

Town of Victor Zoning Board of Appeals, April 20, 2020

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Monday, April 20, 2020 at 7:00 PM via video conferencing to consider the area variance applications of WD Partners (Dick's Sporting Goods) and Max Vasta (MTM Automotive). There was no public gathering based on the recommended precautions for limiting exposure to COVID-19. The public had the opportunity to attend, listen and observe this meeting live on YouTube. The link was posted.

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

OTHERS: Brian Lorenz, WD Partners; Max Vasta, MTM Automotive; Wendy Meagher, Meagher Engineering; Tony Tintera, Meagher Engineering; Don Cheney; Al Benedict, Town of Victor Code Enforcement Officer; Marty Avila, Town of Victor Code Enforcement Officer, Kim Reese, Secretary

Chairman Reinhardt opened the meeting, the Flag was saluted, and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

On a motion by Mr. Fred Salsburg, seconded by Mr. Matt Nearpass; RESOLVED that the minutes of February 3, 2020, be approved as submitted:

Chairman Reinhardt	Aye
Mr. Nearpass	Aye
Fred Salsburg	Aye
Donna Morley	Aye
Sarah Mitchell	Aye

Approved: 5 Ayes, 0 Nays

PUBLIC HEARING:

DICK'S SPORTING GOODS

2-Z-2020

200 Eastview Mall Drive

Applicant is requesting area variances to install a 16' 9" tall scoreboard sign whereas, §165-5B(1) states freestanding signs are limited to 10 feet in height and may only contain the name of the plaza or business. §165-5N states signs are not allowed to advertise for products. The property is zoned commercial and in the Route 96/251 Corridor Overlay district and owned Seritage SRC Finance LLC.

Chairman Reinhardt – Ok, I'd like to call the meeting to order for the Victor Zoning Board of Appeals, April 20, 2020.

Chairman Reinhardt read the legal notice announcing public hearing via conferencing into the record.

So, what we are going to do under these unique circumstances, we will walk through as we always have the variance and allow the applicant to make the presentation. The board then will ask some questions. We will then ask for comments. There will be a bit of delay to give everybody an opportunity. So because of the unique situation what we're going to do our very best is to not talk over each other. We'll take turns and hopefully we get through this as best as we possibly can.

So with that, if there aren't any questions. Hopefully everybody understands that because the public isn't present we are going to wait for the public comment and the next meeting, if possible, those resolutions for variances will be presented. So, if there aren't any questions, the first application is Dick's Sporting Goods. (Chairman read the legal notice for this application.)

Can everybody hear that? (Yes) Very good.

The application for Dick's who's making the presentation?

Brian Lorenz, WD Partners, 7007 Discovery Blvd, Dublin OH 43017

So, to give you a little background on the project we've been working with the town mainly with the planning board over the last year. I'm sure you guys are familiar with it and seen the construction. Over the course of the fall, Dick's decided to implement a new element which is an outdoor playing field. Its purpose is to specifically let people demo products out and have some sporting practices and things like that for local teams. Just give it a unique feeling. We've discussed hours of operation and worked all that out with the planning board, so I'm not going to go over those details with you unless you guys need me to. But the element that we're requesting a variance for here is for the scoreboard sign. The planning board had discussed the sign in detail with some other exterior elements. I was back there in February, which was some fencing, sound systems as well as some bleachers or some seats for people to sit on and put their things.

But as you know, in Mr. Benedict's letter and previously in some of the correspondence the concern was that the scoreboard sign isn't necessarily addressed within the code. What I'd like to do is address some of the comments that Mr. Benedict put in a letter that's dated April 9. There are five comments and just kind of clarify some of the things that have changed since the time this letter was written and maybe that will make our request go a little bit smoother.

Mr. Benedict indicates that the scoreboard number one contains the name of the business and potentially a product, thus is determined to be a sign (pause) basically, yes we are putting the Dick's Sporting Goods on there as you see. This rendering that you have on their now (shown on screen) is more in line with what we're going to propose to be on the sign permanently. I'm going to skip to number 3, discussion on changeable copy. You know after we had internal discussions on that, Dick's is not going to change the copy on the scoreboard. It's going to remain as you see it there. We'll either call it established 1948 or we'll rename it Victor Field. And it will be permanent, and we're not changing anything so, I think the discussion on that will go away. The other thing that we're really here for is basically the height of the sign. I'm not sure if you can put the field rendering back up. The slide you had on previously. You'll see that it's approximately 16' 9" tall, so we're about 6 ¾' over what's allowed by height. The reason the sign is put up that high is for a number of reasons. It's to protect it from damage. If we had it any lower, it would likely be damaged by soccer balls, footballs and things of that nature. The other reason is to protect the players and individuals that are out on the field. If we lowered the sign to make it compliant to 10' in height, we'd create a risk for someone getting trapped underneath it or getting caught up in the poles or things like that. So, that's the reason we've elevated it to that height. I think one of the unique things about this particular sign is that it's set back significantly from the roadways. You're not going to be able to see the sign until you're up close. It's not an attempt to be a marketing piece or an advertising

piece to the travelling public. So, we've addressed some of the findings of fact. Basically I don't believe that it will create an undesirable change to the character of the neighborhood. This is an established mall that's been there almost 50 years. I think this is a minimum necessity of an item from a safety and aesthetics purpose. The meet the required area, we are just over on the height. So I think having the planning board's quote/unquote approval, but having that discussion, obviously you are the board that grants its approval on the variances they were ok with some of the other elements on this one I think we are in kind of a unique position. So, we would ask the town to support the sign as it's placed on the site with the height and the non-changeable copy. Happy to answer any questions. Hopefully I did ok, that's my first time going through something like this and not in front of you guys, so thank you.

Chairman Reinhardt – You did fine. What I'd like to do is try to pin down a few things before I open it up to the board and we can streamline this a little bit. So, I've reviewed the planning board, their comments and the minutes. It was concern on my part that there was some discussion they didn't consider that a sign. And, I'm hoping we can be on the same page with that that at least in my mind that it certainly fits the definition of a sign. Would you agree on that or should we discuss that a bit?

Mr. Lorenz – No, I think that's fair. It's a scoreboard, but it certainly has signage with it.

Chairman Reinhardt – Because once Dick's name is on it, and I don't think there's any question it's outside. I know it's around a fence, there's no roof. There is some advertising to it. I get it that it's a scoreboard. And the part that as far as I understand it is a scoreboard, the part that's the time and the score if there are athletes out there, that piece will change, will it not?

Mr. Lorenz – Yes.

Chairman Reinhardt – But if I understand you correctly, whether there's a product or a business name, that piece won't change.

Mr. Lorenz – That's correct.

Chairman Reinhardt – So, can you tell us a little bit more of how you picked that particular location, as far as it being on the east, west, north or south end of the field.

Mr. Lorenz – It makes the most sense to have it over there because it's opened up. It's the most visible area. You wouldn't want to put it on one of the sides. Well the one side of the building, the other side is open to the fence. And, it's got more of the electrical conduits and things like that, connections, that are back there. Easier to run to the building.

Chairman Reinhardt – The location, at least where I can tell where it is, we can keep it simple, north, south, east and west. The direction that it's facing, potentially, correct me if I'm wrong. You can see it from the parking lot, you can see it from the loop on Turk Hill, Route 96, Turk Hill. I don't know what the site distance is, but certainly you can see it from the parking lot area, can you not?

Mr. Lorenz – You can definitely see it from the parking lot area. I don't know if you would be able to articulate the message that's on there from further out in this drive aisle. I think what you're getting at is,

hey, you've got it here because you want people to see it and is it advertising beyond the perimeter of the mall? I think the lettering and size of the text is small enough that that's not the intent.

Chairman Reinhardt – Right. In your application you're talking about the uses in concert with the surrounding environment. I'm really not clear on how you see that? I don't know of any athletic fields, not only in Eastview, but any of the major malls, in the commercial district. I don't even know if Dick's has anything like this anywhere else in the country. So can you enlighten us on why?

Mr. Lorenz – Sure. And what I'm meaning by that is it's a commercial use, its accessory to a commercial use. But you guys know you're there. This is all a very intense commercial area. That's what I'm saying. This particular store is the first one they are trying to do. This is called, I think they were calling it last year, the store of the future and they picked this location to reinvest in the community and bring that forward.

Chairman Reinhardt – I probably have a few more questions, but I would like to hear what the rest of the board has to say. Matt, if you're ready, do you have any questions? Go ahead.

Mr. Nearpass – Yes, I have a couple. Brian, thank you. I think that was a really good description of the project. Would you mind giving me just a little more detail on the overall use or customer experience? Obviously it's a scoreboard/sign, what types of sports are going to be there? Obviously there's a track around there. Is it going to be mixed use in terms in the types of sports or activities that are going to be there? Is it going to be games that are going to be in there or is it just really more for the look and feel of being in a stadium or an environment like that? What's the real need for a sign like that?

Mr. Lorenz – Sure. It's two-fold. It's customer experience. You want to try out – I don't want to say golf clubs because I don't think anyone's going to be hitting golf balls in there, but let's just say you want to try out, I don't know, different types of shoes. Or something like that so you can go out there and run around, sample products and kick a ball around. The other idea is the intent is to provide the community with an area for local youth teams to have practice or maybe perhaps play a game or a scrimmage or something like that to try and build that game environment within this unique setting. It's going to evolve more and more as it goes forward, but that's pretty much the basic line intent. Two things one the customer experience and then the opportunity for youth to experience that. All the kids, I can imagine or being a kid or a younger guy being on a team I think that would really exciting to have a practice over at the Dick's Sporting Goods field. The other thing that is probably important to note is that the operation of the field with be in concert with the store hours. We went through that a lot with the planning board. We wanted to make sure we could control the noise and lighting and hours of operation so they were consistent. So we're not having things at midnight or six in the morning so the activities there would be limited to the store hours.

Mr. Nearpass – And the field itself, is it a turf? (Yes.) So you're not going to be playing basketball out there. So, it's largely a scoreboard for probably soccer.

Mr. Lorenz – Yes, I think that's fair.

Mr. Nearpass – I one thing I think is unique about this is that it's outdoor and you already said it's not for advertising purposes. One question I do have for Al or maybe Mike can answer it – if it didn't have

Dick's Sporting Goods on it, is it considered a sign? If there's no logo on it, if it was truly a scoreboard, is it a sign? Al's letter really kind of hung on that fact that it had Dick's Sporting Goods on it.

Chairman Reinhardt – As I'm reading the definition of a sign any material structure or any device attached to a structure or painted, or represented thereon, composed of or upon which is placed lettering or pictorial of any manner for visual communication when it is used or located out of doors, or on the exterior of any building or indoors as on a window for the display of any advertisement, notice or directional manner or name. So I think as I see it, because Dick's name is on there, just the scoreboard itself. If it was just numbers I don't know if that would really fall in the category of a sign.

Mr. Nearpass – And that was going to be my next question to Brian was what if you just don't have to put the Dick's logo on it?

Mr. Lorenz – That's a possibility. I kind of want to get the board's feedback so that before a vote is taken I can make some.

Mr. Nearpass – I just want Brian to know, we'll all have to agree on that, but is that an option for the applicant? One option is if he removes the Dick's logo and name and established 1948 and it's a pure scoreboard, that's an option for him to pursue. He probably still has an issue maybe with the height I'm not sure. But I just want to make sure we give him an A, B and C so he has a few things to think about here tonight.

Chairman Reinhardt - The way I see that, Brian correct me if I'm wrong, but that's a similar sign that's in the current Dick's stores, is that right? I've see scoreboards inside Dick's and I don't know off the top of my head if Dick's is on that score board or not. And really where I'm going with that is if that particular signage was inside, a roof, cover, walls, what have you. I don't think there'd be any question you can do that, but because it's outside and potentially be on the confines of Dick's, you could see that sign in Dick's Sporting Goods established 1948 it's going to qualify as a sign. So I think then if there was, ideally often times we'll do a sample, a dry run, and we'll ask the applicant. We'll stake it out, where is this, so we can have a visual of what the whole thing will look like. I know we can't do a pretend, we'll just build it and we'll take a look at it, that's probably not realistic, but if we can get it as close as we could, what is it going to look like on that side of the wall. Can you see it from the sidewalk at Dick's and how far to the parking lot do you really have to go before you can discern that it says Dick's Sporting Goods and that's a sign.

Mr. Lorenz – Would it be fair to say that at least you would be and probably the rest of you on the board would be interested in some sort of schematic which shows what's the point where the text would not be visible anymore. Is that what you're asking?

Chairman Reinhardt – Yeah I think so. I'd be interested in seeing that. To me it'd be one thing, that if you were standing on that sidewalk on Dick's leased property and you could see Dick's through the fence I don't think that's going to be a deal breaker, but if you could see Dick's and the scoreboard from let's say the Turk Hill loop on 96, I'd have more of a concern that I know your intent isn't for it to be a sign or for advertising, but you can see Dick's from Turk Hill.

Mr. Lorenz - I think that's fine and I think that's something that we can probably go back and provide you and work on and maybe come back at another meeting. Because I'd rather take a tabling and keep moving forward and get you the information so you guys can make a sound decision. I'm sure we can do something like that. We actually did a sound study for the planning board because we have speakers up there. And there was a concern that we understand you are going to focus on the noise and the speakers into the turf and it will absolve, but at what point in time do you not to hear based on distance, because we had to comply with that code, too. So what you're asking for – I'm sure we can do that.

Mr. Nearpass – You made it clear the sign isn't necessarily to advertise to 96 or Turk Hill Road. There's going to be, I assume, a larger sign on the front of the building itself at the entrance and that will be visible. I was just trying to weigh the and get clear guidance from the board for you that says, with the Dick's logo, on it or without the logo on it, do you have a sign problem?

Mr. Lorenz – And can I clarify one thing that is only text that's on the scoreboard. It's not the logo.

Mr. Nearpass – I'm sorry, either way text or logo, if it was completely blank of the company's name that makes it a sign, I want to be clear or I want to understand is it still a sign and does the applicant have a problem still and need a variance with that lettering on there or is it just a scoreboard?

Mr. Lorenz – Ok, gotcha.

Chairman Reinhardt - Anymore questions, Matt?

Mr. Nearpass – I'm ok for now, I'll give the other board members an opportunity to talk.

Chairman Reinhardt – Ok. Donna, do you have any questions.

Ms. Morley – No, Matt asked what I was going to ask. Thank you.

Chairman Reinhardt – Great. Fred, questions?

Mr. Salsburg – Well I was looking the planning board notes over and was wondering what the speakers were for? What's the purpose of having the speakers? For music?

Mr. Lorenz – No for announcement purposes. We went through this and they had similar concerns. The speakers are there to announce if you had something ready for pick-up or if at some point in time there is a game between two teams, you could have an announcer there. We were very careful to provide that sound study. You saw all that.

Mr. Salsburg – Yes, I thought it was well done. On the illumination of the sign, I would hate to see it be so bright and flashy as to become a distraction outside of the store. When numbers change, do they stay on like, I can only think of a baseball scoreboard where it has innings and runs, and when they go up, they stay. They don't it's not an animated attempt.

Mr. Lorenz – This is your pretty basic scoreboard here. Something you might see in a high school gymnasium or something. Your score will change; your time will change. You're not going to have...

I'm an Indian's fan so when I go to Cleveland to see the Indians play, they announce a new batter to come up they play all the music and they do the animation. You won't have any of that here. It's basic. It's more for that experience and the look. Aesthetics.

Mr. Salsburg – Ok, that's it for me.

Chairman Reinhardt – Sarah, questions?

Ms. Mitchell – I just have a question, would the sign be illuminated only during the hours that the store is open, or the scoreboard, sorry?

Mr. Lorenz – Yes, if you needed that in there as a condition, we would agree to that. Yes, that's the intent.

Ms. Mitchell – I have a question for Chairman Reinhardt, too. Being new to the board is this an additional sign something the board had granted an area variance for in the past or no?

Chairman Reinhardt – We have had additional sign variances, some have been denied, some have been granted. I think if I understand the request correctly, it has to do more so with the height of the sign and not that it's more than an additional sign itself. A little bit that is because the name Dick's Sporting Goods is on the sign, it has to fall into the category of a sign to address the height of it.

Mr. Avila – Mike, can I interject here just for a second? We're having a little bit of an issue with Al's audio and I want to make sure if there is a question for Al as far as code goes, that he's able to comment. So, let me just unmute him for a second. We were getting feedback, so let me make sure he is able to comment. I just want to double check real quick for you, ok?

Al, you're unmuted, can you talk now? We were just getting feedback before and I wasn't sure if you were trying to comment. (Tested fine.)

Chairman Reinhardt – So Al, I have a question for you, I'm glad you're on line. If the height of this sign was 10' would the applicant need a variance, as proposed with the name Dick's Sporting Goods, established in 1948, would he need a variance?

Mr. Benedict – No.

Chairman Reinhardt - Ok to Sarah's question, I don't know if you heard that because the name Dick's Sporting Goods is on there, is that additional signage that they would need a variance for? And, from your standpoint it sounds like it would not.

Mr. Benedict – No because a business is still allowed a freestanding sign and that's what I likened this to.

Chairman Reinhardt – Ok, great. So Brian I have some follow up questions if I could exploring the criteria. So, if I understood you right, you really don't want this sign to be a 10 foot high because for fear of soccer balls hitting it and damaging it, is that right?

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Mr. Lorenz – Damage to the sign itself and potential damage to the athletes or individuals utilizing the field, yes.

Chairman Reinhardt – And, what I can't tell is, if it were to 10' how high would the bottom of that scoreboard be?

Mr. Salsburg – Something like 4 ½'.

Mr. Lorenz – 4 ½'.

Chairman Reinhardt – 4 ½' off the ground?

Mr. Nearpass – 3 ½' off the ground.

Chairman Reinhardt – Ok, I think that helps out quite a bit.

Mr. Lorenz – A really small gap between the ground and the bottom of the sign.

Chairman Reinhardt – So clearly being 6'3" I would have a problem walking under that.

Mr. Lorenz – I would too.

Chairman Reinhardt – Is there going to be any protective netting. Sometimes you see in sports areas, whether it be goal posts or signs and the sign is close to the end field that there is protective netting so a ball doesn't inadvertently hit the sign. Are you going to have any plans to do that?

Mr. Lorenz – I don't think so. Like a cage or something like that?

Chairman Reinhardt – Even like you see in football they have those cloth netting that gets raised, so if a ball does come up there it doesn't allow the ball to hit the sign.

Mr. Lorenz – Right. I haven't been advised we were going to do that. I guess it's something we could do if the board wants something like that.

Chairman Reinhardt – No, it's just exploring the alternative means as to why it needs to be 16' and I think you did a good job doing that. The other part I'd like to explore is as far as I understand it being arguably on the west side of the field, but can you just touch base on why it really wouldn't work on the south or the north? With the west side, you're opposite of a building. With the south side, you're opposite of a building. The north I think it's minimally observed from the road, so can you just walk through and put in the record for us why Dick's wants it to be on that side of the field?

Mr. Lorenz – Sure. I think there's a couple of reasons. The field is linear, so you want it at one of the linear ends. Sort of like a football field, you have your scoreboards at the ends of the end zone, it's just easier to see. And secondly, if you're going to go with that linear concept all the utility hook ups are closer to you, right out at the wall. You wouldn't have to run another conduit out if you were at the opposite end of where it is right now.

Chairman Reinhardt – Ok. Alright, so I think we covered all the questions.

Mr. Salsburg – I have another item, if I can bring it up. Could the plan of the sign come back up? In the cage in the building. I'd like to see the relationship of the sign to the top of the roof of the building.

There. The sign is about even with the top of the building, am I seeing?

Mr. Lorenz – No sir. I don't know the exact elevation of that portion of the building there. I'm going to guess it's probably about 25' so you've got about 9' below.

Mr. Salsburg – Well below the roof line.

Mr. Lorenz – And I don't think we have, I wish we had an elevation that could show that to you. If we have to come back or something, we could prepare another exhibit to give to you a little bit more.

Mr. Salsburg – As long as it's below the roof, I would be ok with that. That's my last thought.

Mr. Lorenz – Ok.

Mr. Nearpass - Mike, I've got one thing, I know you touched on this a little bit, actual use of the space is unique. And as we all know retail is changing quite a bit, and we made the comment earlier that if the sign was inside the Dick's Sporting Goods, it really wouldn't be a sign or be an issue. We have a situation here where the site's relatively unique although it's inside the perimeter of the store, although obviously it's fenced in. And so, that weighs heavily on my decision here in what makes this unique versus just someone coming in asking for a 16' tall freestanding sign to market their business or something like that. This one here is for meant user experience. For the retail industry user experience is becoming more and more important as people shop on line more. And some of these stores need to turn themselves into destinations and they are obviously trying to be creative to do that. So the things that make it unique for me is that it's in the perimeter of the store, it's still debatable I think whether if it has Dick's on it or not, whether it's really a sign or not and what that entails. I looked at your AI comment about that, but I think we should make sure we talk about that that sign itself is in that perimeter, it's fenced in, it's not intended to really be a traditional sign. So, it's not a typical big box store just asking for another sign its unique situation here that we just wouldn't see from somebody else.

Chairman Reinhardt – I like those thoughts, what I'd like to know before we open the questions up to the public, my concern is I know it's not intended to be a sign, but again if I could see Dick's and I'm the sidewalk I wouldn't be as concerned, but if I'm on the sidewalk at Turk Hill and Route 96 and I could see Dick's and I know it's not intended, but you can see it, they are getting an unintended windfall, but from my mind it sounds like that Brian has some kind of capability of setting something up to give us some sort of visual on really how far you need before you lose sight of it, that it's Dick's. Is it 10', 100', 1,000 yards, I'd be interested in that. Matt, would you be interested in something like that?

Mr. Nearpass – I'm ok if he wants to present it. I'm looking at it that that whole site is going to be very active. You're going to have kids running around playing, you're going to have a lot of things going on. In my opinion the least thing that's going to distract you is the static label on the scoreboard that says

Dick's Sporting Goods. It would be good data to have, I think it would definitely weigh into our decision making ability here, but I think the site is going to be more active anyways that that will be the least of distractions that someone will see if they are on 96 or Turk Hill Road.

Chairman Reinhardt – Sarah, would you like to see something like that, being able to see from certain distances?

Ms. Mitchell – Well because my question originally when the sign was going to be on, the hours I think it would help to know that because as night obviously in the winter it gets dark quicker, I don't think it would hurt to have that information prior to the decision. I think it would help.

Chairman Reinhardt - Donna, what do you think?

Ms. Morley - I think it would help our decision.

Chairman Reinhardt – Fred?

Mr. Salsburg – I think that the light at Turk Hill and 96 is so far away that it's going to be a moot point to me.

Chairman Reinhardt – Well I'm not saying that's necessarily a cut-off but that's just an example that I know it's not intended to be sign. If you are I'm just picking on a number, 50 feet or 100 feet away and you say I really can't tell, I know it's a scoreboard, but I can't then that would give me a better feel than to say yes, I know it's a sign, but it's not intended for any kind of advertising. The intention is to keep score and whether it'd be kids or to have some fun in that confined area.

Mr. Salsburg – Brian, how tall are the Dick's letters on the screen and sign are those letters dimensions?

Mr. Lorenz – They are about, it's kind of hard to read, you guys. They would be a little bit less than 9" I'd say probably 7, but 9 is

Mr. Salsburg – That's not big at all.

Chairman Reinhardt – That's a good point. Ok, so Marty if we could, could we get some questions from the public if they are interested or comments.

Mr. Avila – There are no comments at this point in time. The public is watching live via YouTube and they have the ability to comment live via YouTube as well. I can see their comments, written in on the live stream website. Currently the only person watching is me.

Mr. Nearpass – Ok, I do want to ask Al my question then, regarding Al, if it didn't have the lettering on it, the Dick's Sporting Goods lettering, is this a sign?

Mr. Benedict – I would say it would not be a sign. Just to throw in when I was originally reviewing this, I was along your thoughts that this is a sign within a stadium, do I really care about it or not, but the thought was it's a mesh fence, so you'd still see it from the outside, so therefore it's a sign.

Chairman Reinhardt – Marty, correct me if I'm wrong, we can't decide today. We really have to wait for that cycle to pass for the public comment?

Mr. Avila – So right the policy that the town has set so far has been that public to write in comments for the next seven days and at that point in time, the board can consider them at their next meeting prior to any resolutions being passed.

Chairman Reinhardt – Ok then if we circle around quickly, I will start. As far as the visual, now that Fred has pointed out, it's a good point that they're only 9" and I can't imagine that once you start stepping into that parking lot you're going to lose sight of the lettering and you're just going to see the home and guest and the numbers, so that's fine. I don't have anything for the applicant to follow up with. I think we have enough. So Matt, do you have anything that you want the applicant to follow up with?

Mr. Nearpass – I'm ok. I think he did a good job of describing the use and the need and use for the sign and what's unique about this particular proposal, so I'm good.

Chairman Reinhardt – Sarah, anything you want the applicant to follow up with at this point?

Ms. Mitchell – No, I think I'm good at this point as well.

Chairman Reinhardt - Donna?

Ms. Morley – I'm good.

Mr. Salsburg – I think he's done a good job and I hope it works.

Chairman Reinhardt – Brian, anything else you want to add, that you think we need to know before we close this portion of the meeting.

Mr. Lorenz – No, I want to thank you guys for having me. I think this went really well. Appreciate the time. In contrast, letters that are on some of the mall signs are I don't know off the top of my head, but typically I think the big letters are going to be 22 -25".

Mr. Salsburg – On the building?

Mr. Lorenz – Yes. And that would be for many tenants and much brighter illumination as well. But, no I don't have anything else, thank you very much.

Chairman Reinhardt – Just for clarification, if this board the next cycle does grant variances, just so you understand it will be as proposed that's the height, the conditions that there's not going to be any different lettering, there's no changeable advertising. We don't want to have any moving targets here.

Mr. Lorenz – Correct. I'm on board.

Chairman Reinhardt - Any questions for us?

Mr. Lorenz – I don't think so. Well actually just procedurally, because I know every jurisdiction is different, so that obviously you've got to wait for public comment to come in. Should there be public comment, will I have a chance to review that and respond? I guess what I'm asking is that I should, I assume, I should be prepared to be present at your next meeting and that will be May 4?

(Yes)

So that if something does come up will the board give me an opportunity to speak on it?

Chairman Reinhardt – Yes, if there's some concerns that the public has and we need to follow up with some questions for you, you'll have an opportunity to respond. And if there's something that's not alarming, we'll probably get it in a resolution going at that point, if there is something and more questions pop up we may have to cycle around again. Just to give you and everybody a fair chance to address the questions and issues.

Mr. Lorenz – No problem. And I assume you'll meet in this format again. I don't know what New York State's orders are as far as public meetings, but is it safe to say you'll do a video meeting again?

Chairman Reinhardt – I think so. Just a question for curiosity. What's your dig date on this thing?

Mr. Lorenz – What's that? Oh, it's under construction right now, but it's been halted by your Governor. I think, somebody did. And its fine it's all in the interest of safety. But this is the last part. Time is not our enemy anymore. Thanks a lot guys.

Chairman Reinhardt – Thank you.

1. Mr. Max Vasta

03-Z-2020

681 Phillips Road

Applicant is requesting area variances for a proposed building 26.7' from existing residential structure. Schedule II, Area and Height Requirements indicates 40' is required. Applicant also requesting a drive aisle width reduction to 22.5' whereas §211-32A(2)(a)[1] states each off-street parking space for residential and nonresidential use shall measure a minimum of 9' by 18' with 26' aisles. Gravel milling for parking requested whereas §211-24(9)(d) states access roads shall be paved and hours of operation beyond 7pm whereas §211-24(9)(e) states hours be limited to 7pm on weekdays and 6pm on Saturday. The property is zoned light industrial and in the Route 96/251 Corridor Overlay district and owned by Della Buscemi.

Chairman Reinhardt – Did I get all that close enough? Ok, so who's going to make the presentation?

Tony Tintera – That would be me. Can you hear me alright? Alright, good evening everyone. I'm Tony Tintera and I'm the project engineer with Meagher Engineering for the Vasta Site Plan. Also joining us tonight we have Wendy Meagher, owner of Meagher Engineering, Mr. Max Vasta, the owner of MTM Automotive, Della Buscemi, the owner of the lot in interest, as well as Don Cheney, Max's attorney.

And, what I'd like to do initially is just give a brief overview of the project itself in the existing conditions and the proposed conditions we have shown. As well as describe some of the changes that have occurred due to the comments received from the planning board and how they differ with the plans that were shared with you originally. With regard to the existing site plan, there is a two-story frame house that is currently non-conforming. It's being proposed to remain on the historical registry with the town. It's listed as of high importance. Also on site are two accessory structures. A framed garage an accessory structure that's closer to the existing home that's slated to be removed as well as a barn/shed to the southeast which is sited to be relocated within the site. With regard to the existing lot, it's worth noting just how vital this location is for our client and situating their business away from the residential district. Sort of isolating it from the residential district itself. With regard to our proposed site plan, what we have shown is a 100' x 60' pole barn which is to be used as an automotive garage for MTM automotive. Also, shown within the site plan is an extension of the gravel driveway region. Currently in the plans that were shared with you originally, they are show as extending up to 10' away from the property line in accordance with town code and on the updated site plan which if you would prefer we can share it with our screens we still have the gravel driveway shown up to 10' away from the property line. Also, towards the back of the site what we have proposed is a fenced storage area which is located behind the structure and tucked away from Phillips Road out of view. Which would store impounded vehicles as well as trash receptacles for the facility. With regard to utilities, we have new water and sewer services that will be provided to the pole barn as well as the existing house which will ultimately replace the existing smaller water service as well as the leech field. And, ultimately with regard to landscaping we have new trees shown along the northern end which ultimately differs from the plans that were originally shared with you. We have that extended more to the west. We have five additional conifer trees provided on the plans as well as some additional screening in the fenced storage area.

Now, before we continue, I'd like to turn the discussion over to Max Vasta, so that he might elaborate some more as to how his business would operate from the site.

(Mr. Salsburg asked for the site map to be shown on the screen.)

Mr. Avila has April 1st site map, not the updated one. Mr. Vasta has an updated version based on comments received from the planning board.

Mr. Nearpass – I have one from April 1st date on the top of it.

Mr. Avila - I'll share that one if that's most recent.

Mr. Tintera – Yes that shows the existing conditions.

Mr. Vasta – My name is Max Vasta. I have a towing and automotive shop in Victor for quite many years now. We just bought this property because it was unique having a house and being commercial we could basically where I can live and work at the same place. Due to my operations sometimes it's in the middle of the night. Being close to the expressway and the mall to help out with the police department. So this would be a unique house. We're in the middle of remodeling the house to be able to live in and being able to work in the shop.

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Sorry, I'm a little nervous. As far as the towing it's not a 24/7 as far as the place being open for business, but there are times that we go out in the middle to the night, just to pick something up for the police department and then we go back to bed. The hours of operation would be about 8 to 5 or 6 and Saturday would be like 8 to 1 besides sometimes the once in a while bringing a car in/out of the property in the middle of the night. If anybody has any questions, it might be easier for me.

Chairman Reinhardt – But I just want to make sure that everything has an opportunity to make their presentation to the board before we ask questions.

Ok, so what I'd like to do is because there are four requested variances, to take them one at a time and then analyze them as best we can applying the criteria. So the first one is the building separation for 26.7 feet. So because we have a new drawing if we can get that back up. I can see the drawing I have, I think it's the older one. I could tell where the proposed building was I couldn't tell where the proposed building was on the new drawing.

(Mr. Avila paged down to the next drawing.)

Chairman Reinhardt – So the first requested variance is the building separation, so of course hopefully everyone present knows we are looking at whether or not there is going to be an undesirable change, is there an alternative means, whether it would be substantial. Some of this ties into the second variance, but let's walk through some of this. So looking for 26.7' when 40 is required. I guess the question is why can't the building be configured, whether it be narrower and deeper to allow for 40'?

Mr. Salsburg – Well the 26 feet is between the two buildings. Marty, can you move the cursor where the 26 feet – to make sure I'm looking in the right spot?

Chairman Reinhardt – So you have an existing building and a proposed pole barn and once the pole barn is constructed then there will be 26.7'. Whoever it is, Tony or someone explain to us, why that position of the pole barn needs to be where it is and why can't it be configured to allow for the 40'?

Ms. Meagher – I'd like to make note that the location is really the seller structure and it's really 30.9 to the frame structure between buildings. So, it's a little bit more structure per structure. Because of that concrete hatch we had to count that for the variance. The reason it is placed where it is is to allow him to have some space to impound cars and to have a fenced in area behind the barn, to allow them to be out of sight. And he needs the size of the barn for maneuverability of his tow trucks to get in and out of there. It's located, as you can see when you drive straight in to this side, you come in through the overhead door. So it's placed for maneuverability into the barn, but like I said the size of the barn is for his operation of the larger vehicles, the tow trucks. I'll let you kind of elaborate on that, Max.

Mr. Vasta – I think we didn't have enough space also in the rear, I think what is it 25 or 30' for the edges of the property. I think there wasn't enough room there is we dropped the barn back if we had the 40' between the house and the barn we wouldn't have had our variance in the back. I think that was one of our issues also.

Chairman Reinhardt – So do I understand you correctly, not only the size of the pole barn, but its position there's no other means to make that work. I understand what you're talking about going to the east,

you're getting into another problem because you're getting too close to the lot line, but what about south? Why can't you make the pole barn a little narrower and have it go further south to make it the same square footage?

Mr. Vasta – The length of the tow trucks, because I'm using only one door instead of having multiple doors I need the 60 feet to be able to pull into one door and to be able to swing the truck to the 60 feet mark. So pulling in the one door kind of turning right and using that space.

Chairman Reinhardt – I guess I'm not being clear, if the building was for example 65' deep, but only 95' wide, to give you more space and potentially less need for variance. I'd love to put my finger on to where the site plan is. But what I'm just trying to get my arms around is there some other means, an alternative so that space instead of it being 26.7 it could be 35 or closer to 40. Because right now you're asking for a 45 % difference between 40' and 26.7. You following my question?

Mr. Vasta – Yeah, I think just the size of the lot, I don't have it the picture in front of me, but I wouldn't be able to turn it around because I think I'd lose the lot lines on the side also, so I don't think the 95 or the 65 would fit if we spun that around.

Chairman Reinhardt – Well let's get some of the question from the board. Matt, do you have questions

Mr. Nearpass – Just a couple of them. One question regarding the residence. Is it purely going to be residence or is it going to be more office space commercial use and your residence. Or is it going to be purely your home and you're just going to walk across the driveway and go to work?

Mr. Vasta – The house is just going to be a house. It's not very big, it's the size basically of a one room school house. I want to keep it separate from my business. The house is literally just going to be a remodeled house. It's going to look basically the way it is, just be with new siding, just to make it look like an old farmhouse, but it is going to be remodeled inside and out. The offices are just going to be right inside the structure of the building.

Mr. Nearpass – Ok. Where is the closest residence? That's not the one on this property. Is there anything nearby? Do we know? Is there anything within that 1,000 foot?

Mr. Vasta – I don't believe there's any other residential houses there. There's none on Phillips Road and I think it's quite a bit down on County Road 42 before there's a house.

Mr. Nearpass – To me this site is very similar to Royal car wash site. You used to have Cole and Parks as the historic house on that site, although they don't use it as a residence. You've already made some tradeoffs it sounds like to try to live where you work. You're making due with it regarding how you have to bring the tow truck in and I'm sure if the site were bigger you have a different approach. It's probably not optimal already. I'm also ok, now that I understand the 26.7' although technically is 26.7' but you're saying it really you're measuring to that concrete pad there, but it's not really to the house. The house looks like it's another 4-5 feet there, but I understand that 26.7' is kind of the official number that we have to use. I'm comfortable with that. On the width of the driveway, can we talk about that a little bit?

Chairman Reinhardt – Can we hold on? Can we just do each variance?

Mr. Nearpass – Oh, we’re just talking about the one, that’s ok.

Chairman Reinhardt – I know it’s a little more time consuming, we’ll certainly circle back, but I think it will make a little more sense in the meeting minutes if we just keep on that.

Fred, any questions?

Mr. Salsburg - I was just wondering where the priority is, the 30 feet rear set back or the 32’ or whatever it is from the house to pole barn not counting that concrete pad. Seems like it says proposed area for impound vehicle. If you didn’t need that room that much room in the back, you could take some out of there and put it between the house and maybe do away with that variance and have a rear set back variance. Certainly fits better with the fire aspect to have the building separated.

Chairman Reinhardt – That’s an interesting question because I think you’re trading one variance off or another. It may be another variance, but it may go then to which variance I, if you will, more important.

If Al could help with that, I’m guessing, but Al correct me if I’m wrong, but the reason that its 40 feet is for fire protection. Is that right, Al?

Mr. Benedict – I would think so. I would think that would be the reason.

Chairman Reinhardt – Fred, any other questions. (No, not on this variance.)

Ms. Morley – No.

Ms. Mitchell – No, not on this one.

Chairman Reinhardt – So let me follow up then. On the pole barn itself, what the structure made of?

Mr. Vasta – It’s a wood structure outside with a metal outside.

Chairman Reinhardt – And it’s an auto repair, is that you’re doing in there?

Mr. Vasta – Correct. It’s not like a monro muffler, it’s only me working in there on my tow trucks and some light auto repair if it comes in. Local customers. All my employees are actually drivers. They’re assigned areas around Rochester. I don’t really see them. They pick up their trucks at their house and they are gone all day. Once in a while they’ll come in and drop off a car, if need be, but most of my employees, I don’t see them for days. The barn is basically for myself to work on the tow trucks. I do the maintenance on them and they rotate them in. There might be a tow truck that comes in and one comes out, but most of my tow trucks are mostly gone.

Chairman Reinhardt – Al, is there going to be any sprinklers in that building?

Mr. Benedict – Yes, that is required and I think they were supplying that.

Mr. Salsburg – Yes, there is no variance for sprinkler system required.

Chairman Reinhardt - I think that helps that there is a sprinkler system in there. Does anybody have any other questions on the first area, before we move on to the second one? Hearing none, the second one is the driveway aisle being 22 feet where 26 is allowed. So Marty if you could, just point with the cursor where that area is if we're all on the same page as that?

Ms. Meagher – There are five proposed parking spots along the north property line, it's that parking aisle adjacent to it. We're 3 ½' short. We're trying to preserve the existing hedge row. The mature hedge row along that north edge, plus we're keeping the pavement away from the property line and again the placement of the barn was to allow Mr. Vasta to pull straight in to the overhead door and maneuverability within that structure. So that gave it a lot of thought for placement.

Chairman Reinhardt – Great, ok. So the proposed parking area – what are those spots used for?

Mr. Tintera – Ultimately that would be for the commercial use of a single repair bay for the auto garage where the sixth space is ultimately located between the existing house and the proposed pole barn. Where that's the one accessible parking space.

Chairman Reinhardt – Alright, then question for you Al. Is it the intent of the code then to have 26' allowed to have emergency vehicles to pass through and have it accessible?

Mr. Benedict – The reason for that is for a person to be able to turn their vehicle in and out of spaces without hitting buildings or other vehicles. Without damaging your own vehicle or somebody else's vehicle.

Chairman Reinhardt – So, it being parallel probably helps minimize that particular problem.

Mr. Benedict – I would say so, the code doesn't specify whether it's diagonal, perpendicular or parallel parking, just a 26 foot wide drive aisle.

Chairman Reinhardt – So a question for the applicant. Those proposed parking spots, 5 of them. Why wouldn't it be then to the west? Why couldn't you put that whole block and push them up to the west and solve that problem? North is to the top of the page. Walk us through, why couldn't you put those parking areas to the left? Would that not solve the problem or just moving the problem to some other place?

Ms. Meagher – Well to me it kind of moves the problem to some other parts of place. The driveway entrance is going to narrow down slightly and again maneuvering his tow trucks kind of in that area adjacent to the house. I think the 26' too is for cars going into two directions. It's kind of like two lane traffic. But the only reason for going back there is for the owner to place vehicles in the impoundment area, so it's like a regular lane of traffic going back and forth there. It's going to be very minimal I guess. Just parking and back out.

Chairman Reinhardt – Is it fair to say that that particular area is really not for customer use, it's for the owner or his employees to move vehicles in and out of that storage, fenced in, impounded area.

Mr. Vasta – Correct.

Chairman Reinhardt – Matt, so you have any questions?

Mr. Nearpass – I'm ok on this one.

Ms. Mitchell – How long would any one vehicle stay in those parking areas? Is it something that there's going to be constant vehicles there?

Mr. Vasta – On the five spots along the hedge row? Basically those would be used for rotational customers. They might come in for the day, drop off in the morning, leave by night. There might be one or two left overnight for the next day pick up, but mostly it's not cars that are just going to sit there to be stored.

Ms. Mitchell – Ok.

Chairman Reinhardt – All set Sarah? (Yes, thank you.) Donna questions (all set). Fred, questions?

Mr. Salsburg – I don't see what the problem is with these cars the way it's laid out. The cars can back out of those parking places and go to the road. Is there other traffic I'm not aware in there?

Chairman Reinhardt – I think the way the code is written and you have to count the space between the structure, the pole barn and where the parking space starts.

Mr. Salsburg – Right. It looks like a lot of space.

Mr. Vasta – The space in the front is going to be cut down because I was originally advised to go the highway superintendent to open up the driveway the way I did it, but I guess I can't keep it that way. So I'm going to be losing a lot of that front road. What looks like a parking lot is really my driveway. The reason why I opened it up the way I did like that and I wish I could keep it like that is to be able to actually pull in to the driveway and turn around in the driveway without being in the way of any traffic going by because the road is 50 mph but they go by there at least 60 sometimes. So, I opened up the driveway originally like that to be able to turn around in my own driveway, to be always be pointed out to always drive out of my driveway and not backing out and slowing traffic down.

Mr. Salsburg – But not where these five parking spaces are.

Mr. Vasta – No.

Mr. Salsburg – It seems like the code requirement is really unduly wide?

Chairman Reinhardt – In this situation, of course code has to apply to each and every situation, but in this case it looks like that the 22 ½ feet is permissible.

Mr. Salsburg – There's no two way traffic through there I guess that's (inaudible).

Ms. Meagher – There will be but on a very rare occasion.

Mr. Salsburg – But, not at the same time. Not going east and west at the same time in that area.

Ms. Meagher – I think that fact that it's parallel to versus perpendicular to the drive aisle makes it easy to get in and out of the - if you needed to back out.

Mr. Salsburg – I just wanted to make sure I was seeing it clearly. I thought I was confused, but I guess I'm not. I don't have any other questions.

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Chairman Reinhardt – I don't think we have any other questions for the board for this second variance. We can always certainly circle back. The third request is the gravel millings. So, Marty if you can point to where the gravel millings are. I take it it's where all the gray areas area, is that right?

Mr. Salsburg – You can have gravel and you can have asphalt millings. Is this both combined?

Ms. Meagher – So we're proposing to do the gravel millings at the edge of the (inaudible) so far back and we'd like to just keep our (inaudible) gravel just to save a little cost up front and then maybe eventually pave it. So we're going to minimize the dust near Phillips Road with the millings at the entrance. It comes back approximately to the existing home, is that correct, Tony? I don't have it in front of me.

Mr. Tintera – Based off of the planning board comments from last week what they were concerned with was ultimately dust created by Phillips Road and what they had proposed to us is essentially reducing the width of the existing driveway which is something that does differ with what's shown here on the proposed plan and how the most current plan shows a more traditional drive radius extending onto Phillips Road, but what they basically said about paving with recycled asphalt was to do so within 30 feet of the edge of pavement of Phillips Road as a way to minimize the dust that would be created by traffic entering and leaving site. Ultimately that's what we have shown with our plans and that 30 feet does not extend as far as how it is shown with the blue highlighted box (Marty drew at meeting) but rather it's about half the width and that's essentially (inaudible).

Mr. Salsburg – So it's asphalt millings and crushed stone the rest of it.

Mr. Tintera – Correct.

Mr. Salsburg – When you say gravel, you don't really mean gravel, you mean crushed stone.

Mr. Tintera – Correct.

Chairman Reinhardt – Do I understand this right, the variance request is for the gravel millings in that shaded area?

Ms. Meagher – Correct.

Mr. Tintera – And it's ultimately a little different in that the proposed fence area as well which is currently shown with a 25 ft width, that area as well would have the impermeable gravel as well. How we have it shown though is extending up to 10 ft away from the property line. So that 25 feet is ultimately shrunk accordingly in order to meet that requirement. And as I said before the fairly wide region initially from Phillips Road has been choked such that down such that that 49.4 foot dimension by the house is or at least by the region of where the paved driveway transitions to gravel would be 26 feet wide.

Mr. Salsburg – The variance is to replace the whole thing with pavement, crushed stone in the back part, right?

Ms. Meagher – Yes.

Chairman Reinhardt – Fred, do you have any other questions?

Mr. Salsburg – No, I don't see anything the matter with crushed stone driveway. It's not dusty.

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Mr. Nearpass – I understand the need to save costs, but is there a plan to gradually to eventually bring it within compliance to pave it or and you mentioned the front area there that's really highlighted in blue is kind of shrunk down and reduced would you just consider paving just up the house or something a little different to

Mr. Vasta – My eventual plan is to pave the whole thing, but it would be later. They suggested to do the front part, to reduce the dust if there is any. And in the future I would like to have the whole thing paved. That would be my ideal situation.

Mr. Nearpass – So the milled asphalt is going to be upfront and it's only you said 26 feet?

Mr. Vasta – I think that's what they are saying, yes.

Mr. Nearpass – Ok, I'm all set.

Chairman Reinhardt – Sarah, questions? (All set) Donna?

Ms. Morley – On an average, how often would you say you're in and out of this driveway with a tow truck? I know calls are sporadic, a lot, a little. Do you have an average?

Mr. Vasta – A month? I mean, I might have a tow truck in and out a dozen times a day, maybe that much.

Ms. Morley – Ok, thank you.

Mr. Vasta – Most of my fleet I hardly ever see. Most of my fleet is out doing roadside for a lot of motor clubs. They don't come back and forth to the shop. They do their own thing. What I do is rotate some of the trucks to be able to work on them and keep them up to code with the DOT. So at times I rotate. Usually there's couple tow trucks there, but not my whole fleet. There's hardly ever a whole fleet there.

Ms. Morley – How many are in your fleet?

Mr. Vasta – Eight.

Ms. Morley – Thank you.

Chairman Reinhardt – Max, I think you're saying it's your intention to somewhere down the road to have it paved and in compliance with the code. How long do you think it will take you to get there?

Mr. Vasta – I'm hoping within – that's a lot of pavement and a huge cost, so it might be 18 months, a couple of years before it's totally done?

Chairman Reinhardt – So this just my take on it, the whole board has to decide so if there was a window to time to say they would grant the gravel millings, but you need to pave it within three years or two years or something like that, would that be a reasonable window to be able to get that thing done?

Mr. Vasta – I would say that would be ideal, yes.

Chairman Reinhardt – Just a thought. Let's circle around quick then. Matt, what do you think about that then just for this particular variance if the board chooses to grant it to put a pick a number, a two year, three year window to have that area paved?

Mr. Nearpass – I'm ok with that. I think that would be a good compromise with the applicant. I'm ok if it's a three year window. I was trying to get at earlier, is there a more gradual path to compliance on that particular one.

Chairman Reinhardt – Yeah, especially if, I don't know if the applicant know this, but we certainly do that the variances run with the land. We'd certainly like you to stick around, but if we have it so to give you some latitude to get your business really a change to get up and running and put a three year window to say you really need to have that paved by three years, this way if you're around then great, if not, whoever is around has that premise is going to be held to that same condition. Does that make sense?

Mr. Vasta – That would be perfect, yes.

Chairman Reinhardt – Sarah, what do you think about that? A three year window to have it paved?

Ms. Mitchell – I think a three year window is a reasonable amount of time.

Chairman Reinhardt – Donna, what do you think about that?

Ms. Morley – I'm good with it.

Mr. Salsburg – I think it's a good idea. Time is a little short, if we'd have done this three months ago, he'd lost six months right off the start. Make it four years.

Chairman Reinhardt – We're just going to give this some thought. I don't think we have to specifically decide on it today, but a consideration that possibly we can go for a three year window. Sounds like the applicant is ok with that. Let's hold that thought and move along to the fourth request for the variance which is hours of operation. So, let's circle back. Matt, questions about the hours of operation?

Mr. Nearpass – Not really. It's good that's he's not saying he's a twenty four hour, round the clock operation. There are no other residences around him. I think the nature of the business, he's going to need to be open during those hours. You can pick and choose when something happens to somebody's car or a piece of your own equipment that's out there in the field. I'm ok with the hours he's proposed.

Mr. Vasta – It would be 7am to 5 or 6 and Saturday would be a half a day.

Chairman Reinhardt – Sarah, any questions about that? Fourth?

Ms. Mitchell – Like Matt said there aren't any residents really close, so I'm good with the hours as well.

Donna?

Ms. Morley – All good.

Fred, any questions?

Mr. Salsburg – No I'm good. One good thing about the odd hour of operation, it's just for a few minutes and then it's over. It doesn't go on and on. So, I'm all set.

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Chairman Reinhardt – I like the buffering and trying to contain it as much as possible. So that's some good work there. Alright. So I think we're at least good on that point, so Marty I think then we're going to open it up to the public for comments and questions.

Mr. Avila – There haven't been any comments up to this point and if any come in in the next 30-45 seconds, I'll let you know.

Chairman Reinhardt – All right then, I think the applicant was here for the first one, so just like that. We'll leave it open and we're going to shoot for May 4 and it sounds like all the hard work's been done and something to consider what we'll do is if the consideration for that paved area to be done within three years, we'll decide about that then. So, unless there's any thoughts or concerns that the board has, we'll wait for that.

Mr. Salsburg – Fine with me.

(All good)

Mr. Avila – No comments from the public.

Chairman Reinhardt – Al, do you have anything you want to add to this application that we haven't touched on?

Mr. Salsburg – In one of his comments, the fire department review of the sprinkler system would not have any problem with the dimensions of the parking and the driveway. Those variances, they are ok with that.

Mr. Benedict – I'm available. The only comment I had was about the hours of operation, the planning board may be able to address that with a special use permit, therefore you wouldn't have to do that. I don't know if they discussed that at their last meeting or not.

Chairman Reinhardt – How would they make that connection?

Mr. Benedict – We can check back tomorrow with the secretary to find out if that was discussed, if not we'll make sure it is discussed it at the next meeting they have.

Chairman Reinhardt – I'm fine with that. If the planning board wants to address that with a special use permit, that's fine.

Alright, sounds like we're all in good shape then. Unless there are questions or comments or things we need to know, I think we can move along. Right, not hearing any.

Mr. Vasta (and all guests) – Thank you.

Chairman Reinhardt – Any other business before the board?

Mr. Reinhardt – I think that Kim may have forwarded to you a report on the house that sits on the edge of the village on Route 96? The zoning board had extended the permits, I think it was April. Chadi. We provided a status report for May 1st. It sounds like he had done some more work since the last time I was in there which was a year and half, two years ago. So to let the board, that's the status of it. If you have any thoughts on where you'd like us to go.

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Mr. Salsburg – Is it going to run out again?

Mr. Benedict – I think the board had given him up to April 1st so we're actually past that date.

Chairman Reinhardt – And, I'd have to look at all the executive orders because a lot of those were stayed so he may have a little more time to get it completed.

Mr. Benedict – He would be able to work on it on his own.

Chairman Reinhardt – But there are time limits on things, statute of limitations. The Governor's pretty much stayed everything. Including evictions, pretty much everything has breaks on it. So arguably, that April 1st date may not apply to him. Al, you have no idea how close he is to finishing, do you?

Mr. Benedict – I don't remember the report, there were a few items. It sounds like the second floor is pretty much done. There were a few items in the kitchen that needs to be completed. There's some flooring on the first floor.

Mr. Nearpass – I think we were going to supply him with a checklist or something like that, I read.

Mr. Benedict – I don't know if we supplied that to him or not.

Chairman Reinhardt – Kim, can we have a status?

Mr. Salsburg – I think he's made pretty good progress.

Mr. Benedict – I think the directive was to have it done by April 1st.

Chairman Reinhardt – All those timelines that the board imposed on him have been stayed. What I'd like to do is if we could for the next meeting if we could have some kind of status update as to what the deadlines were and have the board be prepared with the executive orders and all the stays if we need to extend that for him so he has little bit more time or no. I don't think we need to discuss that tonight, but give it some thought and we'll discuss it at the next meeting.

Sounds like we're all set. I'll take a motion to adjourn.

Motion to adjourn Mr. Salsburg, seconded by Mr. Nearpass. It was unanimously agreed and RESOLVED that the meeting was adjourned at 8:40 PM.