

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

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

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

Sarah Mitchell; Fred Salsburg (remote)

ABSENT: Donna Morley

OTHERS: Alan Freidman, Ed Kahovec, Adam Ryczek, Town of Victor code enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

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

PLEDGE OF ALLEGIANCE

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

PAST MINUTES:

On motion of Sarah Mitchell, seconded by Mathew Nearpass:

RESOLVED, that the minutes of the meeting held on July 5, 2022, BE APPROVED.

Adopted: Ayes 4, Nays 0, Absent 1

PUBLIC HEARING

AUCTION DIRECT 6520 State Route 96

9-Z-2022

REVISED: Seeking an area variance to allow vehicular parking 74' from the road right of way where §211-32 A. (2) (d) [1] [a] states vehicular parking is not permitted within 80' of the road right-of-way.

Chairman Reinhardt- okay, great, Mr. Freidman, so, a quick review what you're asking for is the front parking lot a 10' relief to expand the parking lot within the 80' setback and what we were concerned about is where that, and how you were going to plan on the flow through traffic and largely I think the concern was for emergency vehicles to be able to get in between the vehicles, you've submitted, lets see, both the previous rendering and the updated rendering, if I'm not mistaken it looks like what is going to happen is you're going to have to either move one or two of the trees, looks like a couple of spruces and an oak, is that right?

Mr. Friedman- mhm, yes.

Chairman Reinhardt- and you're going to save those? –

Mr. Friedman- we're going to, yea we're going to, excuse me, we will relocate them.

Chairman Reinhardt- okay, are you still going to use those as buffers or relocate them in some other –

Mr. Frieman- if we could use them as buffer close to the road that would be the easiest, if not we'd have to cluster them down further with the other trees in the middle.

Chairman Reinhardt- yea, I would think the better buffering that you can create there, I would think the better, not necessarily how the other board members feel, agree, or disagree, I'd like them to chime in on that.

Mr. Nearpass- I think one of the comments from the county had to do with –

Chairman Reinhardt- there were no comments from the county –

Mr. Nearpass- sorry, there was a comment from somewhere and I'll pull it back up, I was just reading it – Oh, it was from Adam, originally the, I think when it was originally, the site was originally approved it had, that landscaping was required, right, was part of what came out of the site plan approval, I'll find the text, keep going, my apologies, I had it in front of me a second ago.

Chairman Reinhardt- I see, so what I am trying to, my concern is with the, given that the variance is granted, I'm still not clear on what are those 2 rows of vehicles look like, it's going to be, a path in between them or is it going to be like the others that I see in the aerial when you have vehicles at lack of a better term bumper to bumper.

Mr. Friedman- no, excuse me, no it should just be the one row, that's going to, for that it would just be the one row.

Chairman Reinhardt- alright so you're going to have just the one row, that's if you will, closest to the road—

Mr. Friedman- mhm, facing the road, yup.

Chairman Reinhardt- and then there's going to be a lane –

Mr. Friedman- and then the row that's currently there today basically.

Chairman Reinhardt- the updated aerial, you're not going to move those vehicles forward, you're?

Mr. Friedman- did he, okay so he drew the second, a second lane as the new aerial, so yea if we, we wouldn't do anything bumper to bumper in that, so we'd go a row, space, and then a row, when the front row today, there's nothing behind that, there's nothing ---

Mr. Nearpass- how are you getting more cars there?

Chairman Reinhardt- right.

Mr. Friedman- we're pushing everything forward.

Mr. Nearpass- so you're not putting additional cars, you're just putting –

Mr. Friedman- right, those 25 cars, those 25 spaces and it'll create other spots on the lot for us as well, so

Mr. Nearpass- but if you're pushing it forward with no cars behind it, isn't it the same –

Mr. Friedman- No, no the cars will be right behind it, the row, all we're looking to do is, we didn't move anything, and we paved that spot, putting a row of cars on that spot that's paved –

Mr. Nearpass- so bumper to bumper?

Mr. Friedman- no, no there'd be a spot, there'd have to be a row between the row in the street and the existing row –

Chairman Reinhardt- how about if we use this, not the aerial but the drawing itself, do we have that? Okay, so the way that I see the drawing that we're looking at, it looks, its called a site plan, preliminary site plan, drawing number C1, and I see on the southern portion there is a orange, which appears to me to be the proposed expansion area, agree with that so far – with lines trough it –

Mr. Friedman- okay. Doesn't even look orange to me, but –

Chairman Reinhardt- okay, red? Or –

Mr. Nearpass- yellow, maybe?

Mr. Friedman- yea, yellow.

Chairman Reinhardt- we'll call it yellow, let's go with yellow.

Mr. Friedman- I think I need an eye test.

Chairman Reinhardt- so that area is the proposed expansion area, correct? And the question I have for you is, for the vehicles that are going to be then parked in there, are there still going to be vehicles in this row behind it that's marked, looks like it 33 spaces?

Mr. Friedman- yes.

Chairman Reinhardt- to the north?

Mr. Friedman- yes.

Chairman Reinhardt- okay.

Mr. Friedman- yes.

Chairman Reinhardt- that makes –

Mr. Nearpass- that was my comment, when I said those cars are going to be bumper to bumper –

Mr. Friedman- I admit, when you said, I thought you meant like butted up, yea, okay. Yea, I got you, yes.

Mr. Nearpass- the car parked in the yellow is going to -- maybe have a walkway in between –

Mr. Friedman- yes, yes –

Mr. Nearpass- I mean, there's no vehicles go in between the yellow and the –

Mr. Freidman- no, no

Mr. Nearpass- The other row of cars.

Mr. Friedman- right, exactly, no that's exactly.

Chairman Reinhardt- good, I think now we're all on the same page.

Mr. Friedman- okay, my –

Mr. Nearpass- I did find the comment, it actually was from the county, it was from Linda Phillips to Amber, “due to the meeting cancelation I did not draft any comments, it looks like the proposed additional pavement does not require removal of very nice landscaping that was required at original site development, as indicated in the e-mail its been 30 days, and that our board is free to take final action without county recommendations or comments” that was, I picked up on the nice landscaping that was required at original site development, so, to me that just supports doing something with those trees or planting new trees –

Mr. Friedman- yea—

Mr. Nearpass- if you get rid of that tree just plant another one that kind of thing, I saw that comment and just try to preserve—

Mr. Friedman- yea, we use Country Care and Landscape as well, we'll reach out to them and get their professional opinion what to do with those existing trees, either replant them or replace them.

Chairman Reinhardt- yup, great, okay, so Matt any questions/comments/concerns?

Mr. Nearpass- those are the only 2 questions or comments I had.

Chairman Reinhardt- Sarah?

Ms. Mitchell- On my way here today, I noticed that by the entrance you have cars currently parked in the grass, will this alleviate that?

Mr. Friedman- that's going to change in another meeting, but eventually that's going to be changing as well, too. But for different plans, different board –

Ms. Mitchell- okay.

Mr. Friedman- I filed paperwork for that, that's going to be an electrical charging station

Ms. Mitchell- okay.

Mr. Friedman- In the front, for electrical vehicles.

Ms. Mitchell- okay.

Mr. Friedman- yea, RG&E has already done all the work, its just, we got to Planning Board, this is the

Zoning Board, correct?

Mr. Nearpass- yup.

Chairman Reinhardt- yes.

Mr. Friedman- I'm sorry, it going to Planning Board, I filed the paperwork with Lisa this morning actually.

Chairman Reinhardt- you won't need a variance for that?

Mr. Friedman- no, that's what she said.

Mr. Ryczek- its not longer vehicles for display, so the setback would change.

Chairman Reinhardt- okay. Good to know.

Ms. Mitchell- so then, cars wouldn't be there constantly, it would just be there to charge for maybe an hour or 2 and then they'd be gone?

Mr. Friedman- right, they'd be public chargers so, people would come there 24 hours a day to access it –

Mr. Nearpass- oh, so they're not for your cars that need to be charged –

Mr. Friedman- no, no they're, they're part of the RG&E program they have to be like, because they, they paid, the co-opted a lot of it, so it's Eastview Mall, you have to pay to use them, but they're opened to anybody, so if you look for an EV charging station we'll pop up, just like Eastview Mall and Canandaigua Bank—

Mr. Nearpass- okay, but until then, I'm assuming it's, per her comment –

Mr. Friedman- I know—

Mr. Nearpass- there shouldn't be cars there ---

Mr. Friedman- I, I must have gone out the back way today, didn't see them, I'll take a look first thing in the morning, get them situated, must have been for the landscapers.

Chairman Reinhardt- anything else, Sarah?

Ms. Mitchell- no, that was it.

Chairman Reinhardt- Fred, comments, concerns, questions?

Mr. Salsburg- well this seems so easy, its only a few feet, the other places have had more, its going to look almost like it does now, so no, I don't have any complaints or comments or anything, other than just vote on it.

Chairman Reinhardt- great, thank you. Adam, any concerns that you have with this?

Mr. Ryczek- just to follow up, I reviewed the original site plan and I also spoke with the Fire Marshall

about whether or not if that turn around was obstructed, whether it was breaking any kind of code, we both agreed it wasn't because there's no structure over there that the fire apparatus would be required to get to.

Chairman Reinhardt- good, okay. Anything else you want to add?

Mr. Friedman- no, sir.

Chairman Reinhardt- okay, anyone from the public want to speak for or against, nothing? – good, alright, so let's run through then the proposed variance:

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

What has been determined in previous meetings, other variances were granted, VanBortel would be one, another car dealership, it escapes me now –

Mr. Nearpass- right next door, building? Jeep?

Chairman Reinhardt- yup, and the really, no comments or negative comments from the county planning board, the applicant appears to be willing to either preserve the current buffering that's there by moving the trees to save it, or at least to save the trees put it someplace and then replace those trees with some other buffering that was part of the previous variance granted. Would anyone like to add anything else to the first criteria?

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Again, in the prior meeting we had, the applicant indicated that the lot had, is maxed out, and also he's been using another location for vehicles that's on McMahan?

Mr. Friedman- yea, McMahan Road.

Chairman Reinhardt- McMahan Road, Sorry. Its on McMahan Road, so looking for the additional spaces will alleviate the strain of having, sufficient room for his vehicles, anyone want to add anything else to the second criteria?

3. The requested area variance is not substantial.

In part that there were other dealerships, vehicles dealerships on 96 that were granted variances and, I think that's all we want to put in there, anyone want to add or comment on the third criteria?

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

We've heard nothing from either the applicant or any questions that were raised that would give any indication that this would have any kind of adverse effect or impact on the physical/environmental conditions of the neighborhood or district.

5. The alleged difficulty is self-created.

However, that alone will not be determinative of the granting or denying a variance, as indicated earlier the conditions still will be kept, with like the previous variances regarding the buffering that's to the south of the parking area. Anyone like to add anything else to the criteria or any comments or conditions? – Hearing none.

On a motion made by Mathew Nearpass and seconded by Fred Salsburg: the application was APPROVED.

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

Michael Reinhardt	Aye
Donna Morley	Absent
Sarah Mitchell	Aye
Mathew Nearpass	Aye
Fred Salsburg	Aye

Adopted: 4 Ayes, 0 Nays, 1 Absent

Chairman Reinhardt- alright, so congratulations, good luck to you, thanks for your time and patience.

Mr. Friedman- thank you, everybody. Have a good night.

Chairman Reinhardt- you too. Alright, is there anything else to come before the board, Matt?

inaudible

Chairman Reinhardt- yes, wow you're so excited.

Mr. Kahovec- actually it's just a request—

Chairman Reinhardt- sure.

Mr. Kahovec- this is on, right? Ed Kahovec, Town Board, for your next meeting August 1st, I will be out of town, would you like me to Zoom in, have another Town Board member sub in or just let it ride the way it is.

Mr. Nearpass- are you out of town on a personal vacation?

Mr. Kahovec- yes.

Chairman Reinhardt- good for you.

Mr. Nearpass- just have someone else fill in, don't zoom in on vacation.

Chairman Reinhardt- yea, you don't –

Mr. Kahovec- I'm willing to do it, but – alright I'll see if I can get somebody else from the board to stop in.

Mr. Nearpass- I'm sorry, I don't want to think like – I just –

Chairman Reinhardt- absolutely, enjoy your vacation, if someone from the board wants to, you know, come along and see what we do, I think they know what we do –

Mr. Kahovec- thank you, yea, yea.

Chairman Reinhardt- or they can watch us on video that's fine, but –

Mr. Kahovec- okay, I'll let them know and then I'll follow up with you, I'll let you know –

Chairman Reinhardt- yea.

Mr. Kahovec- whether who its going to be or its not going to be, as the case may be.

Chairman Reinhardt - sounds great.

Mr. Kahovec- okay. That was it.

Chairman Reinhardt- enjoy your vacation.

Mr. Kahovec- thanks, looking forward to it.

Chairman Reinhardt- thanks.

Mr. Nearpass- sorry about that.

Chairman Reinhardt- its alright, I'm going to give you the scepter pretty soon. Adam anything?

Mr. Ryczek- I just, I'm also not going to be here at the August 1st meeting, and Rick –

Chairman Reinhardt- is it something I said? –

laughter

Mr. Ryczek- Rick McGrain will be here instead. I wasn't going to offer to Zoom in though.

laughter

Chairman Reinhardt- no, no, vacations are important, that s good. Otherwise, everything's good, Sarah? Anything?

Ms. Mitchell- I'll be here August 1st.

laughter

Chairman Reinhardt- Matt? Great.

Mr. Nearpass- Fred might be back—

Chairman Reinhardt- alright, lets leave it at that, alright motion to adjourn.

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

On a motion made by Mike Reinhardt and seconded by Mathew Nearpass the meeting was adjourned at 7:17.