

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Monday, July 1, 2019 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

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

OTHERS: James Cretekos, BME; Fred Rainaldi, Valentown Plaza; Karen Petito, Brace Road; Carl Petito, Brace Road; Ed Kahovec, Town Board Liaison; John Brogan, Stickley Furniture; Craig Welker, Bradhurst Street; Candida Welker; Marquita Peterson, Bradhurst Street; David DiRaddo, Bradhurst; Curt Signorino, Bradhurst Street; Jennifer Mercandetti, Bradhurst Street; Todd & Rebecca Kistner; Brace Road; Fred Rainaldi, Valentown Plaza, Herb Ego, Serenity House; Tammy Van Buren, 365 Meadowlark Lane; David Van Buren, 365 Meadowlark Lane; Paul Zelter, Horsepower Motorworks; George Snyder, 304 High Street; Jack Marren, Town of Victor; John Butler, Victor Historic Advisory; Ruth Perkins, 6585 Bradhurst Street; Peter Ciancaglino, 6585 Bradhurst Street; Gary Sabin; Kenneth Page; Kayko Jarmusz; Richard Duprete; Martin Snyder; David Anderson; Matt Tomlinson; Cynthia Hamann; Keith Wrisley; Craig Fiden; Rich Cali, La-Z-Boy; Michael DeNisco, La-Z-Boy; Betsy Brugg, Woods Oviatt (for Stickley’s); Sue Stehling; Al Benedict, Town of Victor Code Enforcement Officer; Kim Reese, Secretary

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

APPROVAL OF MINUTES:

On a motion by Mr. Scott Harter, seconded by Mr. Matt Nearpass; Chairman Reinhardt abstained, (not in attendance at June 17 meeting).

RESOLVED that the minutes of June 17, 2019, be approved as submitted:

Matt Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 4 Ayes, 0 Nays

PUBLIC HEARINGS

WING – FENCE  
968 High Street

21-Z-2019

**MOVED TO JULY 15 MEETING**

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

MARATHON ENGINEERING, PAUL COLUCCI, ANAC Holdings  
Horsepower Motorworks, 1256 Brace Road

22-Z-2019

Applicant is requesting area variances to §211-24A(9)(b) & §211-24A(9)(c) to construct a motor vehicle repair facility whereas Code states the vehicle repair facility must be 1,000 feet from the residential boundary & 500 feet from a structure of a residential use. Also requested variances to §211-32A(2)(d)[1][a] & §211-32A(2)(d)[2] to allow parking 36 feet from the right-of-way instead of 80 feet per Code and allow a 76 feet parking buffer instead of 100 feet per Code. Also, requested is reduction from 120 parking spaces (six per repair bay) per §211-32B to 92 (4.6 per repair bay). The property is zoned Commercial/Light Industrial, is in the 96/251 Overlay District and owned by Edward Angelo.

Chairman Reinhardt – You are here for five variances, correct? And to give you a heads up as well as the public, because of the location to State Route 96 and part of the commercial/light industrial overlay district 96 and 251, it has to be referred to the Planning Board, so this board will not make a decision tonight, what we'll do is take as much information as we can, that's important to the County Planning Board and then when they have their comments and thoughts they will return it to us and if everything goes smooth, you'll be back in front of us for the next meeting.

Matt Tomlinson, Marathon Engineering – We have also made an application to the Planning Board as well just to start the process through all the boards, meaning the Town Planning Board as well, site plan application. With me is Paul representing Horsepower and I wanted to briefly touch on the variances and then I can answer any questions the board may have before opening it to the public. So this site is at 1256 Brace Road. It's right near the intersection of Route 96. We're proposing an overall buildout of 63,500 square feet. Phase 1 will be 42,000 square feet with room for expansion on the east and south of the proposed building. In the packet that I handed out to you, is a site plan and which is also a copy of which is here on the board which I'll refer to it in a little bit. And, elevation and floor plan of the proposed facility as well as a rendering of the front façade, so you guys get a feel for what we're proposing to build here. Being that we are in the Route 96 and 251 overlay that adds some additional set-back requirements for parking, building and then the other variances that we're requesting are for set-backs to the neighbors for the use, which is motor vehicle repair. This is a high end motor vehicle restoration facility, so it's quite a bit different from a Jiffy Lube or some other type of motor vehicle repair facilities. So, we're requesting five variances as mentioned. We're 100 feet from the boundary of a residential district immediately to our south versus the required 1,000 feet, 300 feet from any off site structure versus the required 500 feet which is the residence immediately to our south as well. Parking, we are proposing to bank quite a bit of the parking along the front of the parcel which is within the variance limits, but in order to provide the

flexibility for future expansion we wanted to request that variance now as part of the approvals, so that parking is located 36 feet from the right of way versus the required 80. The buffer, 76 feet versus 100 feet to the residential for a landscaping. There's quite a bit of a grade change, which I'll touch on. And, then the number of parking spaces is driven by repair bays and we're proposing 4.6 versus the required six.

So, on this site and part of the reason for some of the variances that we're requesting, we're trying to balance out the set back from the residential balanced out with the Brace Road set back and Brace Road at the depth of the parcel precludes us from complying with the required variances. In addition we've also got a 100 year flood plain present on the parcel and so we're working with town staff to provide compensatory storage on site.

Chairman Reinhardt – If I could just stop you for a moment, because you're asking for five variances and to keep I think the public in tune with what's happening, to keep these targets as stationary as you possible can. So whichever, as you know the criteria we're looking at, if you could tell us which criteria? Let me back up, which variance that you're speaking to and which criteria you are speaking to, so then we can figure out if you're going to talk about the first variance request first and then go through the criteria that's great, but if you're jumping around a little bit that we're not going to know are you talking the first variance, the second variance. Try not to group them in all together and isolate them so we all can understand. Can you do that?

Mr. Tomlinson – I can do that.

Chairman Reinhardt – Awesome.

Mr. Tomlinson – I will group if I can the number of parking spaces and the parking in the front yard. So, we're proposing to bank some of the parking as the Zoning Board I'm sure knows that means we're getting approval for it, but not building them right away, but allows us to go in and build them in the future if they are required. This is not a high turnover business. There's roughly 15-20 employees under full build-out and roughly 2-5 visits a day from customers. They'll get deliveries and periodically they will have car shows and that kind of thing on site which would require additional parking spaces, but we're reducing the number of parking spaces, there is more than enough space to provide the full 120 spaces, but in the interest of providing additional green space and reducing the footprint of the development on the site, that's why we're requesting that. And, we believe that will be a benefit both to neighbors as well as to storm water and some other things that the Planning Board is going to be more concerned with. The location of the parking, 36 feet from the right of way, Brace Road drops from Route 96 as it comes down and around the bend and that parking in the front yard moving it closer to the right of way will actually reduce visibility of it from Route 96 itself. It also allows us to provide a greater buffer to the residential by sliding the building and the parking more towards the north side of the site and only providing a fire loop at the rear of the site towards the neighbors. So that kind of segues into the setbacks from the residential to the south. As mentioned we'll be doing some compensatory storage for the flood plain. That's going to generate quite a bit of additional earth that we are proposing to place along this south area where we're showing quite a

bit of landscaping in order to provide additional buffering to those residential neighbors. As far as undesirable change currently as you know this is a fallow agricultural field and with no development, but it is zoned for commercial and light industrial use and given the low impact and the nature of the business we believe that this would be an appropriate use and not negatively impact the neighbors in this area. So, with that I can answer any questions that the board may have specific to the variance requests. Or Paul can, if I can't.

Chairman Reinhardt – So, again what I'd like to do is ask the questions come from the board if we could whichever questions that you have please identify which variance that you're concerned about or looking to or group them, so that in the minutes we know and the County as well, where your concern is, for what variance.

Mr. Nearpass – Can I make one suggestion? We have the letter in our packet dated June 17 and it does a good job of outlining each five, one through five. We can probably just refer to them.

Chairman Reinhardt – That's a great idea.

Mr. Nearpass – I believe this is one from Horsepower to the Town of Victor. It has the overview section. It's probably about 4-5 pages into the packet.

Chairman Reinhardt – Well I'm looking at the referral comments from Martin one through five and it identifies what the variance requests are and I have no trouble with whatever else is in the packet to use as reference materials. Fred, you have any questions?

Mr. Salsburg – What about the house that's there now?

Chairman Reinhardt – Which variance you talking about?

Mr. Salsburg – Well it's not in the variance. But, there's a house on the opposite side of the road. Is that part of this?

Mr. Tomlinson – No, we'll only be developing the roughly 12 acres on this side of the road. So, it will be split off from that and that residence will remain.

Chairman Reinhardt – Those homes impact or what they need the variance for, the first and second variance.

Mr. Tomlinson – And just to be clear for the board, the numeric numbers in the request are to the closest property which is immediately to our south. Obviously we're closer than those limits to the other properties as well, but that's the nearest point is directly to our south.

Chairman Reinhardt – Alright, so there's a single existing home about 300 feet is that right, looking at the site plan? Any other questions, Fred?

Mr. Salsburg – No, that's all. For now.

Chairman Reinhardt – Scott?

Mr. Harter – Yeah, I guess my first question relates to the 1,000 foot dimension. I took some time this afternoon to read through the April 9 informal meeting that you folks had with the Planning Board and I found the discussion very enlightening. I guess with respect to the 1,000 foot separation and the variance you're seeking. There's some interesting comments that you received that evening that I guess I'd like to bring up. One is the dynamometer and as a device which I presume measures horsepower on these custom cars that you have. And the noise that's produced by that. There's one comment that comes in here about a resident indicating that you're in close proximity to the Serenity House and how they feel that's not in concert with what the Serenity House is about. So, maybe you could give me a little information on the dynamometer and the noise how that might affect the neighborhood with respect to the 1,000 foot dimension.

Mr. Tomlinson – Sure. I'm going to let Paul talk to that one.

Paul Zelter from Horsepower Motorworks – I'm assuming that in your packet, so you have a layout of the inside of the building. If you look at the drawing, so you'll see on the left hand side there's a whole bunch of rows of cars which represents storage. Just to the right of that you'll see a room that says dyno. So that would be an enclosed soundproof room on the interior of the building.

Mr. Tomlinson – Right now in there's existing facility on Phillips Road it's open to the outside. Here it will be placed inside, in a soundproof room.

Mr. Harter – So, in response to a noise concern you could say with certainty that there would be no noise emitted from this?

Mr. Zelter – Very little. No different than traffic going down the road.

Mr. Salsburg – Is it a chassis dyno or an engine dyno?

Mr. Zelter – It's a chassis dyno.

Mr. Harter – So, it's operating totally enclosed?

Mr. Zelter – It's operating totally enclosed with an exhaust system, yes.

Mr. Harter – Alright, I appreciate that response. I guess a question that I have is a general question. And the general question is and also reading through the same correspondence that indicates that you're growing at a very good rate and if I project you're 417 percent over 9 months if I project that out further how long would it be before you outgrow this?

Mr. Zelter – What we're currently looking at? Well I think it gets to some point that growth will plateau based on personnel and size that we want to be. I don't foresee it going over what the proposed overall square footage would be. That would be a great problem to have if that ever occurred, but I don't foresee that.

Mr. Harter – Will you be selling your place on Phillips Road?

Mr. Zelter – We don't own it.

Mr. Harter – Oh, you don't own it?

Mr. Zelter – No, we lease it.

Mr. Harter – Would you continue to lease it?

Mr. Zelter – No.

Mr. Harter – You have a flood plain, wetlands, sanitary sewer district extension and you have a large area of disturbance by the EAF you indicate you're disturbing over 10 ½ acres of land. I guess this question relates to procedure. Why is this not a type 2 action and why are we not an involved agency?

Mr. Tomlinson – We've been working with town staff on that so, I'd have to circle back to them, if that's the intention.

Mr. Harter – But, doesn't SEQR tell us with these types of constraints that the typing of the action, would be type 2? Maybe this is a question for AI?

Mr. Benedict – Got me? I don't know enough about SEQR.

Mr. Harter – I guess I would put that question out there because I think it's an important question and when I read through the informational discussion, the Planning Board has the same concerns as we do. The neighborhood is the environment and they are looking at the same things I think that we are looking at. So, I think in kind of a co-equal way we're both interested I think in number one, seeing your business continue, but by the same token, protecting the neighborhood, the environment, the residents. And, so I think sound for them is as important as sound for us whether it's an environmental perspective or a neighborhood perspective it's still the same thing. So, it would be my opinion that it should be treated as a type 2 action. And, that we'd be working simultaneously with the Planning Board and in my opinion if you can work out the environmental issues with the Planning Board, you can work out the environmental issues with us, which is really the neighborhood. So those are my comments.

Mr. Tomlinson – And just to speak to that for a second. As I mentioned we have made the application to the Planning Board and anticipate going to County Planning, so we're essentially coordinating with all at the same time, knowing that we're not going to get an approval today so we're going to hear your concerns, go to them and then come back, so we will circle back on that item with town staff.

Mr. Harter – I think it might be easier, more logical if it were treated that way. And, you can do an expanded EAF or something like that and include both boards. Because I think we're about looking at the same thing. For example if I had to vote tonight, based on what I see here and what I read through on your 4919, I would be very hesitant to vote in favor of the project until I

saw the environmental issues that were brought up in that informal discussion resolved. And, I think those are the same issues we're looking at, too.

Chairman Reinhardt – Donna.

Ms. Morley – So, for variance one, you're asking for parking, but you're not really going to do, so how far out do you think before this parking is going to be made so that it's parking?

Mr. Tomlinson – So, we anticipate that that parking will be installed when the building's expanded out further. That's going to depend on the growth of the business as mentioned, so I don't know if Paul you've forecasted that or not, but.

Mr. Zelter – We truly haven't. That is a long way off. The building we're in now, square footage wise is not too small for what we have, so that's why the initial footprint is about the same. But it's very cut up and unproductive and so the hope is that with having a purposely built 42,000 square feet we won't have all the wasted space, we won't have the clutter around inside our building. Our building is an old warehouse used for different businesses, so it's very cut up and just not set up for the way we want to run the business. So we're hoping with the 42,000 square feet set up the way we want it, that's going to last us quite a long time.

Mr. Nearpass – First of all, it's great to see a business like yours grow, especially in Victor. It's not easy, for anyone to grow a business the way that you have. One just initial question is what other sites have you looked at and what makes this site with all the variances required the one you went with? Did you look at any other spots, did you look at expanding where you are on Phillips Road?

Mr. Zelter – I don't know all the ins and outs. I operate the business. I'm owner and manager of Horsepower Motorworks. I am not buying this property. That's with ANAC and the other entities are. But, I did look at other sites. There's nothing, it's difficult to find a place that I can put 42,000 or 60,000 square feet on without having it look like a giant warehouse that we're currently in. What we're currently in, we are maxed out at far as room that we can build back. I think the previous owner put an addition on that building. I'm quite sure he got that approved through you guys. But they put an addition on the building, but it's backed up as far as it can go. I have a 20 foot rock wall behind me in a hill, so we can't expand where we're at. If you're familiar with our building it looks like a warehouse which is good and bad. The good, that people don't necessarily know what's inside the building. The bad though is we're building high end cars and doing high end restorations, so to bring that clientele in to look at a warehouse is pretty rough.

Mr. Nearpass – No, I get the (inaudible) of it, particularly the location. Even just looking at your website, you work on a lot of really high end cars probably more sought online than just someone driving by and saying, *hey I want to get my Lamborghini modded today.*

Mr. Zelter – That doesn't happen.

Mr. Nearpass – Exactly. Putting the building with the features that you want, why this location and why not another place where again; are you in the building or near where Stratmosphere used to be? That was out towards, on Phillips Road, if you're familiar? They did a very similar thing, it was called, I think it was Stratmosphere. It was off of Phillips Road and they did high end car tuning and such. On that side of the town. And again, where it was less residential. I'm just curious as to what other options that you considered?

Mr. Tomlinson – Unfortunately, as you mentioned the ownership is not here, but will be at the next meeting and we'll prepare him to come with those answers for you as well.

Mr. Nearpass – OK.

Mr. Zelter – There were two other properties that I as privy to, I don't know the addresses off the top of my head. One was down the street from Duncan Donuts. There was an area back there that we were asked to look at and the other is a piece of property there's businesses in the front, the property goes back. There's an old existing warehouse on there. I believe it came with 20 acres, but most of that acreage was wetlands. There's no frontage there, so again I'm behind something with no frontage.

Mr. Nearpass – It didn't sound like you needed the drive by traffic, you're just looking for something.

Mr. Tomlinson – A visibility and a presence for sure.

Mr. Nearpass – But the presence and the look and feel, obviously that you would expect of a higher end experience.

Mr. Tomlinson – And while variances are required, in general without the buffering requirements, this is plenty well sized while avoiding all the wetlands, location and the zoning is currently correct. We don't have to rezone for it.

Mr. Nearpass – Understand. Question on the parking, so this would be number 3 and 4 on the list, both of those are associated with phase 2? And not phase 1?

Mr. Tomlinson – The buffering is the essentially we are in theory approved for the banked parking in the front if we needed to build them, the 36. So building in the driveline to 54 feet. The parking itself here is 100 feet away, but the fire lane is 76 and that's why we're requesting.

Mr. Nearpass – Maybe I can ask the question easier. In phase 1 do you need number 3, 4 and 5?

Mr. Tomlinson – In phase 1, we do not NEED them to build a facility, but to have the assurance that the expansion capabilities on the site are possible, we need to know that we can get them.

Mr. Nearpass – One suggestion I have specifically since there are never any guarantees for phases. I personally would be more open to what you're asking for in 3 and 4, or 5, if that was part of a future ask. We can talk about it here tonight, but again, I'm just one person's opinion. Instead of preapproving for phase 2, because once we make those approvals it carries into

perpetuity with the land and if phase 2 never comes into fruition and the building changes to something else in 5, 10, 15, 20 years. You know, the decisions we make today follow the land, and so my thought process around those three are sure, discuss them, but my recommendation would be is that they are put on the back burner, so to speak, for a future phase 2 because then we can have again, the debate with the public, the debate with the board to talk about how phase 1 has been going. And I think that also helps in terms of being able to gauge and measure things like how good of a neighbor you may or may not be to the residences that would be adjacent to the property.

Mr. Tomlinson – If I can touch on that a little bit. Number one assurance that what they ultimately want the property to be obviously versus come back and I understand from the board's perspective that's not as high on your list as it is on the owners. That would not preclude needing variances for those items. It would change the numbers, right, so for example the 36 versus 80 at the front yard, right now there's 18 foot deep parking spaces that we're proposing to be back, so that would go from 36 to 54, but we still need a variance. So, and same thing with the buffering and I'd have to check that number because we only went from the closest for the full buildout, but I would anticipate, especially for the number of parking spaces we'd still be asking for at least two of those variances. They may be slightly less in number, but would require us to come back for approval.

Mr. Nearpass – Since you have to come back anyways because of the County, can we have those numbers for variances required for phase 1.

Mr. Tomlinson – We can.

Mr. Nearpass – Jumping back up to number 1 on the list, facility located 100 feet from the boundary of any residents. How many homes are affected by that variances, right there? Or property lines are affected by the variance?

Mr. Tomlinson – To the full thousand feet?

Mr. Nearpass – To the full thousand feet.

Mr. Tomlinson – I would have to pull that, but I believe it's 5 in total.

Mr. Nearpass – Does that sound about right, Al?

Mr. Benedict – That looks like about right, yes. The residential district starts immediate to the south, I believe of this property.

Mr. Nearpass – And the distance to the closest one, I'm assuming is 100 feet, that's what the variance is?

Mr. Tomlinson – To the property line.

Mr. Nearpass – And that 100 foot line is that the property that has the home that is I believe condemned on it or vacant?

Mr. Benedict – I don't believe it's condemned or vacant. It's across the street.

Mr. Nearpass – It wasn't one across the street, I thought we were talking about a home that was.

Mr. Tomlinson – 100 feet to the property line. 300 to the structure.

Mr. Nearpass – OK, to that property line. Which structure is the 300?

Mr. Tomlinson – Right there, right on Brace Road. I believe it's on the site plan.

Mr. Nearpass – OK. After that home, what's the next closest? Do we know?

Mr. Tomlinson – I believe the next closest would be the structure that is on the parcel that we're purchasing from across the street.

Mr. Nearpass – OK. I'm OK for now.

Chairman Reinhardt – We're going to do something a little different. On item 1, the request for the variance that is 1,000 feet from the property line, you said there are five homes that are within that 1,000 feet?

Mr. Tomlinson – I believe its five properties, I'm not entirely sure there is a structure on each property.

Chairman Reinhardt – Is anyone in the public with any one of those five properties, just a show of hands. So, I see one, two, keep them up for me, please. You two in the back together, OK, so that's one, and you're together, so two property owners. So, there's four here, five of five, do I have that right? All five are here. That's all I want to know for now. Thanks.

Some questions for the applicant. Correct me if I'm wrong, you're the tenant, you're not the owner, is that right? OK. You call them clients, customers? What's the term of art that you use, when people come in and say please do some work on my car?

Mr. Zelter – Clients, customers.

Chairman Reinhardt – Repeat clients?

Mr. Zelter – Quite often.

Chairman Reinhardt – These aren't the type of customers that come and visit, they drop it off and they leave. It isn't the shopping around of type. They want you to do work. Leave the vehicle with you and they come back when it's done, is that accurate?

Mr. Zelter – Correct.

Chairman Reinhardt – Is there, as far as your business plan, is there whether it be in the course of a week, a month, I don't care what term that you use. Is there a number that you have that you feel that you need to sustain business. Let's say in the course of a month, how many customers do you need?

Mr. Zelter – In the course of the month, I might only turn 15-20 customers. In and out of the building.

Chairman Reinhardt – How long does that take?

Mr. Zelter – Some cars are there for tires, which I can do in a day or two, some cars are there have been there for two and half years.

Chairman Reinhardt – Fair to say that you do the basic change the tires on up to a high end overhaul of whatever it is that they're looking to do to the vehicle.

Mr. Zelter – The core work that we do at the shop is custom car builds and high end restorations. Not that you want to know this, but we just restored a 1938 Mercedes Benz. Won the Chairman's Choice Award at Amelia Island, won a journalist award at Greenwich, Connecticut. It's a half a million, million dollar car.

Chairman Reinhardt – It's important that it's in the minutes and I think also for the public to know, because much like Matt was saying a variance runs with the land. It's not going to run with you or your business it's going to run with the owner and if the owner sells it. So if and whenever happens here and you either move or the business fails. Whatever it is that you're not there anymore that structure is there. And what you're asking for by all these variances is a very unique situation that is, maybe a little pun intended is custom built for you. So, if you leave and somebody else then tries to come in, the Board then or the town will be left with whatever variances are granted. Does that make sense?

Mr. Zelter – It does. Let me just give you a little bit of insight. So, my business partner in Horsepower Motorworks is going to be one of the owners on the land if that helps what you're thinking.

Chairman Reinhardt – What share does your business partner have?

Mr. Zelter – I believe he'll be one third of the property.

Chairman Reinhardt – OK. What is your five year plan look like? Where do you expect to be in five years from now?

Mr. Zelter – I expect to still be in that square footage. If your question is do I foresee myself getting out of 42,000 square feet in five years, the answer is no.

Chairman Reinhardt – Alright, so let's say in year one, it's a bit of if's and but's, a year from now, could you tell me in what capacity would you be running out of there 50%, 80%? Less? Tell me what it is. What does a year look like?

Mr. Zelter – A year from now, probably 75-80%? But, I'm that now. Again, my issue isn't that I don't. If I had the building set up properly I have enough square footage for where I'm at. The problem is, it is not feasible for me to change the building to suit our needs that we're in.

Chairman Reinhardt – So if I use the term optics, you familiar with what that term means?

Mr. Zelter – Sure.

Chairman Reinhardt – OK, so why are optics important that you be located there as opposed to some place in the woods that it doesn't matter, you still can do your work you don't need to be like some where they are restaurants or they need to be on the main drag or there are certain businesses that need to be on the main drag. Why do you need to be there?

Mr. Zelter – I'll give you a great example. So, most of the clientele that we're drawing is high end and stuff and I think visually means a lot to a customer walking into our business. They are spending a lot of money on what we're doing for them and to walk in to a metal tan warehouse. No place for them. I have no front office. They have to come through a side door. There's no windows in the office. There's nothing to showcase what we do, there's no place for me to put completed cars to show off. We have people coming from all over the country to look at what we're doing. People that you see on TV and everything else and it is important visually to show them what we're capable of doing and to show a building that goes along with the product that we're producing.

Chairman Reinhardt – Alright, what I'd like to do is, take some questions from the public and then probably circle back and chat a little bit more. A quick show of hands, how many are interested in saying something about his particular application? Supervisor Marren, would you like to, sure we'll start with you.

Supervisor Marren – I was the last one to stick my hand up.

Chairman Reinhardt – Well if I think that if the public hears from the town first, that may clear up some issues and some questions they may have, or not.

Supervisor Marren – Thank you, Chairman Reinhardt, members of the Zoning Board. So, I'm looking at your map trying to see, so I know five homes within the 1,000 feet, is that what I heard? And, one within the 100 foot arc? So, just for the public's knowledge and certainly this board. 1277 Brace Road which is almost directly across from Serenity House. The Town Board back in April submitted a real estate offer, an acquisition to Mr. Stagnitto. He owns 1277 and then on the other side is referred to on tax map is 0 Brace Road, so two parcels which border the Town of Victor's Papparone Park land which is at this point, just vacant. That was back in April, he counter offered and then at last Monday's Town Board meeting, in the Executive Session, the Town Board authorized me to meet with him and that we were willing to meet his dollar amount request, so I have spoken to him and we have a verbal agreement on the dollar amount on that parcel with that one house. Again, not only relevant, because you have a number of other houses, so the only thing I would tell you is that whatever the Town decides to do, there are a number of options for both those parcels, but the house would not be necessary in our plans. Thanks.

Mr. Nearpass – Do you have a timeline for what would happen with that property?

Supervisor Marren – We would probably, the house itself because we are not going to be in the rental business, it would at some point we'd go through the process of turning that over to the Victor Fire Department for them to do one of those exercises.

Mr. Nearpass – Is this a 12 month plan, a six month plan?

Supervisor Marren – I would say certainly within the 12 months.

Mr. Nearpass – Thank you.

Chairman Reinhardt – OK. Who would like to speak for or against his application?

Mr. Herbert Ego – Thank you, Chairman Reinhardt, members of the board. I'm the board chair for Serenity House at 1278 Brace Road. On the map, it's the square black property at the south end. It's roughly five acres. Over 20 years ago now, that property was chosen by a group of Victor residents to establish Serenity House. If you're not familiar with it, it's a comfort care home which is essentially a hospice care facility. We basically provide a truly bucolic space for people that have days, weeks or months to live. It is a unique setting for us, we own about five acres. The land to the north mostly has deer and wildlife, birds, etc. that frequent that property. So it truly is a wonderful setting for people who have very little time left to appreciate.

Our concerns obviously would be related to traffic and noise, particularly noise. We understand that in one of their previous locations to this business that there were noise complaints. I'm pleased to hear that some of that may be dealt with by bringing some of the equipment inside and to somewhat protect it. But, before we could certainly support anything like this, we'd really need some assurances from the owners of this property that those things would be addressed.

The guiding principle of establishing that house there was to create an environment where patients and families can spend their final moments together in peace and comfort, so having a business that would create noise pollution, increase traffic, etc. to us seems irresponsible and careless. As a community, we have to take care of those who are the most fragile. Many of Victor's residents have enjoyed the benefits of Serenity House and so we're asking that those things be carefully considered before any decision is made. Personally I have concerns about a 60,000 square foot building with a variance as far as I'm concerned essentially being shoehorned in a piece of property that backs up to the water treatment plant, a park, a hospice care facility. It just seems like an inappropriate use of space. I'm also concerned that the business doesn't own the property which means three years, five years if they are not successful with their business plans that could be turned into either an empty property which would not be good or some other use that may or may not be appropriate for the next 20 years of Serenity House. I ask you to consider those things in making your decision.

Chairman Reinhardt – As chair of Serenity House, are you for or against this application as it is today? Or you don't know yet?

Mr. Ego – Excuse me?

Chairman Reinhardt – What I'm looking for is and really what County will be looking for is whoever speaks from the public if they are taking a position for the application or against it or their just neutral on it.

Mr. Ego – We would be opposed to it, at this time. We have surveyed our board members and the board stands in opposition to the variances. Thank you.

Chairman Reinhardt – OK. Thanks.

Anyone else want to speak for or against this application?

Mrs. Kayko Jarmusz – Director of Serenity House. I won't repeat what Herb has stated. I do agree all the points and I just want to mention that I would be concerned about the noise. They mentioned it would be traffic noise, but we do not get traffic on that end of Brace Road in the sense of it being noisy. Our residents are out on the deck, we have the windows open because they enjoy the fresh air and I can see this being a detriment to our purpose there for the last 20 years. And, I just wanted to mention that as a business seeking high end customers it appears, it would be certain that they would still continue to receive their customers regardless of where they locate it, because it's a specific need and those that want to seek out that type of need would find it wherever it's located. They did mention car shows, again I was concerned about how often, the number of people, the noise, the traffic. That's all. I'm opposed, we are opposed, again Serenity House and the residents.

Chairman Reinhardt – Thank you. Anyone else want to speak for or against the application?

Craig Welker, President of the Dorchester Park Homeowners Association (HOA) – Basically we mean no disrespect to this business. He obviously has a good standing in his industry. We do feel that there is probably a better location for this type of business rather than right next door to our neighborhood. There are houses in our Dorchester Park that do fall within that 1,000 feet set back. Our biggest concern is obviously aesthetics, as you said it's a big building. We're located in a small, relatively small lot for that size building. You know this is a substantial reduction in setbacks. I mean the parking right of way, we're looking for 55% reduction. The parking buffer, 24% reduction. A 90% reduction in the setbacks set by previous Zoning Boards or this Zoning Boards to a residential area. It was obviously set for a reason. This isn't an ordinary repair shop. It's a high end. Obviously I understand that. I have a race car. I understand what makes noise and what happens. In basically that thousand feet wouldn't even buffer the noise that could be created. At the prior meeting, there wasn't a lot of mention about a sound proof room, there was a sound deadening room. I'm not sure what kind of recourse the town has, if we do have sound pollution coming from the building. Hopefully that wouldn't happen. But even vehicles being serviced, high end vehicles, performance vehicles being serviced in a service bay, when you start them up, rev the engine, it doesn't have to be on a dyno, it still could create noise to the neighborhood. When Boosted Creations was in Phoenix Mills, all of us in the neighborhood could hear them working on their cars. And that's quite a ways away from our neighborhood. You hear the regular car noise coming from 96, we all understand that, we moved there, but

that's just ordinary traffic and high end cars revving engines, things like that, it happens. And we all can hear it, so if we sit out on our back porch that's what we're going to hear, on occasion, I'm sure it's not 100% of the time. It will be disturbing our quiet enjoyment of our neighborhood.

The other scenario, we touched on the dynamometer being in a sound proof room, hopefully if that does happen that the Town has some sort of teeth if we complain. Because I hate to see our neighborhood just have to listen to that, have to just agree to it. The other scenario, Serenity House has already spoken, I was going to speak on their behalf if they were not here. I can't believe, I would not want to have a loved one have to listen to that on their last days. The traffic, even if it was a car show. That's my other scenario that I am very concerned with. I used to live fairly near where Log Cabin used to have their car shows in Macedon, I've been to other car shows, I go to car shows. There's always those select few that like to show off what they brought. Usually when they leave and I know when I lived in Macedon, the town and the town police had nothing but trouble trying to enforce reckless drivers, speeding and that was a state road. That was not a residential road. There was a lot of issues there. I would want to know how that is going to be controlled. I don't think that's a proper area for having a car show. And lastly I just think that, I think it's a great business, I'd love to bring my vehicles there to have them worked on, not sure I want that in my back yard. So, and I think that building a high end building can be done in other places to have the good aesthetics for the new customers to come in and it doesn't have to necessarily be in the middle of a residential area where you have to shoe horn it in. As a Dorchester Park HOA we're against it as it's proposed.

Chairman Reinhardt – If I can ask you a couple questions, you're the chair of the HOA?

Mr. Welker – Yes

Chairman Reinhardt – Did you have a meeting of any sort to discuss this application?

Mr. Welker – Just with our board, we had email correspondence throughout the neighborhood.

Chairman Reinhardt – Alright. Would you be willing to share that email just so that we know that it's not just you, but it's the HOA.

Mr. Welker – Sure, we can certainly put a petition together if you'd like. That's very easy to do.

Chairman Reinhardt – Alright for the next meeting, it would be helpful then to know that as a representative of your board, of your HOA, how the neighborhood feels about that.

Mr. Welker – Sure and is there a way that I can be notified because I'm not within a thousand feet.

Chairman Reinhardt – The next meeting is going to be July 15. So, if you can be present at the 15<sup>th</sup> with the email or whatever exhibits you want, or you can send them in, as a supplement to your opposition to this. We would consider that. OK?

Mr. Nearpass – One quick question, is there anything that the board would consider if there were conditions, what would move you neutral or to yes. Because obviously, the property is but up against a commercial/light industrial district.

Mr. Welker – Absolutely. I could see a lot of other uses that wouldn't be quite as troublesome, we just don't know. Moving forward and the thing is, if Horsepower is there for a couple years, and they move somewhere else because they need more space, we have some other operator that's not as high quality come in there, then we've got a whole other problem on our hands. I mean the basic conditions would be a smaller building and I don't know what type of sound restraints can be put on and maybe not having car shows.

Mr. Nearpass – That's kind of where I was going.

Mr. Welker – And a limit on the car shows.

Chairman Reinhardt – Great, thanks.

Anyone else? C'mon up.

Keith Wrisley, 6598 Bradhurst Street – I'll be very brief. Good evening, members of the board. I just want to reinforce what Craig said, that the community is against this. There's been an email chain that's gone around to get opinions from different people and we've had conversations with the board and one of my big concerns is if you've ever tried to go out onto 96 and turn that corner especially during the winter time that is just a hazardous intersection as it is.

Chairman Reinhardt – So what you're referring to is Brace and 96 making a left on 96 heading north.

Mr. Wrisley – Correct. And by reducing the setback, we're allowing a bigger building, more customers, more people, more potential traffic through there and an intersection on a corner that's already very, very tight and difficult to navigate and will be further difficult for the community to be able to get back out there with an entrance way just before that curve. Thank you.

Chairman Reinhardt – Anyone else want to speak for or against?

Karen Petito – I am representing both my mother and my uncle who own the homes on Brace Road across the street past Serenity House and I have partial ownership with my mother on that home. I agree with absolutely everything Serenity House said, absolutely everything that Dorchester Homeowners Association said and previous folks. The only thing I would add to it is my big concern about the noise potentially and the traffic. I especially agree with Route 96 and Brace Road intersection. The other thing is the speed limit on that road which I would hope we could address because I have to believe that anyone having a high end performance vehicle worked on might either at a car show or otherwise, take that out, it's a country road and people tend to really open up, it's 55 mph there. Currently we get traffic that exceeds that all the time possibly from other businesses that are car related on 96 test driving.

Aside from that like I said I would agree with all of it, we're concerned about our property values. We realize it's light industrial but the nature of this particular business may have a much higher impact potentially on property values than down the road than other light industrial businesses perhaps, with all due respect to your business, sir. Thank you.

Chairman Reinhardt – Right. If I understand you correctly, you don't live on Brace Road?

Ms. Petito – I personally do not live on Brace Road, but I do own 1306 Brace Road with my mother, who had life use. And that was our family farm, my Uncle Dominic Paparone and my mother is Catherine Stagnitto. They both own those properties. My uncle does still live there and we are very concerned about the wildlife as well as drainage because growing up in the field across the street, is a wetland now and I think that has a lot to do with the sewage treatment plant and the things that have occurred there. We're also concerned about a building going into that place that is that big and the parking and what is going to happen to those fields that I think the town eventually going to own and has other plans for it, too.

Chairman Reinhardt – Understood. What I'm driving at is you are here on behalf of your folks.

Ms. Petito – I am, and as a partially property owner.

Chairman Reinhardt – We have a little bit of time. Just so we have everything in order and no one's speaking out of turn, I do believe you, but it would be even better if you had something in writing if you could, that your folks say that you are permitted to speak on their behalf and they are in support of your position so that we now have it locked in that you're saying it, they're saying it as owners of that property. Could we do that?

Ms. Petito – I can bring that to the next meeting.

Chairman Reinhardt – Awesome, perfect. Thank you so much.

Anyone else want to speak for or against the application? C'mon up.

Curt Signorino, 6586 Bradhurst – My wife and I live there. We're not one of the five houses that are within the 1,000 feet. I just wanted to echo everything that's been said before and also just raise one other issue, which is obviously sound doesn't stop at 1,000 feet. The noise issue. There's already at certain times a fair amount of noise from 96 that's being rebounded back to the neighborhood. Any addition is going to have an impact. I actually have a motorcycle license. I like fast cars and motorcycles, so I'm very sympathetic to that. But the noise issue isn't just a matter of being able to sit out in the backyard and enjoy nature which we all like to do, in that neighborhood. Many of us work from home, so my wife works for a company in North Carolina, she does all of her work during the day at home in her home office and this is something where unless we really have assurances that there isn't going to be this noise leakage. She shouldn't have to wear noise cancelling headphones to do her job and in fact she holds meetings all the time via teleconferencing. So this noise issue again isn't just a nice thing it could literally affect people who are trying to work out of their homes in the

Bradhurst/Dorchester Park area. I work at U of R, I'm a professor at U of R. A lot of times I'm in campus, a lot of times I'm working from home as well, so I don't face quite the same homeworking situation that she does.

The last thing that I'll add in terms of the traffic, that was something that I was very concerned about as well. It's not just going out onto 96, and this is just a Victor, Town of Victor issue that would just be exacerbated by this. When you're coming out of the town of Victor and everybody's so aggravated from the stop and go traffic during the day from the lights and going 30 mph stop and go and they hit that edge, and they just want to hit the gas and as you're coming up to Brace Road when you have to make that turn, everybody is coming up behind you really fast and I move all the way over to the right and I still feel like, you know, it's just an accident waiting to happen. This is just an issue regardless of whether a new business is there, with more customers, with more traffic. The Town of Victor needs to address, but this would certainly exacerbate it.

Chairman Reinhardt – Anyone else want to speak for or against the application? C'mon up.

Todd Kistner, 1268 Brace Road – Which I feel is kind of being overlooked tonight so that would be just north of the Serenity House. So I'm actually fairly close, although I'm not mentioned in any of this. I definitely agree with everything everyone else has said tonight. I don't really feel that staring at the back of a 40-60,000 square foot building would be something that I'd want to do out my front yard. I definitely agree with everything the Bradhurst people say as well as the Serenity House. We love our quiet, we love our wildlife and there was something that I wasn't exactly clear about was the possibly sale of the house across the road, was I mistaken? To the town.

Mr. Nearpass – Correct.

Mr. Kistner – OK. For what reason, though? Just to get rid of it? I mean there's people living in it now. It's a rental property. I understand that.

Chairman Reinhardt – That's a question that should be addressed to the Town itself. This is really for the variances that they are asking for, so what I don't want to start happening is having these tangent type of issues that all due respect to the individual who spoke that the traffic issues. Traffic does have an impact on this to a certain degree, but not necessarily on 96. So it needs to be concerns specific to either one or more of the variances that they are asking for.

Mr. Kistner – I guess I wasn't aware of the fact that that property was going to be sold off. And I don't know if that takes care of the 100 foot versus 1,000 foot variance? I could see how that would benefit them, especially if that's getting sold to the town and the town is in approval of this? So that makes sense.

Chairman Reinhardt – Well there is one, what Supervisor Marren is referring to, the one that's within 300 feet. If I understood correctly, they are not going to the rental business, so they're

planning on setting something up with the fire department for an educational burn. So that house won't be there much longer. Alright?

Mr. Kistner – Right. So, like some of the other people have said I like my cars, I like engines. I get it. But I've been to a lot of car shows and I know people come and go pretty loud. I know what a dyno can do. I think it's great that they can move that inside and have some sort of sound deadening although not every vehicle that is going to be getting work done there is going to be on the dyno, so there are still other noises produced from there. As well as you know maybe somebody that comes by and they want to take their new found equipment for a little test drive, check it out see how they did. Sounds like they do a great job and they are well respected in their industry, that's awesome, but when someone spends some serious amount of money, they want to take it out and see if it was everything that it was supposed to be. I got a nice straight road where regular cars already kind of like to hammer down once they come around that curve. I couldn't imagine what something with some real horsepower would do coming down through there. I guess phase 1 through whatever, I guess I'm opposed to that coming to our neighborhood. Appreciate your time.

Chairman Reinhardt – Anyone else want to speak for or against?

Mr. Ego – I just had a follow up.

Chairman Reinhardt – Quickly if you could.

Mr. Ego – My concern for the board that I didn't mention, one of the variances specifically is asking for a reduction in the number of parking spaces to 92. I listened to the gentleman who has the business saying that they have a handful of customers that come in a day. So, if there's 20 bays and they are at 80% capacity, I just don't see any reason why you would need 92 parking spaces unless your plans are not entirely for the repair of those cars, it's got to be for these car shows and these other events that they tend to hold. I have a concern with that. They need to look very carefully with that parking. It's also a wetland. I own a piece of property, I own Doodlebugs Childcare Center on Route 96. We back up to a wetland and I can tell you it's a real problem when you put in 95 parking spaces and you cover it with asphalt and that water's got to go somewhere. So, I've got a lot of concern with the 92 parking spaces in addition to those already expressed.

Chairman Reinhardt – OK. Thank you. You'd like to say something.

Joe Tromboli, 6594 Bradhurst Street – I moved here about six years ago so my son Jamie could play lacrosse. We won two New York State Championships and helped you guys get on the map for lacrosse. In that process, our house in Greece didn't sell right away, so we moved into an apartment on the third floor of Austen Spencer's barn, that sky light you see on the roof was my shower. I looked up every day hoping a drone wasn't flying overhead. I chose to be here, we wanted to be in a nice small quiet town. I could have gone to Pittsford, I could have gone to Aquinas. Everyone was recruiting my son for lacrosse, we chose Victor. I sit on my deck, I feed the birds. I have birdhouses. I love the deer. I love the peace and quiet. I agree with everything

they said about the traffic, the Serenity House. Someone my son's football team when they said where are you moving to? We said off of Brace Road. They didn't know where that was, we explained and one of the mom's said my mother died at the Serenity House. So thank you for what you did for that family.

Besides that, I'm not a gearhead. I'm into sports, football, lacrosse, that's me. There are doctors, there are lawyers, there's all different kinds of people. People that tend to go to car shows, they like to rev their engines, they show off. There's a park there. I take my two granddaughters and my pregnant daughter and her husband, every Thursday we go to the concert in the park. We love it. It's a beautiful think you people do. Now we have to worry about traffic speeding off that road. I've got to worry about the clientele. I don't know what kind of people these are. I don't believe in going to carnivals, because I don't like the carnies kind of people. Yes, you do some high end work, but if I went to the website this afternoon and they show a car backing out. And the title of their video, was "who doesn't love this sound." This car is backing out with two big mufflers blowing this noise out back. I don't love that sound. I don't think people that live in this neighborhood love that sound. You were selling a Ford F150 or Phoenix or whatever, you sell that truck?

Chairman Reinhardt – No, no, no. Sir.

Mr. Tromboli – You were showing that truck dragging through the farmlands, speeding up throwing mud all over. This is the kind of people you want to bring into our neighborhood. I chose to be here. I left a house, moved here. I'll leave Greece in a heartbeat. My son Jamie recruits kids, he coaches for Sweetlax, he brings kids all over saying come to Victor it's a great program. Come to Victor. He also plays D1 lacrosse in Syracuse now and he's recruiting kids to go to Syracuse. So he's an ambassador for lacrosse, loving the town of Victor. We move out, all that stops. I'm not saying it's just him, but I'm saying he's bragging we moved to Victor and we did a great thing. They've won four lacrosse championships in the last five years. They lost that one game in like the last six seconds, by a goal. This is a great town. It's a small town. I could have gone to Pittsford. I could have stayed where I was and gone to Aquinas. I chose Victor. I love our neighborhood. I agree with everything that people said. The traffic, the noise, I'm worried also about the clientele that are coming in. I have two granddaughters and another one on the way and you're going to have people revving their engines, flying up and down the street. I'm against it.

Chairman Reinhardt – OK. Understood. Thank you for your time.

C'mon up.

Gary Sabin – I'm a member of the Serenity House board. I told myself that I was not going to get up tonight and say anything, but I do have some questions. The information I have was that only people with homes within a 1,000 feet of this development have got a notice for this meeting. Who sent out the notices?

Ms. Reese – I did, Gary. 500 feet. But it's published in the paper and it's on the website, too. That's how we notify people. But it's a 500 feet mailing.

Gary Sabin – OK, so why are we talking about 1,000 feet?

Chairman Reinhardt – Because that's what the code is. You're looking at two different issues. The notification issues and then the code on this particular issue requires that as far as light industrial that it can't be within a certain distance. So one is a notification and one is a light industrial code.

Mr. Sabin – Because it just seems to me that there's more than five homes that are within 1,000 feet of this property.

Chairman Reinhardt – Anyone is welcome. This is an open meeting, so you can be 110,000 feet away from here, but you're still welcome to come to the meeting.

Mr. Nearpass – We did say there only five home within 1,000 feet, right?

Chairman Reinhardt – That's the code. We're trying to get on the same page. Not necessary the notification. What we're looking at, the issue for the variance have to do with the distance, some of them have to do with the distance to these five homes.

Mr. Sabin – In essence you're saying there are homes that are within 1,000 feet?

Chairman Reinhardt – Right. There are five homes. The two variances that are needed here - variance 1 and variance 2. Especially variance 1 that pursuant to Section 211-22(A), motor vehicle repair structure must be 1,000 feet from the boundary of any residential zone district. There are five homes within at compass.

Mr. Sabin – The other thing that I want to mention is why would anyone want to come to the Zoning Board about a piece of property and they are asking for such drastic changes in the zoning? On the west side of Victor, there's all kinds of industrial park. Wouldn't this endeavor fit in to that concept much better than being where they are talking?

Chairman Reinhardt – What they are asking for is not changing the code. A variance is an exception to the rule. So they are looking. It's important, sometimes the public think the code is being changed.

Mr. Sabin – It just seems that this piece of property is inappropriate for the business that is being asked to be put on this property.

Chairman Reinhardt – What we've asked the public at this session right here is why they are objecting to it in relation to those five criteria. We're getting good feedback.

Mr. Sabin – I agree with virtually everything that was said prior to my being up here. And my only thought is maybe the price of this property is so attractive that a company would ask for

these variances rather than being someplace else where the property is probably more expensive. Thank you.

Chairman Reinhardt – Anyone else want to speak for or against the application?

OK. Now it's your turn. So, you've heard the comments. Hopefully, I think I saw you were taking some notes. So, as efficiently as you can, address those comments. I think they were generally, it's the noise, close proximity to Serenity House. I think quite a few people had said that. I don't know if you were aware of that, the close proximity to it, but that's been there for quite some time. So, certainly I think the Board would like to hear how you are going to address, not only the issues from the Serenity House, but from the public in general.

Mr. Tomlinson – So, I just wanted to mention a couple things that came out of the Planning Board that I want to mention and clarify and then Paul's going to speak to the car shows that I mentioned. So, when we went to the Planning Board and Mr. Harter referred to some of the comments that were received, we did adjust this plan quite significantly to address some of those comments including the location of the driveway which was coming here originally to try to pull the building out of the flood plain and avoid the front setback variance. That driveway was changed to go towards Brace Road on the north. .

Chairman Reinhardt – As compass direction that would be southwest.

Mr. Tomlinson – Originally. It was on the southwest, now it's on the north towards 96. From a business stand point, the hours of operation of the business are 9am – 5pm, Monday through Friday. And, I apologize for neglecting to mention that earlier, so evenings, weekends this is not a noise generator by any means whatsoever. During the day, people working from home, again, we do not believe that noise will be significantly above ambient traffic levels on Route 96 given the soundproofing for the dyno and some of the other things that we mentioned. All work happens inside the building here. Yes, cars will be coming in, going out as Paul mentioned 15-20 vehicles turned over a month approximately 25% of those are shipped either to or from coming out, so this is not 10 people picking up their car and checking them out everyday type thing, during the day. I just want to get a little bit of a framework there for the operation of the business. Building location and the variance request. Again we're trying to maintain as much buffer as we can while building this building. If this was another use, not a motor vehicle within this zoning district I just want to mention for the public but also for the board, if this was a call center or some other kind of office use that was within here dumping hundreds of vehicles onto 96 at a time, we're talking very little impact to traffic. Yes, any development of this property is going to add some, but this is about as light of a use as possible to place on the property. Paul if you want to touch on the car show.

Mr. Zelter – Just a few things. By all means, we have the utmost respect and I do understand the concerns and some of the frustrations. First I've never had a noise complaint ever, since I've been there. Never been an issue that we've had somebody complain of noise. The car show, we have one car show that we host a year. It is sponsored by the landmark society of Monroe

County. It's an invitation only. You pay to be there. These are not young people doing burnouts and things of that sort. We don't have loud music blasting, anything like that. A lot of the cars we work on are not hot rods or people getting speed things done. It's restoration, classic cars. We do work on hot rods, no doubt about that. But, it's not the core of our business. So, I just wanted to address those few things.

Chairman Reinhardt – Anything else?

Mr. Tomlinson – If I could. I just wanted to speak briefly to what if they move, they are investing a significant amount of money into both the purchase of the property and the development of the building and the intention definitely is not to move away within two years, five years, ten years. This is a long term facility being custom built for the use of them, so understand that the town always has to consider what if, but in this instance there is a significant investment being made in the community by the owners, by Paul, here. So, I believe that's it. I do want to say that we'll come back to the board with some additional information at the next meeting. I'll also have a larger vicinity map with some dimensions to some of the other structures to answer the question related to how many structures and properties of the other residents.

Chairman Reinhardt – We have a couple of follow-up questions. The type of business that you're in. How far do your clients come to see you?

Mr. Zelter – I've had clients from Florida, California. The majority of those clients are probably within an hour of Rochester.

Chairman Reinhardt – Where's the closest another one of your business? You're not the only game in town as the phrase goes. So where's the closest type of business that you do?

Mr. Zelter – There's one in Ontario. He's probably one of the few around here that are equivalent to what we do now, quite the size. They're few and far between.

Chairman Reinhardt – OK. And of this size? This proposed size. Is the one in Ontario as big?

Mr. Zelter – He has three separate buildings on the property, but probably combined, possibly a little bit bigger.

Chairman Reinhardt – What's the name of it?

Mr. Zelter – It is B&C Customs.

Chairman Reinhardt – Anyone else from the Board have any questions?

Mr. Nearpass – Just a couple things following up. Maybe just highlighting or reiterating what the public said a little bit. Some of these variances if we look at even 3, 4 and 5, especially in this district on 96 with all the car dealers, it's my experience that those are relatively normal in terms of car dealerships needing cars within that couple hundred foot buffer from or the 100 foot buffer from 96. I didn't really see anything here that was too out of the ordinary except

obviously when it comes to the 300 feet from a structure versus 500 and then you've got the 1,000. And Jack talked a little bit about the plans for one of the homes. I personally would like to see all five variances updated to reflect phase 1 as well as variance number 2 to reflect the next closest house other than the one that potentially if going to be demolished. And just see what that is.

A motor vehicle repair facility is an allowed use in that light commercial district. I think that the job you have is to prove to the community that you're going to be good steward or a good neighbor in that regard.

Mr. Zelter – I invite anybody down to come check out the operation the way it is now.

Mr. Nearpass – Sure. And Al, I don't know if there is many of these homes are certainly within the 1,000 feet of 96 in both the applicants and the public have talked about the sound from 96 and a couple occasions. Is there a way we could measure or quantify whether it's the ambient noise decibel level over a period of time or something because to be able to measure how they are doing? So where I'm kind of going with this is if we do go forward with a phase 1 at some point that looks different than what we're having here with restrictions. I think any carrot we would have would be tying phase 2 to making sure that there are measurable measures in place that would allow the public to have some teeth into what may happen next on this property if they aren't the stewards that they say they are going to be. I know there SPL meters and things like that we can use to measure sound, I don't know if you do that regularly for complaints?

Mr. Benedict – We do not at this point. We have a noise ordinance. It's just can you hear the sound at a certain distance from the lot line. We do not use decibel meters. Our understanding is it's subjective at times.

Mr. Nearpass – How would we be able to know if this will be beneath the noise floor of 96 for example. On your worst day.

Mr. Tomlinson – We do noise studies periodically. I'll speak with Paul and with the owners but it will be helpful, we'll take a look at doing some readings out here at rush hour let's say. Five o'clock, during the day, that kind of thing and also doing some readings over at their existing facility when the dynos not running, because it's outside now. Just to compare a normal level so we'll explore that and provide that to the town.

Mr. Nearpass – Because I would think a solution would have to have certain types of conditions and you had talked about your operating hours I think that's great no weekends, no time past 5pm. Car shows, a lot of concern both up here and from the public on what kind of goes on in these car shows. Would you limit yourself to one a year or none a year? Would you be able to do a car show at a different site or a different location? So third's plenty of time to think of these things, I don't need answers not but I want to make sure when you come in front of us next time that you kind of taken in what everyone's talked about and kind of put together that next. Here's what we can do to convince people because I didn't hear anyone come up here and say they are for it, but obviously there's an aspect of it that it is a light industrial/commercial area. There are

other business that can go there and those other businesses also carry similar issues. Some might have trucks coming in and out you know in the middle of the night or different types of noises or different types of activities. I personally believe that if you can prove to the rest of us that you'd be a good steward with the noise factor then it may be a good fit for the neighborhood, but I think you've got to versus other things that are allowed in the code today. I don't see the distances for parking as being out of the ordinary for that area. Certainly we've granted other variances for other car dealerships and pizza places and all around Route 96. But in general I would really address that noise factor and put something together and try to sell it a little bit. Certainly there's home owners associations, the Serenity House boards, you know again my recommendation would be you can reach out to them. Speak to them one on one. Try to come here with some support and have them understand your business a little better. And then everyone can understand. It is light industrial, commercial area and this is an opportunity to help shape what something may or may not be.

Mr. Tomlinson – And from the phase 1 versus the total variances, we're not aware of what impacts that potentially has on the purchase or anything for them, so we'll have the owners prepare to speak to that.

Mr. Nearpass – I'm just saying as one person, I am much more strongly in favor if it's a phase 1 with us also knowing what phase 2 could be, but I'm really not a fan of proposing a phase 2 when we haven't even gotten to 1 yet. And I think that phase 2 is somewhat the teeth that an application or a document like this would have if the applicant doesn't live up to the promises to the public. Again, that's just my opinion. That's what I'd like to see.

Mr. Harter – I just had one question, on the storage, can you elaborate a little bit about the storage. How many levels of cars do you store, is it one level?

Mr. Zelter – Two. So, we have existing storage in the building where we are now and it's actually a little bit, this would be a little bit less, but we double stack cars. They are there usually for the season, summer season or winter season. The majority of it is the winter.

Mr. Harter – So, a typical client or customer has a very select car, would have it serviced by you and could have you hang on to it, there for them for a certain period of time?

Mr. Zelter – Yes.

Mr. Harter – The only other comment I had, I think I said type 2, but I meant type 1. I think we would work together well, because I think they are common issues.

Chairman Reinhardt – Anyone else from the Board want to add questions?

Mr. Salsburg – I have a thought. The biggest part of the noise on the dyno is the wheels running on the rollers and the exhaust sound. This must have come up in other places. Could you find an example or two you could have some sense that the neighborhood was OK with it. It's kind of hard to define what we're talking about.

Mr. Zelter – First of all, I live in a quiet neighborhood myself so I understand it and I do respect the fact that I wouldn't want that either. Quite frankly we don't want the noise in our building and that's why we are proposing to put it in a closed, sound deadening room.

Mr. Salsburg – You still have to vent the exhaust. So there's that.

Mr. Zelter – That would be vented. We wouldn't run the exhaust through the wall or anything like that, it would be vented. So you would have a fan on the roof with a hood going out behind the car and vented out. I know, too, a lot of people when they think of a dyno they think of what existed in the town down here before. It caused a lot of issues. I have an open dyno to the outside. I do have apartments and houses around me and truly I have never had any complaint about noise. That dyno runs not even on a daily basis and when it does run, it usually runs for about 5-15 minutes, 2-3 times a day.

Mr. Salsburg – Well you heard the noise comments. It's going to be your job to put it to bed.

Mr. Zelter – Absolutely. Again, I'd invite anybody down to look at the operation we have now.

Chairman Reinhardt – All set, Donna? Alright then, we'll see you on the 15. Thanks so much. Thanks everyone.

STICKLEY AUDI & CO – MONUMENT SIGN

16-Z-2019

40 Eastview Mall Drive

The applicant is requesting area variance to allow proposed monument sign to exceed 20 square feet, to allow to list two tenants/businesses and to allow second freestanding sign for Stickley per Code §165-5(B).

Ms. Betsy Brugg, attorney with Woods, Oviatt, Gilman – So, I don't know how much I should recap. I was here at your last meeting. I have with me the folks from Stickley, the property owner, John Brogan and I have folks from La-Z-Boy who is hoping to lease some space in the existing Stickley building. So, I guess I'll just recap a little bit. I don't know how much you need to be brought up to speed because I believe that Chairman wasn't at the last meeting, I'd be happy to fill in but I will try not to be too redundant.

Chairman Reinhardt – If I understand it right, the change in the interior of La-Z-Boy is now being leased by, the other way around, Stickley and now La-Z-Boy has a piece of it, but the sign that was there was Stickley's, but it's really, the way the code reads it should be La-Z-Boy's, right?

Ms. Brugg – That's the wall sign.

Chairman Reinhardt – Right, that's the wall sign. So then I think if I understood correctly, that the monument issue popped up and I read some emails that the proposed monument sign has been sitting there for us to look at.

Ms. Brugg – That is probably the biggest new piece of information. Hopefully everybody's had a chance to drive by and look at the mock up. So what's essentially what happened is that Stickley has been at this location since the early 80s. I think you've all heard, you've probably heard this from many retailers, the whole retail world is turned upside down with internet and just technology and changes in people's shopping. Stickley is a very unique type of retailer. They are a high end furniture and home furnishings. They are currently the only user of their building. They are proposing to lease about a little less than half of their building, 16,000 feet out of almost 40,000 square foot building to La-Z-Boy which they feel would be the ideal tenant. La-Z-Boy, one of the conditions on their lease is they will only move in to this location and proceed with the lease is if they have a visibility of signage on a monument sign.

You're familiar with the sign, familiar with the neighborhood. I'm just going to kind of repeat, kind of what you already know so I won't go too much into detail, but this is a unique site. There is an extensive amount of signage up and down Route 96 including directory style signs and pole signs and monument style signs, all kinds of signs. I submitted a packet, it's not even a complete representation of all the signs, but it has quite of bit of it in there. This building is a little unique in that it does have some frontage on Route 96, but it does not have great visibility on Route 96. It has a kind of a small amount of frontage, it's blocked by the Metro Mattress, excuse me City Mattress building. I keep mixing up my mattress stores. The City Mattress building and there's an excessive amount of foliage and trees and landscaping on the other side, so essentially the building has visibility only if you kind of, as you come right up to the building and the front of the building and the parking actually faces the mall. So, it is only going to get the visibility of certain traffic coming through the mall. So as a result, they'd really like to lease the space that they don't need to La-Z-Boy. They feel like they are an ideal occupant, co-tenant. There's not a lot of businesses that they feel would be a good fit. It's hard to find somebody to take half of this kind of building that doesn't have great visibility next to a furniture store. They'd like to move forward with this lease, but they need to kind of address the challenge of the signage.

I went through a lot of the standards and what not at the last meeting, I'm not going to go through that all again. We had I think a pretty good discussion about the value of the signage, the important of the signage. We had some data on how the proposed monument sign will be far more visible than any existing signage there. We had a traffic letter from McFarland Johnson really speaking to the value of signage as a benefit to the driving public. But one of the key things that they identified was that the proposed monument would significantly improve the visibility of the store location from both directions, significantly. Currently, going from the north, from visibility of 80 feet to 350 feet and from the south from 420 feet to 620 feet, where the Aashto recommended sight distance is actually 800 feet. So, you've got all kinds of data in your packet, I probably shouldn't go through all of that. I'll just submit this, but this is really just a map again of all the signage. You have a packet that has all of it in there. There's just extensive amounts of signage.

The Board has given many variances in the past. I think probably the best comparable site is the, let me find it right here in my packet, bear with me, is the actual Metro Mattress site, which Mr. Harter remembered because I vaguely, I don't know we've been around a long time. It was a long time ago that we first came in with this development of this building. So, my photos are mostly from Google Maps, but this board did grant variances in connection with the monument sign. This building has significantly better visibility than the Stickley building however it similarly has parking in the rear and entrances to the building that are not on Route 96. So, there's actually signage on the parking lot side for each of the tenants. There's placement of wall signs on the Route 96 side of the building for all the tenants. There was a variance granted. You can't see it on this drawing, but I have a photo of it that I would be happy to email, but there's also a Metro Mattress sign that was approved on the side of the building, so there's signage on three sides of the building and we have a monument sign, for Victor Hills Commons that's a directory style sign with placement; there's panels for three different tenants.

So, I think going to the character of the neighborhood, I think that we're asking for is very consistent with the character of the neighborhood, but I think more importantly, just I don't want to go through all the criteria but hopefully you've had a chance to look at the sign and see that it does provide some real benefit to the business. It does provide some identification. But it's not out of keeping with the character of the neighborhood. They haven't asked for a huge sign. Were they not needing a variance for the sign because of the BJ's sign, they would have been allowed to have a 20 square foot sign here anyway, so it's not that they couldn't have a monument sign in here. Their working with the existing conditions. We have an existing building. It's not a new building. We don't get a chance to move and reorient entrances and parking and redesign the site. Working with what the existing conditions are and we believe that this monument sign will address a very important need of both businesses to have visibility from Route 96 without being excessive in size. It's tasteful. It illustrates the quality of the business that's represented on the sign. I don't know if you have any comments on the mock up if it met up to your expectations. Mr. Nearpass, I know that you wanted to see that there. So, hopefully you had a chance to have that there.

Mr. Nearpass – Yes, thank you. To speak from my perspective, I think putting the sign up helped, thank you. I know from last time, some things that have come up were, Mike, in some of the discussions it was really trying to weigh, where we were coming from. Our hope was that can you have the extra sign on the side of the building in lieu of the monument sign and yours were 180 degrees different. Your preference was the have the monument sign and potentially forgo the signage on the building, is that still the case? If a monument sign were allowed would you be in favor of removing all signs from the side of that building?

Ms. Brugg – So, I believe we actually had a discussion about that, that the priority for Stickley would be to have a monument sign, however I believe La-Z-Boy is requiring both signs.

Mr. DeNisco – Yes.

Chairman Reinhardt – I'm sorry I missed the answer, you want both?

Ms. Brugg – La-Z-Boy does. They would normally be able to have the wall sign because they are the occupant of that space facing the street.

Chairman Reinhardt – So, the way that it's proposed to look is that the monument sign would be Stickley, what does it look like? You want both.

Mr. Nearpass – So, the way it looks today, is there's a Stickley sign on the side of the building, that would be replaced by a La-Z-Boy sign and they want a monument sign that has both Stickley and La-Z-Boy. So there are really two variances here and one thing, I'm not quite sure, the Metro Mattress example is a good one, only because in 2006 the signage code was different. The monument signs today are not allowed to be business directories. And, that's my main concern is that this turns into a listing of every business that may go in to this place into perpetuity until the monument signs per code are allowed to be 20 square feet and only list the name of the plaza. If it was the Stickley Plaza or the La-Z-Boy Plaza or Eastview Mall, then that is allowed by code. So the two variances I see you are asking for are to allow a monument sign actually list the two businesses that are there, as well as be greater than 20 square feet.

Ms. Brugg – Correct.

Mr. Nearpass – And what was the square footage of what was put up there?

Ms. Brugg – It is a 40 square foot. If the board prefers a different style, we went with the monument because that's what the code requires, so it has a solid base. And, I think that while I totally appreciate your comments and where you're coming from that the code changed. I think unfortunately, this might be the one unique piece of property that does not have. You know if you were talking about the shopping center across the street where you have a strip of retail uses that all face Route 96 and you don't think there should be a directory sign? That's a very different circumstance than a building that has minimal frontage on the street. In a retail environment where they need less space than they used to. They don't get to rebuild this. They are facing a mall that itself has own struggles, you know there are empty spaces they have to fill in the mall. They are doing their best to fill the space to find a tenant that wants to use that. And, I think we're trying to balance giving you something that is not excessive, but also works for the unique circumstances of this application. And, I totally understand that you like to see things move in another direction, but the character of the neighborhood is actually not what the code provides, the character of the neighborhood is the actual, factual circumstances in the environment in which the site sits and the conditions that currently exist.

Mr. Nearpass – And, over time we have been fairly strict about that area and 96 and trying to keep things as close to the code as possible and working with the applicants to make those necessary trade-offs to make it happen. And I thought one of the points in your argument was hey look we've got these signs on the side of the building, but nobody can see them because the trees are in bloom or whatever. You can never see them. So, to me, I was thinking one of the unique characteristics of the site that may convince me to be in favor of a two company only directory sign would be no signs on the side of the building of which you can't see anyways.

And, so that was the direction I was going, but it sounds like it's a got to have one on the side and we've got to have a monument sign.

Ms. Brugg – I will defer to the property owner and the tenant, because the tenant is still negotiating. (Speaking to La-Z-Boy, he's asking about the wall sign and the monument sign.) The monument sign is extremely important to Stickley. It is definitely the priority.

Mr. Nearpass – I understand and I'm trying to solve for the monument sign for you.

Ms. Brugg – He's asking about the value of the wall sign specifically in addition to the monument sign and I said if you're the tenant it's your decision.

Mr. DeNisco – Well I would take into consideration not having the wall sign for the monument sign, but I can't answer at this very moment because I have to talk with La-Z-Boy about that as well.

Mr. Nearpass – I just figured the sign that nobody can see would be a good tradeoff for the one that you really want.

Mr. DeNisco – No, I understand. I would strongly consider it. Again, I have to . . .

Mr. Harter – I just wanted to agree with Matt. I think Mike, you weren't here at the meeting last time, but I think we had a good discussion with Betsy and the mock-up, I think, did what we wanted it to do in terms of enhancing the visuals. But I too, agree with Matt in terms of the tradeoff as he refers to. I think it makes a lot of sense. You do have a unique situation. My take away from the discussion last time was that this is, listening to you CFO speak, that this is financially important to you, very important to you, in fact. Both businesses. And, I think that's kind of driving my opinion in terms of being in favor of it, with the trade-off that Matt describes, so that's my position.

Chairman Reinhardt – Let me ask you a couple questions, if I could. The total square footage of Stickley is what?

Ms. Brugg – 39,922

Chairman Reinhardt – 39 thousand and change and how much is La-Z-Boy now?

Ms. Brugg – They are going to take 16,000.

Chairman Reinhardt – So, what you're looking for, it sounds nice when we're sitting here in 2019, that you're just looking for two businesses to be advertised on the monument. We have no idea if Stickley is going to carve it up again and again and again. And, all of a sudden now there's 10 tenants. You weren't here a couple of sessions before but I think what's happening now is landlords if you will, are now carving their pieces up make ends meet. Instead of having it whole they are turning it into two, and three and four and then all of the sudden the frontage. Oh, I think we had one that was 9 or 10 foot of frontage and he was getting handcuffed with well

where's my sign. My point being is we have no idea of what Stickley or whoever owns the building in the future.

Mr. Nearpass – Would you restrict it to maximum of two?

Ms. Brugg – Yes, I believe that's what we're willing to do. My response was going to be that we can't add anything else without coming to this board. We've asked for approval for two occupants, two businesses to be on the sign at 40 square feet.

Chairman Reinhardt – And, then an attorney like you comes in and hey Metro Mattress did and we can do this, we can do that.

Ms. Brugg – Actually Scott remembered Metro Mattress.

Mr. Harter – And, Jerry was in because he wanted another sign on the side of the building after you.

Ms. Brugg – That's right. The reality is some of these locations, some of these sites are challenging and the environment is – when you say this is a real financial issue, it really is a serious financial issue.

Mr. DeNisco – And if I might say, my lease with Stickley is twenty years, you know there's 10 years with two five year extensions. La-Z-Boy's been around since 1927. Our store in Henrietta is doing great. It's been there five and a half years, so we have no intention. And our stores average roughly 13,000 square feet total, throughout the country so La-Z-Boy being able to be in a space that smaller in that building.

Chairman Reinhardt – Are you looking if the monument goes through then the signage on the east and the north, so the one on the east. The one that's over the main entrance that's not being impacted here on the variances, right, it's just the one on the east. And if I understand the proposal right it's the monument. You get the monument, the sign on the east is no longer there. That's what you have to check with.

Mr. DeNisco – The Stickley sign would not be there.

Ms. Brugg – There currently is a Stickley sign. And, Al's interpretation was that that would no longer be permitted. That La-Z-Boy would be permitted as a right to have that sign.

Mr. Nearpass – Right, so what I was recommending is no signs on the east side of the building in lieu of a monument sign that lists no more than two tenants and it's twice the size that's allowed by the code. Is what I was trying to communicate.

Mr. DeNisco – And, if that were the way to be approved, I would go back to La-Z-Boy and definitely bring that up.

Chairman Reinhardt – How much time do you need for that? How much time do you need to find out if La-Z-Boy, corporate La-Z-Boy is OK with that?

Mr. DeNisco – Not much at all.

Chairman Reinhardt – That’s not good enough. A day, a week, a month? Pin it down a little bit.

Mr. DeNisco – I would tell you I’d need at least a couple days. With this week being July 4. By the next one no problem.

Chairman Reinhardt – That’s all I’m looking for.

Mr. DeNisco – With it being July 4, I need executive approval.

Chairman Reinhardt – You could have an answer by the next cycled meeting.

Mr. Nearpass – Do we want to do, just a straw then and walk through each one of us and make sure we communicate or I don’t think we want to proceed.

Ms. Brugg – I have a suggestion. You may or not like this, but I think if there’s a strong consensus that the monument is the appropriate sign then I would ask for an approval of the monument and that you just table the other one and if you are going to deny it, you can deny it at the next meeting, if you’re going to grant it, you can grant it at the next meeting.

Mr. Nearpass – I think in that particular. . .

Ms. Brugg – You’re looking at them at two separate applications anyway.

Mr. Nearpass – I think the challenge of it is that there’s a Stickley sign that exists today on that. So you’re saying, you’d bring that back in to compliance and that would be removed regardless that’s going to happen anyway. As per the code he doesn’t need a variance for the other sign. Only Stickley does. So there is no other variance. If we grant the variance today for the monument sign, Stickley goes, but he still can put his other sign up, because he doesn’t need a variance for the sign.

Ms. Brugg – Correct.

Chairman Reinhardt – As long as the sign on the east, as long as Stickley’s name is on it, they are in violation of the code. La-Z-Boy’s name is on there, there’s no need for a variance.

Ms. Brugg – Correct.

Chairman Reinhardt – So, it’s because the sign itself, the language that’s on there is where the problem is. I would prefer keeping these two variances together.

Mr. DeNisco – Can I just ask her a question?

Chairman Reinhardt – Sure.

Ms. Brugg – I think you probably could have answered this question. So, I think they’d like to, he’s going to take a chance here, if the Board is not going to approve the wall sign, we would just like to get approval of the monument sign?

Mr. Nearpass – With the condition that there's no wall sign.

Mr. DeNisco – Well, if that's the condition to get the monument sign.

Mr. Nearpass – So, what I don't want to do is put a variance in place and then you say management doesn't approve of it and now we've put a variance in place. If we do that and we come back in two weeks and you say, hey guess what the boss said we've got to have the sign now let's renegotiate or do something to that effect.

Ms. Brugg – Which we cannot reapply? Correct.

Chairman Reinhardt – Stickley's tenant is entitled to signage. They are entitled to a sign on the east side of the building, but what's happening here is to have the monument sign with La-Z-Boy's name on it, then they shouldn't . . .

Ms. Brugg – I think Stickley is willing to give up the right to a wall sign for themselves.

Mr. Nearpass – Well, they don't have alright to the wall sign anymore. So, when you leased that section over there's no variance required. That sign is, Al's going to send you a letter that says that sign's got to come down and the new tenant's sign would go up there. So, we're trying to make the new tenant sign now.

Chairman Reinhardt – Whoever you lease that section to that's on the east side.

Ms. Brugg – He just doesn't have authority as a tenant. But he understands that that's what he going to go back and tell corporate the Board has allowed. The monument sign and no wall sign. Well we'll. Want to wait, that's fine. However you want to do it.

Chairman Reinhardt – So one of the conditions for the monument will be whoever the tenant is in that parcel will not have signage on the building itself because they are going to have signage on that monument, right?

Ms. Brugg – Right. (Speaking to La-Z-Boy) That's your call if you want them to go ahead and do that or if you want to wait.

Mr. DeNisco – We want to wait. I want to be comfortable.

Ms. Brugg – Then we'll wait. OK.

Chairman Reinhardt – Let's do a quick straw poll. Donna, what do you think about this? Just talking a straw, are you?

Ms. Morley – I'm in agreeance with what Matt is saying.

Mr. Harter – As I kind of mentioned before I agree with Matt. I think it is a unique site, but I also think the tradeoff that he described is appropriate.

Mr. Salsburg – I like the sign alright. The place is full of signs. This is as nice as any of them. And maybe I'm a little more lenient, but if they have signs on the building that are within the

code, they don't require a variance, you're welcome to it. And I would approve the monument sign as well.

Chairman Reinhardt – OK, so as Matt has proposed you're in agreement with the parameters of that?

Mr. Salsburg – His thought is no signs on the building, mine is I would go along with signs within the code, that do not require a variance.

Chairman Reinhardt – We're just trying to give La-Z-Boy some direction on where you think the Board is going.

Mr. DeNisco – The City Mattress building has three signs on it, right there you know, going across the building.

Mr. Nearpass – So, you have to remember, do they have a monument sign that says City Mattress?

Mr. DeNisco – No.

Mr. Nearpass – I'm pretty sure they probably asked at one point, too.

Mr. Benedict – I believe that was a tradeoff, if they got a third sign, that they would not have a monument sign.

Mr. Nearpass – That was the almost apples to apples comparison, I was trying to remember.

Chairman Reinhardt – County Planning Board has weighed in on this?

Mr. Harter – With a denial, yes.

Mr. Salsburg – Excessive signage was their comment.

Chairman Reinhardt – We'll review that again. So, our game plan is you're coming back in two weeks from corporate to let you know that they proposal works for you.

Ms. Brugg – It was the 15<sup>th</sup>?

Chairman Reinhardt – Yes.

Mr. Nearpass – It would be the sign as proposed and no signage on the east side.

Chairman Reinhardt – Alright? Sound good? Anyone from the public want to speak for or against? OK. See you in a couple weeks.

Mr. Harter – Thanks for doing the mock up, thank you for that.

Mr. Nearpass – Thank you for doing that, that's helpful.

Ms. Brugg – Looks pretty good, right?

Mr. Harter – It does.

VALENTOWN PLAZA – PARKING

15-Z-19

300 High Street

The applicant is requesting a modification to an existing variance to reduce the front parking setback from 35' to 30' from NYS Route 96. The original variance was approved by the Zoning Board of Appeals on June 23, 1976, to allow a reduction of the front setback from 80' to 35' to allow construction of a parking area to support the proposed plaza. The property is currently zoned Commercial and is within the Route 96/251 Overlay District. §211-32A(2)(c)[1][a] states no vehicular parking shall be permitted within 80 feet of the road right-of-way. The Planning Board may reduce the front setback if there is no need for a future service road or road widening.

Mr. James Cretekos, BME Associates – Here will me this evening is Fred Rainaldi, who is the applicant and owner of the three parcels that comprise Valentown Plaza. I'll give you guys a brief update I know it's been a long meeting so far. On June 12, we attended the Ontario County Planning Board meeting. They gave us unanimous Class 1 referral, basically meaning the project has little or no potential to cause intermunicipal county-wide impacts. We did request to be tabled from the last meeting. We wanted to receive all the site plan comments from the Planning Board application that we went, as well as the County comments and we incorporated them into our layout. So last Monday we submitted an updated site plan to the board for their consideration. The changes incorporated like I said, some of them specifically the Fire Marshal comments as well as the County comments, primarily eliminating the connection to the Route 96 entrance right here. There were some concerns of traffic congestion. Cars coming in and potentially trying to make a left out of the proposed lot and causing some conflict so we eliminated that and now the parking will basically be a small little loop in here. This did result in the reduction of some of the proposed parking spaces. So the front lot is now proposing, the Longhorn lot, Lot 2, is proposing an increase of 16 parking spaces. Lot 3 will be, we changed this, I know this isn't part of the variance application, again in relation to some of the comments switching them to angle parking spaces. We ended up losing, I believe is a space or two from that too. So the net total increase at the plaza right now with the variance application and the site plan application is for 26 spaces.

We're still requesting the same 30 foot front setback off 96. Again, we noted previously that a 35 foot variance is in place for the plaza. The 30 foot variance still affects six of the parking spaces in that front lot, so if we didn't receive the variance we would only be allowed to construct ten of the parking spaces. I would like to note again that these parking spaces that we're requesting the variances for are these six spaces, right here. The ones that are closest to where that entrance used to be. These are the furthest spaces away from the residences to the south that we are building so even without these spaces we're still going to be constructing the other twenty spaces that are all closer in proximity to the residents. I would like to also note that the closest space we're getting a variance from right here is approximately about 425 feet from the closest

residents and there's around 270 feet of wooded vegetation between that. That's about 100 feet on our property and then there's around 130 feet here on the residential property. As you get a little bit closer to High Street here, there's still around 70 feet of vegetation that isn't on the applicant's property. The entire required 100 foot buffer zone we're basically leaving undisturbed. All that vegetation is going to remain, so we'll continue to screen properties. Mr. Rainaldi also agreed to provide screening on the proposed parking along the edges to the south which we hadn't provided before, just some headlight screening to help shield any light spillage or headlight glare on those properties. I'd also like to note that the elevation difference, there is a bit of a grade drop in the central area of this wooded perimeter, so the leaves do sit up a little bit. If you look at the elevation difference from the residents to this parking here on Lot 3, our parking sits about 6 feet lower than the finished grade of this house here. By the time we get over to the parking spaces in the front we're around 12 feet lower in grade. So again there's not very a lot of opportunity to glare headlights onto that property.

Mr. Benedict – I think originally you were looking for a 30 foot variance, you said now 31.5?

Mr. Cretekos – Yes, the parking space, I believe when we updated it on the plan, we're at 31.8 feet right now, so we can make that reduction slightly with the revised plan. We did provide a letter of intent with the initial application on May 20 and they did kind of outline the five factors of consideration. Just a matter of time if you'd like me to touch on them, I'd be happy to, unless you would like or if you have any other questions, we'd be happy to address them.

Chairman Reinhardt – Donna, you have any questions?

Ms. Morley – On the driveway coming out of Route 96 where you're adding those spaces, the one that's there now you can only enter? Now you're going to be able to enter and exit, is that what you're saying?

Mr. Cretekos – No, we're not touching the entrance onto Route 96. It's still a right in and right out configuration.

Mr. Rainaldi – So Donna, the change from Valentown Plaza, the change was to eliminate any opportunity for a vehicle to cross over that stream of access and now it formally protects that movement.

Ms. Morley – Thank you. That's my only question.

Chairman Reinhardt – Scott? Matt?

Mr. Nearpass – So from the last time I was in favor of what was proposed, I appreciate you taking into consideration some of the other comments and doing the screening. I think it's a reasonable request in general the site, you know part of the story as well, bringing the Uno's building down and I think it's going to be a Chase Bank, adding more parking there. Obviously

you've brought some excellent tenants in and they have been quite a draw especially on the weekends. And so I think the site in my opinion needs more parking because the people are going to come and so I'm in favor of the application.

Mr. Harter – Just so I understand the changes from the last time we spoke. You're still only looking for variance affecting six parking stalls?

Mr. Cretkos – Correct.

Mr. Harter – If we were to grant you a variance would you be willing to accept a variance specific to those six stalls versus a variance that I think is currently proposed is just being general. My concern that way is that we can enable the six stalls that you're looking for, but if I were to look at that differently I might think that I could accept 31.5 feet or whatever the magic number is, around the entire perimeter of the site which would generate much different parking scenario, much more of a give on the part of this board. I'm in favor personally of the variance if it's limited to six stalls. I'm not in favor of the variance if it's broad brush across the whole site.

Mr. Cretkos – No, we're 100% in agreement with that. We were only looking, seeking it for these six spaces. The topography out at the site really doesn't allow us to capture...

Mr. Harter – I think you know where I'm coming from, right?

Mr. Cretkos – 100%.

Mr. Benedict – I'll just throw in, Scott, that the original variance; this was all one lot so it applied to the whole area, now the variance is just for Lot 2.

Mr. Harter – OK, so it's limited to Lot 2, but could we refine it even more to six stalls?

Chairman Reinhardt – Can you identify those six spots?

Mr. Cretkos – Yes, they are the northwestern most six stalls, that front along 96.

Mr. Harter – And we could also reference it directly to your map and the map number and the latest revision.

Mr. Cretkos – OK, so it's on our site plan drawing 04, with a date of 6/24/19.

Chairman Reinhardt – OK, let's do this, we're going to use that as an exhibit. Circle the six parking spaces that, or highlight them with an orange marker, so that everybody's on the same page with which spaces we're talking about. OK, does that work for you, Scott? We're just going to leave this up here, just for now. Any other questions, Scott?

Mr. Harter – I'm fine.

Mr. Salsburg – So, this variance could be rewritten from 35 to 31.8 feet now, right?

Mr. Cretkos – There's an existing variance for 35' right now, but the original request was for 30', but yes, we can go down to 31.5' or so, just give ourselves a couple, a little bit of flexibility.

Chairman Reinhardt – Let’s not do the “or so”, you’re an engineer, you like numbers.

Mr. Cretekos – 31.5 feet.

Chairman Reinhardt – 31.5 is it.

Mr. Salsburg – I don’t see how that could be considered substantial? You’d be very hard put to tell the difference.

Mr. Cretekos – Between 31.8 and 31.5?

Chairman Reinhardt – There’s an existing variance, so, it’s another ask.

Mr. Salsburg – Oh, I understand that, but it isn’t much, that’s my point.

Chairman Reinhardt – Anyone from the public want to speak for or against?

Tammy VanBuren – 365 Meadowlark Lane. I’m here to tell you that I am totally against any more variances being granted for this property. I understand that we have now said that it’s just going to be for those six spots, but what is to stop this developer from continuing to come back and ask for more and ask for more and ask for more. In 1976 we were told that this was going to go from 80’ down to 35’ so that it would accommodate the parking for the site. It obviously does not accommodate the parking for the site. Even that variance with those six spots is not going to accommodate the necessary parking for the site. I have many, many qualms about this development. OK, I know that this board is not here to discuss all of those, but there’s safety issues, there’s parking issues, it effects the residents greatly. Now, one of the things I think that may have changed from the initial was, if I can go here (to map), this part right here, wasn’t it initially that you can go out . . .

Chairman Reinhardt – No, no. Hold on. We’re not doing that. You’re going to ask us questions. What you’re pointing to is the spaces and it says +16 spaces, that’s the section you’re looking at?

Ms. VanBuren – I’m looking at what I thought was originally proposed. Was for them to be able to go in and out of this entrance/exit. Was that what was originally proposed?

Chairman Reinhardt – Alright so, let the . . .

Mr. Cretekos – Would you like us to answer? Tammy, this used to have a connection, right here, so the traffic could flow straight out and turn. We put this curb in here in response to the Fire Marshal and the County comments, because they had concerns about vehicles turning right in here and then stacking and queuing back into 96 while motorists were trying to make a left hand turn here to exit. So, this is just going to improve the circulation and prevent congestion at that existing entrance.

Ms. VanBuren – So that does cover part of it. Like I said, I have a number of qualms about this entire development, but what I am here to ask the Zoning Board today, because that is what

you're dealing with is zoning is not to grant this variance and the reason why I'm asking you not to grant it is because although that's only six spots, that six spots isn't going to do it. So they're going to have to come back and ask for more. How they can get the necessary parking for this site, is to knock down the Uno's building and build parking there. That would more than cover the parking that they need. It is the Zoning Board's responsibility to follow the town code. It is not your responsibility, you do not have to provide a variance, however when developers come into our town, they have to abide by the town code. There's nothing to say that they don't and I understand that variances are there to allow for this however they've had one variance granted and I don't believe it's necessary to grant another one. They can come up with another way to find their parking. Thank you.

Mr. Martin Snyder – Hi, my name is Martin Snyder and I'm part owner to 304 High Street. Just to state on for the record, the original variance from June 23, 1976, I think it's kind of a general consensus that that is related to Valentown Plaza development. Back in '76 this was a field. My father would know, I think it was a used car lot on the corner there, so we're talking about a totally different thing here, just to set the record straight. That was a totally different purpose, but like we've said in other hearings these convey. And as far as the five questions that have to be asked for the resolution whether this alleged difficulty was self-created. I'll just touch on these briefly because I've spoken to these before. We have in site plan approval process back in 2014 the developer asked for few parking spaces on the lot, now we're asking for more, it just keeps changing. I'm glad that the development is a success. I want to see that be a success for anyone who has an investment. But we're trying to hit a moving target here. It was self-created. They asked for fewer parking spots and they were granted that in the site plan approval process in 14 and this is where we are today.

Also, whether the benefit sought can be achieved by some other method. Again, the Pizzeria Uno building, that's coming down. That was stated that that's not in the general plan; that's not what was wanted on that site. What's needed is parking. We don't need another bank on there, there are other sites where the bank can go even in this development. I think there can be some options that can be looked at. I know there has been a site plan approval for the bank, but if the developer wants to be a good neighbor, I think that's a way that they can get out of this, with having a different method and that's one of the questions that have to be answered tonight.

Also whether the area variance is substantial, again we're looking at 80 feet for the normal set back and we're dropping it down to 31.5, I'm not going to do the math on the spot, but how they originally had it that would be a 62.5 % reduction from what code says, that's a significant variance. So, I think we have a lot of things that are going against being able to allow this variance and also just to clear the record for the other portions, all the other parking that's not part of the variance those are all things that are going to be taken care of in the site plan approval process which would be at the next Planning Board meeting. So, specifically they were talking about screening on the southeastern lot which is not even, that's not the lot that we're talking about that's on the projector. Just to make sure that that's clear. In general, we have three questions that I just don't think can be answered in a positive way tonight when doing the resolution. Thank you.

Mr. David Anderson – So, my name is David Anderson. I live at 359 Meadowlark Lane, which is the house in the lower left hand corner there. I've been a resident here for 27 years. It's a beautiful night out, I'd rather be out on my boat than be here, but I feel compelled to speak. I feel that this variance application is a wolf in sheep's clothing. It is their tenant, and I'll name it the New York Beer Project, that wants to add 47 outdoor patio seats to their restaurant. That would require 24 additional parking spaces by code and that's why they want these spaces, OK? So, we're not going to fix any parking problem because we're just, if Beer Project gets their outdoor patio we're netting nothing out of this and I actually have an excel spreadsheet I'll hand out. Al, I showed you this when I was in the office earlier last week and you didn't check my numbers, but you kind of agreed that my facts were correct there.

And when you see when you get to the bottom that there's going to be three different scenarios here. The entire project is overdeveloped in relationship to the available parking. It's hard to believe this project was approved. 25 additional or 26 additional parking spaces will not alleviate the problem. At peak times it's like looking for parking space at Eastview Mall on Black Friday. Restaurants require five spaces per 1,000 square feet of retail according to Al Benedict, our code enforcement officer. Restaurants require one parking space for every two occupants and one parking space for every employee. Let's just take Beer Project alone, they are up on lot I believe number 3, they currently have occupancy for 575 guests or 288 parking spaces needed for the patrons. We estimate that 25 employees would be on duty I think I have 28 in my scenario I put in there, so that's going to equal, well I'll go over the spreadsheet there so you're looking at what I'm looking at. Beer Project would require 316 parking spots. OK? Longhorn Steakhouse has occupancy of 204. They have about 15 employees they need 117. The remainder of the building on lot 3, near New York Beer Project that would include the Spin, is that what it's called? Spoke, I'm sorry. Spoke and the rest of the square footage there would require 55 spaces and the Chase Bank if built would require 18. So the total parking required is 506. The shared onsite parking right now is 332, we have a shortage of 174 parking spaces. That's huge. OK, so that's a 34% shortage of parking. So, if they put in the additional parking spaces and New York Beer Project gets their approval for 47 outdoor patio seats which increases the size of the restaurant they are going to need an additional 24 spaces. We're still short 175, we improve by one whole percent. OK? The third scenario says OK, New York Beer Project doesn't get their approval for patio seating and then we're going to lower the shortage and address the problem with a mere 29% deficit. So I agree there's a parking problem there, we all know it. The question is do we give them something and then add to the problem with the Planning Board approving additional outdoor patio seating? When you make an approval for variance can you put conditions on there?

Chairman Reinhardt – Yes, we can put conditions on.

Mr. Anderson – OK. It appears to me that the parking spaces that they are going to put in they're on low lying land and it's going to be expensive for them to put in; that's their prerogative. I just wonder if we've looked into other solutions to solve the problem without adding more vehicles.

And I also wonder if there's a traffic study that's been done in consideration for the approval of this application? Right now you've got Route 96, you've got a right turn in, right turn out that's just before the turning lane onto High Street. The exit coming out of the exit that faces the Northface store, that's supposed to be a right in, right out exit. There is no triangle or median there to direct traffic. Now at the Planning Board meeting, Fred mentioned that he was going to install bollards there at the request of the fire department, so they could get big equipment in there. He said they would be installed by next week. I do see that you've installed some new signage there, but it's still unclear. It's easy for people to make a legal left hand turn out of the parking lot there. I'll also note that the only way to go south on Route 96 is you have to come out of light on High Street across from Valentown Road. That's the only way you can get back to 96 and go south. All the other exits either take you north or put you onto High Street and if you're out of town you get put onto High Street, you're going to be lost, your GPS is probably going to tell you to turn around in my neighborhood.

I also have some concerns about the speed limit on High Street. I think the area from Route 96 all the way back to Sachem Trail or the firehouse really ought to be reduced to 25 or 30 mph. There's going to be a pedestrian traffic there because people who can't find parking spots are going to go somewhere. They might even be parking in my neighborhood, I don't know. I don't know what you can do to revise that. Once again, I think we need to look at the traffic flow on this once the bollards are installed. And we see how people are moving around. There certainly needs to be some direction inside of the parking area telling people where to go to because it's just a lot of confusion.

One last note, on Route 96 the left hand turning lane onto High Street, there is a sign up there that says wait for green arrow. Frequently people take a left hand turn there when the green light is to go straight. They think they have the right of way if they stop; they don't. There was one fatality I know of since the turning lane was put in at that intersection somebody turning left. Certainly you don't want to see anything like that happen again.

So as you know your decisions last forever and they affect the neighboring residents of the community and also the patrons of the establishments there and that's all I want is safety for everybody here. Respectfully, Dave Anderson. Thanks for your time.

Chairman Reinhardt – Thank you. Anyone else want to speak before or against the application? OK. So, you heard the public's concerns, right? How many variances are on this property now?

Mr. Cretokos – To my knowledge I believe it is just the one parking variance. We have a front parking set-back for 35' along 96 and now the second one we're now requesting. And it was created in 1976, well before.

Chairman Reinhardt – Certainly time has passed, but sometimes my view on it that if someone comes back asking for an additional variance it's related to one that has been granted, somebody didn't do their homework right. The Board didn't do something right or the applicant didn't ask the first time and now they more and more and more and even though it sounds like a small

number, *it's just six spaces, how much can that be, that's not substantial.* Well this is a large development. There's concern from the public especially with that whole area. On one hand development is good and pays taxes and all, but people live in the neighborhood. Things get bigger and bigger. So to the one individual who's concerned that it sounds like the reason why you need more space is because there's going to be a bigger ask from the Beer Works Project. Is that accurate or not?

Mr. Rainaldi – I appreciate people's opinions and concerns very much and I've been responding to and respectful of every concern since 2003 when I started presenting to all these boards. Before this town hall was new and in its current condition. The New York Beer Project has a maximum seating capacity that was defined by Robert Graham and Sean McAdoo that cannot be exceeded. If 40 people go outside, 40 people worth of space inside with the seating has to be eliminated. Three measures of enforcement have been put into protocol. All of them have been agreed to by Bob Graham, Sean McAdoo, Kevin and Kelly Krupski and every one of their managers that I made sit at the meeting at that very location and that was agreed to. All that chronicled and submitted to the town.

Chairman Reinhardt – So, let me ask you this. If this board decides to deny your request for the variance, what do you do? Not as far as legally, do you press on and say OK we'd didn't get our six parking spaces?

Mr. Rainaldi – I'm going to press on and continue to be a member of this business community, like I have been doing since the early 2000s. I'm going to continue to be a good neighbor which I am. I'm going to continue to bring successful businesses in like I have been doing. Not just retail, by the way. Office tenants that employ hundreds and hundreds and hundreds of people. That celebrate their location in this beautiful town. I'm going to continue to build my residential component which is going to be spectacular and you're going to see me come and try to protect the businesses that I work so hard to bring to the town and the buildings that I work very hard for and my family risks everything for to build. Nobody in their right mind would spend the money on the buildings that we're putting up there. All of which go out of their way to protect the historical resources that we celebrate, the integrity of the businesses, not just today but in the future and a lot of people have come up and expressed certain realities of where retail's going. That's fantastic. I apply national trends to my decision making every day. Thank God, we have an anomaly here and that we're working very hard to continue to be an anomaly. And, I have not slowed down on the amount of retail that my company is putting up and I personally this August am opening up a business in my third phase. I'm now landlord and tenant to my own building. To the tune of 3,000 square feet of specialty retail. A brand that has some of the world's most sustainable and sought after companies will be under my roof. And, I decided to do that, this project in Victor, in my hometown and I couldn't be more excited to have that opening and I couldn't be more excited for the community to be able to celebrate that as a tenant here. All of my space is committed to. I know there was conversation about well there's solutions. Nobody is more intimate with this project than I am and I may not live in the town of Victor, but I live in the town of Victor, by proxy. I'm here every day of the week. You can ask

anybody who sees me running around the project on Sundays with my son doing inspections or just enjoying the beautiful topography, the 160 acres and by the way 80% of it is green. And as I move through these phases of development and I can actually afford to continue to evolve the amenities it's going to become more fun for people. You don't have to spend a penny to enjoy our property. So, I do have a successful brewery here. I'm very proud of it. And just like I came to the Planning Board four years ago and asked to add 27 spaces to the Starbucks lot because my Olive Garden was very popular and my Starbucks continues to be very popular. What we're noticing is people want to come and hang out with us. And I want them to be able to do that and with relative ease. So I'm sorry that the timing is such that this is coming in when this new business opened up and it's near impossible to separate those two things, but what I'm asking you for today while in a construction phase which makes it more economical for me to do now as opposed to ripping up final parking lot and remobilizing construction personnel, I decided with my team and my partners to say if we're going to do this, if we're going to protect the integrity of this site in perpetuity, let's do it now while it's a little more economical.

Chairman Reinhardt – I think the Board appreciates the efforts that you are putting into it, addressing the concerns. You sound like you have Plan A, B and C locked and loaded at any given day.

Mr. Rainaldi – Correct.

Chairman Reinhardt – With that in mind, in the next 2-3 years, do you see yourself on this particular project, this lot, having to come back and asking for any other kind of variance? I know there's no guarantees, things change, I perfectly understand that, but if I read you correctly, you have a pretty good idea of what the next six months, year, two, five years looks like. You don't get to where you are by not having those business plans locked and loaded. Is that fair to say?

Mr. Rainaldi – Correct.

Chairman Reinhardt – Do you see anything in the next couple years, two to three years that you're going to have to come back and say oh I need another variance for something related to this project here.

Mr. Rainaldi – With the way that this project is operating right now, except for some new advancement in technology, we're doing some really cool solar things at the project that don't fit perfectly in the code, because it's so new, so I'm going to have to go through the learning process with the town, so except for new technologies or different transportation something I'm not aware of today, I couldn't foresee me needing additional assistance from this Board.

Chairman Reinhardt – The board have any other questions, concerns?

Mr. Harter – Fred, could you just mention, I think you what did at the previous meeting. We talked a little about off-site parking and you also talked about Chase being a different kind of user and different kinds of parking needs versus the restaurant needs. I'm not sure if some of the

people in the audience heard that they may be new this time. Just elaborate on some of your ideas for, I don't remember if you said shuttle parking or not or what your ideas are to. If you get a variance for six parking stalls and you put those other parking stalls in there I think I agree with Dave that you've done the best you can do. You're working within the parameters that were originally granted in terms of the original variance and then you've got potentially another variance for six stalls, but you're at a saturation point, but I think the Chase Bank and its use may mitigate things a little bit. I think may have some mitigation by having your employees if I remember you correctly saying that they park over on the other side, perhaps you can just expand on that a little bit?

Mr. Rainaldi – Sure. Absolutely. So the topic was in the shared parking or the concept of shared parking. It was always our vision that this four phase retail function like a village. In fact, we are going to be discussing very soon putting trolley stops and the like throughout the retail phases. As was previously approved 2005 and I'm very excited about that because what it does it promotes circulation. It makes it pedestrian scaled. That's what's really important, that's what causes empathetic relationships to product like this. So, the concept was always for employees and patrons alike to be able to cross park across the phases, so if you were to sit and watch the revolve of a business day, you'd likely see Beer Project employees parking in phase 2 or phase 3 which is Northface or where the new building is going up, the spa, where Fleet Feet, Farmhouse and Wave are going and they cross park and we are moving very quickly to introduce the following: extensions of sidewalk provisions that are not only important to us in the retail phases, but I would very much love for our residents that will be living in the apartments soon to be able to use sidewalks. And then also the trolley and shuttle and the businesses that rely on that have also used valet parking as well. So through those three mechanisms we are excited about all four phases being cross utilized.

Chairman Reinhardt – Anyone else want express comments or concerns?

Mr. Nearpass – I've always appreciated Fred's vision coming in here and sharing it with us. He's not an applicant that uses variances to put fires. Things like this come up every now and then, but in general we see a lot of different contrasts here. We see and I think we've seen it all tonight, right, there's businesses that have come in front of us because their market is to a certain extent dropping out from underneath them and they are trying to figure out how to bring in other companies or improve their signage or do other things to stay alive. I think Fred's area is that of business growth and I completely understand that it's always tough to solve for your peaks. Doing everything you can to do with what the limitations are within the site. As I look at these six spaces there really isn't much other physical space you can go. And, I think even the public has talked about there aren't enough spaces, but I think the extra six with what he's doing will have a small incremental positive impact on it. You're reducing the size of, you are bringing down a building, putting a smaller footprint up to allow for additional spaces as well. And I know you do a good job at trying to pick tenants that are counter cyclical, right? When the Beer Project is raving, the bank isn't. And when Spoke is expecting their customers, the New York Beer Project isn't. And, so a lot of things have changed since 1976. If I look at the development

I live in it probably wasn't even a thought. There's been a lot of expansion across the Town and the Village of Victor. I'm in favor of the six parking spaces.

Chairman Reinhardt – Donna, anything you want to add to that?

Ms. Morley – No.

Chairman Reinhardt – OK. I think we're ready then. I'll just check with everybody, that they had a chance to read the County Planning Board's June 12, 2019 return to the Zoning Board with comments? Did everyone here have a chance to look at that? OK. So, we'll walk through the criteria.

First being an undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification: We are looking at six parking spaces and the engineer had highlighted them for us and it would be specific to that area and that area alone and the applicant is in agreement with that. Also, there are complementary businesses as Matt pointed out that would seem to help with any kind of parking congestion. When one is open, the other is not and it's as developed I think as it possibly can be. So would anyone want to add anything else to the first criteria?

Mr. Harter – I would just add that it's a 3.5 foot variance from the 35 that was already granted.

Mr. Salsburg – 3.2

Mr. Nearpass – Three and a half. BME is good, but they need a couple inches of buffer.

Chairman Reinhardt – Anything else on the first criteria?

Mr. Harter – And I think the developer presented other mitigation measures for the overall parking situation that transcends the six stalls that we're looking at.

Chairman Reinhardt – Anything else on the first criteria?

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

Justification: I think what we had discussed in the first criteria, especially with (Chase) coming down and more space becoming available and limiting to this particular variance to just six spaces, to a very specific location. It seems the applicant really has no other choice.

Mr. Harter – And is pursuing other mitigation measures.

Chairman Reinhardt – OK that works. Anything else on the second criteria?

Third – The area variance is not substantial.

Justification: As Fred pointed out, 3.5 feet. And I would add as well, that there is an existing variance that was back in 1976 and that is, Fred, do you want to do the math on that one as well. That's quite some time ago.

43 years ago.

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

Justification: We're looking at six parking stalls in a specific area. Anyone want to add anything else on the fourth criteria?

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

Chairman Reinhardt – Are there any conditions that anyone wants to add before we take a motion.

Mr. Harter – Select area based on the mark-up provided to you on the map reference?

Chairman Reinhardt – Right, we have the six spots that have been highlighted on the site plan that Kim has. We can attach it as an exhibit.

There were three that spoke against this application.

Yes sir. Keep it brief because we're . . .

Mr. Anderson – All I wanted to say is can we put a condition in there the applicant doesn't put something into the 11,000, 10,000 square feet that, a change of use that could be a restaurant or something that would require more occupancy?

Chairman Reinhardt – That's an apples and orange problem. It's what we're dealing with is just this area, just this space, the six spaces. What you're talking about is something different. If he comes in asking for another area variance on the issue you're talking about, that's a whole set of different criteria. In order for us to link in any type of condition it has to be related to the variance he's asking for.

Mr. Harter – You'd have an opportunity then. If that were to happen.

Mr. Anderson – OK, it's fine. Thank you.

Chairman Reinhardt – Anyone else want to add anything else to what we have on board? OK, motion to approve the variance as proposed with the conditions?

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

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

Approved: 5 Ayes, 0 Nays

Chairman Reinhardt – Thank you all for your time. Thank you public for your time.

Re: Valentown Plaza Parking Area Variance

Appl. No. 15-Z-2019

At a regular meeting of the Town of Victor Zoning Board of Appeals held on July 1, 2019 the following resolution was adopted:

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on May 20, 2019 from 46 North Avenue LLC for the property at 300 High Street requesting a modification to an existing variance to reduce the front parking setback from 35 feet to 30 feet from NYS Route 96. Town of Victor Code §211-32A(2)(c)[1][a] states no vehicular parking shall be permitted within 80 feet of the road right-of-way. A variance was granted in 1976 to allow parking within 35 feet of State Route 96 and High Street.

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

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on May 26, 2019 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, the Ontario County Planning Board assigned the referral, 115.1-2019, as a Class 1 on June 12, 2019, and returned it to the local board with comments; and,

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

WHEREAS, a Public Hearing was held on June 3, 2019 and July 1, 2019 at which time three resident(s) spoke against the application and one letter was received against,

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

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification: The request is for six parking spaces in a specific area only, highlighted on the BME Associates site plan, Drawing 4. The developer has added complementary businesses and other mitigation measures to help with the traffic congestion. The applicant reduced the set-back request from 30 feet to 31.5 feet. The request is for a 3.5 feet variance.

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 is replacing Pizzeria Uno with Chase Bank, a smaller building that requires less parking. Applicant is also pursuing other mitigation efforts.

- 3. The requested area variance is not substantial.

Justification: Applicant is only requesting an area variance of 3.5 feet. A variance was granted in 1976 to allow parking within 35 feet of State Route 96 and High Street.

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

Justification: The request is for six parking spaces in a specific area.

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

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

DECISION:

NOW, THEREFORE BE IT RESOLVED that the application of 46 North Avenue LLC for 300 High Street requesting a modification to an existing variance to reduce the front parking setback from 35 feet to 31.5 feet from NYS Route 96 to Town of Victor Code §211-32A(2)(c)[1][a] which states no vehicular parking shall be permitted within 80 feet of the road right-of-way, BE *APPROVED*.

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

- 1. The parking area is for only the six spots highlighted on BME Associates site plan Drawing no. 4.

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

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

Approved: 5 Ayes, 0 Nays

It was unanimously agreed and RESOLVED that the meeting was adjourned at 9:42 PM on a motion by Ms. Morley, second by Mr. Harter.

