

Town of Victor Zoning Board of Appeals, August 5, 2019

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Monday, August 5, 2019 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman; Donna Morley; Fred Salsburg, Scott Harter

OTHERS: Shane Wing, 968 High Street; Ed Kahovec, Town Board Liaison; John Butler, Victor Historic Advisory; Carole Fisher, 632 Wangum Road, Adam Ryczek, Morrell Builders; Carol & Joe Zimmerman, Fowler Street; Soren Eriksson, Rand Management, 7710 Rt 251; Mark Rugaber, 807 & 611 Wangum Road; Jane Graf, Fowler Street, Fishers; Brian Podlesh, Fowler Street, Fishers; Karen Vanek, 1048 Pittsford Mendon Road, Pittsford; Al Benedict, Town of Victor Code Enforcement Officer; Kim Reese, Secretary

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

APPROVAL OF MINUTES:

On a motion by Mr. Fred Salsburg, seconded by Mr. Matt Nearpass; RESOLVED that the minutes of July 15, 2019, be approved as submitted:

Chairman Mike Reinhardt	Aye
Matt Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 5 Ayes, 0 Nays

Extension of Time, 1385 Ashwood Lane, Morrell Builders

Adam Ryczek, Morrell Builders – I’m here to request a permit extension for 1385 Ashwood Lane. This is a second half of a two unit townhome that was built under contract so the other half was actually obtained at CofO back in 2016. This unit has been sitting basically waiting for a buyer. It does now. It’s under contract. Someone is purchased it. And it would be completed before the end of 2019.

Chairman Reinhardt – When you say completed by 2019, ready to move in. You have a closing date on this one?

Mr. Ryczek – I would obtain the CofO. I don’t have a specific closing date, but it’d be looking end of November, early December right now.

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Chairman Reinhardt – The Board have any questions? Anyone from the audience want to speak for or against? Ok, you've been here before. This happens from time to time. It sounds like you're close to completion, under contract is a good sign and having the application and target date for the CofO to be November, December is also positive. And that the board is fine with that, would entertain a motion for approval for the extension for one year should be enough time for you to get everything locked and loaded?

Mr. Ryczek – Yes.

Motion by Scott Harter, seconded by Donna Morley.

Chairman Reinhardt – Any discussion? All in favor? Opposed?

Mr. Benedict – Is there going to be a fee associated with the extension?

Chairman Reinhardt – We can chat about that. There's been fees before?

Mr. Benedict – Correct. Typically for the first one, which does not require action, is \$75, the second is \$300 and then if it comes before you, I think you charged variable amounts.

Chairman Reinhardt – They've already gone through that cycle, \$75 and \$300. Do you recall the last one we had, remember the amount?

Mr. Ryczek – I can look up that address if that could help you.

Mr. Benedict – The last one I remember, I think it was \$125 maybe, the house on 96.

Chairman Reinhardt – Yes, but in Silverton, there was another townhome, 6-8 months ago.

Mr. Ryczek – 1401 Ashwood Lane, I think it was lot 31. I was here maybe 6 months ago. I can't recall the fee, but I do want to say it was another \$300.

Chairman Reinhardt – I think that sounds right. Board comfortable with that, \$300?

Mr. Harter – Stay consistent.

Mr. Salsburg – Sure.

Chairman Reinhardt – We're looking at having it completed in short order. Morrell's comfortable with \$300? Of course you are.

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Mr. Ryczek – I'm going to go ahead and say yes.

Chairman Reinhardt – That's a good answer. Let's revise the approval for extension with another \$300 fee to be completed by the, actually completed by 2019. But if you have twelve months from today's date, everything should be finished, transferred, closed?

Mr. Ryczek – Absolutely. The entire exterior of the building is complete, the lawns in, all the landscaping's in. So, it's really just the inside that needs to be completed.

Chairman Reinhardt – So with that then, let's revise the motion for the \$300 fee. Motion to approve?

Mr. Harter – Motion to approve amended.

Mr. Nearpass – Second.

Chairman Reinhardt – All in favor? Opposed? Motion carried. Thanks so much.

RESOLUTION

1385 Ashwood Lane, Building Permit Extension of time Appl: 29-Z-2019

WHEREAS, in an email dated July 19, 2019 from Adam Ryczek of Morrell Builders an extension of time was requested for the building permit issued to construct a single family home at 1385 Ashwood Lane.

WHEREAS, Section 83-4I, Building Permit Time Limits, indicates that building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder for up to two twelve-month extensions upon payment of the applicable fee and approval of the application by the Code Enforcement Officer. Any extensions thereafter may only be granted by the Zoning Board of Appeals upon application and payment of the applicable fee; and,

WHEREAS, the applicant applied for and received a building permit for construction of a single family home on May 23, 2016. The permit was renewed on September 5, 2017 and June 25, 2018 and has expired;

WHEREAS, the structure has not been completed or issued a Certificate of Occupancy; and,

NOW THEREFORE BE IT RESOLVED that the Town of Victor Zoning Board of Appeals grants an extension of time until May 23, 2020 for building permit BP2016-0230, with a fee of \$300, for the completion of single family dwelling at 1385 Ashwood Lane.

AND BE IT FURTHER RESOLVED that the following conditions are imposed:

1. That the \$300 renewal fee for the permit be paid prior to the issuance of said permit extension.

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2. Applicant states home is under contract. Certificate of Occupancy is expected by December 1, 2019.

On motion made by Scott Harter and seconded by Matt Nearpass, this resolution was put to a vote with the following results:

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 5 Ayes, 0 Nays

PUBLIC HEARINGS

WING – FENCE

21-Z-2019

968 High Street

Applicant is requesting 3’ fence across front property line forward of house. The property is zoned Residential 1 and is owned by the applicant.

Chairman Reinhardt – Last time you were here we had some discussion and I know that there was quite a bit of discussion on one hand, the safety of the children. It’s a three foot fence, it’s across the street from the school. Of course, there’s children over there and you were willing to set up some stakes that allowed, hopefully everyone to take a drive by and take a peek at it and get a visual of what it looks like.

Question I had for you is when I took a look at it, are those stakes marked to where you proposed the original fence to be or what I understood it that you were going to put stakes so that it would be at least a car length from the roadway?

Shane Wing – I put the stakes at the height and the location of where we felt the fence would be acceptable and I came to you with the dimensions as to where it actually is and to where it lies compared to the road now. So, basically those stakes because we wanted it to also look aesthetically correct, not to look odd like I mentioned last time. Sixteen feet off the road would be basically half the distance to the house, which would look odd, in my eyes anyways and not really worthwhile. So, basically what I did was I put the stakes in seven feet from the easement and twelve foot from the highway line, so basically more than enough room for you to be either driving or backing out of the driveway to be able to see past the fence. Also we own a compact car, full size SUV and a full size truck. I took measurements of the door height on all three vehicles. All of which are over 3 feet and all of which would put the driver at least a foot over the height of the fence as far as field of vision. It should be no issue of seeing over a 3’ fence, twelve feet from the road. Also, avoiding the trees like we talked about, in the front yard.

Chairman Reinhardt – My observation when I looked at that it is close to in proximity of where the line is of the cemetery fence.

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Mr. Wing – It also will line up with the cemetery fence. And I misspoke last time I was here, I thought the fence was closer to the road than it actually is. It's seven foot from the easement.

Chairman Reinhardt – My concern was as I was going up High Street, I noticed the cemetery fence and most of the time I keep eyes to the road, but I was paying attention then, too what does that cemetery fence look like and where is your house and where would that fence look like. I drove by a few times what alarmed me, quite honestly, was that as you're going down High Street and the cemetery is on your left, even though it's stationary, you can see through the fence. It's an illusion that that fence almost appears to be solid. The cemetery fence. And you come up on our house relatively quickly so having that fence at or about where the cemetery fence is and it didn't appear to me that there was a car length of where the proposed fence would be to the roadway. It still seemed tight. That's my view, my look at it. Certainly going the other way with your house being on the right and the cemetery being on the right, it's a little more open. You can see it, it's not so if you will camouflaged by that cemetery fence. So those were my observations. I'd like to hear what the board has to say, hopefully they took another look at it where the stakes are and if they have any questions. Donna?

Ms. Morley – I looked at it and I thought it was good that it was in proportion to the cemetery fence, but not having two different eyes coming on to it. So, I felt that it was good where it was, where he had put the stakes. It gave me the visual of running right into the cemetery fence and it was all in accordance basically. It wasn't jutted back or jutted forward. It just ran the same way.

Chairman Reinhardt – You're ok with where the proposed fence?

Ms. Morley – Yes, I am.

Chairman Reinhardt – Any other questions, comments, concerns? Matt?

Mr. Nearpass – I was ok as well, with it being in line with the cemetery fence. Question I had and I just can't remember. Is it a slotted fence, is it something you can see through, is it going to be similar to the cemetery one?

Mr. Wing – It will be exactly the same style fence. I mean it might not be exact, but it's going to be aluminum stockade type fence or like a wrought iron looking fence, but aluminum tube, black, just like the cemetery except a foot shorter.

Mr. Nearpass – And the last time I was on it a little bit, do you really feel like it's going to provide that much of an incremental benefit over a two foot tall fence that you wouldn't need a variance for? Because again, it still feels like it's a temporary situation because the kids are going to grow up and that three foot fence is, is going to be a three foot fence. I was going to ask Al, if it were a two foot fence, how close to the road could he put it?

Mr. Wing – I don't think it's a matter of how close it is, it's a matter of it can only be 40 feet long. That's your zoning requirements for a two foot tall fence.

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Mr. Benedict – The way the code reads, if it's over two feet high, it can't be closer to the road than the house. If it's two feet you're allowed up to 40 feet in length of it. It's just exempt from a permit.

Mr. Wing – And, I did think about your comments about being temporary. I have an older daughter that's 16 and I have a younger set of daughters that are 3, 4, 5. Birthday is coming up now and so in the time frame that they are there through school my older daughter will have children of her own most likely by the time my youngest kids graduate, so there's always a chance of grandchildren. I have a large family, 13 cousins there's little kids all the way up through teenagers, so it's not just about my kids, but all my family's kids, both sides my wife and myself.

I don't feel as if it's, yes it is temporary I guess in a 100 years, but it's not temporary to me and my time frame that I'm going to be living in that house.

Mr. Harter – I drove by it a number of times now that the stakes are out and one of the things that I noticed was if you were to bring the fence closer to the house you would have conflicts with your trees and other objects that are in your front yard. So from a practical perspective, if you are going to try to cut the lawn and do things like that I didn't see a lot of versatility in terms of moving the fence towards the house, so I tend to agree with location that you proposed and those are my observations.

Mr. Salsburg – I agree with Scott, I don't see how you could have gotten it back any more than it is and coming down, I think it's going to give the impression of the house being set back a little further than it really is. I don't see the problem that Mike had coming up through with the cemetery fence. I was afraid that jog was going, there is no jog. I see that as being a plus. I think you located it pretty good and I don't see where it's going to take anything away from anybody else.

Mr. Wing – I also didn't take any pictures, but it doesn't pretty much line up with the end of the hedge row where we trim the hedge row back, so we can see ongoing traffic so we kind of kept it in line with that also along with the cemetery fence. So you can't see past that hedge row anyways, it's so thick. We tend to keep that trimmed back so we can see out the road so.

Chairman Reinhardt – Anyone want to speak for or against this application? It appears as least you have 4 votes. I'm not as comfortable with the whole scenario, so what I will do is to the best of my ability craft the resolution in a manner of what I believe will be the direction I think the board is going to go. But for clarification, if they do grant this, I imagine one of the conditions would be no more than three feet, to be in line with the cemetery fence, to be an approximate style, same style as the cemetery fence, about the same color. Anyone have any other thoughts about conditions to the variance.

Mr. Nearpass – There was the wooden fence.

Mr. Wing – I was just going to mention that. That is one condition that the fence on the side that is parallel to the hedge row would be the six foot wooden fence, into the corner where it meets the three foot fence. As far as view, it's not going to be any different than the hedgerow that's already there. It's more just a separation between our house and the neighbor's house, dogs and things like that.

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Chairman Reinhardt – The wooden fence that exists?

Mr. Wing – Yeah, it was put in last year.

Chairman Reinhardt – Any other conditions the board has concerns about?

First condition being 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: Factor being there is fences in the neighborhood, including the cemetery fence. Anyone else want to add any other facts into the first criteria?

Mr. Harter – I don't think we received any negative comments from the neighbors, did we?

Chairman Reinhardt – No. So that will go up in the fourth Whereas, no one spoke against. Anything else for the first criteria.

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

Justification: His request seems to be largely based on the safety of his children.

Anyone want to add anything else to the second criteria?

Ms. Morley – The trees are there and he couldn't go back any farther.

Mr. Harter – Constraints with the topography.

Chairman Reinhardt – Anything else? Third criteria is the requested area variance is substantial.

Justification: It's in front of the home. I don't see much way around that. I forgot what the math is. Al, do you remember how far it is in front of the home?

Mr. Wing – How far it is from the front of the house? The house roughly is 33 feet off the road, so it would be 33 minus 7, so that's from the front door, so. I can give you an exact number if you need it.

Chairman Reinhardt – I thought we had a survey map.

Mr. Wing – We had 33 feet from the front of the house to the road, so we had to move it back. That's from the easement so. 26 from the easement.

Chairman Reinhardt – So, it's approximately 26 feet?

Mr. Benedict – Are we talking about the easement or are we talking about the right of way?

Mr. Wing – Well I guess it's the road easement.

Chairman Reinhardt – What I'm trying to establish is how far the proposed fence is from the front of the home.

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Mr. Wing – 26 feet.

Chairman Reinhardt – So we are going to have it then approximately 26 feet. Anyone want to add anything else to the third criteria?

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

Justification: Similar to the first criteria, there are other fences, including the cemetery fence. Anyone want to add anything else to the fourth criteria?

Mr. Harter – Just that we didn't get any objections from the neighbors?

Chairman Reinhardt – We've already established that in the fourth Whereas. Anything else on the fourth criteria?

Fifth, is the alleged difficulty is self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

The conditions attached are that it will be at or about the cemetery fence, approximately the same style, same color. The existing six foot fence as it exists will remain. Any other conditions to this variance?

Hearing none, I entertain a motion for approval.

Mr. Harter – So moved.

Ms. Morley – I'll second it.

Chairman Reinhardt – Any other further discussion? All in favor? Opposed? I'm opposing it. Ok. Good. Congratulations. Good luck to you.

RESOLUTION

968 High Street – Fence Area Variance

Appl. No. 21-Z-2019

At a regular meeting of the Town of Victor Zoning Board of Appeals held on August 5, 2019 the following resolution was adopted:

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on June 6, 2019 from Shane and Katie Wing, 968 High Street, requesting a three foot high aluminum fence across the front line of the property whereas §211-41H states fences over two feet high shall not be erected nearer to a road than the front line of the principal building.

WHEREAS, said application was referred by Martin Avila, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on June 23, 2019 and whereby all property owners within 500 feet of the application were notified by U.S. Mail; and,

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WHEREAS, a Public Hearing was held on July 15, 2019 and August 5, 2019 at which time no resident spoke for or against the application and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act and therefore does not require further action; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings:

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.

Justification: There are fences in the neighborhood, including the cemetery fence.

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

Justification: The request is largely based on the safety of applicant's children. There are constraints on fence location by topography.

3. The requested area variance is substantial.

Justification: The requested fence is positioned approximately 26 feet in front of the home.

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

Justification: There are other fences in the neighborhood, including the cemetery fence.

5. The alleged difficulty is self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

On a motion made by Scott Harter, seconded by Donna Morley:

DECISION:

NOW, THEREFORE BE IT RESOLVED, that the application from Shane and Katie Wing, 968 High Street, requesting a three foot high aluminum fence across the front line of the property whereas §211-41H states fences over two feet high shall not be erected nearer to a road than the front line of the principal building, BE APPROVED.

AND BE IT FURTHER RESOLVED that the following conditions are imposed:

1. The fence will be no more than three feet in height.
2. The fence will be in line with cemetery fence.
3. The fence should be of a similar style and color as the cemetery fence.
4. Applicant is allowed to keep existing six foot wooden fence on side of the house.

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

Michael Reinhardt	Nay
Mathew Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye

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your neighbors. Did you have any thoughts about that on health concerns with the chickens and feces and whatever else is buzzing around them?

Ms. Graf – No. Because my coops I do a layer of sand. Then I do a layer of mulch and then the straw is on top. So there isn't a lot of and I also have the things to catch any flies that are in the neighborhood. And, in fact chickens are wonderful at maintaining the bug population because that's what they love to eat when they are walking around the yard, so no.

Chairman Reinhardt – How many do you have?

Ms. Graf – I have ten hens.

Chairman Reinhardt – Alright and how many ducks?

Ms. Graf – Four.

Chairman Reinhardt – What's the most that you've had of chickens?

Ms. Graf – At one time, about five years ago, I raised fifty chickens.

Chairman Reinhardt – Fifty.

Ms. Graf – And they never said a word about it. I would never do it again.

Chairman Reinhardt – What about ducks?

Ms. Graf – No, that's it.

Chairman Reinhardt – Four ducks. Ok. I'm sure the board is going to ask you some questions, but just so we just kind of get it out of the way. Is there a limit, you sounded like you won't do fifty chickens again? What's the maximum number of chickens you think, that if this board approved that you'd say, no more than . . .

Ms. Graf – My ten hens that I have now. Yes because these girls are getting older. They only live til about 8, 9 years. Sometimes 10. And, I do take care of them, so they might live to 10. I'm not anticipating bringing any more in. I kind of would like the number to go down myself. It's fun, I love them. But I don't want to try to give these guys away. These are my pets.

Chairman Reinhardt – I'm anticipating, you've never asked for a variance before. So the way variances work is they don't stay with you, they stay with the land. So whether you're there or the next person that buys the home or after that, that variance if it's granted will allow that owner if they want to, to raise chickens. And, I would think the neighborhood at some point, would say well it's not a farm. If it's a little hobby, and it's contained, and I think the board might be more comfortable if they put a limit on the number of chickens. Sounds like ten is ok with you. With that, Fred, do you have questions?

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Mr. Salsburg – Al, are you aware of any complaints?

Mr. Benedict – There is one complaint, yes.

Mr. Salsburg – The same one that wrote a letter, Mr. Carroll?

Ms. Graf – Frank and Sheila Carroll.

Mr. Benedict – I have not seen the letter, but yes. That's what it's from, yes.

Mr. Salsburg – What is their complaint? Strictly about being sick?

Ms. Graf – No, their complaint is that you have a zoning code that says 100 feet and I have 69 and they just want. . .

Chairman Reinhardt – I understood his complaint to be that there's a potential health concern when you have animals.

Mr. Salsburg – That's what he wrote.

Ms. Graf – That's not what they told me, but that's ok.

Mr. Salsburg – There's two buildings in your back lot. One of them's got a roof and the other one's got a (inaudible). Which one is the chicken operation?

Ms. Graf – The one that looks like a little house. That's the one with the roof.

Mr. Salsburg – I've got to think that the sickness aspect comes in with a little bigger operation. Is there a way you can keep the chickens from going over to his house?

Ms. Graf – They don't. But yes, I can. I can make sure they don't. I prefer not to put up a fence if I don't have to. But they don't go over. They are out when I'm home and like I said they don't go, they're trained.

Mr. Salsburg – My thought is I'd like to see you do what you want to do on your own lot, but not at the inconvenience of anybody else. That's all, for me.

Mr. Harter – Is there any place on your property that would satisfy the 100 foot dimension?

Ms. Graf – Not from all the properties. If you're saying that the other three properties are fine with it, and I could go closer to them, but then again I have the drainage ditch that takes all the water from Main Street and Fowler Street in my corner. That would be the farthest corner, but that's where the drainage ditch is.

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Mr. Harter – I'm just wondering if there was anything, just for the sake of understanding the situation.

Ms. Graf – This is the highest part of my lawn. Except for the front of the house and I wouldn't want it in the front of the house. I think that would upset the rest of the neighborhood.

Mr. Nearpass – You said there is a location it could go and be complaint with the code?

Ms. Graf – No, it would be down in the drainage ditch. It wouldn't be compliant 100 feet from on sides.

Mr. Nearpass – So there's nowhere on your property that you could put it, even if the topography was perfect?

Ms. Graf – No.

Mr. Nearpass – In general, I'm ok with this. In reading what Mr. Carroll said, what he's talking about really doesn't have anything to do with the location of the chicken coop being 100 feet, 1000 feet, 50 feet. All 8 articles that the sited have to do with chickens can carry salmonella. They can carry salmonella whether they were a 1000 feet from a home or a 100 feet from a home. I understand where's he's coming from. He is concerned and we all have a voice. I'm in favor of it as it exists today.

Ms. Graf – Turtles do, too and they are in our creek.

Ms. Morley – So, if one of the conditions were never to have a rooster? That's usually where the biggest problem.

Ms. Graf – No, I would not have a rooster. I had a rooster for a very short amount of time and they don't just crow in the morning. So, he was gone.

Ms. Morley – So, if we were to ok this with a certain amount, you would be fine with the amount that you have, no more?

Ms. Graf – I do have a turkey and I do have the 4 ducks, so if I could have them added on?

Mr. Nearpass – Are they part of the ten?

Ms. Morley – No, I have ten hens. Then I have four ducks and a turkey.

Chairman Reinhardt – I didn't know about the turkey. Where'd the turkey come from? No, I don't want to know where the turkey came from.

Ms. Graf – She was supposed to be Thanksgiving, but then she became a pet. I've had her; she's probably 4 years old now.

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Mr. Salsburg – So you have them all named.

Ms. Graf – Yes, that's Sweetheart. Want the names? I've got them written down just in case you did.

Mr. Salsburg – I don't see too much salmonella coming out of that.

Chairman Reinhardt – One turkey. So if this board approves, you're ok with no more than ten chickens, no more than four ducks, no more than one turkey.

Ms. Graf – I promise.

Chairman Reinhardt – And, that's all for fowl. So in that fowl category, there's no more. I think this board is inclined to, at least it sounds like they are leaning toward granting the variance, but the concern would be keeping a limit on it and not making it into a farm, but more of, for lack of a better term, a hobby. Anyone from the audience or public want to speak for or against this application?

Mark Rugaber – I own 611 Wangum Road. I'm her neighbor to the north. I believe I share the longest common property line with her as well. Jane's been a great neighbor. Her critters really do stay on the property. It was with sadness on my part, too that she lost a German Shepherd several years ago that was actually trained pretty much as a shepherd for those chickens and those critters and kept them on the property. She has a new one now who's doing the same thing. I have no concerns whatsoever about these animals coming on to my property, because they don't. I'd like to point out that this neighborhood is far from homogenous. We have industry, we have rental property. We have commercial rental property. I own a commercial rental property. In fact, one of my tenants is outgrowing the space and when they told me they feel they need to move to a bigger space, one of the things they said they regretted was leaving this property because of the neighborhood. They specifically commented on how quaint the property to our south is, which is Jane's. I certainly have no complaints and I would urge the board to be very lenient on the conditions of this. She doesn't have an alternative. It is the highest spot on the property. She's a wonderful caretaker and I'd like to see you'd support her.

Chairman Reinhardt – Ok. Thanks so much. That's important. Anyone else like to speak for or against the application?

Joe Zimmerman – We live to the south of Jane's property. We've had no problems with the chickens there. We did have chickens ourselves. We don't anymore. But it's not a problem from our standpoint.

Chairman Reinhardt – How close are you to the property?

Joe Zimmerman – Across Fowler Street.

Chairman Reinhardt – I'm sorry I missed your name. OK, so you also submitted in writing your approval? Very good, just wanted to make sure I'm not double counting. Thanks so much. Anyone else like to speak for or against the application?

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Karen Vaneck – I don't live there. I'm a friend of hers. I've come to her house many, many times. I've never seen the chickens. I see them out. I have never seen them on anyone else's property. They have never gone on the road. She's never lost one from a car hitting it, or anything. She takes very good care of it. She's always cleaning underneath them and changing things and moving hay and all kinds of stuff. She gets some hay from me. I have horses, so I have extra hay sometimes and she does a very good job of taking care of these chickens.

Chairman Reinhardt – Thanks so much. Anyone else want to speak for or against the application?

Alice Kushner – I'm a friend of Jane's and I'm absolutely telling you they stay on her property.

Chairman Reinhardt – It's ok. So, you're not a resident. You're just a good friend and from time to time you visit.

Ms. Krushner – I live on 96.

Chairman Reinhardt – And you've witnessed the ability for her to control where her chickens go?

Ms. Krushner – You've never seen anything like it. I had a coon hound and I wished he had been as attentive as her chickens.

Chairman Reinhardt – Good to know. Anyone else from the public want to speak for or against this application?

OK, so very good. It appears the board is inclined, leaning towards granting the variance. We're going to wait and hear how they vote, but it sounds like you're ok with the conditions being no more than ten hens, no roosters, four ducks maximum, one turkey maximum and with that we can start walking through the criteria.

First 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: One factor being you had three, two present, in favor of granting the variance. Indicating that you take very good care of them, you can control them. They stay on your property. You keep a clean hen house (coop). It is in an R2 district. You are on a corner lot, which hampers you a bit on trying to comply with the code. It's almost impossible for you to do it and but for that you would be permitted to have a chicken coop, but your lot, at least the topography doesn't allow it to happen. You have some constraints due to your corner lot. It's been there for eight years. Anyone want to add anything to the criteria?

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

Justification: This is largely due, one, it's a corner lot and you are permitted to have a chicken coop there, but due to the topography and the lay of the land there's just nowhere to put it. So, I can't see how you

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can accomplish this task you are looking for, but for a variance. Anyone want to add anything else to the second criteria?

Third being the requested area variance is not substantial.

Justification: In part, due to you can't put it anywhere else and also tied in that it doesn't change or produce a change in the character of the neighborhood. You're getting glowing recommendations from your neighbors. Anyone want to add anything else to the third criteria?

Mr. Harter – You are did you say, 69 feet? So 69 out of the 100 that she's supposed to have, so that's not bad.

Chairman Reinhardt – And if we could just add on the condition that the chicken coop doesn't move. It's going to stay where it is. Certainly if you had to replace it, but the location of it is going to be right where it is. Are we in agreement with that?

Alright, moving along then, the fourth, the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification: In part, a corner lot, it's an R2 district. You certainly are permitted to have the chicken coop, it's just a matter of the lay of the land. Anyone want to add anything else to the fourth criteria?

Mr. Salsburg – It's almost a pre-existing condition.

Chairman Reinhardt – Well that curious. Al, when did the code require 100 feet from property lines as far chicken coops go? More than eight years ago?

Mr. Benedict – Yes.

Chairman Reinhardt – So, I don't think we can call that a preexisting condition.

Fifth, the alleged difficulty is self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

We've gone over the proposed criteria. Anyone want to add anything else to the criteria or to the conditions?

Chairman Reinhardt – We'll entertain a motion for approval with the proposed conditions?

Ms. Morley made the motion. Mr. Salsburg seconded.

Any further discussion? All in favor? (Aye) Opposed? Motion carried (unanimously).

Good luck to you. Enjoy.

Ms. Graf – My girls can stay put. Thank you.

Chairman Reinhardt – Thanks for being here. You did fine.

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RESOLUTION

Jane Graf, 7878 Fowler Street

WHEREAS, an area variance application was received by the Secretary of the Zoning Board of Appeals on July 19, 2019 from Jane Graf, 7878 Fowler Street, Victor, NY, for an existing chicken coop location whereas §211-19A(4) via §211-20A states housing of poultry is not permitted within 100 feet of any lot line.

WHEREAS, said application was referred by Al Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on July 24, 2019 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act and therefore does not require further action; and,

WHEREAS, a Public Hearing was held on August 5, 2019 at which time four residents spoke for the application and one additional letter was received in favor of the application and one letter against the application; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings:

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.

Justification: Three neighbors, two present at this meeting, are in favor of the application. Applicant takes good care of animals and keeps hen house clean. Fowl are controlled and stay on property. This is an R2 district. Being on a corner lot, somewhat hampers applicant to comply with code. Applicant is permitted to have a chicken coop, but has some constraints with location due to the topography and corner lot. Coop has been there for eight years.

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

Justification: Applicant has constraints due to corner lot and topography.

3. The requested area variance is not substantial.

Justification: In part, because applicant does not have another location for coop and also that it does not produce a change in the character of the neighborhood. Also, positive comments from neighbors.

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

Justification: Applicant is in an R2 district, on a corner lot and is permitted to have a chicken coop. The topography limits her location of coop.

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5. The alleged difficulty is self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

On a motion by Ms. Morley, seconded by Mr. Nearpass:

DECISION:

NOW, THEREFORE BE IT RESOLVED that the application of Jane Graf, 7878 Fowler Street, Victor, NY, for an existing chicken coop location whereas §211-19A(4) via §211-20A states housing of poultry is not permitted within 100 feet of any lot line, BE APPROVED:

FURTHER RESOLVED that the following conditions are imposed:

1. Maximum fowl allowed – one turkey, four ducks, ten hens, no roosters
2. Coop will stay in current location.

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

Michael Reinhardt	Aye
Mathew Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 5 Ayes, 0 Nays

RAND MANAGEMENT, Area variance for a new structure 24-Z-2019
 7710 Victor-Mendon Road

Applicant is requesting area variance to allow for a new structure fifteen feet from an existing structure whereas §211, Schedule II, Area and Height Requirements requires a minimum distance of 40 feet between structures. The property is zoned Light Industrial and owned by the applicant.

Chairman Reinhardt – (to Soren Eriksson, Rand Management). Hi, how are you? How are you doing?

We had a brief discussion before the meeting started, to give you a heads up, because of the proximity to State Route 251 that we are required pursuant to general municipal law to refer this to the County Planning Board for their thoughts and concerns. It doesn't mean whatever they say goes, but we certainly have to take their comments, concerns and it may depend on what they come back with on how we need to vote. Normally on a variance it's a majority, but if the County Planning Board comes back with a denial or a recommendation for a denial it requires then for a super majority, which is majority plus one. Just to give you a heads up with that. Pursuant to the cycle of when we are going to submit this, we'll certainly do it as soon as we can, but by the time they hear it, the soonest we can get you back in here would be September 16. You are certainly welcome to go to the County Planning Board and that hearing is open. It's September 11. So, if you have any questions, when that is, where that is, give us a call and we can certainly guide you that way.

So with that, we could, what I think we should do is start finding some facts, listening to your application. The board will ask some questions. The County Planning Board then will take a look at it and we'll go

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from there. In a nut shell, I think the hurdle that you have from my understanding is the Fire Marshal has some concerns in proximity to other buildings and this issue about linseed oil being stored in the facility. So, let's make sure we touch on that stuff.

Mr. Eriksson – The Fire Marshal did come over last week or a week before, two weeks ago. And, we walked through the existing building. And I pointed out that a lot of the stuff that we have inside the existing building will go in at storage into the new building. But when I read his letter, I'm not sure if he got it mixed up with another building that he was in because ABS plastic is not flammable, at all.

Chairman Reinhardt – So the proposed pole barn is 50 x 40, sixteen feet high, that's the building we're talking about. And, there was mention in the paperwork of linseed oil being stored in this new facility. Is that right or not right?

Mr. Eriksson – So, we're actually a food company and not a chemical company. We take linseed oil from a farm, it's a natural product, it's not a chemical product and this is something that we've been explaining to the public for 17 years. We're an organic coatings company. We don't do anything that has anything to do with chemicals. If you buy linseed oil in the paint store, that's something a completely different. It's a chemical. We do a natural linseed oil. They just happen to be the same base, but what you do with in and how you create it, turn it into a finished product of two completely different.

Chairman Reinhardt – Can we agree before we go into the weeds on this? I understand there is a difference between a manmade product and an organic products. I'll be honest with you, I didn't take chemistry. I don't know how that happened, but I have children that are rather good on it and they educate me on what they learned in school today. One's a chemical engineer now and one's a mechanical engineer, very proud of them. What I understand is, is that just because it's organic doesn't mean it's not combustible. It has, it can be, combustion can occur with natural organic products, can it not? So, just because it's organic doesn't mean that it's not combustible. I think we need to clear that up.

Mr. Eriksson – We actually had to prove this to the National Park Service about five years ago. They flew us out to their training center in Moose, Wyoming which is in the middle of nowhere. We actually did a test. We found the largest blowtorch that we could find, that they had. And, we tried to catch it on fire and they couldn't. It's actually historically used as a fire retardant.

Chairman Reinhardt – Do you have a chemical background? Are you a chemical engineer?

Mr. Eriksson – No. But I read a lot about this. And I found a market for this. It's fascinating.

Chairman Reinhardt – This sounds similar to in my workplace, there was an issue over whether or not this particular bridge that was over a creek was safe and my position was we should get an engineer to take a look at it. The person that wanted the bridge there who is far more than 300 pounds said I've already jumped up and down on it ten times and it's stable. That's not a good test. That's a true story. So, just because you've put a blow torch on something doesn't necessarily mean it's not combustible. What we have is information from I think a qualified individual saying that when it reaches a certain flashpoint it's going to combust.

Mr. Eriksson – Yes, it does. So, does wood, so does roof shingles, anything will self-combust at a certain temperature. Now it happens to be that organic linseed oil has a higher combustion temperature than most other burnable materials including wood and plastic and all kinds of things. This is what we do.

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We have to explain this almost every day and the reason why we actually put on our website that if you have a rag that you will actually put that in water just to make sure that it's not self, that it doesn't self-combust. That is in reference to the chemically treated. We just basically have to have that on there because people don't know. So it's quite an interesting thing because this is something that exists for hundreds of years. In the early 1900s, into the 50s and of course after that it turned into a chemical. It's always been the same thing.

Chairman Reinhardt – I can get into a huge debate with you. What once was safe, 10, 15, 50 years ago, is now because of research is not safe. And there are certain chemicals that they used in Vietnam and they used as defoliants and weed killers and that company is in a world of trouble because they knew about the dangerous qualities and they sold it. So I'm not buying these since it happened a hundred years ago, it's ok.

Mr. Eriksson – No, but this is a food product. This is what you buy in the health foods store. This is a food supplement. Actually our supplier in North Dakota they press the seeds for omega and then the oil is actually a bi-product. And that's what we use. So, it's so far removed from anything chemical that you can ever imagine.

Chairman Reinhardt – Ok, I've taken up a chunk of time. Let's hear from the board. Donna?

On the report from Robert Graham, it states that according to the notes of May 6, 2019 meeting the applicant stated that the product is not combustible, but please find the attached on the Rand Management webpage indicating that the product is combustible, so what does that mean?

Mr. Eriksson – It doesn't say on our website that it's combustible. It only says, because there such confusion by what linseed oil is that if you soak a rag and you put that in a garbage can and put a lid on it, it oxidizes. Now chemically treated linseed oil is treated with a chemical so it dries very quickly and that creates heat and that's what makes it self-combustible. So that is basically a liability that we have to have on our website. We had one instance quite a few years ago, we were asked about that and it ended up that we didn't have anything to do with the situation that happened. So, I completely understand your concern because most people have no idea. You know we have lots of people that asks us constantly. They have never even heard of linseed oil, they never heard of organic linseed oil, so it doesn't surprise me at all. It's just fact.

Mr. Nearpass – It is referring to what he's saying, the spontaneous combustion.

Mr. Eriksson – So we're a green company. We're the only one in the United States that does this. And that's very hard to believe, even after sixteen years. And the reason for that is you can manufacture a chemical or chemically treated linseed oil for practically nothing. And process of making the products that we do is probably fifty times more expensive and that's why. So it's a great niche.

Mr. Nearpass – I'm sure you have a great product. Glad you're here. Glad we're talking about this. I'm an engineer as well, although I'm a computer engineer, so if it gets about probably 12 volts, I won't get anywhere near it. I honestly don't think it's us you have to sell on the combustibility or not. I think it's Bob Graham. And, so, my recommendation would be sit down with Bob Graham and . . . I don't think I'd bring the torch the first meeting with Bob, but I would have the discussion with Bob and bring what you can your evidence and facts and all of that and try to get Bob to write us something in support it or get Bob to support it. Because we're not going to be the ones to determine whether it's flammable to not,

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or get into the chemical composition of it. I agree I'm sure it's organic, oil coming out of the ground is organic, too. You can light that. So, as much as I really do want to have a debate over whether something is combustible or not, I think it's Bob that you've got to sell on it. Me personally, if Bob supports it, like I have in the past, I'd be comfortable with it.

Mr. Eriksson – So, now I don't quite understand why this was brought up because we're not going to store that in there at all. We don't store that inside or in the building. That's all outside.

Ms. Morley – Where is it stored?

Mr. Eriksson – It's stored outside in tanks. We age it outside. We usually age it for two years. We also like it to be exposed to the sun, so we get it (inaudible).

Chairman Reinhardt – The problem comes in is because the buildings are in such close proximity, if one goes up, they are all going up.

Mr. Eriksson – It doesn't make any difference if it's ten feet or thirty feet.

Chairman Reinhardt – We take very seriously when Bob Graham or the like come in and tell us you have a fire concern here. Primarily whether it be sprinklers or proximity to other buildings their safety, human safety is important. I know you can just say they are just buildings, they are insured. That's fine. But firefighters go out there and do the tough, dirty jobs. They don't need it more complicated by putting buildings on top of each other. That's the concern.

Mr. Eriksson – I spoke to two large suppliers last week and I asked them about the fire safety in Europe and they both have been manufacturing the same product for over 40 years. Nobody has ever, ever heard of a fire, once.

Chairman Reinhardt – Last I knew we were in the United States.

Mr. Eriksson – Yes, but the products come from there, so we're back tracking and see is there a trail somewhere where you can find that there is an issue? I've been doing this for seventeen years. I've never had an issue.

Chairman Reinhardt – And for good or for bad, this country is one of the most litigious communities, not I'm not saying Victor, but in general, this country likes to sue other people and blame other people.

Mr. Eriksson – There's no concern about that whatsoever.

Chairman Reinhardt – These are all factors that come into play here on why codes are in place. It's not necessarily that the government likes to meddle into other people's business, it's hopefully to keep everybody safe and allow them to do what they'd like to do and make some money and earn a good living. That's a very global look at it. Scott, do you have any questions?

Mr. Harter – I agree with Matt. I think the path to your approval is through Bob Graham's office and getting him comfortable with your product and I can see how linseed oil is; based on the linseed oil that I know, like I guess everybody else knows is normally deemed to be highly combustible. So, I think you have an identity problem with the name. And I think you can reconcile that with Bob and have the

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conversation with him and speaking for myself if I were to see another piece of correspondence from Bob saying that he met with you and everything is squared away, I have no issues with what you're doing.

Mr. Eriksson – We refer to it as purified linseed oil, not linseed oil. Because the chemical industry doesn't not want to call it chemical linseed oil, we have to distinguish ourselves somehow and we've always distinguished it as purified linseed oil. Now organic that's another description we use. It is sort of confusing. It's easier for us to just use the purified.

Mr. Salsburg – Well this whole thing would go away if you move the building over 10 steps and make 40 feet. Can you do that?

Mr. Eriksson – No, the land is not big enough for that. I've looked at all kind of different options. My site map that I've been carrying that around for probably five years now. We have a of couple options. The reason why we're pursuing this right now is that I have my daughter. We actually run a small warehouse in Philadelphia as well and I am working on enticing her to come back here to run an operation here. But it needs to be slightly larger here. That's one of the components to it. The potential is enormous. We've never advertise, ever. It's all word of mouth. But we need more storage. We are cramped. You know when you are distribution, you get a lot of stuff in and you kind of have to put it wherever there is a piece of space. You can't move things around all the time. We need more space so we can actually be more efficient.

Chairman Reinhardt – As a formality, anyone from the public want to speak for or against? No one's here. Al, any thoughts, concerns?

Mr. Benedict – Yes, several. Listening to the conversation, you're putting up a building, but you say you're not storing linseed oil in it. So to me the question is what are you storing in it? And how far away is the linseed oil?

Mr. Eriksson – Well we do 300 products. So we have lots of different things. We also manufacture a silent paint remover, which is an infrared heater that is used for paint removing, so there's a lot of components. That's where the ABS, the carrying case that we have to buy in pretty large quantities and that's always been a problem, because when you get 1200 of those you have to stick them everywhere. Stuff like that you have to buy larger quantities. Packaging is another item that you have to buy. We were looking at half a container, and I can't buy half a container of packaging now, because I don't have the room for it. Stuff like that that allows us to become more efficient. The oil should be outside. We want it to be outside.

Mr. Benedict – How far would you store that from any buildings?

Mr. Eriksson – Well they are in 275 gallon tanks, so we can put them anywhere. Just move them around.

Mr. Benedict – So, how far away would they be?

Mr. Eriksson – I mean it's 1.2 acres, so anywhere.

Mr. Salsburg – You can get forty feet on that.

Mr. Eriksson – Yes. But it's never meant to be indoors. It's the aging process is really important part of it.

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Mr. Benedict – My other question, I noticed there were two other buildings that have appeared on the property that we don't have permits for and they seem to be in the area of where you proposing a building which I'm guessing is now less than 40 feet from those buildings as well.

Mr. Eriksson – The sheds you're talking about.

Mr. Benedict – I can't tell exactly what they are.

Mr. Eriksson – I have my tractors and I have my vans in the sheds. They are been there since 2004.

Ms. Morley – What size are those two that show on the property?

Mr. Eriksson – One is 30 x 30 I think. And the one is 30 x 15.

Ms. Morley – And were there permits for those?

Mr. Benedict – No there's not.

Mr. Eriksson – I don't think there was any requirements for that. Fifteen years ago?

Mr. Benedict – Yes, has been for years.

Mr. Eriksson – I've never really been asked that question.

Mr. Benedict – Well any way, they are there and now you are proposing to put up another structure that you're proposing not only 15 feet from the existing structure, but I'm presuming in the proximity to the other two that don't have permits. Which confuses the whole issue of the variance that you are looking for. Because they may be less than fifteen feet from one of those.

Mr. Eriksson – Well the one I have my van in now will be moved. I just take my tractor and move that. They are not, there is no slab or anything like that, it's something you can move around.

Mr. Benedict – It's still considered an accessory structure. Still needs a permit. It still has to have site plan approval. It still have to meet setbacks for structures.

Mr. Eriksson – Well where they are, that's the only place they can be really.

Mr. Benedict – But you are proposing a new structure fifteen feet from the main building, but now you have two other structures that may also be within that fifteen feet or less. So, you may need variances for those as well.

Mr. Eriksson – I can move to wherever they can be. It is quite easy to move, them, yeah.

Mr. Benedict – So you are saying you can move all those other buildings?

Mr. Eriksson – Oh yeah.

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Ms. Morley – And what is in the back corner of the property? That looks like buildings.

Mr. Eriksson – I have a number of OSHA containers that are also used for storage. That's the reason why we've really been able to run the operation here.

Ms. Morley – And how many feet with the new structure be from those?

Mr. Eriksson – They will be about thirty feet, approximately. Thirty, forty feet. They've been great. They've been fantastic, ideal storage.

Ms. Morley – I didn't know what it was looking at this map. I couldn't tell, looks like buildings.

Mr. Harter – Al, have you made a site visit to check these items?

Mr. Benedict – No. I used aerial photos.

Mr. Harter – Might be a good idea before the next meeting if you could do that.

Mr. Benedict – (to Mr. Eriksson) If you don't mind, can I stop over sometime?

Mr. Eriksson – No. We're there Monday, Tuesday and Wednesday.

Chairman Reinhardt – All set?

Mr. Benedict – Yes.

Chairman Reinhardt – Alright, so you have a little bit of homework. What's your homework? Because I think to some degree the more questions we ask, sometimes it gets foggier. We're asking more questions, because we don't understand. People ask questions generally because they are trying to understand what it is that you are asking for. And, I think you have a pretty clear consensus from the board what the key to possibly granting the variance or the denial.

Mr. Eriksson – So you're talking about clarifying for the Fire Marshal what linseed oil is. Right? Clarifying that ABS plastic is not flammable, right?

Chairman Reinhardt – Yes, keep going. I think you're on the right track. Everybody's is telling you the key to this whole thing is since we rely on what the Fire Marshal says and puts it in writing. We don't have to persuade the Fire Marshal, you do. You need to educate the Fire Marshal on the good, the bad and the ugly.

Mr. Eriksson – Right. We're real good at that, that's what we do.

Chairman Reinhardt - And give him some confidence that whatever it is you're doing, however you're doing your business is as safe as it can be and he really doesn't have a lot to worry about. You need to sit down with him and even walk through, or educate him. Do what you need to do because we're a bit in the dark here on what you're telling us, what the Fire Marshal is telling us. It's a bit of at odds. So, you have an opportunity, you have some time.

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Mr. Eriksson – Yeah, that’s very odd. And I don’t know why he would actually write something like that, there’s no relevance to what we were talking about actually.

Mr. Nearpass – Have you read what he wrote?

Mr. Eriksson – Yeah.

Mr. Nearpass – His concern is that if the building catches on fire and it’s close to where you’re storing linseed and it would combust. Now you have to convince him like your MSDS says it self-ignites, but at 343 degrees C which I think is about 650 degrees Fahrenheit. So that’s stuff you’ve got to talk to them about, walk him through. That’s the concern is that if it’s not being stored there, but it’s something that if it’s next to something else that’s burning, it’s going to create another hazard for his team that shows up on the scene to try to put it out.

Chairman Reinhardt – Maybe to ask him this is what we do here, here are the properties. It’s combustible things; paper is combustible. I think the bottom line is to ask him where do I need to put things so that, there’s no guarantee, where do we need to put things on the property that I have, to make it safe enough so you, Fire Marshal, are comfortable that we can continue with our operations.

Mr. Eriksson – The construction of this building would make it actually a lot easier to handle in terms of fire hazard. There is no doubt about it, it’s part of it.

Chairman Reinhardt – Whether it be one time, five times, ten, sit down with him as many times as need be and help him understand what you are trying to tell us. Because it doesn’t appear that he’s in favor of this. Spend some time with him if you need to bring in a chemical engineer or somebody to help support what your position is, do so. Sounds like this is important to you.

Mr. Eriksson – We were exploring all the different avenues. And, I mean the other avenue that we have is that we may need three times the space and then it doesn’t matter what we build, we may not have enough space.

Mr. Harter – That kind of dovetails into what Al is talking about with respect to your other sheds and whatever you’ve got on the property. Are they going for site plan approval on this, Al?

Mr. Benedict – Yes.

Mr. Harter – So then the Planning Board will look at your overall layout with respect to those buildings, your existing building, your proposed building and whatever those temporary items are that are out there. I think you need a comprehensive site plan in addition to taking care of the Fire Marshal.

Mr. Eriksson – Ok. Thank you.

Chairman Reinhardt – Thanks for your time. Anything else. Any other business we need to cover?

Motion to adjourn – Ms. Morley, seconded by Mr. Nearpass. It was unanimously agreed and RESOLVED that the meeting was adjourned at 8:05 PM.