

TOWN OF VICTOR ZONING BOARD OF APPEALS, May 16, 2022

A regular meeting of the Town of Victor Zoning Board of Appeals was held on May 16, 2022, at 7:00 p.m.

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

ABSENT: Mathew Nearpass, Vice-Chairman, Sarah Mitchell

OTHERS: Chris Shaffer, Stevn Barbash, Patricia Barbash, Peter Baxendale, Adam Ryczek, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the May 16, 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.

PUBLIC HEARING

Chairman Reinhardt-With that first on board is the RYAN HOMES 1505 Beaumont Way, did we hear anything?

Ms. Downs- I have not.

Chairman Reinhardt- okay, well we're going to put him on hold so we can then jump to STEVEN BARBASH, 7471 Dryer Road. Hello Steven. Come on up.

Mr. Shaffer- Mr. Barbash is not here, obviously, I am Chris Shaffer, I won and operate Solar and Wind effects.

Chairman Reinhardt- okay, I apologize. We've met before.

Mr. Shaffer- oh, no worries at all. I did note in your reading here under the Steven Barbash, the last sentence "seeking an area variance to expand the parking lot" I don't believe that belongs there.

Ms. Downs- nope, that is a typo, sorry.

Chairman Reinhardt- okay, thank you.

Mr. Shaffer- we'll blame it on COVID. We were here last April 18, and when I was here and presented the project, I was asked to possibly find another location, so what I did is in that period of time, I did a shading analysis, and there we go, there's the one, can I have the other one of that please? Should be 2. Excellent. Alright, if everybody will look up and we're looking at, actually on the right-hand side of the screen you will see 2 circular figures, the one on the right is what I'm looking at, now what you're actually seeing is, it's a little difficult and I did provide separate copies so everybody should have an actual copy in front of them, a paper copy, I'll give you a chance to locate that.

Chairman Reinhardt- in drop box or, so we don't have a hard copy.

Ms. Downs- yes, you should have a hard copy.

Ms. Morley- I got one.

Chairman Reinhardt- bear with me a moment.

Mr. Shaffer- yea, I dropped them off with Lisa last week. So that she would have those.

Chairman Reinhardt- okay, would you like us to look at the circle to the right.

Mr. Shaffer- to the right and if you're looking at it in front of you, its also on your right, so what I'm looking at here, is this is actually kind of a sundial is basically what it is, and in the very bottom are numbers and that's the time of the day, to the far left of the circle it starts at 5:00 in the morning to the far right it goes to 7:00 at night, what you're seeing in darkness there, and I'll point out one other thing, up and down the middle those are the times of the year, those are the months of the year, okay. So up the middle says 12 at the very bottom, that's noon, 12, noon. Okay and in the very bottom there's, there are half circle lines that go from left to right, the first line would be your summer months and at the very top of the line where it gets into the gray area that is actually the winter months, okay, so you can see we have much more, we have a heavier shading in the winter months that would be a natural transition, because the sun is lower on the horizon, alright, now what I want you all to focus on, is if we can bring back that other picture that we had on the slide and bring back your next picture and if you put them side by side and you're going to see the same circular on the right hand side, now if you put the 2 side by side in front of you, you're going to notice that how much bigger the darker, the black window is, so when I, it was requested to try another site further on the property because it opens up, because of the slope, the property actually slopes from the upper and it goes down and when it goes down it becomes lower that makes the trees that correspond around that would provide shading taller thus we have a much more, a smaller solar window per say. So the second one that I was just discussing, notice how the black is much bigger, I mean, if you look at it, we actually start at 6:00 in the morning and I've actually got sun, that goes all the way to your right of it to the 5 or 6:00, it's a much bigger window, so if I were to move those panels as someone had suggested on the board, to another location, I'm going to lose a lot of sun, now something else I also circled some of the data up above it, it's not going to mean a whole heck of a lot to you, and I understand that, the first picture that we looked at, if you look right in the middle of it, I've circled 61.3% that's the annual site efficiency so that's basically how much sun I'm going to actually get with that smaller window and with the other location, if we look to the second document that I, we just pulled up, in the same location you'll see I get a 94.9% efficiency, that's pretty much almost unheard of short of it being in the middle of a farm field, which is, that's why I've chosen the location as we, as it was presented back in April. So those are the biggest reason why that other, another location would just not work from the point of view of the customer's not going to get the output that.

Chairman Reinhardt- okay, just to clarify.

Mr. Shaffer- yes, sir.

Chairman Reinhardt- the 2 exhibits, I approach the homework, I think this is helpful, make sure we're on the same page here. So, the document that shows the actual site efficiency at 94.9% that's where your, that's where you want to put the panels?

Mr. Shaffer- yes, sir. And for the record so you can point to it, I've labeled at the top of it, permit location. And the other one is called the shaded location. That somebody had suggested I try another location on the site.

Chairman Reinhardt- alright, so the shaded location---

Mr. Shaffer- is the secondary location, sir.

Chairman Reinhardt- right, where are, where would those panels be, I guess it—

Mr. Shaffer- they would end up, we would have to go back to some of the, they would basically be further back from the road, and that's what, that's why the question was posed, can we move them away so that they are closer to the house, and the answer to that based on the shading analysis we have in front of you is no, they're just not going to get the output.

Chairman Reinhardt- right, is it fair to say, first look you certainly losing on the shaded location, you're primarily losing almost all the morning light.

Mr. Shaffer- mhm.

Chairman Reinhardt and then, still not as efficient in the afternoon.

Mr. Shaffer- that's correct, sir. Yes, sir.

Chairman Reinhardt- and that's presuming, living in the Rochester area that its going to be sunny.

Mr. Shaffer- ah, western New York, indeed it is. But, and that's why, when I design a system, I have to do it the overall average for the entire year, so that I can go back to the client and state them, this is, you know, to give them the best dollar, bang for their dollar, basically.

Chairman Reinhardt- alright, so its fair to say, with the factor that we don't get sun every day, you need to maximize as much as you possibly can.

Mr. Shaffer- this is a true statement, what happens here in western New York is basically what were going to do is, I'm going to make more energy for them in their summer months and that we're going to do is we have in New York state something called net metering, we're going to bank that extra electricity with the utility so now when we get to those cloudier periods during the winter months we're going to actually, the customer will have a credit and if I've done my engineering correctly that that credit should carry them all the way through the spring when we get more sun.

Chairman Reinhardt- okay, very good, Donna, you have any questions?

Ms. Morley- you stated how many is there going to be? How many panels?

Mr. Shaffer- I believe its 84, check my documentation real quick, so, it was either 84 or 82 I don't recall the exact, yea, I've got 82.

Ms. Morely- what is the size of those?

Mr. Shaffer- I'm sorry ma'am.

Ms. Morley- the size of the panels?

Mr. Shaffer- 3' by 5' each individual panel. I did provide with the original documents from last month

and actual visual of the panels as well as what the racking layout what actually end up being.

Ms. Morley- no, I don't have any other questions.

Chairman Reinhardt- okay, Fred, questions? Comments?

Mr. Salsburg- and those panels are in racks, and was there about a half a dozen rays?

Mr. Shaffer- yes, yes, absolutely, we got 6 rays, actually, let me just double check, one other thing, we actually have 8 rays, is the way it works out, so. We got about 12 to 14 per racking system. Each racking system is individual of each other, you're not going to see one long row or anything like that, because of the driveway is the peak of the front lawn and it goes off, so I'm going to be tearing those systems for best aesthetics and I want to have them tilted or anything like that so—

Mr. Salsburg- and, last time putting a bush in front of the 2 that are out by the road still sound, okay?

Mr. Shaffer- we, the homeowners said they would not have a problem if we had to put some type of, you know, some Arborvitae or whatever type of bushes to break it up or whatever, so--- by any chance did we hear anything back from the county on this?

Chairman Reinhardt- yes, they have no comments, so—

Mr. Shaffer- interesting.

Chairman Reinhardt- we're not, we're going to take that they're not opposed to it—

Mr. Shaffer- oh, okay. Thank you.

Chairman Reinhardt- it's going to be this boards decision on how to handle it.

Mr. Shaffer- okay, thank you. That's all I have to offer, that's all I was requested to do from last months meeting, so, unless there's any other further questions.

Chairman Reinhardt- alright, quickly, from the public, before or against the application? Alright, Donna what are your thoughts on the application here?

Ms. Morley- well I have a couple questions from the letters from the neighbors.

Mr. Shaffer- I may not be qualified to answer them, only because I did not speak to the neighbors.

Ms. Morley- okay.

Mr. Shaffer- okay but go ahead.

Ms. Morley- says he only notified 1 resident and they wanted to know about the grass cuttings, and he said that he would not be cutting the grass there? And would he plant pine trees on the lot lines? I guess the neighbors probably don't want to look at all that.

Mr. Shaffer- okay, to my knowledge, from the overview, we already have pines on the only neighbor that would be to the, and I'm going to give you a direction, would be on the west side. There's pines and trees over in the entire hedge row, because the other side is the, your park, is the Victor Park, so it would have

to be somebody, yea. To the east would be the park.

Mr. Salsburg- I can verify that, that side of the lots full of trees.

Mr. Shaffer- right, exactly.

Mr. Salsburg- I don't get the ---

Ms. Morley- on the side that—

Mr. Shaffer- the west side ma'am.

Ms. Morley- the straight side? Fred? On the side that these streets are on? 479?

Mr. Salsburg- say it again, I didn't hear you.

Ms. Morley- on the side, not the side of the park, but on the other side? You're saying where the streets are?

Mr. Salsburg- there's a whole line of trees.

Mr. Shaffer- in fact it, even though that's a fall shot, you can see that's solid trees from the road all the way back to the client's home. In fact, I was hoping to top some of the pines, so I can get some late day sun, but I don't like to do that unless I absolutely have to, but even then, it would bother anything. But again, as far as the roadside on Dryer, we have no problems if so, the board decides that hey, lets out up a couple of bushes or whatever the case may be to kind of break up the line of sight. The window, in fact, there's a, the driveway entrance, there are tree lines to each side of the driveway so its in the fall months that's really the only time its going to be accessible and being that it is a 45 mile an hour road, I mean, if you're looking that way you're going to see them for, you know, basically a split second as you drive by.

Ms. Morley- so is 7480 across the street from them?

Chairman Reinhardt- no 7452 looks like it's across the street.

Ms. Morley- it's across the street?

Chairman Reinhardt- 7479 is to the west—

Ms. Morley- west of them. Yup. 7483 is to the west, it's the house behind there that you see the long driveway.

Chairman Reinhardt- right.

Mr. Shaffer- and that's solid pines, they've got pines on their north side as well as the west side.

Ms. Morley- 7480, the other person that signed this letter.

Chairman Reinhardt- well, it's got to be across the street. It's got to be to the north, because those are the even numbers. On the north side.

Ms. Morley- even numbers.

Chairman Reinhardt- on the north side of Dryer.

Mr. Shaffer- oh. I believe it's—

Mr. Salsburg- the way that driveway falls away, only the 2 nearest the road would be of any consequence.

Mr. Shaffer- right.

Mr. Salsburg- and if they're covered with a bush, I'd say that's pretty well taken care of.

Mr. Shaffer- mhm.

Mr. Salsburg- I did see, I don't know if it was the same size, but it had a couple little trees and it didn't take much to draw your eye away from the ---

Mr. Shaffer- and break out that, right---

Mr. Salsburg- from the panels.

Mr. Shaffer- mhm.

Chairman Reinhardt- so the applicant as far as you know would not be opposed to putting some buffering—

Mr. Shaffer- yea, I mean it could be, maybe some type of a nice-looking fencing or bushes or whatever, and—

Chairman Reinhardt- I think the thought is if the buffering, its not so much of the traffic itself, but the neighbors –

Mr. Shaffer- understood.

Chairman Reinhardt- so, whether you call it a bush or shrub, a 2' shrub isn't going to do much.

Mr. Shaffer- right. And I would agree. Yea because the, each ray is about probably, I want to say 20' in length, so yea. So, it'd have to be several style bushes or something like that, or like I said, it might, may be better for some type of a, not necessarily a stock aid fence, but something that kind of fits with the, you know, to break it—no—

Chairman Reinhardt- what is the height of –

Mr. Shaffer- 8'

Chairman Reinhardt- we are 8' high.

Mr. Shaffer- yes.

Chairman Reinhardt- I don't as far as those concerns, 2', 3' even a fence, a 6' fence, now you're looking at, there's going to be another variance requirement. Right? As opposed to a 5'

Mr. Shaffer- so a bush is better then, okay.

Chairman Reinhardt- right.

Mr. Shaffer- gotcha. I was just throwing it out there, I'm not familiar with as far as that goes but I get it.

Chairman Reinhardt- right. Go ahead.

Mr. Shaffer- and there was a comment made about not cutting grass or something like that. No absolutely, that's, these are completely accessible underneath with a push mower or generally people would use a weed Wacker underneath the rays to keep that.

Ms. Morley- I don't know if he stated, did you state this Mr. Barbash? That I won't be cutting grass there, did you state that?

inaudible

Ms. Morley- we asked the property---

Mr. Shaffer- yea, because we want to keep them—

Chairman Reinhardt- he's got to come up and, the record really can't, it can't hear him for the record.

Mr. Barbash- we took a letter around to all of our neighbors, we just got 1 back, where they said they were enthusiastic about it, so, that, that's it, haven't heard anything else personally, we put in when my wife and I moved here in 1978, we bought 80 bare fruit trees from a friend and conifers and we planted them, all of them, in one day, it was quite a task, they were very rootsy. We got all 80 of them. We know have 40' of higher and pointing towards the west of the property and there are 3 rows of them up towards where that house is, which covers it pretty well, it taken a while and I think the 40' plus in terms of height. One of the things that we wanted to do is we wanted to create a snow fence where the westerly winds come in through, which would work extremely well in terms of when we were first, here we had a problem with snow coming over the driveway, or back about 6' from the road, we're very environmentally oriented, let's put it that way, and in fact I have a family history of it, my parents built a solar house in Quag in the 1970's, and I wanted to do this for a long time and this particular location was the ideal location because it's a, it's a hill coming down, and it faces south, up by our house we have trees all around the house, back of the house there are also trees, which we like, and we wanted to keep as much of the environment as you can have. With this seemed to be, when he took the reading of, it really seemed like a possibility because we had sun there, we also checked the comprehensive plan for the town and there's an encouragement of alternative energy, last year we took out our oil furnace and stopped re-doing all the electric now, and we think that the future will be very much of that nature, and I realize that it's, it's a little bit different because our house is far back, but our roof is an A-frame house, so it goes to the east and west, which is not conducive to having a roof, we encourage everybody who has a southerly facing roof to get that and next time they put on the roof, and hopefully we'll see to that, I think that, I don't know if what, about what the alternative to this kind of, sort of piece meal development is going on, I think the individual property to the development along the lines is probably a pretty good idea, as opposed to relying upon having wind mills or big fields of solar panels, I'm a big person on getting as much as we can to be self-sufficient, and American such as sufficient, etc., etc. I, the one, the one at 20, at 7448 that we got said we enthusiastically welcomed the addition of panels to our community.

Ms. Morley- Do you have that?

Mr. Barbash- yes. Hold on.

Ms. Morley- okay, so, I don't want to get into he said, she said, but on here it said they talked to you and you said I won't be cutting the grass there. Or on the panels, so, you did not state that sir?

Mr. Barbash- I didn't talk with them.

Ms. Barbash- I'm his daughter-in-law, I'm also a resident Patricia Barbash and we did talk to those neighbors, and they were worried about seeing it, even through the giant trees that are right there, but we never said that we were not going cut the grass, we actually said oh yes, we're going to keep cutting the grass, you don't want the grass to come up and block the panels, so that's not the issue, and as far as the front of the panels, I can imagine seeing the back of panels looks a little funky and I totally plan on putting arborvitaes or some sort of evergreen that will, its very easy to landscape either side of the driveway and I don't think even in anybody driving by will see them.

Chairman Reinhardt- yea, I'm not so sure its so much the people driving by, its your neighbors to the north.

Ms. Barbash- right.

Chairman Reinhardt- the 7452 and I can't see the house number but its probably 7458 or 7460 –

Ms. Barbash- and if they've received your notice about this and we gave them this letter about this, we haven't heard anything, we can still talk to them, but I still think that the way the driveway comes in like this, we could put trees there and there, I don't even think that they'll really be seen.

Chairman Reinhardt alright, let me ask you a hypothetical, say you live across the street at 7452 or which I, again I apologize, its 7460 or somewhere in that range, if you're living over there ---

Ms. Barbash- right across the street, right?

Chairman Reinhardt- pardon me?

Ms. Barbash- right across the street.

Chairman Reinhardt- right across the street, so your neighbors across the street to the north, say you live there, and it appears to me those are deciduous trees.

Ms. Barbash- yea, that are there now.

Chairman Reinhardt- so, by putting some buffering, whether it be arborvitaes or some type of evergreen not a shrub something 5', 6' but how many and what would you like to see as opposed to those panels as far as how man trees or shrubs or let's take shrubs out of it, but, lets say trees.

Ms. Barbash- well, I, you know, and I've discussed this with them, that I would like to have you know a row and I don't know how many, we'd have to talk to a landscaping person because you know I, obviously we can't put full grown trees in there, so, it, but, arborvitaes grown pretty fast so, within a few years it will be, so I'm not sure, but I think it will do a good job and it will also give us a little more privacy and hopefully deter people that are always turning around in our driveway missing the park entrance.

Chairman Reinhardt- we have, when we talk about putting a condition onto the variance and sometimes

buffering, shrubs, greenery, evergreens, whatever the case may be, but if we just say would you put buffering in there, they say, oh yea sure, and then we see one arborvitae, well we weren't on the same page right. So, trying to get an idea of what your thoughts are about what you'd be willing to do without making it too restraining on your project itself, that's why I was asking you if you thought if it would be 6 or a dozen, rather it be, let's say arborvitaes, I think you used that type of evergreen—

Ms. Barbash- yea. I think because it provides a nice wall.

Mr. Salsburg- well if there's a tree every 10', they're what 20' wide? It'd be 3, 4.

Ms. Morley- arborvitaes?

Mr. Salsburg- well I was thinking more of an evergreen tree. Spruce?

Ms. Barbash- yea, I mean we have to consult with a landscaper to see what the best fastest growing thing is, I mean our neighbors put some up and their already pretty tall after a few months.

Mr. Salsburg- kind of a combination of having something when they're little, but you can't have them growing right into each other when they get big so that's—

Chairman Reinhardt- I know you told me, what's the total width of the, all of the panels together?

Mr. Shaffer- well it depends on how I stagger them out unfortunately, I mean I've got a layout that I did the proposal for so, that's one of them. That is around 20' wide. Especially if we go with an arborvitae, I would easily say probably every 5' one of them, they'll certainly grow wide enough, it will certainly break up or put something in, let's say within a year that we can state we can have this buffer of some type, some type of a buffer every 5' from one end of the solar panel racking, put in some verbiage like that. I would think that'd be fair.

Chairman Reinhardt- and if the board decided to grant the variance, so you'd be okay with that? Within 1 year, you put some type of buffer such as just an arborvitae approximately 5' apart.

Ms. Barbash- absolutely.

Chairman Reinhardt- okay.

Mr. Barbash- I do think that's no problem.

Chairman Reinhardt- Donna would you be good with that?

Ms. Morley- are we talking just about on the north?

Chairman Reinhardt- right, just on the north sides, I think that's where it, it doesn't appear that to the east and to the west so much as the problem because you do have to the west, that's where those evergreens are, mature trees, creating a buffer and looking at the arial, to the east, there's a lot of vegetation there and there's the, looks like the soccer field is to the east, and then to the south more vegetation. So, it looks like the primary issue is to the north. But you'd be okay with that if that were one of the conditions. Fred?

Mr. Salsburg- I think this discussion is going very well and I hope it repeats all over town so I'm ready to go with it.

Mr. Barbash- we hope so too.

Mr. Salsburg- I've got one, they've been working out good for me.

Chairman Reinhardt- okay, great. Very good so, Donna anything lese you want to touch on, talk about.

Ms. Morley- nope.

Chairman Reinhardt- anything else?

Mr. Salsburg- no.

Chairman Reinhardt- okay great, so let's go through the criteria. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance. Justification being that the property is approximately 4.5 acres the home is to the rear, which is to the south of the property, the contractor has provided some would you call in solar, thank you, solar shading analysis, don't make me say that again. So, the analysis shows that the optimal location creates about a 94.9% efficiency where as we asked to what would it be like if they, those panels were more centered or in a different location dropped down to 61.3% so clearly the contractor has shown that the panels are in the optimal location. Ontario county planning board had no comments and I believe we are going to put a condition for buffering in which we will talk about that in a bit. Would anyone like to add anything else on the first criteria? Hearing none.

The second. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. Again, the home is at the southern portion of the property leaving the only location really would be to the north of the property, and the solar site analysis report shows that it is most efficient where the contractor has them placed. Would anyone like to add anything else to the second criteria?

Third. The requested area variance is substantial. With the understanding that again the property, the home is located to the southern portion of the 4.5-acre lot.

Fourth. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There doesn't appear to be anything that shows that the solar panels will create any kind of environmental impact to the neighborhood or district.

Fifth. The alleged difficulty is self-created.

And a condition is being placed. The applicant is willing to place buffering approximately every 5' to the north of the solar panels within 1 year of an evergreen species.

Mr. Shaffer- if I may, and evergreen species, an evergreen will get extremely tall I would not recommend them.

Chairman Reinhardt- what's an arborvitae?

Mr. Shaffer- an arborvitae is a bush that can only get so tall and so wide, whereas if you put an evergreen tree, I mean it could get 60' over time. I guess it's certainly an option, but I wouldn't want to have my investment in solar panels with a possibility of a tree becoming uprooted and falling on them.

Chairman Reinhardt- if the applicant is willing to stick to an arborvitae or that type of species that's, we'll be fine with that. The only reason I said evergreen was to give you some latitude on planting whichever

that you'd like, if you want to put, in my mind an arborvitae is and evergreen, let's put it this way, let's go this way, I'm trying to think of the name, its not deciduous. It's, what's the other one?

Ms. Barbash- a conifer?

Chairman Reinhardt- conifer, okay so, the conifer species. Alright, we're on the same page now, great, let's go.

Mr. Salsburg- they usually trim up the bottom of the arborvitaes free of charge.

Chairman Reinhardt- okay, great. Anything else to add with our criteria or the conditions? Alright I would entertain a motion for approval.

On a motion made by Fred Salsburg and seconded by Donna Morley the application has been approved.

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

| | |
|-------------------|--------|
| Michael Reinhardt | AYE |
| Donna Morley | AYE |
| Sarah Mitchell | ABSENT |
| Mathew Nearpass | ABSENT |
| Fred Salsburg | AYE |

Adopted: 3 Ayes, 0 Nays, 2 Absent

Chairman Reinhardt-Good luck to you, thanks so much for your patience, and thanks for the report it was very helpful.

Mr. Salsburg- Ryan homes or, off the board for tonight?

Chairman Reinhardt- I don't know, I don't know where he is.

Ms. Downs- I haven't heard anything.

Chairman Reinhardt- we can talk about that after we talk to MR BAXENDALE.

Mr. Baxendale- yes.

Chairman Reinhardt- am I pronouncing that right?

Mr. Baxendale- yes.

Chairman Reinhardt- good. Come on up. So, you have some they call them membrane covered structures?

Mr. Baxendale- yes, made by shelter logic and there's one made by it's a harbor freight portable garage.

Chairman Reinhardt- okay.

Mr. Baxendale- I'm applying for a variance on our property to allow us to leave 2 of these temporary

accessory structures where they stand, and well my wife and I have recently retired and have purchased a new boat as a retirement gift to each of us and we're finding that putting the cover on and off every time we want to use it which is quite often in the summer like now that we're retired we go just about every other day, it's a lot of work to put it on and off, so what we did is we put up a shelter logic portable garage to, its in front of our house and off to the side of the property, its approximately 30' from the center line of the road and its about 7' from the east side property line in the front corner. It's the size 11' by 20' its an oversized one for putting the boat in, so it stands about I'd say 12' tall at the peak, we put that up figuring that by doing that we won't have to keep putting the cover on and off we just back the boat into it and we're done for the day, it really is the only practical spot that we could put the boat which is close to the driveway and easy to back the boat into, and it makes it very handy for us to do what we want to do with our new boat, we chose a color because you can get different colors, we chose gray green so it kind of matches the trees and the surrounding area, and really, you don't really see it except if you were coming from the west heading toward the east and you'd only see it as you come to the crest of the hill which is about 1000' before you get to our house.

Chairman Reinhardt- this is, you can keep going let me just clarify, the structure that you're referring to is marked 1 on the survey map? Is that right?

Mr. Baxendale- yes.

Chairman Reinhardt- that's closets to Dryer Road?

Mr. Baxendale- yes.

Chairman Reinhardt- okay, alright, go ahead, keep going?

Mr. Baxendale- like I said it matches the, it pretty much blends in with the trees in the summer and really the only people that see it are people that drive by our house and that doesn't take long to get by our house, we just don't feel that it's a distraction to the property line, to the property, the look of the area, there's no utilities hooked to it, and I don't intend to put any, I don't want electric to it, I don't want water to it, I don't want anything to it, just a place to put the boat and store it there year round. When my wife and I retire, when we finally decide that we don't want to use the boat anymore we fully intend to take the thing down, and the only thing you will see there is the driveway which was there to start with, the second, at the time, presently there is another temporary garage put in front of that, and I just put it there just for the winter to keep my tractor in so I can use that to plow the driveway, I intend to move that, I've been working at making a site for it up at the top of the hill in the back of our property so it's going to be up there by the end of next week, and that's going to keep my tractor up there behind the house, where hardly anyone will see it, my second accessory structure we want to keep where it is, is another one of these shelter logic portable garages and it stands directly in front of our garage in our house, and the only reason we put that there is that my father in law recently passed away and he left my wife his car which is a Lincoln MKZ its in pristine condition and it has great sentimental value to her and so I said well we'll protect it by putting it in one of these. That's all that's in there, there's no electric or anything hooked to it and there never will be and you really don't see that one until you come over the crest of the hill and its only for the time you go back in front of our house. Its also the same color as the first one that I mentioned, its grayish green and it, really I don't think it really distracts from the look of the property I will say though that I put another one in front of that to store our truck in for the winter and that one also is going to the top of the hill next week, I managed to flatten out an area there to put them all behind the house up at the top of the hill, I guess the only other thing I have to say is that my wife and I intend to spend our retirement years where we are now and when we can't stay there anymore we intends to take all these structures down and they'll be no evidence of any harm or damage to the property that's really all I have to say about it.

Chairman Reinhardt- okay, so thank you for that. So what sometimes applicants are supposed, are unaware of, and I'm going to tell you, if a variance is granted its what's called is it runs with the land, so I appreciate you saying, its like well we're going to take everything down and put it back to the way it was before and I believe you, but a variance whether you're there or not, the next owner, the next owner after that, they're going to be able, if the variance is granted, they're going to be able to put up whether it be a shed or the structure or something similar, exactly where you have those 2 structures that you'd like us to approve. So, it's, does that make sense, it's a much bigger picture than these are just temporary.

Mr. Baxendale- right.

Chairman Reinhardt- alright, so we'll keep that in mind for a moment.

Mr. Baxendale- okay.

Chairman Reinhardt- I'm curious about, I've driven by there and I'm going to respectfully disagree that, you can see it, once you know its there, when you're driving east or west, they're there, you can see them.

Mr. Baxendale- yea.

Chairman Reinhardt- and it looks a bit peculiar that, I know you are storing a boat, you're storing things there, but part of the reason I think that the code or the intent of the code is, so these kinds of structures are not forward of the house, you can put them on the side or the back of your property. You have a garage attached to the house?

Mr. Baxendale- yes, we do.

Chairman Reinhardt- and how big is the garage?

Mr. Baxendale- its 24' x 24'

Chairman Reinhardt- so then it begs the question why can't you put the antique or vintage car, why can't you put the car in that garage?

Mr. Baxendale- because I am a woodworker, and I converted my garage into a woodshop and I have a table saw and wood lathe and all those kinds of wood working tools in there, that's going to be my hobby for retirement years, and there really is not placed to put the car in the garage anymore.

Chairman Reinhardt- alright, is there an option to store the vintage vehicle elsewhere? Offsite?

Mr. Baxendale- we really don't want to, I mean, I –

Chairman Reinhardt- I understand you don't want to but its an option, you could store it elsewhere if you wanted to—

Mr. Baxendale- she does use it in the summer.

Chairman Reinhardt- okay.

Mr. Baxendale- so I guess, in essence we could just leave it in the driveway, and in the winter maybe what I could do is put it in one of the structures behind the house for the winter. I could do that.

Chairman Reinhardt- and to the attached garage, is it possible to whether it be put a carport or move one of those structures that we're discussing today to the east of the 24' x 24' garage.

Mr. Baxendale- uh, no.

Chairman Reinhardt- why not?

Mr. Baxendale- because there is a hill, the hill comes down to the garage, it would mean digging out a lot of dirt to get that garage in there.

Chairman Reinhardt- okay. Just making a note. Donna, do you have any questions?

Ms. Morley- It says you have 5 of these structures?

Mr. Baxendale- yea.

Ms. Morley- 5?

Mr. Baxendale- yea.

Ms. Morley- plus the 2-car garage?

Mr. Baxendale- yea.

Ms. Morley- you have 7 places for vehicles?

Mr. Baxendale- I only have, there's no, we don't put any vehicles in the garage. So I have the 5 temporary garages, one was going to hold the boat, and the other one would be to store my wife's car, and the other 3 would be in the back of the property, way in the back away from everything.

Ms. Morley- I'm not in favor of anything being in the front.

Chairman Reinhardt- alright we do have, this has to go to the county planning board, right I'm looking at a referral and that's because the proximity, is that right Adam, because of the proximity to 444?

Mr. Ryczek- 444.

Chairman Reinhardt- alright. So, are you aware of that, do you know how that works?

Mr. Baxendale- no.

Chairman Reinhardt- okay, so general municipal law requires that if an application is within, I think its 500' of a county line, a state road, which in this case, state route 444. The county planning board will provide comments about what they think about your application.

Mr. Baxendale- okay.

Chairman Reinhardt- and so, in essence we won't be able to decide the application tonight, we have to wait for their comments, and they will, June 8, that would mean the next meeting is June 21, is when we're going to be able, we're going to ask you to come back on the 21st.

Mr. Baxendale- the 21st of June.

Chairman Reinhardt- right. We are going to be doing zoom that week, thank you, so we're not going to be here, we're going to do it virtually via zoom.

Mr. Baxendale- oh, okay.

Chairman Reinhardt- alright, so you'd be able to watch it, you'll be able to communicate further comments, questions, concerns, you certainly can make your application further, right. On June 21st. So, we're not, I just want to let you know that that's going to happen.

Mr. Baxendale- okay.

Chairman Reinhardt- alright, Fred, questions, concerns, comments?

Mr. Salsburg- you've been pretty free putting these up there, that's a bad start.

Mr. Baxendale- yea, I wished I would have done research before I done it.

Mr. Salsburg- I wish you had too.

Mr. Baxendale- I apologize for that. I just, I guess there's no excuse for it, I just figured that they were temporary structures and—

Mr. Salsburg- yea, I can see that. Yup. I would feel better if the car one was taken off the application.

Mr. Baxendale- the car one? I would be, you know if that has to happen, I would do that.

Mr. Salsburg- I would feel better about it.

Mr. Baxendale- you know, I would be willing to do that. Get that one off.

Chairman Reinhardt- I have a concern with both of them, total of 5, I understand that you're moving, you're going to take care of, what's 1 is code complaint, 2 you're going to move so that they are code complaint, or no, you're going to take, you're going to take one down, or 2 down?

Mr. Baxendale- taking, I'm taking 2 of them and moving them to the top of the hill.

Chairman Reinhardt- okay.

Mr. Baxendale- so I'll have total of 3 in a row at the top of the hill.

Chairman Reinhardt- so you still have 2 that are an issue.

Mr. Baxendale- yes.

Chairman Reinhardt- the 1 for the boat probably concerns me the most, as far as the proximity to Dryer Road.

Mr. Salsburg- its also the bigger one.

Chairman Reinhardt- yep, and the, we deal with needs and wants, alright you've chosen to make a 2-car garage, a sizable garage, into a wood shop that's by your choice.

Mr. Baxendale- yes.

Chairman Reinhardt- now you have a boat, that's a luxury, a vintage car, that's a luxury, I mean, let me clarify a few things as far as why the wood shop is in the garage. You have no where else to put it, you can't put it in the basement? Or—

Mr. Baxendale- oh no.

Chairman Reinhardt- there's nowhere else?

Mr. Baxendale – there's just too much dust for that. Too much—

Chairman Reinhardt- you have a basement?

Mr. Baxendale- we have a basement, it's a finished basement.

Chairman Reinhardt- okay.

Mr. Baxendale- and the ceilings are fairly low, and this machine, some of my machines are fairly tall, like a band saw is fairly tall and it does—

Chairman Reinhardt- I'm familiar with the equipment. And I have a dust collector.

Mr. Baxendale- yea.

Chairman Reinhardt- I'm able to do some wood working in a confined area and other people do. But it is by your choice that you've elected to take up a garage space and make it a wood shop, that is your choice to do that.

Mr. Baxendale- yep.

Chairman Reinhardt- and now you're looking for variances for a boat and a vintage car that, whether or not you can put that boat elsewhere or put that vintage car elsewhere, I think the time that you have, because we can't decide tonight, by June 21st, if you give it some thought about where else could you possibly keep the boat, sometimes people have whether it be a slip, or they keep it in storage, and when they want it, they'll go to the shipyard, they'll go get it, I don't know where you take your boat, what kind of boat it is, if it's a fishing boat or a pleasure boat whatever the case may be. But often times people don't have the space, they're not permitted for example, in their HOA doesn't allow boats on the property unless its in the garage itself. So, they take their boat and they'll put it elsewhere, and when they want to go boating, they'll go get the boat and whatever lake they want to go to, then that's where they go to. So, think about that as far as are there other options because I think you heard one of the criteria's is there any other feasible option, other than granting a variance, and we're going to be asking you those questions on the 21st can you keep the boat some other place, can you keep that vintage car some other place, without having those 2 structures forward of the property line, or maybe there's room in the back, that you can still be in compliance with the code, you know put a structure back there, and store the boat, or store the car, I don't know.

Mr. Baxendale- I think I could do that if it was absolutely necessary. I could be able to put them back

there, you know.

Chairman Reinhardt- right. So when you, if you need another copy of what that criteria, those criteria are, those 5 elements that were looking at, whether or not its going to change the character of the neighborhood, whether or not you a feasible option, is it significant, if you have any questions about that we certainly can walk through it a little bit more. But those are things you have to convince, persuade the board on why you want the variance, its just not about you using your property however you want, it's about the community about the neighborhood how does the, your neighbors look at it and is it going to change the characteristic of the neighborhood by having those structures, not only in front of your property by what about your neighbor and your neighbor next door, and the next one, that would probably change the character of the neighborhood if those kinds of structures were forward of all those houses. Wouldn't you agree? You can think about that, you don't have ---

Mr. Baxendale- yea, I can think about it, but you know, I just, I don't worry about anybody else, so, you know.

Chairman Reinhardt- alright, well we live in a community and that's what the code does is takes into account you being able to use your property but also your neighbors too.

Mr. Baxendale- okay.

Chairman Reinhardt- so we're, everybody is living in a community.

Mr. Baxendale- okay.

Chairman Reinhardt- okay, so any questions that you have we can answer for you now, or if you want to wait until later, you certainly can, and we'll talk about it some more the 21st.

Mr. Baxendale- okay, I guess, I really don't have any other questions, I just guess I have to do some thinking about it, but—

Chairman Reinhardt- okay, good.

Mr. Baxendale- thank you.

Chairman Reinhardt- very good. Then we will touch base with you on the 21st.

Mr. Baxendale- okay.

Chairman Reinhardt but thanks, you have a good evening.

Mr. Baxendale- thank you.

Mr. Salsburg- I didn't see that, on my computer, I didn't see the Baxendale application. Don't know if I, if it cut it off or what.

Chairman Reinhardt- didn't scroll down.

Mr. Salsburg- maybe I didn't. I don't know.

Chairman Reinhardt- no worries, we got you covered. Alright, Adam anything for us?

Mr. Ryczek- I just, are applicants required to be present?

Chairman Reinhardt- they are not, I would tend to prefer that they are in case there was other issues, concerns, questions, because I, just looking at my notes here on the Ryan Homes if I had any other questions, any idea why they're not here today, they didn't touch base with you?

Mr. Ryczek- I have no clue.

Ms. Downs- I haven't heard anything.

Chairman Reinhardt- I'd just feel more comfortable, if there were other questions, I know we have 2 not here today, and I'd really rather not get into the weeds of this thing, with Donna or Fred do you have any questions about it, county planning board didn't have any comments, so I think its best that we just save it for the next meeting and take care of it then. Alright.

Mr. Ryczek- I was asking for my personal knowledge.

Chairman Reinhardt- sure. We have I think in the past that if we had everything we need, we've decided, Donna you okay with that that we table that for the next meeting?

Ms. Morley- mhm.

Chairman Reinhardt- Fred?

Mr. Salsburg- yea, I could do either, I could vote on it tonight or put it off.

Chairman Reinhardt- alright, then let's just, we're defiantly going to make a decision at the next meeting. How's that? Yes, we are, sound like a plan?

Ms. Morley- sounds good.

Chairman Reinhardt- very good. Anything else Adam?

Mr. Ryczek- nope.

Chairman Reinhardt- good, Donna questions, concerns, things you want to talk about?

Ms. Morley- nope.

Chairman Reinhardt- Fred?

Mr. Salsburg- no.

Chairman Reinhardt- you're good?

Mr. Salsburg- yea, I'm good.

Chairman Reinhardt- thanks for sharing the open meetings.

Mr. Salsburg- oh, there's more coming. Actually, next meeting and one after that.

Chairman Reinhardt- I can hardly wait.

Mr. Salsburg- yea, give you your moneys worth.

Chairman Reinhardt- Suzy, were good? Okay, awesome, alright then.

On a motion made by Donna Morley and seconded by Fred Salsburg the meeting was adjourned at 8:00.