

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Tuesday, January 22, 2019 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

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

OTHERS: Al Benedict, Town of Victor Code Enforcement Officer; Dave Tantillo, Town Board liaison; John Butler, Historical Advisory Committee; James Cretekos; Debby Trillaud, Secretary

The meeting was opened, the Flag was saluted, and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

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

RESOLVED that the minutes of December 17, 2018, be approved as submitted:

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

Approved: 5 Ayes, 0 Nays

John Butler, Victor Historical Advisory Committee liaison, would like to give their 2018 annual report to the Zoning Board of Appeals.

Mr. Butler – Babette (*Town Historian*) has prepared a *summary for presentation*.

The Historic Advisory Committee has had a busy year. We have met with various parties concerning future plans and proposals for different historic properties all with goal of preserving the history of the Town of Victor, its structures, cemeteries and character.

To this end we have monitored the proposal and given our position on the Cole and Parks building. The building was preserved as a result, not demolished or moved. The newer addition was removed, the cobblestone foundation repaired, the building painted and the rear of the building returned to its original look.

The Village Cemetery has continued to be addressed with 15 stones with deficiencies repaired. Mapping of all cemeteries and the Historic Resource Inventory in the Town is nearing completion by LaBella.

In June, at the Pabos monument in Fishers, on the 400th anniversary of the death of the explorer Pabos, a wreath was laid to commemorate the event. Preston Pierce, County Historian, as well as others, gave remarks on the history of Pabos and the discovery of his grave.

Also in June Babette Huber presided over the presentation of Historic Victor plaques to the historic commercial buildings of East Main Street.

The committee has been concerned with the condition and maintenance of abandoned historic buildings. Communication is ongoing with the Building and Codes Department.

An updated barn survey update has been completed with documentation including photos. A summary will soon be available listing the historic barns and their status.

Discussion is continuing on how to more formalize a process for historic home owners, listed as high on the Historic Resource Inventory, who want to put on additions.

A Historic Lecture series was begun last year and being well received it is being continued this year as well.

The Historic Advisory Committee is pleased with its accomplishments and is appreciative toward the Town Board, Planning Board, Zoning Board and the Conservation Board for listening to our committee's recommendations and giving us your support so as to further the work of preserving Victor's history.

Chairman Reinhardt – Thanks so much. Keep up the good work.

We originally had Tambe on the agenda but it appears that they are not going to attend this meeting and they'd like to attend the next meeting.

We have some choices here; we can decide. They are asking to be placed on the agenda for February 4th. My inclination is that we have given them plenty of opportunity. This has happened multiple times, I'm inclined to decide today, but I'd like to hear what everyone else has to say. What do you think?

Mr. Salsburg – I prefer to wait and give them another meeting.

Chairman Reinhardt – Why is that?

Mr. Salsburg – You would think they've been doing some homework and I think this is important, we should hear it.

Mr. Harter – Have we had any other communication besides these emails? Have they responded to us in a way saying why this is taking time or are we just getting a one sentence email and we are supposed to read into it?

Chairman Reinhardt – That's what concerns me.

Mr. Harter – Has there been any verbal communication, have they spoken with you Debby? They didn't say for example that they were working on it and it's taking longer than expected?

Ms. Trillaud replied that no, there was no further communication, but she assumed that they were working on getting the Board information.

Mr. Harter – Maybe I'm reading too much into this but I think if I were in their situation and I wanted to appear before the Board and get a decision in my favor, I think I would want to give some reason why I can't make it to the meeting that I'm scheduled for.

Mr. Salsburg – And they haven't done that?

Ms. Trillaud – No, but I assume that they are working on it.

Mr. Harter – I guess it's up to this Board if we want to make that assumption.

Mr. Nearpass – When does this time out anyway? Isn't there a 60 day limit? Do we know when that date is? The only reason, at least this time, I'm hesitant about saying just vote for it is, in the last correspondence email with them we said the Fire Marshall is not going to be here at this meeting this evening, what do you want to do? I think in that response, we wish to be removed, we kind of gave them an out. It's not right or wrong, I'm just reading it here. If I was the applicant and was told the Fire Marshal is not going to be here and they know 100% that the need to have the Fire Marshal nod his head whether he is in agreement with it or not, it's probably a moot point. Their opinion is a significant factor to our decision making here as a Board, certainly after the last round with them.

Ms. Morley – I'm in accordance with Matt. The email did say that the Fire Marshal couldn't be here.

Chairman Reinhardt – Does the Board feel comfortable on communicating to this applicant that whether they are here or not on February 4th, we are deciding? They have had plenty of opportunities, unless they give us good cause on why they need more time we are going to decide on the 4th; we need to move these things forward.

Mr. Salsburg – I agree with that. I don't see a downside for us waiting another month. Is there?

Chairman Reinhardt – I thought it was thoroughly vetted and discussed at the last meeting. The fire departments were represented, a number of people showed up, we were given solid information, we were ready to decide but the applicant asked for a little more time to get some more information. We gave it to them.

Mr. Salsburg – They are very weak on their prime reason for requesting the waiver – it's too expensive but they don't know how much it costs.

Chairman Reinhardt – That's an important element.

Mr. Salsburg – They should have had that the first time.

Mr. Nearpass – I was wondering, should we just communicate to them that this is when this thing is going to expire based on when you submitted your application and you must get on the calendar between now and then. There isn't anything else driving us to make the decision, right?

Mr. Harter – I think it's also important that we make the decision in a timely way because memories fade and the impact from people having spoken here in a public hearing tends to fade with time also.

Mr. Nearpass – If the 62 days have passed I agree with what Mike said, communicate with them that they are beyond the 62 days normally allowed.

Chairman Reinhardt – Hopefully, you still have your notes from the last meetings. Collect them and bring them for the February 4th meeting so that we can review them. Can we also have all the minutes for this application available so that we can review them as well? (Yes)

HOLTZ PROPERTY AREA VARIANCE EXTENSION 1-Z-19

Richardson Road – tax parcel 7.00-1-93.110

The applicant is requesting to extend an area variance approved 2/5/18. §211-8C(5)(a)[2] states that if a building permit for which the variance was sought is not obtained within a year the variance is void, however §211-8C(5)(b) states the ZBA may extend the time within which a building permit may be issued for good cause.

The original area variance approved was to allow construction of an accessory structure up to 150 feet forward of the front line of the proposed residence and a minimum of 325 feet from the road right-of-way. §211-31G(2) states that an accessory structure is not allowed forward of the front line of the principal structure.

Chairman Reinhardt – The Holtz property; you are looking for a one year extension on a variance that was granted on February 5, 2018. Mr. Cretekos, good to see you again. Could you give us the nutshell version on why you need an extension?

Mr. James Cretekos from BME Associates, addressed the Board.

(Not verbatim) Mr. Cretekos informed the Board that the perc tests were relatively unsuccessful in most of the areas on the property and so a raised bed septic system had to be built. They were waiting on a response from the New York State Department of Health regarding the septic system, however, the NYDOH was several months behind in their project reviews. The Town of Victor engineer did not want to sign the site plan until the Health Department gave their OK and issued a waiver, and so the time line of the project had been delayed.

Chairman Reinhardt – OK, so when we look at these applications to grant an extension our concern is the project has stalled for financial reasons. It doesn't sound like that is happening here. You've been moving forward, you've had unexpected issues with the septic system and you've had red tape, but the project is moving forward. I think it does meet the criteria for granting the one year extension. Do you think you'll need more time beyond the year?

Mr. Cretekos – We do plan to start construction in the spring.

Chairman Reinhardt – OK, I'll open it up to the Board for questions.

Mr. Salsburg – Are you asking for anything more than the original variance?

Mr. Cretekos – No, just the same variance.

Mr. Salsburg – Word for word?

Mr. Cretekos – Yes.

Mr. Harter – Just renewing what you had received here before?

Mr. Cretekos – Correct.

Mr. Harter – I can corroborate your situation with the New York State Health Department because I deal with them on a regular basis as well and they are very, very slow.

Mr. Nearpass – I'm in agreement.

Chairman Reinhardt – Any issues we should know about AI, with this project?

Mr. Benedict – No, I just want to reiterate with the Board that in the Code it allows one year to start construction and the reason they are here is because they have not pulled that building permit yet. So now they are looking for that extension which is also allowed by Code.

Chairman Reinhardt – Do you have a date on when you are going to be applying for the building permit?

Mr. Cretekos – I don't have that date. I believe they are all set to go after the Health Department OK.

Chairman Reinhardt – Is there a range – do you think by March 1st, March 30th? If you say the spring, we are just trying to put something in the minutes on when you will begin.

Mr. Cretekos – End of March, beginning of April.

Chairman Reinhardt – OK. Then your estimated date of completion would be when? If everything goes according to plan?

Mr. Cretekos – I would assume the end of the season.

Chairman Reinhardt – Al, if they don't have their Certificate of Occupancy by December 31st, is that an issue with this?

Mr. Benedict – I don't think so. My concern is the timing. The variance is for the accessory structure forward of the house. The question is are we talking about a building permit for the accessory structure or the house? I think the original idea was to build the accessory structure first or the house first?

Mr. Cretekos said he believed they were going to start with the house first.

Mr. Benedict – In my mind, I would almost extend it out another year if we are talking about the accessory structure. That's what the variance pertains to.

Chairman Reinhardt – You are saying extend it out a year from today?

Mr. Benedict – A year from when the variance expires.

Chairman Reinhardt – The variance is going to expire, potentially, on February 5, 2019. If we can extend it to 2020, what day of the year is that? I would think you don't want it to happen on a Sunday.

So extending it out to February 5, 2020, it works? Concerns? The Board is good with that? It appears nothing has changed with the request for the variance. The only thing that has, is they've had some unanticipated obstacles; primarily the septic system issues and applications to the New York State Department of Health. Is there anything else you want to add regarding this application? (No) Is there anyone from the public who would like to speak for or against the application? (There was no one).

RESOLUTION:

WHEREAS, a request for an extension of time to extend an area variance was received by the Secretary of the Zoning Board of Appeals on January 11, 2019 from James Cretekos of BME Associates on behalf of Zac Holtz, of 250 Blazey Road, Victor, NY. §211-8C(5)(a)[2] states that if a building permit for which an area variance was sought is not obtained within a year the variance is void, however §211-8C(5)(b) states the ZBA may extend the time within which the building permit may be issued. The original variance was approved on February 5, 2018.

WHEREAS, the original area variance approved was the following: To allow the construction of an accessory structure forward of the front line of a proposed house located on Richardson Road

at tax parcel 7.00-1-93.110, whereas Section 211-31G(2) states that an accessory structure is not allowed forward of the front line of the principal structure.

On a motion made by Mathew Nearpass, and seconded by Donna Morley:

DECISION:

NOW, THEREFORE BE IT RESOLVED that after reviewing the file, the testimony given and after due deliberation, the Town of Victor Zoning Board of Appeals APPROVED the extension of the area variance to allow construction of an accessory structure up to 150 feet forward of the proposed house location at tax parcel #7.00-1-93.110 until February 5, 2020.

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

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

Adopted: 5 Ayes, 0 Nays

Al Benedict spoke regarding the Interpretation of a sign which was an application on the February 4, 2019 Zoning Board Agenda.

Dave Tantillo, Town of Victor Councilman, reported on the Parks and Recreation meeting and public workshop. It has been ten years since the last Parks and recreation master plan was approved. Councilman Tantillo also discussed the Route 96 Transformative Corridor Strategic Infrastructure Plan and Incentive Zoning.

Fred Salsburg made a motion to adjourn the meeting, Scott Harter seconded it, and it was unanimously agreed and RESOLVED, that the meeting was adjourned at 7:30 PM.

Debby Trillaud, Secretary