

TOWN OF VICTOR ZONING BOARD OF APPEALS, July 5, 2022

A regular meeting of the Town of Victor Zoning Board of Appeals was held on July 5, 2022, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman

Donna Morley; Sarah Mitchell; Fred Salsburg

OTHERS: Cliff Anderson, Ezra Karaco, Ed Kahovec, Babette Huber, Town Historian, Adam Ryczek, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the July 5, 2022, Zoning Board of Appeals meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

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

PAST MINUTES:

On motion of Fred Salsburg, seconded by Donna Morley:

RESOLVED, that the minutes of the meeting held on June 21, 2022, BE APPROVED.

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

Chairman Reinhardt- We have our Town Historian here that would like to say a few words.

Ms. Huber- I would, thank you! So, good evening, being the Town Historian for 32 years, I know it's a long time, I've seen some major changes in Victor as well as probably some of you, barns are part of our history and, because we were an agrarian community, as we get, going along with more development of course our agrarian, agricultural community is diminishing and we need to preserve some of these barns, about 20 years ago we did a documentation, volunteers went out and surveyed the barns that were there, there were about, there were 173 at that time, today we have about 120, so that a reduction of 30% in 20 years, with the town becoming more suburban, old wooden barns are not needed anymore and they are very expensive to retain, some barns, however have been restored, like the Cost Barn on Dryer Road, another was turned into a home, Strong Road Barn, and another one, the Hawks Barn, which was on Victor Egypt Road was demolished, but the Harley School bought it and they took it down board by board and then put it up on their campus because they were adding another building and they had originally started as a barn, so they wanted a barn to put their new, I think they are sustainability school in. They didn't use the whole barn because it wasn't all able to be kept but they did preserve as much of it as they could. Are all Victor's barns usable? Preservable? Absolutely not, as farms decline so will the need for these barns, they have sheltered animals, crops, and agricultural machinery, today they might just be large storage sheds. Our agrarian history in Victor has changed tremendously over the last few decades and now we are a suburban community. With our land being used for many housing developments, retail stores, and commercial buildings. As I said we documented the barns about 20 years ago, we took pictures and w did a little history of each barn, so what are we doing now? Because of the growth and because most barns now that are left are on large parcels and are probably going to be, if not have already

been bought by developers. So, I've hired The Landmark Society of Western New York to do a historic resource inventory of the remaining barns, The Landmark Society already did an, and I'm sure you, I hope you know, an inventory of the historic structures, buildings in our town that are 50 years and older and the goal of this barns inventory is to objectively document the condition of the barns and classify them just like we did the historic buildings, are they high importance, are they medium or are they low importance? This will take in the condition of the barn at the time and give the Planning and the Zoning Boards an independent assessment of the barn and it should help you with your decision making, as a community we want to encourage preservation, which includes opened space, and also our significant agrarian piece structure that's left which is the barn, so I come to you tonight just to give you that information because we did it with the historic buildings because we were finding that they were being demolished and we didn't have any objective criteria with which your board and the Planning Board and even the Town Board could make any kind of an objective decision, so I'll, if you have any questions for me, I'd gladly try to answer.

Mr. Salsburg- when the farms were operating, they had out buildings...

Ms. Huber- right, that will also be part of this survey. Right.

Chairman Reinhardt- what would you like the Zoning Board to do?

Ms. Huber- when we are done with this inventory, I would like you to when an applicant comes to you and usually its to demolish a barn, and I do have some, I can recommend to you and to the Planning Board, yes, do it or no, don't. And its never been a problem, however when Valentown Meadows development came up and the, I believe the applicant wanted to keep the barn, and it's a pretty good, its in pretty good shape, that you had, would have this documentation of any kind of a barn that an applicant would want to keep, and you could say to them, okay, here it is on this list, according to the Landmark Society and there lots of parameters that they will look at, this building is of high importance, and I hope that it encourages you to preserve that barn, if its of low importance, you know, we have our battles and we have our battles and low importance is not a barn that you probably structurally, you don't want to keep, its probably the ones that are in the middle that are going to be the ones that you have to really look at and decide.

Chairman Reinhardt- so if the Zoning Board works cooperatively with you, we get the survey, and it gets updated, its on our radar, certainly it would help us if you see something on the agenda, come on in, give us a heads up and we will certainly welcome any input that you have ...

Ms. Huber- I know you will –

Chairman Reinhardt- or anybody else has, hopefully we, nothing falls through the cracks that, there's Public Hearing and anybody that has any input we welcome that, and especially you on the barns, we'd love to hear from you.

Ms. Huber- thank you, Thanks!

Chairman Reinhardt- anyone else have questions, comments, concerns?

Mr. Nearpass- I have a question, is there, is it available, obviously, easily available to the public, meaning we've had situations, like Mark's Pizzeria, I think was a good one, right?

Ms. Huber- yea.

Mr. Nearpass- they buy the parcels, and they buy the land already and they come in front of us –

Ms. Huber- and you say, uh, this is a little problem here—

Mr. Nearpass- exactly—

Ms. Huber- it should be on the website, Suzy, is it on the website? Our historic resource inventories.

Ms. Mandrino- yea.

Mr. Nearpass- is there a way to make it more, I guess obvious to people, or that, that are buying these properties and parcels that have existing barns on them, I don't know how it could be integrated into the recording process, or just the, so they know hey, by the way, there's this on the property, and here's where it's rated in the comprehensive plan or whatever.

Ms. Huber- is there something on the application process?

Mr. Nearpass- I mean, not here, I'm saying in the, just the buying the land.

Ms. Huber- oh, well, I'll talk with Suzy and she and I will work on seeing if we can make it more visible to somebody, usually when somebody is buying, even like an old home, and a real estate agent will call me and say what's, you know its not the land, usually, and its not commercial usually, it's a residence, it's usually a real estate agent. But we'll work on that, that's a great idea.

Mr. Nearpass- yea, and, I'm just saying, it's to limit the number of people that come in, that have already bought it, already had, and I actually think with Mark's Pizzeria they were trying to reuse the barn—

Ms. Huber- they were –

Mr. Nearpass- and it got to the point where it was like ---, we've got to ---

Ms. Huber- and that's kind of why you need this inventory form an entity that does this all the time, and that they are, they'll be objective.

Mr. Nearpass- fair.

Ms. Huber- Thank you.

Chairman Reinhardt- good, thanks so much. Let's see, Auction Direct has been tabled until July 18th. Next application is CLIFF ANDERSON.

Mr. Anderson- Good evening.

Chairman Reinhardt- How are you?

Mr. Anderson- Good, how're you?

Chairman Reinhardt- Good.

Mr. Anderson- Everybody enjoy the holiday?

Chairman Reinhardt- yes.

Mr. Anderson- wonderful, you know, we're seeking a variance here, a user variance for 6756 County Road 41, you know, the property itself is fairly large, it's the only building there within 500 feet either way, and across the street as well, you know, when I went into the property to rehab the property, the property was already set up for a 3-unit, you know, unbeknownst to the board and its members, you know, it does have 3 workable utilities in there, you know, separated, and going through the building itself it was clearly separated out entirely. I mean you can see here; this is the south facing side, left side, that's an entrance point right there, you guys can see, and there's another one right to the right of that, and right on the right side of the building there's a 3rd one in the back there as well. There are some structural issues that we need to address in order to rehab the property, you know, and we would love to, you know, keep this property, and move forward with it, you know, it's really going to be at the determination of the board and its members but, you know, when we bought the property, the property was purchased as a 2-family, we kind of oversaw that, seeing the 3 meters there, seeing the 3 utility services in the building, you know, it's purchased and it would be great to do that, you know, I understand that it's our burden to carry, you know, but we're just seeking the user variance approval to turn this into an actual 3-family.

Chairman Reinhardt- all done?

Mr. Anderson- yes.

Chairman Reinhardt- okay, so you're going to have time to comment, certainly I think the board understands as far as the code goes, it's a, a proposed 3-family dwelling but its not permitted in a R-2, correct?

Mr. Anderson- understood.

Chairman Reinhardt- the information that we have so far, as far as the history of it, it seems that its difficult on, how did it get that way, is it a pre-existing condition, that is a bit of a, we'll call it a wildcard for now, on not being able to pin that down, the other piece, County Planning Board has to take a look at it, by law, and give us their comments on what they think as far as whether or not a use variance is appropriate here, its important to determine and understand that a use variance is different than an area variance, and area variance is arguably easier to get than a use variance, there are more hurdles with a use variance and if you haven't looked at it, as far as the criteria, I urge you to do that, because you're going to have some time, County Planning Board hasn't given us their comments yet so there's some time here. A couple of pieces that are important here are, as far as the use variance goes, is the financial piece. In a nutshell, is you have to be able to prove to the board that you can't use the property as it exists as the code allows you to use it, in other words, your argument is, yea, I got this piece of property, but I can't use it. I can't use it, not necessarily how I want it, but as far as how the code allows you to use it. So, its an R-2, you can have 2 families in there but not 3. I'm not saying it's a no, I'm just –

Mr. Anderson- right.

Chairman Reinhardt- it's a hurdle.

Mr. Anderson- yea, I got you.

Chairman Reinhardt- if you need some help, I urge you, go seek legal counsel, do some research, it's a heavy, heavy burden, for a Zoning Board to grant a use variance. Okay?

Mr. Anderson- okay.

Chairman Reinhardt- so far, so good.

Mr. Anderson- so far so good.

Chairman Reinhardt- okay good, so, with that, we'll take some questions from the board and you respond accordingly.

Mr. Anderson- sure.

Chairman Reinhardt- Fred, do you have any questions?

Mr. Salsburg- well isn't this the house that Reidman was proposing to tear down? A year or 2 ago?

Chairman Reinhardt- I don't know. Do you know anything about that Adam? – no.

Mr. Salsburg- I don't think there's much rental property, any rental property in that area. And I'd hate to be the one that allows a 3 and break the barrier for other places. Because what one person can do, so can somebody else.

Chairman Reinhardt- right, and that's what –

Mr. Salsburg- and that's a hurdle for me right there.

Chairman Reinhardt- right, that would potentially change the character of the neighborhood. You can have, I don't think it's a question that you can have 2, but the argument, that there's already 3 electrical boxes in there, has some weight but not enough, I think, to get over that hurdle, you see, I can't get the return that I need, from that piece of property unless it's a 3 rental unit. You'd have to show, and if you do your research, you have to show the financials behind it that it just won't work with what the code allows me to do with it.

Mr. Anderson- understood.

Chairman Reinhardt- okay. Alright, again not saying no, I'm just telling you what the hurdle is with the, your proof to the board has to show, and most of the time it's financials, the, this is what we have, this is what the return is now, its not working, we need to make go to the 3. Here's why ---

Mr. Anderson- sure, sure.

Chairman Reinhardt- that's why I encourage you to do a lot of research on how is a use variance granted, and if it gets to be overwhelming or you just get in the weeds, like I can't figure it out, go seek legal counsel someone that knows municipal law, knows how variances, specifically how our use variances granted or denied, what is that criteria that you have to get through. Okay, Matt? Questions?

Mr. Nearpass- yea, just a little bit, the, obviously you bought the property, and your current plan is that it was going to be a 2-family home, rental property, right?

Mr. Anderson- yea—

Mr. Nearpass- and then you kind of got into it, and hey, low and behold it's kind of separated into 3, is it, have you thought about , well look, you know, the 3rd unit, is there, do you have to do, re-do the whole building, or can you have the 3rd, is the 3rd unit federated enough to be able to say let's try to make the 2

family unit work, collect the data, see how it all works, if I need the 3rd unit because now I'm in a financial hardship situation to help you with the criteria, then you've got the data and the history to be able to say, hey, look I've tried to work within the means of the code, I've got this 3rd unit, I've got to put, you know X amount of dollars into it but it would make the business plan more solvent. Is it?

Mr. Anderson- yea, so Matt, that is, I mean, great point, you know, I mean, its an old school building, you know, there's multiple out crops on this building, they've been added on over the years, since it, the original building was there, you know, there is a major structural issue with the foundation on the back portion where the single unit was and that entire area actually has to be repointed, you know, I've gone through the hardship of talking to the code officers here and going through that, they've looked at it, you know, we've come up and we've actually delegated dollars to a structural engineer to come in and outline what the proposed fix to the property would be, you know, added onto the compiled, you know, price of what the property was and what its going to cost us to actually rehabilitate the project, I mean, it certainly, I mean, it'd be great to move forward with the project and keep this piece of history in the town, but, I can almost be certain that without it being a 3rd unit in there, the hardship is going to be too great and it's going to, not going to be able to be moved forward with, you know, and that, like I said you know, it's a hardship that we would have to endure, but, you know, we'd love to be able to move forward and grown with the community, you know.

Mr. Nearpass- sure ---

Chairman Reinhardt- I think Matt's point is well taken that, that potentially could be one of the financials that you could shown us, say it can't be, or its extremely difficult to turn this from a 3 to a 2. Not just, not saying you're lying but, having, whether it be an engineer or somebody that says here's what its going to cost to turn the 3 to a 2. That is an element of financials on why it will or it won't work.

Mr. Anderson- yup.

Chairman Reinhardt- okay.

Mr. Nearpass- and certainly things that, I don't think you can blame the foundation as something that's a hardship that you created, right—

Mr. Anderson- yea, it's

Mr. Nearpass- and like Mike had said, you know, we'd recommend you to seek counsel or go and kind of do the homework and understand what is a, what are the 4 criteria, how do they have to be met, I think you, my opinion is, you know you probably have a reasonable case, you know for a use variance, I drive by that house quite a bit, and you've done a lot of great things, you couldn't even see the house, right, with the trees, I think in front of it, it was set back and so, I've watched the, you know the property improve over the months that you've been working on it as I drive by, drive down Brace Road on the way to Canandaigua, so, you know, whether it would be within the character of the neighborhood, you know, its next to a gold course, its not in a subdivision so to speak, you know there are other single family homes, but there's, you know, larger homes, there's a, like a farm on the opposite corner, so I, you know, again I'm opened to you making that case that it would be able to fit, I think it, just to be able to understand the project as a whole and kind of the hardship that you've run into and how the 3rd unit would be able to close the gap to keep it going. So—

Chairman Reinhardt- Sarah?

Ms. Mitchell- so I should really, if town assessment records reflect that there's 2 kitchens, 2 bathrooms, 5

bedrooms, is there more than that within that house?

Mr. Anderson- so, yea, there is, and was 3 whole kitchens in that, 3 whole bathrooms in that, absolutely. I wouldn't –

Ms. Mitchell- so, it's –

Mr. Anderson- we can document that, pardon—

Ms. Mitchell- I'm sorry ---

Mr. Anderson- and we can document that and show proof so that, you know, unfortunately the demo on the inside of the building itself has been almost completely gutted, but the, all the plumbing and installations and stuff are still there, that would show that, hey, there was a shower there, hey, there is a toiletry here, vanity what not, kitchen installations and stuff, you know. So, we can definitely show that, that it was utilized as a 3-unit, for some time. It certainly was.

Ms. Mitchell- but it's not there any longer

Mr. Anderson- you're not going to see the full kitchens in there, you're going to see the utilities, utilities with the hook ups were, so like, I mean, again in the project as the project was progressing, you know, it was like, completely pull everything out, put all brand new in, give the entire property a face lift, and, you know fix the home on the outside as well so –

Ms. Mitchell- was it gutted before you purchased it?

Mr. Anderson- no, it wasn't entirely gutted before I purchased it.

Ms. Mitchell- so you worked on gutting some of it?

Mr. Anderson- yea, so, some of the demolition got taken care of and some of the structural issues on the building were getting taken care of along with that and come to find out, you know, we need the approvals for the 3-unit in order to move forward with the project, so –

Ms. Mitchell- alright, I'm just interested to see how fixing it up as a 2-unit as what it originally was vs the 3-unit, how much you'd actually gain in that. So, I guess I'm interested when you come back to the board.

Mr. Anderson- okay.

Chairman Reinhardt- so, would you be opened if Adam or another code enforcement officer was able to it, to make an appointment have them take a look at it to get his eyes on it to say, oh, I can see how there were 3 kitchens here, there were however many, just trying to distinguish that, not just 3 electrical units, but something a little more on, lack of a better term, the guts of the building inside that, yea, there were in fact 3 kitchens here or, you know, however many –

inaudible

Chairman Reinhardt- oh, hold on, come on up, we can't hear you when you do that, and tell us who you are.

Mr. Karaco- Hi, I'm Ezra Karaco.

Chairman Reinhardt- okay.

Mr. Karaco- I think I have pictures of the 3 kitchens, you know, before we demolished, took all them down, so –

Chairman Reinhardt- pictures would certainly help, but Adam would you be, I know with all your spare time, to, just to get your eyes on it, so that you can say, as a code enforcement officer, I can see it. There were 3 kitchens here—

Mr. Ryczek- yes, I can also, Rick McGrain walked through the house already with this gentleman so I can consult with him, or we can make an appointment to go back through ---

Chairman Reinhardt- yea, just something that we can have it as a fact, as our fact-finding mission continues, that there were, even though the history records seem to be gray, that could help us on how many kitchens were in there.

Mr. Ryczek- yea, and we'll have to rely on photos as well because the demolition began without the permit, so, we didn't find out they were demoing it until we saw you know material being delivered so—

Chairman Reinhardt- yea, good, so photographs would help, sooner the better and we'll take as many as we can look at, the more the better. Donna questions?

Ms. Morley- I have a couple, first one is to Adam, on this picture there having 3 doors, you only have to have 1 door per unit for an exit? Or how does that work? You're okay with, that's okay?

Mr. Ryczek- yea, as long as there's not a basement.

Ms. Morley- okay, and do these if we were to grant it, do, because they're demolishing it, its not a new build, would it have to have a firewall between any of these or ---

Mr. Ryczek- yea, all the current applicable codes are going to have to be applied regardless it was never permitted as a 3-unit dwelling, so it's being permitted 2022, the entire building is going to need to meet current building codes.

Mr. Anderson- and that's everything that, I mean, I've just got a clarification question, really is, anything that's pre-existing that's there that's not being, like torn down, would that fall into that same criteria. So we'd have to, like, because, there are some structural walls like around the outside of the building that I would patch, you know, and go over, you know, and I don't, I mean tearing them all down, so their bare –

Mr. Ryczek- nothing says that you have to take it down, you just have to make it comply with code and because the record doesn't show even, we don't have even a certificate of occupancy to show it as a 2-family dwelling, so that's where the problem lies, is right now the only certificate of occupancy for that building is a single-family home. You're going to turn it, whether you get approved or denied for 3, you decide to move forward with 2, its now being newly permitted and will need to meet current code.

Mr. Anderson- understood.

Mr. Ryczek- okay.

Ms. Morley- and I have a comment that I looked to purchase that house and there were 3 kitchens in it, I will vouch for that –

Mr. Salsburg- old English Farm, wasn't it?

Ms. Morley- yep. There was 3 in there.

Chairman Reinhardt- Matt?

Mr. Salsburg- I think Babette made a determination on that.

Ms. Morley- It wasn't a very big kitchen, but it was there.

Mr. Nearpass- Question, what are the, what would be the size of the 3 units?

Mr. Anderson- uh, there'd be –

Mr. Nearpass- square footage—

Mr. Anderson- so square footage wise, there'd be a single unit, that'd be like a loft studio, it'd actually be a single unit, single apartment, then there would be ---

Mr. Nearpass- so is this, so square footage?

Mr. Anderson- square footage is about, I would say 850-950 sf, possibly up to 1,000, you know, maybe like 1,100, I, you know, I'd have to really go through and see exactly what that is, but I would say anywhere between 850-1,100 sf, would be that one unit, and then, the 2 other units would be somewhere in the ballpark of, I want to say 1,300 sf, roughly, um, you know, that's just kind of a ballpark for you, you know, I mean they are upper and lower, you know, floors to that, so, you know ---

Mr. Salsburg- by looking at the fuse box, that circuit breaker panel, would you say it, there were 2 that looked build and then there was a 3rd one without a cover and looked like it had been added, so –

Mr. Anderson- So, I can ---

Mr. Salsburg- so, would you say the 3rd one got put in after the first 2.

Mr. Anderson- I can, I can attest to, that there is definitely 2 panel boxes there, there's another, the one of the 2 panel boxes feed a subpanel, that subpanel runs to the unit, or runs up to the meter and runs back to the back unit thee, that would be the single ---

Mr. Salsburg- it's the 3rd –

Mr. Anderson- yea, and I'll –

Mr. Salsburg- oh, the 3rd one –

Mr. Anderson- I'll tell you that, that a, the panel box there for that subpanel is quite old, it's definitely more than 20 years old, you know.

Mr. Nearpass- the one thing that I think would be interesting to see is the, obviously it's a home with 3 potentially different families or residents in it, and it's probably a relatively tight, it would be interesting to know what, or have the data for what would the whole thing rent as a, you know a 2,200-sf single and

then another 1,000-sf single vs 3. You know what I mean if you kept it with the code and you recaptured that 3rd apartment or loft area, you know, as part of one of the units, obviously you're going to get more rent because its more square footage vs if you had 3 apartments in there, you know, what would that really sell for, or not sell for, but what would that rent for, so having that information, I feel ---

Mr. Anderson- like looking for a monthly –

Mr. Nearpass- looking for a monthly because I ---

Mr. Anderson- I could, I could, sorry man, but I think I can answer that question for you, it ahs the potential to earn, you know, up to \$2,000 maybe \$2,400, you know, monthly.

Mr. Nearpass- per unit?

Mr. Anderson- yea, yup. Absolutely.

Mr. Nearpass- even if there's a, and whatever data you present will be fine, but I, it'll be interesting because if you're going to pay that kind of money for it, you're going to have 2 other families or 2 other individuals living with you, I'm not quite sure that's –

Ms. Morley- are you saying \$2,400 per unit?

Mr. Nearpass- per unit, per month.

Mr. Anderson- no, I think that the 2 units in the front would probably be somewhere around, you know, \$2,200 a month, and I think that 3rd unit –

Mr. Nearpass- each?

Mr. Anderson- yea. Somewhere around there ---

Chairman Reinhardt- from what I'm hearing, what you're saying is, there's some guessing going on—

Mr. Anderson- yea, I mean it's not a definite what it'd be rented out for –

Chairman Reinhardt- so, one of the comparisons that you have with an area variance and a use variance, an area variance, there's a number of criteria, not having one of those in your favor, lets say, the area variance is or is not substantial, if you don't meet that criteria with an area variance it doesn't mean that you haven't met the other 4, it's a balancing act with all those criteria, use variance is all or nothing, you miss one, you're out. So, think of it like a recipe and the simple example I can think of is you're making a cake and the cake says you need 3 eggs, you open the fridge there's not any eggs, you're not making a cake as bad as you want it, you got to have all these criteria so you got to have your homework done, you got to have those numbers locked in, this is what its going to rent for, here's how I know that because this place rented for that or, give us some hard numbers so that we can our teeth into it and figure it out, the more you make us guess at it, the weaker your case is going to get.

Mr. Anderson- you got it.

Mr. Nearpass- I'm just thinking of 3 families sharing one yard, you know what, that has to have some diminishing value on the other 2 units, I just, again, just think about something to, I think just try to address and like Mike said you know you have to come up with the data to kind of prove that here's what

we would get, you know, with 2 and here's with 3, and I don't just think it's, you know, $1 + 1 + 1 = 3$, to me it's like $1 + 1 + 1$ is more like $2 \frac{1}{2}$ or $2 \frac{1}{4}$ because you're having the 3rd unit is probably also going to diminish what you're going to get on the first 2. My opinion, right now, but it'd be great to see the data but that's kind of the questions that we'd like to get answered, I think is part of the, just the business plan and what you want to do with the home –

Mr. Anderson- understood.

Chairman Reinhardt- anyone else have any questions –

Mr. Nearpass- oh, sorry, I mean to ask the code enforcement officer, when you go to 3, does that bring in the sprinkler system?

Mr. Ryczek- I'd have to verify but –

Mr. Nearpass- I think it does. So, talk to him about sprinkler systems because that might change your mind quickly too.

Mr. Anderson- sure. Yup.

inaudible

Chairman Reinhardt- sure, go ahead.

Mr. Karaco- the certain aspect, you know, your decision whatever it is, as an investment, you know we need to see if its going to be worth it for us to go through, if it's, right now its starting to add up, sprinkler system changes everything, and it will be a shame to keep the building empty because as, you know we put the money in, think we can get something out of it, as investment, or anybody else will do, and right now it looks like it's a, you know the way it is right now, like a no, like needs a ---

Chairman Reinhardt- can't say that because we don't have enough information yet –

Mr. Karaco- oh no, no, man, okay, I'm sorry.

Chairman Reinhardt- sometimes –

Mr. Karaco- I'm sorry.

Chairman Reinhardt- yea, yea.

Mr. Karaco- I'm emotional because its so much money into and to put it and now here and hearing sprinkler system so, put in a place where, a little bit, uh.

Chairman Reinhardt- I do believe this board, every applicant that comes in tries to give them the fairest, fairest chance possible to bring the information to us, so that we can figure it out and once we feel its like alright we have the information and then we apply the facts to the criteria and either grant or deny the variance, but we take it to heart to give everybody the fairest chance possible for their application. Okay.

Mr. Karaco- thank you.

Chairman Reinhardt- anyone else have any questions, concerns? Other comments, anything you want to

know? Other than how to do it—

Mr. Anderson- yea, yea, --

Chairman Reinhardt- we can't give you legal advice but –

Mr. Anderson- understood, very –

Chairman Reinhardt- but we're trying to give you hints on how to do it –

Mr. Anderson- it certainly, I mean, I would love to work with you guys and make this possible like I said, I've talked to Mr. McGrain, numerous times so I mean, I think we're on the same page with what you guys needs are as far as the town of Victor and, you know, we'll get that information together and come back and we'll see what we come up with.

Chairman Reinhardt- alright so the county planning board, are they going to hear this by –

Ms. Downs- July 13th.

Chairman Reinhardt- okay, so our next meeting is July 18th, you think you're going to have the information by the 18th? If not, we can push it back another meeting, its certainly up to you –

Mr. Anderson- uh, how far is the following meeting?

Ms. Downs- August 1st.

Mr. Anderson- August 1st, I think the 1st of August would be a good timeframe.

Chairman Reinhardt- and if there's a jam or something, just let us know and we can give you the time that you need just keep us in the loop about what you're doing,

Mr. Anderson- absolutely.

Mr. Nearpass- I'd say in the meantime learn as much as you can about getting that up to code for a 3 family –

Mr. Anderson- yea, I've got a pretty strong idea about what is needed, you know, what it needs to get you guys up to code there and meet the regulations of the township, yea, I've been building for 25 years, so, you know, we're, I think we'll be on the same page on that, yea –

Chairman Reinhardt- there's information out there on the criteria and what you need to show for a use variance, okay.

Mr. Anderson- thank you.

Chairman Reinhardt- good, good luck to you. Thanks so much, have a good night.

Mr. Anderson- you too.

Chairman Reinhardt- anyone have any questions, concerns, comments? Adam, I've noticed driving by the mall the, we had a variance request for that yogurt place that's next to, not the UPS store –

Mr. Nearpass- the juice place, is that what you're talking about?

Chairman Reinhardt- yea, its like a juice place or a --- there's those flag signs all over the place, doesn't that count as a sign, I think there was at least 3 of them going down 96. I don't think they're taking them out every night. Take a look, see, and see how that applies to the code ---

Mr. Nearpass- I thought you were going to saw they put back up the inflatable –

laughter

Mr. Nearpass- the inflatable juice –

Chairman Reinhardt- Ed, anything for us?

Mr. Kahovec- nope, except now you're stuck with me.

Chairman Reinhardt- oh, no, we're not stuck, we enjoy it. Alright, I think we're all set then. Yes, Adam, you've got something else?

Mr. Ryczek-Tropical smoothie?

Chairman Reinhardt- yes.

On a motion made by Mike Reinhardt and seconded by Donna Morley the meeting was adjourned at 7:45.