

TOWN OF VICTOR ZONING BOARD OF APPEALS, August 21, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on August 21, 2023, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Fred Salsburg, Lya Theodoratos

ABSENT: Mathew Nearpass, Vice-Chairman, Alexis Ogra

OTHERS: Brian and Brab Battin, Bryan White, Steve Lamarco, Adam Ryczek, Victor Code Enforcement, Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the August 21, 2023, 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. He 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 will 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 Lya Theodoratos, seconded by Fred Salsburg:

RESOLVED, that the minutes of the meeting held on August 7, 2023, BE APPROVED.

Adopted: Ayes 3, Nays 0, Absent 2

PUBLIC HEARING

BATTIN, 1706 Murray Road 16-Z-2023
Seeking an area variance to place a 990 Sf pole barn forward of the frontline of the primary structure where §311-31 G. (2) states accessory structures are not to be permitted forward of the frontline of the home.

Chairman Reinhardt- Moving forward our first applicant, Battin.

Ms. Battin- Battin.

Chairman Reinhardt- Battin, oh god.

Ms. Battin- *laughter*

Chairman Reinhardt- Battin, okay.

Ms. Battin- Barb Battin.

Chairman Reinhardt- Hi, how are you?

Mr Battin- Brian.

Ms. Battin- doing well and you?

Chairman Reinhardt- good, so just a quick review of ...

Ms. Battin- yup.

Chairman Reinhardt- the minutes back of July 17th, and if I, if I'm not characterizing it right, let me know. A proposed barn, pole barn 33 x 30 forward of the main structure, you're on about 5.4 acres, where you want to put the proposed pole barn is an old house, back in the 1800's, your families? ---

Ms. Battin- that is correct. Yea.

Chairman Reinhardt- the barn is to be used for vehicle storage, there's going to be minimal tree removal, there is a, somebody referred to it as a gentleman's farm, there's horses over there, but it is some kind of a farm area, there is a proposal for a future utilities just electric no plumbing, we last met it was thought that approximately 100' from the road way and we had asked for a better distance and we also asked for some building plans. Other pieces, we'll just touch on this quickly, is the County Planning Board had some comments, uh Class 1, it is in an agricultural district, that's good news for you, they asked some questions on the proposed screening and buffering, we'll get to that in a moment as well as the visibility of the pole barn, that is where we are, if you'd like to continue and tell us more about your project we'd love to hear it.

Ms. Battin- great, um we have some more exhibits, I have 2, one um I, we pulled down a google maps because I think its easier to kind of see and talk about that distance that you were talking about and then the best I could do in a drawing.

Chairman Reinhardt- okay.

Ms. Battin- I have copies for everyone.

Chairman Reinhardt- perfect, yup.

Ms. Battin- *inaudible* I'm a math teacher by trade so the proportions ... *inaudible*

Chairman Reinhardt- thanks for being a teacher.

Ms. Battin- *laughter* ...

Chairman Reinhardt- alright, I'm going to mark the aerial photograph as Exhibit 1, date ... drawing as Exhibit 2 ... alright. Ready.

Ms. Battin- alright so for the aerial view the um, if you have it facing so the words are readable left to right, that um, portion of the picture is the north side of the picture, the top is the southside, the left-hand side is east, and the right-hand side is, faces west. Um, so you can see a box in there that, a white box, it illustrates where the pole barn will be, the front of the pole barn will actually face north-ish. Northeast. Ish. Um, and the 33' is the front distance and going north south, again ish, is 30'. The yellow line, which is the ... yup, yup.

Chairman Reinhardt- you lost me; I thought the top of the page was north?

Ms. Battin- no, the top of the page is South. Sorry, the bottom of the page is North. Yup.

Chairman Reinhardt- that makes sense.

Ms. Battin- that makes sense now? ---

Chairman Reinhardt- go ahead.

Ms. Battin- great, and so where that is located as we had stated at the last meeting is where uh, a house was from the 1800's until about 1970, when it was um taken down because it didn't have any electric or plumbing or anything and people hadn't lived in it for 30 or 40 years, um and so its naturally clear there you can see that there are trees around there, um there are some trees that are to the, towards the east and then the driveway and then there are more trees, um they are black walnut, locust trees, in terms of the variety of trees that are there. Um, the yellow line um, we had measured from that corner to the road, and it was 100' but you had asked for that line that was um, for the property line, and we measured that at 82'. So, the yellow line goes from the northeast corner to the, toward the road.

Mr Salsburg- how long is the yellow line?

Ms. Battin- 82'

Mr Salsburg- 82'?

Ms. Battin- yes.

Chairman Reinhardt- 100' to the right of way?

Ms. Battin- yes.

Mr Ryczek- pavement edge.

Ms. Battin- correct. Um, and then the second document submitted, again just trying to show the pole barn, we're looking for a very simple rectangular, nothing fancy, um, couple of doors in the front that would face that north, northeast direction, 12' high at the outside, don't know what those are exactly called ...

Mr Ryczek- eves.

Ms. Battin- eves. Is the plan.

Mr Ryczek- do you know what the peak height will be?

Ms. Battin- um they had, the initial people that we had talked to did not give us that, let me just double check ... no I don't believe so, my understanding is that then that um average between the highest point and that 12' can only be 15, is that correct? In order to stay within code.

Mr Ryczek- correct. So, if the peak ...

Ms. Battin- so that was ...

Mr Ryczek- is higher than 18' you're going to have to go to the Planning Board.

Mr Battin- right, so our place is to not do that, be any higher than 18' ...

Chairman Reinhardt- if I understand your answer, maximum height will be 15' or less?

Mr Battin- correct.

Chairman Reinhardt- Adam, is it exceeding 15' or 15' or better?

Mr Ryczek- its exceeding, or its 15 or better. So ...

Chairman Reinhardt- so... less than 15'. Correct?

Ms. Battin- yes, what is the vocabulary word for that? Distance that's in between the highest and the eve?

Mr Ryczek- its just the average between the eve and the peak.

Ms. Battin- it just, oh ... nothing fancy.

Mr Ryczek- yup.

Ms. Battin- thanks, Adam.

Chairman Reinhardt- all set with your presentation for now? --- Okay.

Ms. Battin- yup.

Chairman Reinhardt- Fred, questions, comments?

Mr Salsburg- well, uh, the variance is because of the pole barn is in front of the house, but the house is so far away and there's so much in between that it would be kind of hard to tell if it was or not. I noticed the county doesn't seem to care too much, and they questioned the vegetation, will any be removed, or will there be any added? --- There isn't room to add any more.

Mr Battin- no.

Ms. Battin- no. Minimal trees ---

Mr Salsburg- I don't know if you, since the driveway some in on an angel, I'm not so sure you could see it from the road.

Mr Battin- this time of year you wouldn't be able to.

Mr Salsburg- maybe, the wintertime you could, yea. Well, I think it's an excellent application, uh ...

Chairman Reinhardt- Lya?

Mr Salsburg- the road is full of barns.

Ms. Theodoratos- no questions.

Chairman Reinhardt- alright, uh, Suzy, do we have anybody that's --- no. Alright, uh anyone form the public want to speak for or against the application? --- None. Alright uh, on the point that Fred was making the County Planning Board, are you going to remove any vegetation?

Mr Battin- maybe like 3 trees.

Chairman Reinhardt- okay. Um, as Fred pointed out and the google map indicates, there's plenty of vegetation, mature trees, you might be able to see the barn *inaudible* but another point he made is, this is, barns in that area, it is an agricultural district. It seems to be well placed, Well thought out. I don't see any big issues with it. So we are 3, what I'd like to know is, uh Lya are you, you know if we do a little pole straw here because we need a majority, with a board of 5 would be 3, so that means all of us have to vote for it, if there's any kind of concern I would suggest we table it to get our other 2 members back, but let's, what do you think, Lya?

Ms. Theodoratos- I would vote for it, I see no issues.

Chairman Reinhardt- Fred?

Mr Salsburg- I would vote for it also as well.

Chairman Reinhardt- alright, good. Then I think we can move forward. Let's go with the proposed resolution and the criteria.

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: As we heard in the meeting July 17 as well as today, it is on approximately 5.4 acres, the location that they have selected is the footprint of an old home form the 1800's, which hasn't been there for a number of years. The barn will be used for vehicle storage, they will have minimal tree removal, as Exhibit 1 that we were presented today identifies a number of trees densely vegetated area, there are a number of homes in the area especially across the street there are barns and farm areas, it is an agricultural district. We've determined today that its 82' from the property line and 100' from pavement edge. The applicant also understands that the peak height must be less than 15'. Anyone else like to add or edit 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.

Chairman Reinhardt- really quick, what's the reason or is there one why you can't put it either behind the home or basically comply with the code?

Ms. Battin- so behind the house is the leech field. And it is a hill, that goes like that.

Chairman Reinhardt- that's what we're looking for.

Ms. Battin- full of trees. So ...

Chairman Reinhardt- Okay, so ... Lets get back to the 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.

Justification: The leech filed, and the slope of the land would be prohibitive.

3. The requested area variance is not substantial.

Justification: Partly due to the distance from the pavement edge as well as it being densely vegetated. Would anyone like to add anything to 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.

Justification: We didn't hear or see anything in both the July 17th and today's meeting as well as the comments from the County Planning Board, that this proposed pole barn would have a negative impact on the environmental conditions.

5. The alleged difficulty is self-created.

Chairman Reinhardt- any conditions, Fred any conditions that you want to talk about, or Lya?

Ms. Theodoratos- no.

Mr Salsburg- no.

Chairman Reinhardt- okay, then. With that I would entertain a motion for APPROVAL.

A motion made by Lay Theodoratos and seconded by Fred Salsburg:

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

Michael Reinhardt	AYE
Mathew Nearpass	Absent
Fred Salsburg	AYE
Alexis Ogra	Absent
Lya Theodoratos	AYE

Adopted: 3 Ayes, 0 Nays, 2 Absent

Chairman Reinhardt- motion carried. Good luck to you. Thanks for your patience.

Ms. Battin- thank you.

Mr Battin- thank you.

Ms. Battin- no, yea, thank you for your help.

Mr Battin- yup, have a good night.

Ms. Battin- appreciate it.

Ms. Theodoratos- Good night.

VICTOR COMMUNITY CHURCH, 7500 St Rt 251 17-Z-2023
seeking area variance(s) for the proposed 9,333 SF addition, looking to reduce the building front setback from 83' to 50', as stated in 211 Attachment 3 Schedule II Area and Height Requirements and reduce the front parking setback from 61' to 50' when §211-32 A(d)[1] [a] states no vehicular parking shall be permitted within 80' of the road-right-of-way.

VICTOR COMMUNITY CHURCH, 7500 St Rt 251 17-Z-2023
Increase the allowable coverage from 40% to 51% and the side setback from 10' to 5' when §211-32 A(d) [1] [b] states parking, and paved areas may be located within up to 10' of the property boundary at the side and rear boundaries.

Chairman Reinhardt- Alright, Victor Community Church. Hi there.

Mr Lamarco- Good evening.

Chairman Reinhardt- Good evening to you.

Mr Lamarco- Once again, I am Steve Lamarco, Pastor at Victor Community Church, live on Dryer Road, right here in the Town, um since we last met one of the things that we discussed was um, the advantage of combined the 2 lots, we have since um, began that process um, it has not been completed yet, to my understanding, because we haven't been asked for the mylar yet, but uh, that application has been made and we're just waiting for that to happen, with that said we have a slightly revised letter of intent which merely at this point is asking for a front setback variance, the others are mitigated by the combination of the 2 lots. So, Bryan has those for you, um he can hand those out. Once again, we're asking for the front setback variance to allow for a faced addition and um ... and you have the images that are scrolling by now on the screen which I believe you have already as well from the previous meeting. Um ...

Chairman Reinhardt- you're just looking for the front setback reduction from 83' to 50' and then the parking lot side setback form 61' to 50'?

Mr Lamarco- no, nope. That would be a front ...

Chairman Reinhardt- which is the other one?

Mr Lamarco- just the front setbacks, the area coverage would not be needed anymore, so its really just a front setback variance.

Chairman Reinhardt- okay, so, the revision is instead of 4 variances you just need the 1?

Mr Lamarco- well its actually 2, but both have to do with the front setback, one being the building and the other being the parking. And I don't know if you want me to go through all of the reasons that I articulated last meeting, I'm happy to do that, but I don't need to do that if it's not necessary ---

Chairman Reinhardt- Um, I can do that, just really quickly. Uh You have a proposed addition that creates a safer environment, exit and entering for the children. That's seemed to be the main theme of why you are looking for that um ...

Mr Lamarco- the ...

Chairman Reinhardt- the front setback ...

Mr Lamarco- yea that's one of the main reasons, the other is quite honestly to improve the front façade for the community appeal, the curb appeal if you will ...

Chairman Reinhardt- you pointed out that, I think its O'Connell Electric has a similar variance.

Mr Lamarco- actually the exact same variance. They went from 83' to 50' um, and they are literally around the corner from us, we are right on 251 and they're juts around the corner.

Chairman Reinhardt - you touched on, you recently purchased uh property to the west of approximately 5.7 acres.

Mr Lamarco- correct. And that's what's in the process of being merged so that the area coverage variance is not needed, and the side setback variance is not needed.

Chairman Reinhardt- okay. So, I'm trying to work through this, uh, the most efficient way we can do this without putting your application in a bind. I can't promise the merger, I don't have any control over that, that it will happen ...

Mr Lamarco- sure.

Chairman Reinhardt- um. So, I think the best course is, is to deal with the variances that are in play if that merger goes through.

Mr Lamarco- sure.

Chairman Reinhardt- but to table the other ones so that if something doesn't go according to plan those are still viable, instead of, if you withdraw them, I suppose you could re-apply, but that means you'd have to go through the whole application all over again, so what I'm trying to do is keep everything in, as much in play as we can ...

Mr Lamarco- sure.

Chairman Reinhardt- so that, to keep this as efficient as we can ...

Mr Lamarco- you know the ins and outs better than I do, um I wondered if there, potentially you would suggest well, the approvals are conditional on the combination being finalized, but again you know the ins and outs better than I do.

Chairman Reinhardt- I can't give you legal advice, I can suggest them, if that's the way you want to do it, we certainly can, we can table the whole thing and ...

Mr Lamarco- oh no... I'd prefer not to.

Chairman Reinhardt- I didn't think so ...

laughter

Mr Lamarco- Id prefer to deal with the front setbacks and if we need to come back because there's some problem with the administrative lot line adjustment than we can deal with those at that time, but assuming that that goes forward then those become a non-issue.

Chairman Reinhardt- right, so if we, if we table the side setbacks, leave those opened and then once the merger goes through, assuming, if it does go through, then we would need simply from you, that we're going to withdraw it, um its moot, don't need them.

Mr Lamarco- okay.

Chairman Reinhardt- alright. Sound, is that okay with you, Adam? Sound like a plan? ---

Mr Ryczek- yes.

Chairman Reinhardt- alright. Lya, you're good with that?

Ms. Theodoratos- yes.

Chairman Reinhardt- Fred? --- Good, okay. Great. So, that piece is taken care of. The other, lets see, County Planning Board uh, did you see the notes on that? It's a class 1.

Mr Lamarco- did not.

Chairman Reinhardt- okay.

Mr Lamarco- their minutes as such are not available yet online. So ... Oh.

Chairman Reinhardt- yea, why don't you just take a quick moment instead of me rambling through that, its about a page and a half ... Let me know when you're ready and we can work through it. ---

Mr Lamarco- okay, I believe we've looked at it.

Chairman Reinhardt- okay. So, nutshell version, any questions then let me know but it's a class 1 ...

Mr Lamarco- the questions there ...

Chairman Reinhardt- right. So, Class 1 basically means putting in some of their comments um, there are other types of opinions that County Planning Board lets us know that their proposing a denial, that's not what's happening here, so without going down that rabbit hole, they're juts asking us to ask these questions, get them into the record, now the first one has to do with the mitigation, storm water ...

Mr Lamarco- mhm.

Chairman Reinhardt- how are you going to navigate ---

Mr Lamarco- I'll let Bryan address that as the site engineer.

Mr White- uh Bryan White, Hunt Engineers, um so what we had already planned and um you can see on the map that was submitted last time um, as well as in the new packet that was just given to you, so there is an existing detention pond, right at the north of the existing property, and then we showed one kind of just to the northwest in that kind of opened space right where the property lines combine, um roughly looking at what the existing impervious was versus what the new impervious would be, and just putting a rough estimate of what that you know existing retention area would be. So that shows where the existing ...

Chairman Reinhardt- right, and you, you're pointing to ...

Mr White- and then ...

Chairman Reinhardt- hold on, hold on, slow down, I, we're going to create a little record here. So, what you're pointing to is the drawing Con-0.1. Agree?

Mr White- yes.

Chairman Reinhardt- okay.

Mr White- yea the existing ...

Chairman Reinhardt- I know you're ...

Mr White- yea, sorry.

Chairman Reinhardt-retention Pond and you want us to look another map, excuse me another drawing, okay and that is Con -1.1 ...

Mr White- correct.

Chairman Reinhardt- right. And what do you want to show us ...

Mr White- so in the northwest area roughly, its somewhat smaller just because there's a little bit less impervious that would be going in, this would be graded to the northwest, that would feed into the existing retention pond area ...

Chairman Reinhardt- okay, so with your permission I'm going to draw what you just described, I'm going to circle the, this is a proposed ...

Mr White- correct ...

Chairman Reinhardt- storm basin area, and I'm going to draw an arrow toward the existing retention pond area. This area, did I make it right or not?

Mr White- correct.

Chairman Reinhardt- okay. The current we'll call that A, and the proposed, we're going to call it B. Okay, we made those notes on Con-1.1, right?

Mr White- correct.

Chairman Reinhardt- okay. Great.

Mr White- juts with the existing grading there may inherently just be some that goes to the existing road swell ...

Chairman Reinhardt- one second, Asam did you see those drawings? --- Did you see what I was marking or uh ...

Mr Ryczek- yes.

Chairman Reinhardt- okay.

Mr Ryczek- my only comment is that the site plan is going to require Planning Board approval which they're aware of, so, everything you're looking at is preliminary and may change based on their, the Planning Board and the Town Engineer and code review moving forward so, um, in my opinion most of the comments from the County are more applicable to Planning board ...

Chairman Reinhardt- okay.

Mr Ryczek- as opposed to the Zoning Board.

Chairman Reinhardt- and that works for me.

Mr White- yea this is strictly concept so there haven't been any design calcs or anything yet.

Chairman Reinhardt- alright. Uh, other questions regarding tree removal, uh I don't know if, to Adam's point, I don't think that has a lot to do with our purview, that's more Planning board, would you agree with that Adam? --- Okay, uh and as far as ADA compliant parking spaces, again I think that's more of a Planning board issue, so we don't really have to worry about that. And you've already mentioned uh the progress on the adjacent property. So, I think that takes care of the questions and comments form the County Planning Board, as far as Zoning goes, because to Adam's point uh, Planning will probably take more interest in that. Are there other pieces, comments that you'd like us to know?

Mr Lamarco- Id be happy to answer any questions you might have.

Chairman Reinhardt- Fred, comments, questions, concerns?

Mr Salsburg- well there's something I like about this uh, this will be quiet for 6 days a week and then on Sunday it'll be busy, but the other traffic is gone on Sunday, so for once traffic is not a big talking point ...

Mr Lamarco- correct.

Mr Salsburg- so there must be a god. To do that. Here he is. I guess.

Chairman Reinhardt- mhm. You're good?

Mr Salsburg- yea I, it's a good move.

Chairman Reinhardt- Lya, questions, comments, concerns?

Ms. Theodoratos- I just want to clarify again, I had asked it last time that with this new proposed plan, its going to be in one exit, in one entrance and out the other exit where you showed on the north um, excuse me southwest corner where the old house, is that that's approximate area where the cars are going to exit ...

Mr Lamarco- correct.

Ms. Theodoratos- so it's just going to be one way, one exits is going to be one way, the other is going to be also one way in and one is one ---

Mr Lamarco- that would be the intention, now we all know that sometimes people go different directions than they're supposed to. But the intention would be that creates a good safe flow of 1 being generally an in and one being generally an exit.

Ms. Theodoratos- mhm. And then the other question is um because you're reducing the front setback, is there, because of traffic, well its more with traffic coming out, I'm juts, I'm just asking would there be any obstructions to any vehicles on the main road, because everyone drives too fast here.

Mr Lamarco- right, uh you're correct there. I don't believe there would be any obstructions, nothing would be added that would obstruct the views at all.

Mr White- and where the entrance currently is, there is enough site distance for that to be in and out ...

Ms. Theodoratos- right.

Mr White- so by moving, if it is circulated to the you know say that exit by the existing staff house, that actually gets it closer to that curve to improve the site distance slightly over there.

Ms. Theodoratos- okay, that's all I have, of both last time and this time, you've, you really did a good job in your documents and when you explained to provide justification that it really clarified it, so thank you for that.

Mr Lamarco-thanks.

Chairman Reinhardt- I don't have any questions, I think you've answered them all, so lets just check and see ...

Mr Ryczek- uh just a quick comment, Mik, I just ...

Chairman Reinhardt- great.

Mr Ryczek- I just want to make sure you're aware it is 2 variances, okay. Not one. So, one is for schedule 2, height and area requirements for the building front setback, the other is for a further reduction in the parking ...

Chairman Reinhardt- mhm.

Mr Lamarco- parking correct.

Mr Ryczek- its 2 separate variances they don't fall in the same part of the code.

Mr Lamarco- correct.

Mr Ryczek- okay. Very good.

Chairman Reinhardt- so as the code enforcement officer, do you prefer separate resolutions, or ... we certainly can, because I think that the same criteria is, in my mind is likely going to apply ... we can, we can do them separate. And just we'll have them mirrored ...

Mr Ryczek- I think we should for your benefit, so in the future if you ever maybe just wanted another parking reduction its completely separate from the resolution of the ...

Mr Lamarco- not tied, one to the other.

Chairman Reinhardt- that's fine, yup. We can do that. Suzy, anyone form the public? --- okay. Alright I will ask it, uh in present, anyone form the public want to speak for or against the application? --- Alright, so ... lets go through uh, we're just going to double check, I think I know the answer. Fred, you're comfortable with the application and, for approval?

Mr Salsburg- yea.

Chairman Reinhardt- Lya?

Ms. Theodoratos- yes.

Chairman Reinhardt- okay. Alright so, let go through the criteria and this will be for the front setback from 83' to 50' ...

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: As discussed in the July 17th meeting as well as today, the proposed addition creates an improvement on the façade the current façade, and also creates a safer environment for the children that are on the grounds, I would also add that O'Connell Electric has the same variance which is in close proximity to the applicant's property. And I would also add that they have purchased uh a property to their west of approximately 5.7 acres and they are currently in the process of merging both parcels. Would anyone; like to add or comment on 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.

Justification: It was primarily discussed in the prior meeting that there were some options, but it would uh, both the façade wouldn't look aesthetically pleasing as well as the children's safety would be an issue as well. Would anyone like to comment or add on the second criteria? ---

Ms. Theodoratos- um, I put down here configuration of structure does not allow for the addition to be in the rear because the classroom space is on the side of the building because the rectory is in the rear, is that the correct term, I'm using ...?

Mr Lamarco- no we would just say the worship space.

Ms. Theodoratos- well the worship space is in the rear ...

Mr Lamarco- correct.

Ms. Theodoratos- and it's just, there's too much, it wouldn't be feasible to do that much renovation.

Mr Lamarco- yea, all of the current classrooms for kids and children are right there adjacent to where the addition is going, so the flow it just wouldn't work to put it in the back.

Chairman Reinhardt- alright, it can be done, but you know is it practical, really are you, your two main points were it was the children's safety and the overall façade and look of the structure uh, would be at a detriment if you put the addition in the back.

Mr Lamarco- correct.

Chairman Reinhardt- so, that's why I worded it that way, it can be done, but children's safety, wouldn't be there, it would be worse, and the façade appearance wouldn't be as pleasing as where you'd like ...

Mr Lamarco- correct.

Chairman Reinhardt- okay.

3. The requested area variance is not substantial.

Justification: There is a distance 83' to 50' however the other variables or excuse me the other criteria for the first and second, I think come into play and I would assume that it would be not substantial. Comments/questions 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.

Justification: While the County Planning Board submitted some questions regarding storm water mitigation, the engineer gave us sufficient information as far as the storm water mitigation solution and from our code enforcement officer advising us that this is primarily a Planning Board issue. Would anyone like to add anything to the fourth criteria? ---

5. The alleged difficulty is self-created.

Justification: Putting an addition on and requesting a variance is self-created.

Chairman Reinhardt- alright with that are there any uh conditions Fred or Lya that you'd like to add or submit?

Ms. Theodoratos- no.

Chairman Reinhardt- Great alright then I would entertain a motion for APPROVAL.

On a motion made by Lya Theodoratos and seconded by Fred Salsburg:

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

Michael Reinhardt	AYE
Mathew Nearpass	Absent
Fred Salsburg	AYE
Alexis Ogra	Absent
Lya Theodoratos	AYE

Adopted: 3 Ayes, 0 Nays, 2 Absent

Chairman Reinhardt- Wonderful alright, that's the first one, so the next one is the reduction of the front parking setback. From 61' to 50' ... I can re-do it or I'm going to submit if its okay with Fred and Lya to use the same criteria, the same justifications for what we just went through for the reduction of the front setback for the building. Okay with that Fred?

Mr Salsburg- yea, there's no sense in repeating it.

Chairman Reinhardt- okay, Lya you okay with that?

Ms. Theodoratos- yes.

Chairman Reinhardt- alright then, I would entertain a motion for APPROVAL.

On a motion made by Fred Salsburg and seconded by Lya Theodoratos:

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

Michael Reinhardt	AYE
Mathew Nearpass	Absent
Fred Salsburg	AYE
Alexis Ogra	Absent
Lya Theodoratos	AYE

Adopted: 3 Ayes, 0 Nays, 2 Absent

Chairman Reinhardt-motion carried. Great, uh and I think it's in the record but juts for clarification the other variances we're going to Table them and as soon as you get that merger to go through, I know, Adam, but it would be very helpful if you submitted an e-mail then um, just waiving them and uh saying we're going to withdraw them, I shouldn't say waive them. Withdraw them um ...

Mr Lamarco- okay, simple e-mail ...

Chairman Reinhardt- turns out our ...

Mr Lamarco- to the secretary ...

Chairman Reinhardt- when's our next meeting?

Ms. Downs- Tuesday, September 5.

Chairman Reinhardt- great, just keep us in the loop. Uh, we can't have this thing go on indefinitely ...

Mr Lamarco- right.

Chairman Reinhardt- I don't know if you're going to hear news by September 5, but we'll, we can put it in our calendar if we don't hear from you by the next meeting which is the 19th no?

Ms. Downs- 18th.

Chairman Reinhardt- 18th.

Mr Lamarco- oaky.

Chairman Reinhardt- um, we're going to give you a little buzz and say where are we with that? ...

Mr Lamarco- sure. That's fine.

Chairman Reinhardt- alright. Sound like a plan?

Mr Lamarco- simple e-mail to you will suffice for that? --- okay.

Chairman Reinhardt- that works.

Mr. Larson- can I say something briefly?

Chairman Reinhardt- you don't want to... don't undo everything.

Mr. Larson- no I won't undo anything.

Chairman Reinhardt- okay.

Mr-Larson my name is Arnie Larson.

Mr Ryczek- I'm sorry just real quick, so that you're put to ease with the administrative lot line adjustment, I should be through that by the middle of next week.

Mr Lamarco- okay.

Mr Ryczek- okay. So that should give you ample time to contact the secretary.

Mr Lamarco- okay.

Mr Larson- I wanted to say thank you for considering the variances prior to getting to full site plan, full architectural, this was really an important step for us to kind of solidify the direction that we're going with those, with that planning ... some municipalities are structured differently but I just wanted to say thank you for how you're structured because it saves us a lot of time, money and effort if we know that the variances can be secured prior to all those details being resolved. So ...

Chairman Reinhardt- great, you're welcome.

Mr Larson- I just, thank you.

Chairman Reinhardt- thanks for your patience.

Mr Lamarco- yea, thanks folks.

Chairman Reinhardt- nice job on your application. Its very helpful to us when it goes like that.

Mr Lamarco- have a good night.

Chairman Reinhardt- you too.

Mr Salsburg- I think this is the property that before this was a stone cutting operation and before that it was a bulldozer repair shop. That sound familiar Adam. ---

Mr Ryczek- that's before me Fred.

Mr Salsburg- I'm pretty sure it was.

Mr Lamarco- its before me, but I understand that at one time it was a lumbar yard that had a major fire and burned down.

Mr Salsburg- yea. It did.

Mr Lamarco- in history.

Mr Salsburg- that was 60's.

Mr Lamarco- so.

Mr Salsburg- but the bulldozer repair shop was a messy business and that wasn't 15 years ago or so.

Mr Lamarco- yea.

Chairman Reinhardt- great, thanks so much. Good luck to you.

Mr Salsburg- better use for this than that was.

Chairman Reinhardt- alright. Fred, anything for us? Lya, anything else? ---

Mr Salsburg- uh...

Chairman Reinhardt- I'm not necessarily asking you to create something ...

Mr Salsburg- it seemed like there was something I was going to ask you, but it's gone now, so no.

Chairman Reinhardt- alright. Lya?

Ms. Theodoratos- nothing.

Chairman Reinhardt- Adam? --- um, our liaison isn't here so we're good. I would entertain a motion for adjournment.

On a motion made by Mike Reinhardt and seconded by Fred Salsburg the meeting was adjourned at 7:44pm.