Wind Effects out of Canandaigua, NY. I'm going to be speaking for the home owners here, father and son team, on Dryer Road, what were attempting to do here and I actually went through my records, I've been in the solar business around here for 25 years and so this is not an uncommon request and I went back through my records and Id actually forgotten that I'd actually done a project that put solar in the front yard once before off of Valentown Road, so, that's primarily what the issue is here, this client has an all-electric home and as we can all attest too, our utility bills are getting higher and they're getting killed with their bills, in fact, this system that I am proposing to install for them is going to just drop shy of about 5% taken care of all of their electrical bills because, there's a limitation by the public service commission as to how much solar

residence can actually have at or on their home property. So we have, that first photo up there shows some basic, that's the off of on core that I took that from, basically showing the perimeter of the property, if we could scan to that next, perfect—that's excellent right there, that'll give us the just of it, so what this client does is they have a home that is all the way to the rear of the lot, they have a long narrow, very wooded lot, and actually, ma'am could you go back to the other photo? --- the first one, please? --- you're going to see around the property border, and I apologize lousy printer here but there are trees continually all the way around the property, they have a little bit of a wooded lot, slightly behind them, but, I'm a fan of not taking out trees if I don't have to, and that particular spot just doesn't work because of the elevation of the property. So, they have a long narrow lot and so what I'm proposing to do is I'm going to kind of follow the driveway – you can go to that next photo ma'am, thank you. And so what I've got here is I've got 8 different racks essentially, that will effectively be touching each other, the reason they are set the way they are is for shading, if I get to close to the trees, I'm going to have shading from the solar, from the trees and it just, were not going to get the output that were looking for, the where we've got the 50' mark there, what we do is we have the driveway entrance and it is treed at the front of the lot also, all the way along Dryer Road, it is my understanding that my client have spoken to their neighbors about this project, I know there's a project just down the road from them that also have solar, but obviously its not in the front of the yard, but it is certainly visible on the side yard, so that's basically, what I'm trying to do, is we're trying to just take care of and get rid of their utility bill and make everybody happy but it, there's no other place to put the solar in this case unfortunately. In this situation. I believe, let me check, I think there's one more photo ma'am. No, not that one, that's all you got, okay. My apologies, what Ill do, is I took some pictures of the driveway entrance and basically if you're sitting at their house looking out towards Dryer Road, again you just see the narrow spot for the, where you'll be able to drive out and then its treed on the front of the, along Dryer Road. Again its treed all the way along both sides, and you wanted clarity so I'm going to give you some clarity here, if we go back to the first photo—yup that's the one, so on the right side, that's going to be the east side, Dryer Road is going to be the north side, sunshine is coming from the south, that's behind the house and again along the west side, again all this property line has trees and some evergreens all the way around it, that is pretty much what were proposing to do. We've talked to the neighbors and we haven't heard any negative that I'm aware of, I don't know if you have received some letter or feedbacks or if anybody is going to pop in here today to, so --- in fact, one of the neighbors actually wants to talk to me and do solar on their place too, so, but that's what we're looking for, I know its against the thing, and this is not the first town I've run into front yards, and I don't like to put them in there either, but its fairly well, everything's covered so, it's a, what is it 45 mile an hour speed limit, I think on Dryer Road? 45 – at 45, you're going to have a flash of the driveway entrance and that's about the only point in time you're actually going to see any kind of solar, solar is ground mounted, so we've got a height of just about 8' tall and the way the driveway is set up is the driveway is the highest point and it basically pitches down, so really the solar isn't even going to be elevated as far as the road elevation is considered, I might if you were standing on the road and had a level you might only see about 3' of the top of the solar racks.

Chairman Reinhardt- all set?

Mr. Shaffer- go ahead.

Chairman Reinhardt- no, I, go ahead, if you have more, got ahead.

Mr. Shaffer- yea, the only thing I was going to say, that last photo you had up, I wanted to actually show you what the, this is the actual system that I use, this system is basically a fixed rack mounting system, and what I do is I use lawn cables that I drill into the ground so there's no footers, it basically just sits right on top of the ground, so it gives me a lot of flexibility to follow the contours of the ground is why I use this particular system, so each one will hold between, anywhere between 8 and I'm sorry, 14 and 12 solar panels, is what that will end up being.

Ms. Morley- and approximate length of that being? Each one of those?

Mr. Shaffer- I don't know ma'am, let me look at my docs here, I do have that in there. --- Each one is around 23' long. It's a, being that I've been in this industry so long I have a pretty good understanding that the public service commission of New York state will probably be allowing larger systems especially now, were having the green push, and everybody is going to be owning an EV and such like that and we've got a lot of homes from back in the 60's and 70's when we kind of experienced the gas back, most, some of us are old enough to experience that back in the day in the 70's so, what were going to see is probably even larger rays are going to be allowed right now, that what we have currently but --- this will take care of, for what we were trying to do anyways. So, I did grab a picture of the property that I had done on Valentown Road, I'm more than happy to send it, here, you guys can pass it along --- I just printed that out today, didn't even dawn on me when were applying for the application that I had done something like that, so ---

Chairman Reinhardt- Fred, you got questions?

Mr. Salsburg- well you put a whole new meaning to putting something out in front of the house.

Mr. Shaffer- yes, sir.

Mr. Salsburg- a couple hundred feet out front.

Mr. Shaffer- yes, sir. And I would love to go back further but if you go back a couple of the photos what happens is the tree envelope comes in.

Mr. Salsburg- they're high behind the house, I parked out front there and wondered if I was going to act of this --- what I'd do. And I agree with everything you said.

Mr. Shaffer- yea, it's a ---

Mr. Salsburg- you gave a good description of it.

Mr. Shaffer- thank you.

Chairman Reinhardt- Donna, questions/comments?

Ms. Morley- my question was could it go back a little bit farther?

Mr. Shaffer- with the shading, unfortunately not, and those are mature trees on both sides, and actually we have the Victor, the Victor Park right next to us, right to the east over to the right of the picture as you're looking at it.

Mr. Salsburg- one thought I have, I suppose some vegetation could be put in on the roadside, like a hedge or dwarf tree --

Mr. Shaffer- we ---

Mr. Salsburg- so that it would take out the industrial look to the thing.

Mr. Shaffer- absolutely, we had discussed that as a proposal, as I said this isn't the first time I've been in

front of a board before, and the client has agreed there is some seasonal trees obviously, there's a couple of evergreens that you might see right on the front but he's not, the client is not adverse to adding a couple more, like an evergreen or something like that, that could hide the panels, absolutely. That's not a problem. --- And that's why I always suggest to my clients, please go talk to your neighbors, there's nothing worse than getting a letter in the mail that says hey somebody wants to do this, oh what, huh? Instead of being blindsided, so they did, they had an opportunity to chat and so far, it's been nothing but good --

Mr. Salsburg- I have solar panels. And I run the house and the car off of them, and it's about the same size.

Mr. Shaffer- ahh, is it?

Mr. Salsburg- okay, 10 ---

Mr. Shaffer- 10k w probably?

Mr. Salsburg- the roof, the roof.

Mr. Shaffer- on the roof, yea. Yea, yep yep. And actually, because I've been working out in the rural areas I rarely, very rarely do roofs, most of my stuff, for over 25 years has been ground and pole mounts, dual access traps, such like that ---

Mr. Salsburg- are you the fellow that has the trailer that drills those in the ground?

Mr. Shaffer- yes, sir.

Mr. Salsburg- I've seen that a couple times.

Mr. Shaffer- yea, it all depends on the ground, what we're going to run to but, most of what we have here is all clay soil around here so, the cabling system works out really, really well.

Chairman Reinhardt- Sarah- questions/ comments?

Ms. Mitchell- the one picture looks like there's more clearing back towards the house, so none of this can be shifted at all, closer to the house?

Mr. Shaffer- the contour of the land sinks, unfortunately, so if it sinks, if a tree is, generally an average tree height around here is about 75' so now I have to contemplate the shading, okay, from that, and that's going to be on the east side, so, how do I approach this ---

Mr. Salsburg- but you have investigated the possibility of moving further from the road?

Mr. Shaffer- yea, I have a tool that gives me the shading analysis, and this is what have to present to the state, NY Serta when we're trying to get approval from them also, and it has to be a certain criteria, unfortunately because the contour off the driveway drops, in fact I'm surprised there's not a pond there, it would be a good spot, and it drops too much that the trees on the east side prevent the shading unfortunately, that is the only spot that I can do that on, unfortunately.

Mr. Salsburg- and right behind the house is just all --

Mr. Shaffer- yea, behind the house, it inclines right up, absolutely.

Chairman Reinhardt- is there a report that was generated that told you that this is the optimal spot.

Mr. Shaffer- that report hasn't been generated yet, but I will provide a shading analysis that's part of the NY Serta incentive program, he would, when he solar on his roof he would have had that, contractor would have had to have done the same thing and it'll give me and it'll tell me exactly how much.

Chairman Reinhardt- that would be helpful to the board.

Mr. Shaffer- sure.

Chairman Reinhardt- Instead of, I know you didn't go out there and put your thumb up and say this is the best spot ---

Mr. Shaffer- No, no, no

Chairman Reinhardt- but if its data of the specifics, it can help, instead of the he said/she said, a report, a tool will help us, because one of the pieces that were also looking at is this is another county planning board referral.

Mr. Shaffer- oh.

Chairman Reinhardt- so we can't make a decision on this one tonight.

Mr. Salsburg-what Road are we ---

Mr. Shaffer- that was a new thing that I had never heard either. So, it was because he was so close of a proximity --

Mr. Salsburg- this is on Dryer

Chairman Reinhardt- I know its on Dryer, but it seems, where did I see we had a county planning board, hold on.

Mr. Salsburg- I didn't think we were going there on this.

Chairman Reinhardt- let me look, let me look, I could be mistaken.

Mr. Salsburg- close to the park.

Chairman Reinhardt- okay, so that's why

Mr. Salsburg- see, she knows.

Mr. Shaffer- that's it, okay. That makes sense.

Chairman Reinhardt- it's going to be the same drill.

Mr. Shaffer- okay.

Chairman Reinhardt- we can't decide on it tonight, so, using the time ---

Mr. Shaffer- I'll get the data that you requested.

Chairman Reinhardt- right, so you're, we'll see you, not May 2, it would be the third week, the third Monday in May. Is when we can catch up again, hopefully you heard, that we have to wait for the county planning board. What do they say, and its going to determine on how we take a look at it.

Mr. Shaffer- sure

Chairman Reinhardt- I think that piece will help us tremendously with the data itself, I get it, We can see it, the aerial, the house is far back in the South, there's foliage, there's trees and but we're just trying to avoid, we want to get it right, we don't want to have it look like you put your thumb up –

Mr. Shaffer- In fact, it's probably clearer on the photos you have in front of you, than it is up there, but you can actually see the shading from the tree that goes to the part that Sarah was talking about, if we had moved it back and I don't, you know I'm looking at this thing and I don't know, I'm trying to justify and figure out what time of the day that aerial photo was taken, um, its not noon, I'd have to say probably 9am, would be my guess, so, so that shading, Sarah as we get closer to noon will go away, but its that early morning sun, I'm trying to capture to get as much performance from the solar panels and that's why, that's, again, this all has to do with the contours of that particular piece of property. --- But yea, I can get that, absolutely, I'll do a shading, full shading analysis. Yup.

Chairman Reinhardt- other questions/comments from anyone? Suzy, we don't have anybody do we? – okay, the other little piece I think that would be helpful is, well I believe you, you've talked to your neighbors, if you get something, in writing, hey, we know about the project, we're okay with it, because the last thing this board wants to hear, wow gee, that's nearly not what happened.

Mr. Shaffer- absolutely.

Chairman Reinhardt- any kind of proof positive, like I talked to my neighbor and they're oaky with it, would be helpful too.

Mr. Shaffer- you got it, yea, absolutely. Yea, because usually that's why you send the letters out for that particular purpose, like hey, you have the opportunity to say something or not, and apparently no body had anything to say on the negative side but, generally people don't usually respond in a positive way either, so --- absolutely. You guys got marching orders now.

laughter

Mr. Shaffer- okay.

Chairman Reinhardt- okay, we're all good, good? Great. So, we'll see you the third Monday in May.

Mr. Shaffer- alright.

Chairman Reinhardt- anything else you want to add?

Mr. Shaffer- while you have it targeted in the notes that if you do require we can put shrubbery on Drier Road, if that becomes an issue as far as something...

Chairman Reinhardt- yea, if that's the case, if the board decides, that's a condition to granting the variance, putting some buffers that wouldn't interfere with the performance of the solar panels, I don't know how were going to go just yet, but at least a thought for the time being –

Mr. Shaffer- when I present the data do you want that prior to the meeting?

Chairman Reinhardt- it would be helpful, if you've got it, if you get that to us, so when we get up and running, we've had a chance to take a look at it, and we can be as efficient as we can with our time.

Mr. Shaffer- not a problem. I'm good, ya'll good?

Chairman Reinhardt- we're good. Thanks so much.

Mr. Shaffer- alright, thank you for your time tonight.

Chairman Reinhardt- thanks, you have a good night. Alright, anyone, anything else? We're good? Fred anything you want to add about anything?

Mr. Salsburg- no

Chairman Reinhardt- you sure?

Mr. Salsburg- yea, I might think of something later, but ill let you know if I do. I did see a campaign notice with a big smile in front of some important looking books behind you –

Chairman Reinhardt- yea, that's me.

Mr. Salsburg- yea you running for ---?

Chairman Reinhardt- yea, we can talk about that later.

Mr. Shaffer- Al, enjoy your retirement. Thank you, its been a pleasure working with you over the years.

Chairman Reinhardt- very good, alright, don't think we have anything else, Al, anything?

Mr. Benedict- it has been a pleasure to work with all of you, I've enjoyed it, I find this to be 95% of the time, one of the more fun aspects of the job

laughter

Chairman Reinhardt- that's good, I hope --- I'm curious about what the other 5% is –

Ms. Morley- me too, I was going to ask that ---

Mr. Benedict- sometimes people come in and I feel like I'm the one on trial so – no very often but on occasion.

Chairman Reinhardt- I try and have your back, when its, it's ---

Mr. Salsburg- is this your last one?

Mr. Benedict- yes.

Ms. Morley- yea, its his last one, he's going to enjoy his retirement.

Chairman Reinhardt- we'll certainly, it has been a pleasure and in my ten years here you've always been there, putting the pieces to the puzzle for us so that we can make an informed decision, appreciate your time, your effort, you enjoy your retirement, stay well. --- Thank you so much.

Mr. Benedict- I will write up that Target sign, before I leave.

Ms. Morley- I think ill do one more thing.

Chairman Reinhardt- why don't you juts pass it off to Adam?

Mr. Benedict- looks like he'll be busy for the next few meetings.

Chairman Reinhardt- very good, again, thank you so much, appreciate everything. Enjoy your retirement. Alright if that's it, motion to adjourn.

On a motion made by Mike Reinhardt and seconded by Donna Morley the meeting was adjourned at 8:25pm.