

TOWN OF VICTOR ZONING BOARD OF APPEALS, October 2, 2023

A regular meeting of the Town of Victor Zoning Board of Appeals was held on October 2, 2023, at 7:00 p.m.

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

OTHERS: Gerald Vanderstyne, Ed Kahovec, Town Board Member; Adam Ryczek, Victor Code Enforcement; Suzy Mandrino, Town of Victor; Amber Downs, ZBA secretary

Chairman Reinhardt called the October 2, 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 Fred Salsburg:

RESOLVED, that the minutes of the meeting held on September 18, 2023, BE APPROVED.

Adopted: Ayes 5, Nays 0

PUBLIC HEARING

VANDERSTNE, 85 Barchan Dune

20-Z-2023

Seeking an area variance to construct a 2-car garage. The proposed structure will be located on the right side of the house and is proposed to impede on the side yard setback.

Chairman Reinhardt- Mr. Vanderstyne, you would like to put up a garage.

Mr Vanderstyne- I am looking to put up an unattached 2 car garage, I reside at 85 Brachan Dune Rise in Victor, um I recently sold a business where I had some commercial real estate that, or commercial property that I could store, I have a small car collection, and do not have that ability to do that anymore, so I'm looking to put the garage on my property for car storage and I have some pool equipment and other things that I could use the space for.

Chairman Reinhardt- uh, size of the garage is 22 x 25?

Mr Vanderstyne- uh, 22 x 26, I believe....

Chairman Reinhardt- 26 ... I thought I saw it somewhere ...

Mr Nearpass- are we including the, the overage from the eaves? ...

Mr Ryczek- so the site plan says 24 x 22.

Mr Vanderstyne- 22 x 24? I think we have it ...

Mr Salsburg- there's a two-foot overhang.

Mr Vanderstyne- the footprint is 22 x 24.

Chairman Reinhardt- while Adam is looking for that, okay, so uh, this is just for car storage, uh pool equipment, not extra living space ...

Mr Vanderstyne- no extra living space. No.

Chairman Reinhardt- utilities?

Mr Vanderstyne- pardon me?

Chairman Reinhardt- utilities? Electric?

Mr Vanderstyne- electric. Yes.

Chairman Reinhardt- that's it, no plumbing?

Mr Vanderstyne- no plumbing.

Chairman Reinhardt- okay. Fred, questions?

Mr Salsburg- well the uh excavation mark is 22 x 24 but there's a roof overhang, of uh 2 feet on one side and 18 inches on the other, so that means the intrusion in the uh side setback is probably a little more than what was figured for.

Mr Ryczek- that's correct, yea ...

Mr Nearapss- was it included or its not included in this ...

Mr Ryczek- the eves are not included, the foundation is the 24 x 22, so you have a 2' eve so the variance, the setback reduction would be greater than 9'11", it'd be 7'11" ...

Chairman Reinhardt- okay, that's what we need to know.

Mr Ryczek- so it's a reduction of 7'1" ...

Chairman Reinhardt- right do you see what's happening there, the way that the Victor code works is, its not to the foundation it's the eve ...

Mr Vanderstyne- I was not aware of that but ...

Chairman Reinhardt- so you're ...

Mr Vanderstyne- I'm listening, yea, I'm ...

Mr Salsburg- most people aren't.

Mr Vanderstyne- yea, I'm learning for that.

Chairman Reinhardt- so I know you were requesting 9'11", so you're going to need 7'11" ...

Mr Vanderstyne- okay.

Chairman Reinhardt- that's what this conversation was about ...

Mr Salsburg- uh, beyond that, on the uh house existing house, on the end, portion of the end that has a garage, is there a door, great door into the house in that area? To keep the garage from sliding over further towards the house ...

Mr Vanderstyne- there's ... yes. And there is a uh screened in patio there, underneath there.

Mr Salsburg- oh there is?

Mr Vanderstyne- yea.

Mr Salsburg- between the house ...

Mr Vanderstyne- not between the house, the, the trying to think of the side, it would be the west side of the house ...

Ms. Downs- there is a pointer up there too if that's helpful.

Mr Vanderstyne- right here, so ...

Mr Salsburg- I'm lost on the

Mr Vanderstyne- so right there is the, that, screened in goes out to the deck.

Mr Salsburg- it's a little hard to see, but I guess I get the idea. Adam, has there been, do you think there's been a variance in this area at all? Ever?

Mr Ryczek- I would have to look but not since I've been here.

Mr Salsburg- I'd be kind of surprised...

Mr Vanderstyne- there is one at 79? Brachan Dune Rise, 2 houses down from me. And I think they're down to 6'. On the line.

Mr Salsburg- oh, is that right?

Mr Vanderstyne- yes.

Mr Salsburg- well my thought was to keep that from happening ...

Mr Vanderstyne- I'm just saying ...

Mr Salsburg- because once one goes in then more can go ... I'm all set for the minute.

Chairman Reinhardt- okay, Matt, questions?

Mr Salsburg- beautiful garage.

Mr Nearpass- have you um, if you had to adhere to the code right and be at 15' is there anything you could do, obviously you could make it a one car garage, or I don't know if you could do a one and a half or is there anything different you could do ...

Mr Vanderstyne- I got, I've got 5 cars and 5 garage spots, that's what I'm looking to do...

Mr Nearpass- is adding another 2, right? Or is this ...

Mr Vanderstyne- right, I have, right now I have 3, that's attached to the house, and I'm looking to get for 2.

Mr Nearpass- but what if you had to, I mean what if it was more of a, I guess lack of a better term like a shotgun style, where it was piggy backed, yea where it was tandem ...

Mr Vanderstyne- number one I think I ...

Mr Nearpass- I'm just thinking have you considered those just to ...

Mr Vanderstyne- but I think that if you're going back that far the lot is a pie shaped lot it would probably extend into that at some point, number one and number two that would probably be a tremendous expense for the fill and the construction of that because the piece of property it slopes down significantly.

Mr Nearpass- okay, no other questions.

Chairman Reinhardt- Alexis?

Ms. Ogra- have you thought about attaching it? Like just extending it to make it 5 car attached garage?

Mr Vanderstyne- um ...

Ms. Ogra- I don't know if it's feasible or not ...

Mr Vanderstyne- I don't think it's feasible, because the garage now they, its, they end load ...

Ms. Ogra- okay.

Mr Vanderstyne- and I'm looking for this one to be at, like that.

Ms. Ogra- okay.

Mr Vanderstyne- so to have it attached to the house, it wouldn't do that, I couldn't do that because I have living space behind that. The existing garage.

Ms. Ogra- on the first floor?

Mr Vanderstyne- yes, it's a um, uh three season patio, screened in patio.

Ms. Ogra- okay. Do you know what the separation of feet is going to be between the home and the start of the garage?

Mr Vanderstyne- mmm, I don't think its much more than 10'.

Ms. Ogra- okay. Will there be a side entrance? So, you can enter from the side?

Mr Vanderstyne- like a, just a ...

Ms. Ogra- just a door?

Mr Vanderstyne- um, yea I would probably have a door there ...

Mr Salsburg- right on the house side.

Ms. Ogra- so then, do you have a door, I let's see, do you have a door right now on the side like where the, oh okay yea, so it comes in this way on your driveway.

Mr Vanderstyne- yes.

Ms. Ogra- so there is no door there? Um, so you just open the garage to get out then walk and open the door on the side of this new garage to get into it.

Mr Vanderstyne- this one would have, yes, a side entrance on it ...

Ms. Ogra- perfect. Okay, I don't have any other questions.

Chairman Reinhardt- Lya, questions?

Ms. Theodoratos- yes, on your site plan the gap that's between the house and the proposed garage on the site plan it says 16 feet 8 ½ inches. And I'm wondering because there is some gap there, could you shift the garage a little over to the, as you're looking at the front of your house, shift it over a little closer to the house, because then maybe you wouldn't need to much of that variance on the side. On the right side of the garage.

Mr Vanderstyne- uh ...

Ms. Theodoratos- looking from the front.

Mr Vanderstyne- I think architecturally this is when you look at the house, if you, it'll be an odd look to it from the street and from the back of the, you know I'm on the golf course, there. It would look like it was ...

Ms. Theodoratos- like overlapping?

Mr Vanderstyne- yea. And it would look like it was an afterthought and not well thought out.

Ms. Theodoratos- yea. Did, I'm then just wondering something else, I don't even know if its feasible, but did you think of, I mean its very nice the way its designed, I think the way it is it fits it with the house, but

did you think of maybe putting then like a little, like a breeze way or something that, that somehow attaching it, no but you said earlier because you have that sunroom there so ...

Mr Vanderstyne- mhm.

Ms. Theodoratos- yea, I forget that ...

Mr Vanderstyne- its okay.

Ms. Theodoratos- yea, that's all I have for now.

Ms. Ogra- I just have one more question, are you going to have to remove part of the driveway or is it going to be right at the end of the driveway?

Mr Vanderstyne- uh, my present driveway I think its going to be up a little bit for that, where that, that stub is.

Ms. Ogra- so they'll have to put a little bit more ...

Mr Vanderstyne- no, I think it would be, it'd actually comes up a little bit less ...

Ms. Ogra- okay, so they'll take ...

Mr Vanderstyne- that what I have now.

Ms. Ogra- probably a couple feet away from the ...

Mr Vanderstyne- yea.

Ms. Ogra- okay. Alright. I've got no other questions.

Mr Salsburg- I have one...

Chairman Reinhardt- go ahead.

Mr Salsburg- uh, your neighbor aware?

Mr Vanderstyne- yes, there's a letter there ...

Mr Salsburg- They're alright with it?

Mr Vanderstyne- yes. I have a letter in the, that he ...

Mr Salsburg- I didn't see one ...

Chairman Reinhardt- it's in there.

Mr Salsburg- yea, oh, okay.

Chairman Reinhardt- you all done, Fred?

Mr Salsburg- yea.

Chairman Reinhardt- so I understand, what I think Lya was trying to drive at, on the west side of the house, well is there a side load garage on the west side of the house? Are all those ...

Mr Vanderstyne- there's two ... Theres a two-car garage ...

Chairman Reinhardt- is it a side load? Or is it ...

Mr Vanderstyne- yes, excuse me there's a, um, this is here, is a one car garage and this is the two, so when you come in there's a spot here and then this is a two-car garage here ...

Chairman Reinhardt- okay, that ...

Mr Vanderstyne- so that's where you get the three ...

Chairman Reinhardt- the two-car garage um, faces the west, is that right?

Mr Vanderstyne- uh, there's, three of them, three, so I have a single door and then a double door, so there's a three-car garage at this end of the house.

Chairman Reinhardt- right, so that's on the west side of the house ...

Mr Vanderstyne- yea.

Chairman Reinhardt- the reason why that new proposed garage can't get closer, or forward, this would be further um north, is that there's a two-car garage that faces west and you can't block it.

Mr Vanderstyne- right and they access to it, you would have a very difficult time backing cars out or pulling them in.

Chairman Reinhardt- alright. And then the, where the proposed garage is, if I understood you correctly, you don't want it to go any further east, just for aesthetics purposes? Or is there a, I think what Lya was driving at, there's a space in there some 16', you don't want to take that space away just for aesthetics or is there some other reason ...

Mr Vanderstyne- architecturally if you get it, it'll be like, like if this is the house from the road right now, and it gets closer, its going to be set back that it'll be difficult to get cars in and out, number one, and number two, it just would look I think as an afterthought. Which I'm not trying to, which I'm trying to eliminate.

Chairman Reinhardt- right, so it's the elevation of the proposed garage that's going to be aesthetically unpleasing?

Mr Vanderstyne- well its slopes away, and to get it, if you try to match it up to the house, it'd be very very difficult to do that because the grade slopes away from the house, the existing house right now, so ... between me and my neighbor there's a, a little bit of a swell.

Chairman Reinhardt- okay.

Mr Nearpass- Adam, how close can the two structures be? Is there a ... is it like 10', is it, or can you bring them right up next to each other?

Mr Ryczek- um, the size of the garage wouldn't have the 10' restriction, 3' ...

Mr Nearpass- okay, alright.

Chairman Reinhardt- and the vehicles, so adding another two-car garage, that's going to be five garage spaces.

Mr Vanderstyne- mhm.

Chairman Reinhardt- any thought about storing, if they are high end cars, storing them off site? So, when you want them, you go get them or they, winter cars, or you just want them on site and ...

Mr Vanderstyne- Id rather have them at my house. And not have the, I mean I'm going to invest in a garage, but I have other uses like putting pool furniture in, and just stuff that I have accumulated and, I prefer not to have a, a third-party storage.

Chairman Reinhardt- okay, Suzy, anyone? Online? ... No comments. Alright. --- Alright, Adam any thoughts on this?

Mr Ryczek- I'm all set Mike.

Chairman Reinhardt- alright. Uh, lets just take a quick straw poll here. What do you think Fred, you're good with it, you got more questions?

Mr Salsburg- well its going to a class act, so I, I wouldn't let it go in some places, but I'm okay with this one.

Chairman Reinhardt- Matt?

Mr Nearpass- yea, I'm okay with it, I, I think its substantial but that's not a hinderance, um, and I think you also provided that there's another one within the neighborhood in terms of, obviously it'll be aesthetically pleasing, like Fred had talked about, but there was another variance given for a separate ...

Mr Vanderstyne- I believe its 79. The um, its actually the other side of the, the existing neighbor that's my neighbor, its...

Mr Ryczek- its 71.

Mr Vanderstyne- what is it?

Mr Ryczek- the numbers jump there, I think it's 71.

Mr Vanderstyne- oh, okay.

Mr Ryczek- so you're 85, your neighbor is 81 ...

Mr Vanderstyne- 81, is that ...

Mr Ryczek- yea, so ...

Mr Vanderstyne- and then is it ...

Mr Ryczek- there's no 83, and then I think it jumps all the way down to 71.

Mr Vanderstyne- oh, that's right because it must, they must go with that little cut out ...

Mr Ryczek- because of the curve.

Mr Vanderstyne- yea the little uh, cul-de-sac there.

Mr Nearpass- I'm okay.

Chairman Reinhardt- okay, Alexis?

Ms. Ogra- I'm good.

Chairman Reinhardt- Lya?

Ms. Theodoratos- yea, I'm fine.

Chairman Reinhardt- uh, I just want to touch on, usually you don't find 5 car garages, uh but I think in that particular neighborhood, you might. So, ballpark range, value of the homes up there? Over a million?

Mr Vanderstyne- of ...

Chairman Reinhardt- I'm juts, what I'm trying to drive at is ...

Mr Vanderstyne- yea, the uh, I mean they go from \$500,000 to a million.

Chairman Reinhardt- the reason I ask that is because its this thought of is it going to change the character of the neighborhood ...

Mr Vanderstyne- right.

Chairman Reinhardt- um, in some neighborhoods, putting a 5-car garage when there's neighbors in close proximity it very well could alter the character of the neighborhood ...

Mr Vanderstyne- mhm.

Chairman Reinhardt- but I think, in that neighborhood up there, um, lack of a better term they're higher end homes, uh it's, I don't think its necessarily uncommon that there's 3, 4 and possibly 5 car garages and it still would fit in the character of the neighborhood, that's why I was asking that ...

Mr Vanderstyne- yup... thank you.

Chairman Reinhardt- question.

Mr Salsburg- architecturally it follows the main house.

Chairman Reinhardt- yes. Okay. So, Let's walk through, unless there's some other comments or questions ...

Mr Vanderstyne- I have nothing.

Chairman Reinhardt- alright, we're going to walk through the justifications, um we do know that there was one e-mail that spoke in favor of the application ...

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: And this is for 7'11", um the elevations, its aesthetically pleasing, the limited options of where the proposed structure can go, with the side load garage, garage spaces, the cost of alternative to attempt to comply with the code and in that case, it may not even comply with the code. And the high cost of storing vehicles off site. Would anyone like to add anything to the first criteria? ---

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

Justification: The applicant indicated that if they were to change or try and piggyback the garage it would cost in fill, and also it would be aesthetically unpleasing for the look from the road as well as the golf course. Anyone want to add anything to the second criteria?

Ms. Theodoratos- just the grading of the site makes it not feasible.

Chairman Reinhardt- okay, we can put that in there.

3. The requested area variance is substantial.

Justification: Is Arguably substantial, asking for and needing for 7'11". Would anyone like to add or comment on the third criteria? ---

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

Justification: We haven't heard anything or seen anything that would create any kind of physical or environmental conditions in the neighborhood or district.

5. The alleged difficulty is self-created.

Justification: That in and of itself does not create a reason for denial.

Chairman Reinhardt- Anyone want to add any conditions? Oh—let's add for finding of fact, in the first one, for an undesirable change, utilities will just be electricity and not for living space and only for vehicle and pool equipment.

Ms. Ogra- will there be gas for heating?

Mr Vanderstyne- pardon me?

Ms. Ogra- will there be gas for heating?

Mr Vanderstyne- no, I'm not going to heat it.

Ms. Ogra- okay.

Chairman Reinhardt- alright with that I would entertain a motion for APPROVAL.

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

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- motion carried, thank you.

Mr Salsburg- I used to have a 5-car garage and I thought it was just about right, now I'm down to 3.

Chairman Reinhardt- thanks so much for your time, have a good night.

Mr Vanderstyne- thank you everyone.

Ms. Ogra- thank you.

Mr Vanderstyne- appreciate your time.

Chairman Reinhardt- Good luck.

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- any other business? Uh for the board.

Mr Nearapss- the other applicant pushed?

Chairman Reinhardt- yea, uh ... the Hellinger was tabled. Anything for us?

Mr Kahovec- you guys are down to one meeting per month, right, so the next meeting is November.

Ms. Downs- yup, November 6.

Chairman Reinhardt- alright, then we're good? Adam--- anything?

Mr Ryczek- 7015 Dryer Road, the membrane garage structure in the driveway received a letter, we got a phone call, he said he was going to move it, he also had a junk vehicle that he said he was going to remove, did say he was going to remove it over the weekend, and it wasn't moved, but because the vehicle is being moved tomorrow I'm going to just keep an eye on it, but he did respond, so should be addressed ...

Chairman Reinhardt- okay. Very good. Thank you. Anything else? --- Motion to adjourn.

On a motion made by Chairman Reinhardt and seconded by Alexis Ogra the meeting was adjourned at 7:30 pm.