

TOWN OF VICTOR ZONING BOARD OF APPEALS, September 18, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on September 18, 2023, at 7:00 p.m.

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman, Alexis Ogra Fred Salsburg, Lya Theodoratos

OTHERS: James Bonsignore, Woods Oviatt Gilman, LLP; Khris and Rhonda Bailey, Kara Naylor Krupka, James Krupka, Adam Ryczek, Victor Code Enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the September 18, 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 Alexis Ogra, seconded by Lya Theodoratos:

RESOLVED, that the minutes of the meeting held on September 5, 2023, BE APPROVED.

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

MOBILE GRAPHICS, 7120 Lane Road 10-Z-2023
Seeking to modify a previously granted use variance (8/28/92) the new proposal includes a 3,840 SF building to support the existing business. The applicant would also like to add 2 additional employees. The property lies within a R1/R2 district.

Chairman Reinhardt- Okay, so first on board is the Mobile Graphics application.

Mr Bonsignore- Good Evening.

Chairman Reinhardt- Good evening.

Mr Bonsignore- for the record I am Jim Bonsignore from Woods Oviatt, on behalf of the applicant. Not too much else to report this evening, on the, I think we kind of flushed out all the major issues at the last meeting, the only thing to mention tonight after speaking with the Town attorney after the last meeting with respect to the question of use of the building, there's a question of whether or not we're going to divide it and basically have a portion of it remain the personal storage in keeping with the existing building on site or if the entirety of the building was going to be used for the business purposes, if the

board is so inclined to allow us, the potential use of the full building for future business purposes we would absolutely love that. But we understand that you know we had the discussion about splitting the use at the last meeting, you know that issue kind of came up in terms of whether or not we would need to come back for future, you know if, a future visit to this board, in that regard so, to the extent the board is willing to grant us the potential use of the entirety of the new building for the business use we would like to request that otherwise, I think we're fine with the fallback position that we discussed at the last meeting, which is that portion would be reserved for the personal use and the one bay reserved for the business.

Chairman Reinhardt- alright, what I would like to do, is allow the board to ask some questions, from, just for a quick review, really I think what we're primarily looking at, well there's 3 pieces, the 2 additional employees, the, permitting the showroom, display room whatever we're going to call that, then the additional building, I think it's, hopefully it's a given, there's going to be a demolition of the existing building which is about 2,400 SF, and the new building is now approximately, I think its 3,840 SF, so it's an additional 1,400 SF.

Mr Bonsignore- that's correct.

Chairman Reinhardt- um, client is requesting then the full use of the building and what I saw there in the e-mail was for storage/ use. I think it's worth the board asking some questions on, putting some if you will definitions and clarity on what it is that that will be used for, so if that's okay, then we'll ...

Mr Bonsignore- certainly.

Chairman Reinhardt- have some questions, um, Fred do you have any questions about the um, the full use of that building now being used for the business for storage use?

Mr Salsburg- no, I even think it's a good idea to have it, have one common use.

Chairman Reinhardt- Okay, Matt? Questions?

Mr Nearpass- is it one or the other or is it, you know does your client prefer it to be ... up to a certain percentage of personal use and flex business use into that section or is it, are you asking for no personal use, 100% business use form now moving forward?

Mr Bonsignore- I think the intent is 100% business use, but at this time if they don't have a need for it they would still want to be able to, you know, throw some of the things that were in the old building in the new building, and then to the extent that they needed to use that space you know to, for a second bay to do vehicle applications of graphics or something like that, that they would be able to remove the personal belongings and then use that space for the business.

Mr Nearpass- so it's like, so like a, maybe like a mixed use, I'm just trying to figure out how we would say it as a mix, is it a third of the, a third of the building ...

Mr Bonsignore- I think, that was the original intention but after speaking with the board and speaking with the board attorney, he suggested that we request that we be able to use the entirety of the building for business purposes ...

Mr Nearpass- but how much for personal, that's what I was, because it sounded like sometimes you might want to ...

Mr Bonsignore- yea, I guess ...

Mr Nearpass- a corner, or a, you know a bay be for personal use, I'm okay, I'm just trying to define like ...

Mr Bonsignore- yea, I guess it would be ...

Mr Nearpass- what is it ...

Mr Bonsignore- more like what you suggested in terms of like a flex use, um like, put it this way if they have 1,000 SF of personal items in the building now, and I'm just making up numbers just for the sake of discussion, for now it, if they could move that 1,000 SF of personal belongings etc. into the building and use that and use the remainder of the building for the business purposes, great. If ...

Mr Nearpass- so it's like, if we said up to 1,000 SF of the building can be used for personal storage use ...

Mr Bonsignore-well I'm just throwing; I just threw that number out there just for ...

Mr Nearpass- yea, and I'm just trying to, yea, I'm just trying to get it with the number is, that's all. Like how would we, what do we want the, what does your client want the code to say, is it up to a certain percentage of the building or, certain square footage, or ...

Mr Bonsignore- yea, I mean, I'm, I guess I'm not quite sure, I think the, the ...

Mr Nearpass- because the way it was proposed, I think it was a third ...

Mr Bonsignore- it was a third which would be roughly what ...

Mr Nearpass- 1,200 SF

Mr Bonsignore- 1,200 SF give or take ...

Mr Nearpass- so if it was up to 1,200 SF can be used for personal space ...

Mr Ogra- I think it was two-thirds from what I understood last time

Mr Bonsignore- it was two, yea it was the other way around

Ms. Ogra- that was to be used for personal ...

Mr Nearpass- okay.

Mr Bonsignore- yea.

Ms. Ogra- so I don't mean to interrupt, but just the way I kind of, the take away from last meeting was that two thirds of the building is to be put towards personal storage at this point in time, one third is toward business use, um meaning storage/installation um and that you didn't want it written into the variance that two thirds of it has to be for personal use and one third has to be for business use, you just wanted to be allowed in the use variance to have the space period. So that in the future you can remove some of the space that's being used for personal use right now to possibly use for business use etc...

Mr Bonsignore- that's, that sums it up perfectly.

Ms. Ogra- okay. Sorry.

Mr Nearpass- I still don't think we said the size, so no more than two thirds of the building for ...

Ms. Ogra- about two thirds ...

Mr Nearpass- business use or personal use.

Mr Bonsignore- yea, I and, yea no more than that.

Mr Nearpass- okay, I'm good.

Mr Bonsignore- and then as, if, God willing their business expands and then need a second bay, then they move their stuff out and they move you know another bay in for the business and that way we would be able to utilize the full building, even if they don't necessarily need the entirety, that is basically ...

Mr Nearpass- I think the way the building is architected isn't there a, is there a wall in between the 2 sections or ...

Mr Bailey- I plan to, yea.

Mr Nearpass- no questions, further questions.

Chairman Reinhardt- Alexis, more questions?

Ms. Ogra- um, when this started though on the original application the personal use seemed to just be the apartments and the rest was for business was the way I understand it, was that always the way that it had been intended in the application, or at the beginning, the building was just supposed to be business use and then somewhere along the road it changed to be two thirds personal or was it always supposed to be ...

Mr Bonsignore- I think the original ...

Ms. Ogra- two thirds then one third ...

Mr Bonsignore- well the, the original intent was to replace the existing building which has personal storage in it with the new building but then have the ability to use the new building for business if necessary, so I don't think anything has particularly changed in terms of the application um you know the, other than removing the, removing the originally proposed apartments, so the proposed use hasn't changed, it, it was intended to replace the one building with a newer bigger building with the ability to use it for business if necessary.

Mr Nearpass- the original building was like 7,500 SF, it was like twice the size, right?

Mr Bonsignore- the originally proposed building with the apartments? ... yes. Yea, so we drastically reduced the size by removing the apartment and trying to minimize the request.

Ms. Ogra- on the personal use, is there, I mean, I guess it's, a few members of the board have already brought up on the business use, you know expanding it putting in a new building begging the question of have we outgrown the space as a business etc. ... but on the personal use it seems almost, have we outgrown the space, do we just need to build a shed n our home or get ourselves a personal storage unit. I don't know if that's been, I guess discussed.

Mr Bonsignore- well I mean, any person who owns their own business space can store their personal belongings in there, I mean it's, I don't think that is ever really a question, the space is there, it stores their personal belongings now ...

Ms. Ogra- yea.

Mr Bonsignore- and the building is not in the greatest of shape, the intent was to replace that building for essentially the same purpose but have the ability to use it for the business down the road if necessary.

Ms. Ogra- but this is, we've made this now a business lot, so to say, so if were just expanding the business portion of it, we could have the building one third of the size, or no, have it yea, be one third of the size and just have it for business. Where the business is located.

Mr Bonsignore- I understand what you're saying but again we're replacing an existing building on the site with a slightly larger new building what's going in it, is ...

Ms. Ogra- yea.

Mr Bonsignore- is, you know, to the extent that it's not expanding the business, you know they're not going to be putting machinery or anything in the new space, this is, its solely going to be you know storage and like, and like I mentioned earlier vehicle, graphic applications so that they can utilize the interior space of the existing shop a lot more efficiently. So, I, I'm, I guess I'm not quite sure what the

question is, so the use, the existing from one building to the other really isn't changing we just need the ability to be able to use that space down the road for additional business purposes ...

Ms. Ogra- but it is changing if you're asking for a use variance, no I mean it, before it was just personal because it used to be the home was on the lot, now it's no longer the home, we've gone full business with the small section that personal because it was existing beforehand, um, and then when they did the use variance they added, you know to allow that as a personal space and now you're asking us to change the use variance again, to allow for this new building but only one third of it is going to be for business, when we've kind of made the argument the whole way coming up to now, that this is all for the like, we need this for the business, business to expand, which I totally understand, but then it seems like that's, are we overgrowing then with this, you know 3,000, yes its smaller than 7,000 SF, but does it need to be 3,000 SF, if we're not actually using all of it for the intended purpose of the lot which is business.

Mr Bonsignore- well I, again I, I disagree with your position the existing approval allows for the other building for personal storage use, so to the extent that regardless of whatever the square footage is of the new building, they are still entitled to have a building and utilize that space for personal storage, if they weren't under the terms of the existing approval so what we're doing is expanding the building by approximately 1,200/ 1,500 Sf but the, the ask is that if we need to go beyond that that we'd be able to in that same building without having to come back to the board.

Ms. Ogra- that was for a previous building. So, it was approved for a previous building, now you're asking for a new building. So...

Mr Bonsignore- I, I think we're kind of splitting hairs here, they have an existing storage building on site, we're proposing a new storage building on site, its literally moving things 200 feet from one space to another.

Ms. Ogra- and making it bigger. To use for business use.

Mr Bonsignore- yea.

Ms. Ogra- I don't have any other questions at this point.

Chairman Reinhardt- Lya, questions?

Ms. Theodoratos- no questions.

Chairman Reinhardt- Fred?

Mr Salsburg- no.

Chairman Reinhardt- alright, I think electively what I'm gathering here is, to your point they were already, your clients were already permitted to use the, both the existing building, that's going to be demolished the 2,400 / 2,100 for personal use, so ...

Mr Bonsignore- that is correct.

Chairman Reinhardt- so, if they were to knock it down and build one for 2,421, they could still use it for personal use ...

Mr Bonsignore- correct.

Chairman Reinhardt- I mean that's, I'm not expecting the board to accept it, but that's your argument that you're making ...

Mr Bonsignore- that's correct.

Chairman Reinhardt- so the additional 1,419 SF is now for business use.

Mr Bonsignore- that's correct.

Chairman Reinhardt- okay. So, on that argument and I think you know as well as I do and the board that we are charged with granting a minimal modification, and really the minimal piece is this 1,400 SF, not the 3,840 SF. What I'd like to know though is with the use, the business use, um I had a concern that if that business use is for storage and is limited to storage, because as I look at the prior use variance it talks about no additional manufacturing operations, and I think you know, its paragraph 5 of the June 2006, so if it's for storage and not for manufacturing and some of that new building is being used for personal items, we're not expecting our code enforcement officer to be poking his or her nose in there saying oh, no you can't do that, but if it starts to turn into a manufacturing operation now it's, it's significantly larger than what the manufacturing production is that's already going on in there, I think arguably then that that would have an impact on the community, so if the board approves this, is your client comfortable enough that saying, that in that facility, in that extra building, new building no production. It's just storage and I don't know how you; you know production creating things that you're currently do, its, it's what is it being used for.

Mr Bonsignore- okay.

Chairman Reinhardt- be as minimal as you can if it's just for storage, business stuff, then great, if it's not then tell us what it is.

Mr Bailey- uh, Kris Bailey, 650 Old Dutch Road, Victor. For the record. I think it's back to basics because it's been a little while since I've approached the board with our original intent um, minus the apartments, obviously that was you know the first uh step, but the intent was our production shop now is tight because of our storage of our material, we have racks, twelve 16 foot high with 4 by sheets of material, and I'm running out of room and we're actually storing material on the floor, so my intent is to move the material over to the new building we have to cover the storage that was in our previous building, but we need it taller because of the racks that we're moving over, moving the racks over, frees up a little more free space so we can keep the production in the production shop, I have, I do not have an issue with the board saying no production, as far as equipment stuff but we do want installation because that's another big part of the traffic area in our building for a big opened place and we have to leave that

opened so that we can bring in the vehicles to do the sticker installations and stuff on them, so what I'm looking for is to move material 4x8 sheets and stuff to take up a lot of room material wise and then a bay that we can bring a vehicle in and do our work and that frees up thousand square feet just doing that move to our production facility.

Chairman Reinhardt- alright, so installation in layman's terms is you are applying your product/graphics onto vehicles.

Mr Bailey- correct.

Chairman Reinhardt- is there anything else other than what we're calling installation, applying your graphics onto vehicles?

Mr Bailey- is there anything else what?

Chairman Reinhardt- beyond ... what I'm trying to understand is, if production occurs in the current building, you make your product, you make your labels onto the graphics and things that go onto vehicles and signs, that's fair enough to call production?

Mr Bailey- yes.

Chairman Reinhardt- alright. Is anything like that going to occur than in the new building? You say installation when you put the things that your produce onto the vehicle.

Mr Bailey- mhm.

Chairman Reinhardt- but beyond that, is there anything that looks or sounds like production that you would like to have occur in the new building?

Mr Bailey- besides vehicle installation and storage of materials there will be a fork truck that will probably be stationed over there going between the buildings to bring back material, production wise, it would be uh, not a good move for us to do production over there because we'd have to move our people back and forth and that's not an intent, when you do a vehicle you're there for a while, sometimes days. Doing this installation and that's why when it takes up the bay, even our big issue is now when material does come, we have to move a vehicle that we're working on out of the way to bring in material and that disrupts our whole installation and in the winter time it's even way worse, trying to do a vehicle wrap, take it outside get snow all over it, bring it back in just because we don't have room so moving the material out, and doing the installs over there gives us our area that we require to move forward.

Chairman Reinhardt- so, your, I hesitate to call it a print shop, but it's a high-end print shop, your making graphics for any number of applications, right?

Mr Bailey- correct.

Chairman Reinhardt- what I'm concerned about is, is as your business grows so big and you say wow, we now need to go, if you will invade the new building and put printers, however big that they are, I haven't seen them, into that new building and now your printing in both locations, and that arguably could change the character of the neighborhood when you were telling us, I think in good faith we just need storage. We have, we're doing so well we need a place to put this stuff.

Mr Bailey- I agree with you, with that statement, and I'm willing to have the restriction placed for as long as I can do the vehicle installs, storage and vehicle installation, that's our intent.

Chairman Reinhardt- you don't see any change in shipping/delivery how you, your operation looks, I know you get products delivered to you, uh, if the board approves this do you foresee an increase in deliveries.

Mr Bailey- I don't because usually our deliveries are light, and they can just stack on the pallet when we order anything in bulk ...

Chairman Reinhardt- alright, so shipping both ways, your deliveries and what's the term when it goes out?

Mr Bailey- um, I don't know. Export?

Chairman Reinhardt- you send it out, you work out put.

Mr Bailey- yea.

Chairman Reinhardt- so you don't see any change in the commercial traffic that is going to be in and out of your ...

Mr Bailey- no because, so a lot of our growth is with our existing clients, so it's, it's been good in that respect and besides UPS / FedEx your normal stop that comes in every day whether we have one package or 20 packages, that's primarily how we ship things out so, it's really no different than, you know if we have 20 packages for UPS or 1, that would be the difference but that's still one trip for that driver.

Chairman Reinhardt- okay, thank you. That helps. So let me ask the board if you have questions or comments about if the board decides to grant the modification of the use variance as one of the conditions being that that new facility will only be used for storage and/or installation no matter if they use a third of it or 50% of it or however much they are using for their business, I mean I think that's one hurdle and then the other is if they decide to use the entire piece, for business use, is that going to make a difference or if they put personal things in there, I mean I don't think the personal piece is really in play, I think to me the in play is how much of that space are you going to use for your business. What's it going to look like and is it going to impact the community.

Mr Bailey- as James alluded to, we did, we didn't have a lot of consideration about that until the Town Attorney said that could be a tricky thing definitely if we trade hands with someone and it's written that

way in code or we have to come back to the board, so he thought it would be wise not to separate it like that, so ...

Chairman Reinhardt- and that, I think also leads me into exactly what's, it's going to run with the land, so if we put that condition in there saying its only for storage and / or installation, if we don't put that in there, you sell it, someone then is going to say wow I can produce in both buildings.

Mr Bailey- right.

Chairman Reinhardt- alright, I think that is going to be a problem. For the community. Fred, comments? Questions about that piece?

Mr Salsburg- no. I think it's getting the words so well discussed, uh, very good application.

Chairman Reinhardt- it is and use variances are rarely granted and I think taking the time and thoroughly looking at this is what we're here for and I think we're doing a great job at it. So, Matt, questions? Comments about that piece?

Mr Nearapss- no, my only comment is I, I actually think the combining of the barn and the building is a positive for the community, I think if we just left the, had them leave the barn to store and then add a 1,400 or 1,500 SF building I think the site would be um, well it'd be less complaint than it is today, right, by building a new building and kind of getting rid of the, the older one I think it creates a better, a better situation for that, the overall picture there, um, I'm okay with you know the full use of the building for installation and storage, I'm not against that.

Chairman Reinhardt- great, Alexis, questions, comments?

Ms. Ogra- if we, if we write into the variance that the full building can be used for business use is 2 additional employees going to be enough? Is my question, because 2 employees were supposed to kind of substitute for the two of you if then you have almost installations going in all three, you know storage in one, installations in two, are you going to have to come back here and ask for more employees or you know should you sell, you know you guys don't count in those employees but you know you sell to somebody who is single and they want to replace you know the husband/wife combo with one more employee that would be them, is two enough? I guess is my question.

Mr Bailey- um, I guess ideally we would hopefully welcome another couple people down the road, if I do have to come back to the board each time, I'm welcoming to that because I think the board is going to receive that well with no complaints and you know we're trying to have a little growth there and if you don't see a change in circumstance with what we're doing up there then I would, I would perceive that the board would allow us to add those 2 employees, so it's not an extreme concern of mine but if the, we want to talk about opening up the gate a little bit more to 4 or 5, I mean that gives me an opportunity to you know bring in more people but I also know the board is trying to limit what goes on in, you know the use, but a couple employees is really a vehicle with one trip so, I mean that would be ultimately, hopefully helpful um, but we do not have that intent on our radar right now.

Chairman Reinhardt- I mean if we change that number now then it's going to stall your project, we have to put it back on notice and re-apply it ... I think that's ...

Mr Bailey- okay, I'm comfortable with two.

Chairman Reinhardt- unless you think other, I think that's a rabbit hole I don't think your, you want to go down right now.

Mr Bonsignore- no, again, you know the, the primary purpose is to address a special need right now and by opening up that space it gives a little bit more room for those employees to work on production in the main building or work on installation while the existing employees work on production, again with the restriction that the new building be limited to storage and installation I don't think there's going to be any issue with the employees at this time.

Ms. Ogra- okay. I don't have any other questions.

Chairman Reinhardt- okay, Lya, other questions, comments?

Ms. Theodoratos- the only comment I have is I feel comfortable with you hiring no more than 2 employees, and the way I'm looking at it that would put a limit to the amount of production or work you can do in that extra building because what's between the 7 and 9 employees there's only so much work you can do because you're keeping a set number of hours and they can only, even if you got more work, if you're only limited to those 7 to 9 employees you can only finish so much in a day with that one employee and with who you have. So, I, you know that was only my comment just I was doing the math and then the numbers and I felt comfortable with that.

Chairman Reinhardt- Adam, what's the um, the trigger for a sprinkler system in a building that has employees working in it?

Mr Ryczek- I'm pretty sure we're well below but I'll verify that.

Chairman Reinhardt- okay. Alright. Because I, what you're referring to, now it's really, storage is one thing but if you're going to do installation, it can't be installed by itself, someone, employees got to be there. You need time to look at that? Or are you, you're relatively confident that we're under ...

Mr Ryczek- well I think the Town code requires commercial, sprinklers in any commercial building ...

Mr Nearapss- yea, I think ...

Mr Ryczek- regardless of the building fire code, so ...

Chairman Reinhardt- okay, so ...

Mr Ryczek- but the Planning Board can, or they can go for a waiver, I believe ...

Chairman Reinhardt- okay, alright so ...

Mr Ryczek- but they would come here for that, correct, the Zoning Board ...

Chairman Reinhardt- the sprinkler waiver.

Mr Ryczek- right.

Mr Nearapss- I, I thought we talked about this earlier, do you plan on putting a sprinkler system in the building? I thought that came up the original ...

Ms. Bailey- *inaudible*

Mr Nearapss- per the code ... yea, I thought you had answered, yes.

Mr Bailey- my plan is if I have to. I didn't really think about that yet, my goal was to get a building, if I needed a sprinkler system, that's not going to stop getting a building um, as far as a, storage and things like that, yea, insurance but um, the sprinkler system I think is needed in my current building, I'm not sure, that it would be as needed um because the people aren't going to be in as deep of the building and it won't be so spread around ...

Mr Nearapss- I thought it was any commercial, I mean we've had to give variances for people that wanted a shed ...

Mr Ryczek- yea, any commercial building.

Mr Nearapss- yea.

Mr Bailey- yea.

Chairman Reinhardt- yea, okay.

Mr Bailey- I think ...

Mr Nearapss- You want to ...

Mr Bailey- I was in expectation that it was required.

Chairman Reinhardt- okay.

Mr Bailey- so ...

Chairman Reinhardt- alright, anyone from the public want to speak for or against the application? ----
Alright so just a quick, if you will a pull straw, 2 extra employees, permitting the showroom/display room and the additional building a 3,840 SF to be used for personal and business use, with the condition that

it's for storage and/or installation. Not production. Fred, you're okay with that? ... I mean we'll put more details into it but just to get ...

Mr Salsburg- sure.

Chairman Reinhardt- an idea ...

Mr Salsburg- no, that's good.

Chairman Reinhardt- Matt?

Mr Nearapss- yea. I'm good.

Chairman Reinhardt- Alexis?

Ms. Ogra- yep.

Chairman Reinhardt- Lya?

Ms. Theodoratos- yes.

Chairman Reinhardt- okay, great. So, we'll keep going forward, what we need to do, there is what caused a triggered the SEQR, we needed the assessment from, did you have a chance to look at that?

Mr Bonsignore- the part 2?

Chairman Reinhardt- yea.

Mr Bonsignore- or the one that was ...

Chairman Reinhardt- yes, it's a negative deck, we got to read it ... So, its good news for your client.

As I'm looking at the form being filled out:

1. Will the proposed action crate a material conflict with an adopted land use plan or zoning regulation? No, or small impact.
2. Will the proposed action result in a change in the use or intensity of use of land? No, or small impact.
3. Will the proposed action impair the character or quality of the existing community? No, or small impact.
4. Will the proposed action have an impact on the environmental characteristic that caused the establishment of a Critical Environmental Area (CEA)? No, or small impact.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No, or small impact.

6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No, or little impact.
7. Will the proposed action impact existing?
 - A) Public /private water supplies? No, or little impact.
 - B) Public / Private wastewater treatment utilities? No, or little impact.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No, or little impact.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, or fauna)? No, or little impact.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No, or little impact.
11. Will the proposed action create a hazard to the environmental resources or human health? No, or small impact.

On motion of Matt Nearpass, seconded by Lya Theodoratos:

The Application was deemed to be a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) Regulations and therefore the proposed action has been determined not to have a significant adverse impact on the environment, and classification as Type II concludes the SEQRA process.

Chairman Reinhardt- Board good with that, any questions, good. Alright, so those two pieces, done. Now what I'd like to do is we have the conditions, the original conditions back in 2006, and I think it's a good idea to go through those conditions and determine whether or not they apply or it's a modification, so what I'm looking at is the resolution June 6, 2006. Uh the conditions:

1. **That the maximum number of employees is not to exceed 7 employees.**

Chairman Reinhardt- So, our, if it, it granted it will then be 9 for it, for an additional two. So that condition doesn't apply anymore if the board grants it. Agreed? Board, yes.

Mr Salsburg- well modified.

Chairman Reinhardt- that's going to be modified.

2. **That no full-size tractor trailer trucks either deliver raw materials or pick up finished product from the site.**

Chairman Reinhardt- I'm not hearing anything about tractor trailers being on site, you're talking about FedEx trucks, and UPS trucks but no tractor trailers there. Agreed?

Mr Bonsignore- that is correct.

Chairman Reinhardt- alright so we're going to leave that one in there.

- 3. That all exterior lighting be restricted to security lighting only and be in compliance with the Town of Victor Draft Illumination Code.**

Chairman Reinhardt- I think we've already talked about that, that's staying in there. We're agreed? Board, yes? ---

- 4. That no signage either on the building or free standing be permitted.**

Chairman Reinhardt- All in agreement with that? That stays.

- 5. That the Zoning Board of Appeals requires a three-year review of the operation by the code enforcement officer to ensure that there has been no additional manufacturing operations or increase in intensity of use that was described in the testimony given by the applicant.**

Chairman Reinhardt- I think there's 2 pieces to that, I think the code enforcement officer can go in there anytime he/she wants and make sure that, that the use variance is in, the applicant is being in compliance with the use variance, so having the 3-year review, I don't think is necessary to have that as a trigger. Are we in agreement with that?

Ms. Ogra- but ...

Chairman Reinhardt- go ahead.

Ms. Ogra- wouldn't the 3-year review keep it so that even if they're not going in every once in a while, just on their own, they go in every 3 years?

Chairman Reinhardt- I think whether it be a board or resident or somebody that says look, there's a lot going on over there, so to go in after 6 months or 2 years whatever the time is to do a um, an inspection to make sure that they're in compliance with anything, it's like anybody else, uh that asks for a use or an area variance, more so a use variance, if you want to leave it in there, I suppose we could, I'm not, I don't have any huge objection to it, just whether or not it's necessary.

Mr Ryczek- so Mike, if there's a complaint or a suspicion like the 3 year requirement doesn't prevent code enforcement from investigating at any given time, I think when this was established that was just the time frame for their formal go in, make sure they're, have the same amount of equipment, and that the, the intensity of the operation wasn't growing but I don't think that this inhibits the code enforcement officer from checking whenever they you know feel, see fit. So, the Zoning Board may want to decide if the 3 year is the right increment, or if you want it to be you know every 2 years, every 5 years, as a formal report on the use variance...

Mr Nearpass- because without a complaint you really can't, it's not like you can just show up and say I want to come into your site and ...

Mr Ryczek- well no there's a use variance, so we could, you know check ...

Mr Nearpass- if it says it in the use variance, but I mean it's ...

Ms. Ogra- but if no one has complained in 3 years, why go?

Chairman Reinhardt- then, leave it in there. If ...

Ms. Ogra- yea.

Chairman Reinhardt- if its ...

Ms. Ogra- I think we should.

Chairman Reinhardt- if it's going to help the code enforcement officer have some reason to say oh it's time to go check and make sure everything is as they say it's going to be then leave it in there.

Ms. Ogra- especially because if it sold, you know whoever owns it next might not follow ...

Mr Salsburg- didn't code suggest it comes off ... Adam, was there a document that said that, take this off?

Mr Ryczek- no, I had asked the Zoning Board just to consider like if they were necessary or, meaning like should they be re-worded, I mean the intensity of the use is increasing by adding another building in my opinion, right, so as I was reading it, I was like well this seems kind of irrelevant at this time, maybe it needs to be re-worded not necessarily removed.

Mr Salsburg- well it's kind of naive to think we can sit here and say when its necessary to make an inspection ...

Chairman Reinhardt- we can do it once a year, we can do it every 3 years, you can do it 5 years, there's ...

Mr Nearpass- 3 seemed like its worked, I, how many years has it been, it's been ...

Mr Bonsignore- it's been almost 20.

Mr Nearpass- yea.

Mr Bonsignore- 17 years already at this point.

Mr Nearpass- have we, have we been going in there every 3 years?

Mr Ryczek- yes.

Chairman Reinhardt- then ...

Mr Ryczek- approximately.

Mr Nearpass- right, I mean is that sufficient?

Mr Ryczek- what's that?

Mr Nearpass- does that feel like that's been sufficient?

Mr Ryczek- uh, yea I think, I think that the 3 years, and then the next one kind of plays into that ...

Chairman Reinhardt- right.

Mr Ryczek- um, with the inventory of equipment and basically those 2 conditions were added juts to monitor the intensity of their operation.

Chairman Reinhardt- I think for a use variance I think it's worthwhile to have something in there, some review to make sure everything is, is on the same page and their doing what they say they're going to do and ...

Mr Nearapss- because again I think without it you need a complaint to go in there ...

Chairman Reinhardt- okay. Alright, we'll leave them in there.

6. **That the applicant provides an inventory of equipment and machines used and each time there is an upgrade, the applicant shall provide the Zoning Board with those upgrades and the Zoning Board will retain the authority to have a review earlier than three years, if deemed necessary.**

Chairman Reinhardt- so we talked about six already.

7. **That if the proposed operation lapses for a period of one continuous year, the use variance would permanently expire, and the property would revert back to the current zoning.**

Chairman Reinhardt- and I think that should be in there, unless somebody disagrees with that...

8. **The Architectural Review Committee review and approve the proposed building elevations.**

Mr Salsburg- that's history.

Chairman Reinhardt- yea, that's already happened. So that, eight doesn't need to be in there.

Ms. Downs- should we move that to the findings of fact instead, like previously it did that or just negate it all together?

Chairman Reinhardt- well we don't have a finding of fact that that has happened.

Ms. Downs- okay.

Chairman Reinhardt- um, but it's a, its presumed that, that since that building is there that it, the existing building, that it's been done.

9. **The hours of operation for the full contingent employees be limited to 9:00 am to 5:00 pm.**

Chairman Reinhardt- I don't see any reason why to change that. Alright. Before we move on, questions, comments, concerns?

Mr Salsburg- so we're modifying ... two/three and adding three ... conditions?

Chairman Reinhardt- we're modifying number 1. So that's going to be not to exceed 9 employees.

Agreed? So, it's going to go from 7 to 9.

Mr Salsburg- yea.

Chairman Reinhardt- and everything else still applies ...

Mr Salsburg- okay.

Mr Nearapss- and then you're going to add a condition on the, I think you've already stated ...

Chairman Reinhardt- right ...

Mr Nearapss- the use of the whole square footage of the building but ...

Chairman Reinhardt- right, so as now when we go through the proposed resolution ...

Mr Ryczek- Mike.

Chairman Reinhardt- yes.

Mr Ryczek- I just, so the product, or the uh, showroom / customer friendly display area was in the original use variance as a finding of fact as part of their testimony ...

Findings of fact:

6. The proposed use would consist of a production area only and would not contain a showroom or other customer friendly display area and would not alter the essential character of the neighborhood.

Mr Ryczek- it wasn't actually a condition, so do you want to add something into this modification that, I don't know if those findings of fact all go away, or if there's new findings of fact, or if we need to make a statement to that not being an issue anymore ...

Chairman Reinhardt- we, we can't, what we're doing by permitting the display/showroom is modifying the prior use variance, so we can't cross that piece out, you can, you can talk about the conditions, but I don't think you can alter a prior granted use variance. Any, you can have a rule regulation, a law that completely contradicts something that happened 10 years ago, and it's going to override that law that happened 10 years ago, and that's, in a flavor that's what we're doing is, is by granting the showroom/display room, we're modifying that prior use variance.

Mr Ryczek- so, I guess that's my question just as far as black and white goes, so three years from now when I forget all this or if a new code enforcement officer is assigned when they look at the most current use variance resolution will there be something, it just that statement won't be a part of it in the new one so it's no longer relevant ...

Chairman Reinhardt- what statement?

Mr Ryczek- about the proposed use would consist of a production location only and would not contain a showroom or other customer friendly display area and would not alter the essential character of the neighborhood...

Mr Bonsignore- if I might Mr Chairman ...

Chairman Reinhardt- Go ahead.

Mr Bonsignore- I think that is one of the conditions that we're seeking to modify with this application, so that condition would be modified to say that you know the production will be limited to the main building and that they will now be permitted to have a small display area/ display counter however you want to describe it, in that main building. I think that kind of goes to ...

Mr Ryczek- yea so the grey area there it's just, it was never a condition, it was listed as part of their testimony as a finding of fact, so it was enforced based, because that's what their, you know, they have to adhere to their testimony for the use variance, right, so that's why I just want to clean it up so that it doesn't get misinterpreted in the future and the, you know ...

Mr Nearapss- so wouldn't maybe we just remove the showroom piece so that it's just a lot, so there's no debate over whether it's a showroom or a retail space.

Mr Salsburg- well there's nothing to it anyway.

Chairman Reinhardt- but what I'm, what I want is the, there's 3 parts, to the modification for a use variance, and what I'd like then regarding the showroom/display room is to characterize it then is a modification of a prior prohibited use. So, if that's worded as such it then gives the indication that it wasn't permitted before but we're going to allow it now.

Mr Bonsignore- I think that's a fair way to say it.

Chairman Reinhardt- because then it's going to be current and if somebody has a question about it or finds it later on, we've addressed it.

Mr Bonsignore- and that would be a statement of fact this time around?

Chairman Reinhardt- so three pieces to the, this is a modification of a prior use variance, one is to increase the number of employees from 7 to 9, second part is permitting a showroom / display room, which is a modification of a prior prohibited use, and the third is the additional building of 3,840 SF which includes the demolition of an existing building of 2,421 SF ... and that the applicant, well we can put that in, as far as the justification ... alright are we ready to proceed?

Mr Salsburg- yes.

Chairman Reinhardt- so the justification then as far as the first part:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

Mr Bonsignore- Mr Chairman.

Chairman Reinhardt- go ahead.

Mr Bonsignore- I apologize for interrupting, but I think you have to make the SEQR determination first before you can ...

Chairman Reinhardt- we didn't do that ...?

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF VICTOR ZONING BOARD OF APPEALS AS FOLLOWS:

1) The ZBA determines that the application by Mobile Graphics to modify its current use variance constitutes an Unlisted Action, as that term is defined by Section 617.2(al) of the SEQRA regulations, and therefore proceeded with an uncoordinated review of the application pursuant to Section 617.6(b)(4) of the SEQRA regulations.

2) Upon a comprehensive and thorough review of Part 1 of the SEAF and the pertinent materials and information accompanying the application, as well as upon completion of Parts 2 and 3 of the SEAF and the ZBA undertaking a "hard look" and deliberation of the potential environmental impacts associated with the modified use variance, the ZBA finds that the application does not present a potential significant adverse environmental impact, and, therefore issues a Negative Declaration pursuant to Section 617.7 of the SEQRA regulations.

3) After reviewing the file, any testimony given at the public hearing and after due deliberation, the ZBA further makes the following findings of fact:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

Justification: The applicant has provided sufficient information regarding the value of the property that if it was to be used for Residential, it's also near the i90, and that as we talked about at the last meeting, the September 5 meeting, that's already been discussed at great length. Any questions or comments before we continue with the second piece? ---

- (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

Justification: Again, we've talked about that before at great length and also looking at the prior use variance. Now proceeding further --- The third part is really I think it, the issue:

- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.

Justification: So, two more employees arguably won't change the character of the neighborhood and permitting the showroom / display room, which is a modification of a prior prohibited use, will not change the character of the neighborhood, the demolition of the existing building and replacing it with a new old, an increased size of 1,419 SF, the building in and of itself won't change the character of the neighborhood. And it's believed that in fact it will enhance the character of the neighborhood so it's the building to be demolished is in poor condition and the use of the building for

business purpose(s) will not be used for production, it will be used for storage and installation of graphic products on vehicles for example and there will be no change in the shipping or delivery of stored materials and the new building will only, I already said that, right on the, only for storage and the installation. Okay so that's in there. Anything else you want to add for the third criteria? --- Part C? ---

Ms. Ogra- is it just installation on vehicles, or is there other installation you do on ... just vehicles?

Mr Bonsignore- just vehicles.

Chairman Reinhardt- I think the important piece on there that, there will not be production ion the new building.

Mr Bonsignore- agreed.

Chairman Reinhardt- alright.

(d) The alleged hardship has not been self-created.

Justification: Expanding the building is a self-created issue, the building is growing but the sue of the building again as indicated earlier is, primarily for storage, and for some installation, so its arguably it is not self-created.

Chairman Reinhardt- would anyone like to add anything to the criteria that we went through, or the conditions that we've established, so far? --- Hearing none. I would entertain a motion for approval of the use variance modification.

On a motion made by Fred Salsburg and seconded by Alexis Ogra:

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

Michael Reinhardt	AYE
Mathew Nearpass	AYE
Fred Salsburg	AYE
Alexis Ogra	AYE
Lya Theodoratos	AYE
Adopted:	5 Ayes, 0 Nays

Chairman Reinhardt- carried, thank you so much for your patience and working through it with us.

Mr Bonsignore- likewise. We really appreciate your time.

Chairman Reinhardt- Good luck to you.

Ms. Bailey- that was a little anticlimactic ...

Mr Bailey- *inaudible*

Ms. Ogra- congratulations on your daughter got married.

Mr Bailey- *inaudible*

Chairman Reinhardt- good, good, good.

Ms. Ogra- go home, get some rest. Take care.

KRUPKA, 6611 Bradhurst Street

19-Z-2023

Seeking an area variance for an existing shed that is placed 5'9" off the property line at the south corner and 10' from the property line at the north corner.

Chairman Reinhardt- Alright, next is the Krupka application. Thank you for your patience, that was a use variance, uh take quite a bit of time. So, I appreciate your patience with us. So, you have an existing shed ...

Mr Krupka- yes, purchased this summer.

Chairman Reinhardt- and its, you need a variance and its 5'9" from the property line, is that right?

Mr Krupka- at one point its 5'9" from the property line and at another point its about 10', it actually, it's on the north setback of the property, but the northeast side of the shed is 5'9" from the property line and the northwest side is 10' from the property line ...

Chairman Reinhardt- okay, so ...

Mr Krupka- 160 SF ...

Chairman Reinhardt- before you, I want to hear everything you've got to say whatever you want to say...

Mr Krupka- yes.

Chairman Reinhardt- uh, the county Planning Board, we had to refer the case to the County Planning Board, are you familiar with how that works? I can walk through it kind of quick with you and ...

Mr Krupka- I, I heard that it had to go through the County Planning Board, but I didn't understand the ...

Chairman Reinhardt- okay, so what sometimes happens is, um it seems lately more times than not, that depending on the application and where its located and most of the time its in proximity to whether it be a county road, a state road, a county line, a town line, there's a bunch of triggers that the county, the law says that the county has an opportunity to weigh in and give their two cents about how and if it would impact the county. And depending on that kind of impact, their going to give their opinion about what they think we should do about it, and it also depends on what kind of class it falls into, sometimes they may say well here's our two cents, vote however you want, other times they may say, this is really important, and we're recommending a denial. If they recommend a denial, the board then has to vote in a majority plus one, so since we're a body of 5, majority would be 3 plus one would be 4. Can't tell you what they're going to do because they haven't seen it yet. So, we find some facts today, and then it's going to come back when?

Ms. Downs- So you'll be at County October 11th, so you'll be back before us November 6th.

Chairman Reinhardt- alright. So, you'll get a chance to see it, we'll go over it with you, but until we figure out what it is that they have to say we can't tell you, we can't vote on it today. So, but we can get some facts, so with that in mind if you have questions let us know, but if, present your application, we'd love to hear about it. Tell us about your project. What happened, why is it there?

Mr Krupka- okay, yea, we, I'm sorry, uh yea we purchased this Amish shed from a company up in Greece, and uh at the time that we, we say other sheds very similar in our neighborhood and we're not realizing that it was required to be permitted to be able to be installed on our property. Its in our fence line so we were just basically misunderstood the requirement for the Town. We had a pad installed which is a concrete, sorry not concrete a, gravel pad, with timber around it to support the 16 x 10 foot shed, and uh, and then when I spoke with the neighbor who asked about it, he asked about the permit and that's when I, again I didn't realize I needed one that's when I came and got the permit, and they did the check on it and confirmed that its uh, does not meet the 10' requirement, from the property line, the property line is actually up against woods, there's about 40-50 foot of woods between my property and my neighbors property, and uh, he actually did send a statement to the board, to that effect. Corey stating that he had no issues with the location of the shed.

Chairman Reinhardt- Fred, questions?

Mr Salsburg- Suzy there's a good picture of just the shed, do you have that there?

Mr Krupka- I have a picture of the shed, oh I'm sorry.

Mr Salsburg- oh.

Mr Krupka- I submitted it with my, with the five questionnaires write up.

Mr Salsburg- well you got all the room in the world to put it properly and it, there was a the uh, permit to build the site plan permit showed it being 10', and then when the code enforcement officer came back to see it as built, its not. It's less than that ...

Mr Krupka- it was actually a compliance permit that I requested because I had already had it installed.

Mr Salsburg- right.

Mr Krupka- at the time that I got the permit.

Mr Salsburg- right, well ...

Mr Krupka- and I was ...

Mr Salsburg- something happened to the 10' that was originally on there ...

Mr Krupka- it was assumed to be 10' because there's, the line was not well marked and was when I actually had it measured, or marked out that it was determined that it was closer than 10' at that one point, at the northeast corner ...

Mr Salsburg- I have a feeling this would be the first variance in that development. There hasn't been one there since I've been on it. So, you could have made it just 6 or 8 inches shorter, and came with in the 150 SF ...

Mr Krupka- yes, I would, I wish we would have gotten one size smaller, one size smaller would have been ...

Mr Salsburg- I wish you had too.

Mr Krupka- we didn't know of the requirement ...

Mr Salsburg- and uh, I wish you'd uh, well we don't have to have it right on the line, just shove it in a couple feet to be sure. That would take care of it nicely. Instead of that you're looking at a, looking for a variance. So uh, that's my comment, don't actually have any questions, its, as things go, its portable.

Mr Krupka- what makes it less portable is the fact that its on a pad that I spent \$1,700.00 to have installed and ...

Mr Salsburg- yea but it would ...

Mr Krupka- to get the 4' require the same cost that I had the pad installed to actually move it to a new location.

Mr Salsburg- that doesn't sound quite right to me, because all the materials are there.

Mr Krupka- they said that they would, the materials were there, but the labor was the larger portion of the installation and the fact that the, moving it 5 feet over would require completely taking everything up, putting in the, putting it into a new location and, which would have a potentially different, its at a slope as well so its not a flat area, so that why there's 4 sections of timber on one end and one section on the other end. To accommodate the slope, and because of that whole thing that's why moving it is a little more involved than just the material its re-labor again, plus the yard that would be exposed, would need to be reseeded and re filled to accommodate the uh, the, where the pad is currently located. Plus, the cost of moving the ...

Mr Salsburg- this is pretty small for the county, I bet they just say go ahead. Return it to us.

Chairman Reinhardt- Matt?

Mr Nearpass- I mean, yea it'd be, it would have been nice, right if you ...

Mr Krupka- I absolutely ...

Mr Nearpass- knew where to put it, it helps in my opinion that all of your neighbors are for it, its, you mentioned there's a good size and I can see it, you know on google earth like everybody else there's a good size buffer between you and your neighbor, and your neighbor is okay with it. Um, you know the variance is substantial that you're asking for, but I think given the situation and kind of the uniqueness of the, of the lot and the buffering and I was going to ask the fence, is the fence a, can you see through it? Or is it a, the ...

Mr Krupka- its like a, its like a fence for um, for a swimming pool ... but its 4 feet instead of 5 feet.

Mr Salsburg- it looks like a wrought iron fence.

Mr Krupka- its aluminum. But it was a, I got the permit for the fence because that I was aware of, I got the permit and went to the HOA and did everything ...

Mr Salsburg- thank God.

Mr Krupka- so when I did the shed, as I said was a prebuilt and it was within the fence line and that's why I made the poor assumption that since it was within the fence I didn't... I did not realize the restriction.

Mr Nearapss- okay, no further questions.

Chairman Reinhardt- Alexis?

Ms. Ogra- no questions.

Chairman Reinhardt- Lya?

Ms. Theodoratos- and the fence that's in back of the shed is that on the property line ...

Mr Krupka- yes, yea.

Ms. Theodoratos- that's, okay.

Mr Krupka- yes, it is on the property line.

Ms. Theodoratos- okay.

Mr Krupka- well it's within the property line....

Mr Nearapss- it can't be on it. It's got to be ...

Mr Krupka- it's within the property line ...

Ms. Theodoratos- its within, yea.

Mr Krupka- yes. Yea because the shed is about 1' in front of the fence, so the fence is about 4' from the property line.

Ms. Theodoratos- okay.

Mr Krupka- at that point.

Ms. Theodoratos- okay. When I drove by this morning, there were I mean, there was a lot of woods between his property line and the neighbor, I mean it was a lot.

Mr Krupka- about 40-50 feet of woods between us.

Ms. Theodoratos- yea.

Mr Krupka- so, between our lien and the neighbors.

Ms. Theodoratos- yea.

Mr Krupka- back yard.

Ms. Theodoratos- and also my comment is because you have the fence around, even on the side its, and its in back, you know back of the house, its really not too visible from the street.

Mr Krupka- when I read the code after the fact, I realized that it said that in most areas of Victor it would of only and to be 5' from the property line but unfortunately because I'm in a cluster it had to be 10' ...

Chairman Reinhardt- no ...

Mr Ryczek- no, that's inaccurate but ...

Chairman Reinhardt- it's the other way.

Mr Ryczek- yea. It's the other way around, so you're in a clustered subdivision which would allow you to put it 5' from the property line if you meet the 10 criteria, the problem is, is the shed you installed is 10 SF too big.

Mr Krupka- okay, its 10 SF too big.

Mr Ryczek- right, because code enforcement goes by the code, an area variance was required so because your 160 SF, you are then required to be 10' from the property line, which is the approved setback for your subdivision, okay. The standard for Victor is 15' but your subdivision has a side setback reduction to 10' and then that can be further reduced to 5' because it's a clustered subdivision so long as your shed meets those 10 criteria. And because your shed is 160 Sf and has a side length of 16', it doesn't meet those 10 criteria which is why you have to come for an area variance, okay.

Mr Salsburg- it's obvious that even though the drawing said 10 feet, there wasn't anything to be gained by the way it turned out, its an accidental miscarried somehow.

Mr Krupka- uh, yes.

Chairman Reinhardt- the problem I have with these and you're not the first one, but they build first and ask questions later, and then we hear well its going to cost too much to move it, and the sympathy cords are being plucked, it's like, I know exactly what you're talking about on the timbers and the stone for personal experience, I put the thing in, so I know its labor intensive, and I saw the I don't know if its Mennonites or Amish, whatever the company was that, amazing how they got the shed on there in the first place, you know these fork lifts, I know it can be done, its not so much the cost of picking the shed up and moving it, I agree with you, it's the cost of relocating the shed so it'd be in compliance with the code. And to what end. Where it is, is it going to change the character of the neighborhood, uh, points have been made that, its well buffered, you can't see it from the road, is it substantial, probably yes. So, we have to go through these balancing tests if you will. The other concern I have is that we've had use, excuse me area variances for sheds almost seems like it happens once a month, and once one starts then we hear the "well my neighbor has one" "my neighbor ahs one" "my neighbor has one" and then this domino effect of, then it is going to start to change the character of the neighborhood and its hard to go back to say well, lack of a better term, yours was an honest mistake and someone else says well gee I want to maximize my property, so I'm going to do like my neighbor did and push it as far as I possibly can so I can enjoy my full backyard because I get to do whatever I want with the property, which isn't true. So, those are my comments. Not suggesting I'm going to vote for or against it, I'd like to hear what the County has to say. Anything else you want to ask or comment ...

Mr Krupka- the only other comment was, we did consider an alternative area on the further end which would have been much further on the property but the, it gets close to some wetlands or some um, not wetlands but it's a conservatory, and area that we weren't ...

Ms. Ogra- Conservation Easement?

Mr Krupka- supposed to go near, so we were kind of uh, restricted, so that's why we chose this corner, and obviously in retrospect uh, we wish we would have brought it in further, gotten one size smaller, it was a combination, it was all the things that went the wrong way, one size smaller, three feet this way, two feet this way, all would have solved the problem, but it was just uh ...

Chairman Reinhardt- would you be willing that well since we have to wait for the county, is for you to go to whomever you contacted and get an estimate, not a guesstimate, and estimate on how much is it going to cost to move that shed some place that is compliant with the code, which means you know picking the shed up, relocating those timbers, moving the gravel all the labor that's involved with that and I think it would be worth while for me, I think the board to look at that in consideration for ...

Mr Salsburg- maybe more than 1... price.

Chairman Reinhardt- okay, get at least 2. Alright, that would be helpful, to get our arms around what really the impact is, not only is it going to change the character of the neighborhood, but how is it impacting you on um can it be moved, is there some alternative, something that's feasible. For complying with the code. Alright, make sense?

Mr Krupka- makes sense.

Chairman Reinhardt- alright. I have to say it, anyone from the public want to speak for or against the application? --- no one, okay good.

Mr Nearapss- one quick, sorry. How long has the shed been there?

Mr Krupka- it was installed, July, middle of July ...

Mr Nearapss- so, an option wouldn't be if you went back and said Hey, I just need one that's a foot smaller, would they do a swap for you? And you'd be all done? --- Could it be that easy, I mean just an idea, like ...

Mr Krupka- I suspect, I, I, no I have not reached, I've not checked to see if that's an option but uh, I would have to pay that to ship back and then get a new one built, uh and deal with restock charge ...

Mr Nearpass- so it was ...

Mr Krupka- and whatever it all would be ... its custom made ...

Mr Nearapss- so it was truly custom built.

Mr Krupka- it was customized, we requested a loft a window, the colors, the vinyl, everything, so, everything on it was custom built to our specs. So, I don't, I did not check to see whether or not they would take it back, but uh, I could certainly check that ...

Chairman Reinhardt- who is the individual or entity that told you it was okay to put it there? Do you know?

Mr Krupka- who told me it was okay to put it there?

Chairman Reinhardt- or is it...?

Mr Krupka- no one said it was okay to, I didn't, I said I saw ones in the neighborhood and spoke to neighbors who have had sheds, but ...

Chairman Reinhardt- alright, so what I'm, you chose to put it ...

Mr Krupka- nobody said oh no, you don't need any, I never, it was a bad assumption ...

Chairman Reinhardt- okay, fair enough.

Mr Krupka- on my part that I actually I needed a ...

Chairman Reinhardt- thank you for your honesty on that one. Great. Anything else from anyone on this application? --- Great, then we're going to see you ...

Ms. Downs- November 6th.

Chairman Reinhardt- November 6th. Alright and bring us some estimates, we'll take a look at it, sound good?

Mr Krupka- sounds good.

Chairman Reinhardt- great. You have a good evening. Thanks for your time. Thank you.

HELLINGER, 6850 Co Rd 41 **TABLED** **18-Z-2023**
Seeking an area variance to place a pole barn forward of the front line of the home.

Chairman Reinhardt- Adam, anything for us?

Mr Ryczek- I think the um, I saw that down the road here right in the village that there was a sign up for that Gold Exchange ...

Chairman Reinhardt- oh, yes.

Mr Ryczek- looks like he might be moving into the village here.

Chairman Reinhardt- um, I thought you were going to let me know that our individual that's on Dryer Road, he still has a, a covering ... so he's still there and then if you go further, I think its east on Dryer past ...

Mr Salsburg- you got to quit going that way.

Chairman Reinhardt- I'm sorry, that's how I go. Just past School Street there's one with 4 sides on it. In front of their house.

Mr Ryczek- okay.

Chairman Reinhardt- so this would be I think in between School Street and Cork.

Mr Nearapss- further west.

Chairman Reinhardt on the south side of Dryer.

Mr Ryczek- I got you.

Chairman Reinhardt- thank you, anyone have anything else for Adam to do?

Mr Salsburg- remember the woman that was here 2 or 3 times with the shed, pretty big one on Louise Way/ Erica Trail and Louise. Uh, and she pleaded poverty a couple times, well they rebuilt the whole backyard, and there's a, now a retaining wall that's I don't know as tall as I am, sheds gone, the whole back yard has been redone.

Mr Nearapss- yea, the one where the shed was on the side of the house...

Mr Salsburg- yea.

Mr Nearpass- and they were on the corner.

Mr Salsburg- yea.

Mr Nearapss- because we had them move, I don't think ... it passed, right, we had them move the shed, I think ...

Ms. Downs- no, they withdrew.

Mr Nearapss- oh, they withdrew.

Mr Salsburg- whenever suggestions we had they were too expensive or, but it wasn't too expensive for what they did, because they were dropping 10/20 thousand on that ...

Mr Ryczek- all that landscaping was there during their application, Fred, it's been there for a couple years ...

Mr Nearpass- yea, I was going to say I thought they had ...

Ms. Ogra- it was all ...

Mr Nearpass- it was like the wall in back they were digging into it ...

Mr Ryczek- it was all there, that was what the issue was with them being about to move it to their backyard is they had built that entire patio thing already um, the definition of accessory structure in our code may need to change with the you know there's a few things these membrane structures for one, which like that, that lid that the guy on Dryer has now, I'm real hard pressed to say that's anything other than ...

Chairman Reinhardt- a tent?

Mr Ryczek- right. Uh ...

Chairman Reinhardt- okay.

Mr Ryczek- and then um, shipping ...

Mr Nearpass- it could be an Airbnb for all we know.

Mr Ryczek- shipping containers we could, we now consider an accessory structure because it is built and they're starting to appear for some reason, around town so, um ...

Mr Salsburg- in place of a shed?

Mr Ryczek- but I think that the walled membrane structures should be maybe integrated into our definitions.

Chairman Reinhardt- alright. Very good.

Mr Ryczek- working on those.

Chairman Reinhardt- does anyone have anything else ...

Mr Salsburg- well there's people living in them.

Mr Nearpass- oh Freds got a ...

Chairman Reinhardt- Fred if you, go ahead. Fred why don't you ... Alexis wants to know ...

Mr Nearpass- Alexis wants to know what the sheet was.

Mr Salsburg- if there's something there you want to see the presentation on circle it ...

Ms. Ogra- I like it all.

Mr Nearpass- he's going to come to your house and present it.

Ms. Ogra- really?

Chairman Reinhardt- okay, is there anything else before the board before I request ...

Ms. Ogra- what's the sheet?

Chairman Reinhardt- if there's a topic that you'd like just to circle it and give it to...

Ms. Downs- and give it to me, Freds got a whole packet of stuff from a class he took, he wanted to provide an opportunity to share that with all of you, if you would like copies of things just circle it and ill copy them for you.

Chairman Reinhardt- you can take classes.

Ms. Ogra- yea, what's this class?

Chairman Reinhardt- what's this class, you can take classes, and you're supposed to take classes for, it's a requirement 4 hours a year ...

Ms. Ogra- I thought we did our class already ...

Mr Nearpass- speaking of that did we ever figure out what happened to all the training that disappeared.

Chairman Reinhardt- training.

Mr Nearapss- member the training that, like some of us had like half of it done and then it all just disappeared.

Chairman Reinhardt- I don't, I'm not in HR. I don't know.

Ms. Downs- you guys are all good for training this year, from that class.

Ms. Ogra- what if we want to take more.

Chairman Reinhardt- you can. Circle them.

Ms. Ogra- Fred, let me know when you go.

Mr Nearapss- look her up Fred.

Chairman Reinhardt- he did. He already got the packet and but if there's a section ...

Ms. Ogra- alright, alright, okay Motion to adjourn.

On a motion made by Alexis Ogra and seconded by Chairman Reinhardt the meeting was adjourned at 8:45pm.