

The board at this time examined the map of the proposed site and the surrounding land. At this time, Chairman Mordue asked Mr. Cirulli to come up to see the map. Mr. Cirulli felt that when the children came from the complex to go to the park that young children wouldn't know not to go near vehicles.

Don Dotson – His feeling is if the park is going to be enhanced, he would like to know how much. If they are planning on enlarging it or making a lot of modifications, that means an increase in clientele using the park, would mean more traffic. His question was is there anyway to find out what kind of enhancements they have in mind for the park.

Chairman Mordue – Actually, no. Mr. Mordue gave an analogy, that the boardroom is a piece of land that is a park, and he wanted to put the table next to this land. *The code says that if he put the table there, another park has to be built on the table. Mr. Barry is saying that the table butts against the park, why do we have to build another park. Why have two parks. Instead of building a new park, give the village the money to enhance that they currently have, then these people can utilize that park as their recreation area.*

John Barry – Explains that if he takes the money to build a park, as he should in the complex, why would he need to put a park next to a park, he would rather take that money and give it to the village. He will not make decisions on the enhancement, you as a community will make those decisions through your mayor. There will be meetings on it to make a decision. This is a community project. This is not adversarial; this is a positive good thing. The money that would go into the park, how it is spent is decided by the community. Not necessarily to bring more people to the park, but for the people that go there to enjoy it a little more. Maybe more cookouts, fix the things that are broke.

Richard Cirulli – What if the enhancement is not what Mr. Barry wants to spend. If this is approved tonight before it is done, the people are being asked to approve it before hand. Mr. Cirulli feels that this is wrong.

Chairman Mordue – The subject before the board is do we (ZBA) want to grant a variance to eliminate the park that is suppose to be placed in the complex and allow Mr. Barry to utilize the recreation area of the park that already exists. That is the question before the ZBA.

Richard Cirulli – Stated that the board is expecting the people to approve that variance without knowing what going to take affect.

Mr. Barry – He understands, but he can't tell what is going to happen there, because he does not control it. The community actually controls what is going to happen over there. They want to take the money and divert it and put it back into the park to make it better. There are no ulterior motives at work here. He feels it works out for everyone.

Member Muscolino – The presence here of the ZBA is to grant or not to grant a variance. This proposal will go back to the Planning Board, which everyone is welcome to attend, and they would be approving a final sit plan. We (ZBA) are looking strictly at the variance for a park or no park.

Deborah Frederick – She asked that if the variance is approved and we don't like the planning, then this is a done deal.

Mr. Barry – This is just the variance, it does not say that what will occur is approved. That still has to be approved. It is a different board. It is allowing them to proceed to the next step. Granting to proceed. Specific can be asked at the other meetings.

Deborah Frederick – Asked if this meant that if they don't want the money to go into the existing park, but rather have them also add on another park, that could be an option.

Chairman Mordue – No.

Deborah Frederick – Feels that if this is a community thing, the community has no idea what is going on.

Charlie Goodberlet – Asked if there is a dollar value assessed to the agreement now to go to the existing park.

Mr. Barry – Stated they are in negotiation now, and no agreement has been reached.

Member Michael Haley – Addressed to look if it is green space, he doesn't think it is taxable. If the ZBA made them create the park, it's not taxable property, where if the requested number of units are built, that would be taxable property.

Douglas Burton – Asked if there was anything in the village code that states how much has to be spent on the park.

Chairman Mordue – No., just states recreation area.

Michael Haley – This is just a sketch plan.

Anthony Muscolino – The Planning Board will ultimately approve this proposal. The variance will allow them to continue the process.

Michael Haley – Questioned Mr. Barry on the approximate boundary of the wetland, is there a buffer zone involved.

Mr. Barry – No. Also, in regard to the 10,000 square feet needed for a recreation area, if one looks at the plans, there is a lot more than 10,000 square feet in green space and open space for walking trails. It is already a 4 –5 acre recreation spot already encompassed in there. This variance would deem to set aside a specific spot. There would be spots all around the complex.

Richard Cirulli – Asked if that was private area.

Mr. Barry – It is private land that the community could use.

Mr. Haley – Referred to the letter Mr. Barry wrote about walking trails, is that a part of the plan.

Mr. Barry – Stated that is something they are considering. It doesn't show on the sketch plan, but it is something to be considered.

Mr. Haley – He would like to see a contingency placed on the variance concerning an agreement must be reached between the village and Mr. Barry. It would be contingent on the agreement, not a monetary value.

Mr. Barry – Stated he would have no problem with that.

Kathleen Vienna – Stated what people want to know, is it Tom, Josh, & John (Mr. Abbott, Mr. Allen, and Mr. Barry) building this apartment complex.

Mr. Barry and Mr. Allen are would be building the proposed complex.

Chairman Mordue asked if there were any other questions. No one spoke further for or against the variance.

After discussing the request, the following resolution was offered by Michael Haley, seconded by Anthony Muscolino and carried:

WHEREAS, Mr. Barry has applied for a area variance to be able to build a 72 unit apartment complex off the south side of State Street; and

WHEREAS, Mr. Barry is requesting to waive the required recreation area within this complex so to utilize space; and

WHEREAS, The Manchester Family Park and Firemen’s Field borders off said property; and

WHEREAS, Mr. Barry did not self- create the difficulty with the wetlands at the property site; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow Mr. Barry to pursue his proposal to build a 72 unit Apartment Complex without a recreation area.

BE IT FURTHER RESOLVED, that the Apartment Complex will not be constructed until an agreement is reached with the Board of Trustees, if no agreement can be reached, the recreation area will be put back into the site plans; and

BE IT FURTHER RESOLVED that the Planning Board will determine if final site plan approval is given and the necessary fees would have to be paid and the necessary permits have been obtained from the Code Enforcement Officer.

The above resolution was put to roll call vote, which resulted as follows;

Anthony Muscolino	Voting	“AYE”
Patrick Beaton	Voting	ABSENT
Donald Mordue	Voting	“AYE”
Thomas Coyne	Voting	“AYE”
Michael Haley	Voting	“AYE”

The resolution was thereupon declared duly adopted.

At this time announcements were made as to meeting schedules for the various boards of the village.

Chairman Mordue pronounced the second hearing of the evening stating that said hearing is a request of James Henry Construction, LLC, Sherburne DG, LLC, contract vendees of Douglas Burton property located at 80 & 86 South Main Street. The proposal is that Mr. Burton is going to sell his property to Dollar General and they want to put a store there. Chairman Mordue reiterated that they are seeking a sign variance to erect two (2) signs on the premises that does not meet village code Sections 100-74-A, 100-74-C, 100-73-L of the Village of Manchester Zoning Ordinance which would require *The area of a sign on a single property shall not exceed one (1) sq ft for each linear ft of bldg façade, up to a maximum of twenty-four (24) sq ft.; Not more than one (1)...on a single property; No sign shall be erected within right of way of within twenty-five (25) ft of the pavement of any street or within ten (10) ft of any property line.* Chairman Mordue explained that one sign will be on the building and the second sign will be out front near Main Street.

Anne Romeiser – Asked if the sign in front was in the roadway on a regular pole.

Ms. Romeiser came up to see the map and the location of the sign. It is located on a small island to the front of the parking lot with a small berm to the rear. It is away from the road.

Dominick Lisi – It will be 25ft from the road, as that is a DOT request. They will be making that change. They will concede to Dept of Transportation requests.

Anthony Muscolino – Asked Mr. Lisi is the sign going to be within all DOT regulations.

Dominick Lisi – Yes.

Dominick Lisi – Asked if these (maps) are being approved for the sign only. He stated that there might be some minor changes.

Michael Haley – That’s correct.

Anthony Muscolino – Stated it would be whatever was decided this evening.

Chairman Mordue – He stated that this request will have to go to the Ontario County Planning Board for review.

Dominick Lisi – Requested a clarification that it had to go to OCPB.

Chairman Mordue – Stated he was informed this evening that if this variance is approved, it has to go Ontario County.

Dominick Lisi – Asked if that is a matter of recommendation or final approval.

A discussion followed concerning what entities were involved in reviewing this sign proposal. In researching the requirements, Chairman Mordue read from the County Planning Board Review Process, *Permits and variances for signs within 500 ft of a state or federal highway must be referred to the county Planning Board.*

Chairman Mordue read a letter from the Manchester Planning Board stating *The Planning Board is currently reviewing the application and plans of Sherburne DG LLC, Contract Vendee for Douglas Burton Property at 80 & 86 South Main Street. During our review it was noticed that a sign variance would be needed to have two signs at a single location. Since knowing a variance was needed, we advised them to seek the variance. The Planning Board feels two signs are appropriate for the location. The sign on the building is in accordance to village code, but note that the original monument sign presented to us was under 24 sq ft, 3 ft X 5 ft, (not including the base) and prefer that it remains as such. At last evenings meeting, they showed a larger sign. We have no objection for the Zoning Board of Appeals to granting the two signs, and having those individual signs within the ordinance of the Village of Manchester.*

A thorough review was completed of the plans presented and the following resolution was offered by Michael Haley, seconded by Anthony Muscolino and carried:

WHEREAS, James Henry Construction, Sherburne DG, LLC has applied for a sign variance to be able to erect two signs at their proposed site at 80 & 86 South Main Street; and

WHEREAS, the Village of Manchester Planning is currently in the process of reviewing site plans for this location and made a positive recommendation to grant the variance; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would interconnect with existing area; and

WHEREAS, conditions will be placed upon this variance request; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow James Henry Construction, Sherburne DG, LLC to have two signs

BE IT FURTHER RESOLVED, that the signs will not be erected without the NYS Department of Transportation's approval, contingent upon the Ontario County Planning Boards recommendations, that the signs will be in accordance of the size requirements in village code, that the signs will not be erected until the Planning Board deems final site plan approval and the necessary fees have been paid and permits have been obtained from the Code Enforcement Officer.

The above resolution was put to roll call vote, which resulted as follows;

Anthony Muscolino	Voting	“AYE”
Patrick Beaton	Voting	ABSENT
Donald Mordue	Voting	“AYE”
Thomas Coyne	Voting	“AYE”
Michael Haley	Voting	“AYE”

The resolution was thereupon declared duly adopted.

The public hearing and meeting were adjourned on motion at 9:20 PM.

Respectfully submitted,

Rita J. Gurewitch
Deputy Clerk/Treasurer