

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, April 13, 2021
5:30 p.m.

Chairman Daniel Michnik called the meeting to order at 5:30 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik	Vice-Chairman Ryan Mills
Patricia Burkard	Richard McNamara
Patrick Krey	Raymond Skaine

Town Officials present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Supervisor Patrick Casilio
Deputy Town Attorney Steven Bengart
Councilman Paul Shear

Motion by Patrick Krey, second by Daniel Michnik, to **approve** the minutes of the meeting held on March 9, 2021.

ON THE QUESTION:

Mrs. Burkard noted that her name needs to be spelled correctly.

Raymond Skaine	Aye	Ryan Mills	Aye	Richard McNamara	Aye
Patrick Krey	Aye	Patricia Burkard	Aye	Daniel Michnik	Aye

MOTION CARRIED.

Other interested parties present:

Joster Macedo	Dan Gossel	Angelo Jr.	Anthony Tomasula
Peter Gargano	Davidsons	Jeff's iPhone	Dan & Lydia Albrecht
Kevin	Dan Albrecht	Peter Casilio	

New Business

Part 1 beginning at 5:30 pm

Appeal No. 1

Jamie Davidson
Residential Single Family

Applicant request a variance of 88 sq. ft. to allow a 528 sq. ft. attached accessory structure (garage) addition located at 5674 Glen Brook Court.

Appeal No. 1 is in variance to §229-55 (D)

DISCUSSION:

The applicant was present virtually, and explained that both he and his wife work for the same company, which due to Covid have found themselves both working from home. They would like to add on an office over a new garage, and with the kids home it's difficult to work in the house so the office space would be useful.

Mr. Skaine stated that the area was well marked, which he appreciates. He doesn't see any problems with the request, it's not a large space and will be a nice addition to the structure. Mr. Davidson responded that their goal was to not only make it useful, but also attractive for the neighborhood. They have lived there for over 12 years, they want to be sure they are not only adding something that adds value to their home, but to the neighborhood as well.

Mr. McNamara agreed with Mr. Skaine, he sees no problems with the project.

Mr. Krey stated that he has nothing to add, other than the street view is what mitigates it, because it doesn't appear as too much of a garage structure, and fits in well with the neighborhood.

Mr. Mills asked in regards to the front of the structure, will they be using the same materials to make it match the existing structure, to which Mr. Davidson responded yes.

Mr. Mills questioned the connection point, they will be entering the proposed work area from the bedroom. Mr. Davidson responded that where the windows are now will be replaced with two doors to the office. Mr. Mills reiterated that there will be two points of entry in to the work area, then a second floor laundry area, and finally storage, which Mr. Davidson agreed to.

Mr. Mills asked if the first floor was just the garage space, Mr. Davidson responded yes.

Mr. Michnik asked how soon they intend to start the project, Mr. Davidson replied they'd prefer sooner rather than later, and that they are waiting for final approval. They attempted to start this 6-8 months ago, because they've been working from home and do need the space, so the quicker they can get it started, the better it will be.

ACTION:

Motion by Richard McNamara, second by Ryan Mills to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Mills noted that while it is slightly larger than allowed, it is mitigated by the fact that the applicant is utilizing the existing materials on his house including the stone and stucco, and is being tied in with the

existing home very well. Mr. Davidson had his architect prepare drawings which helped the board see what exactly the structure would look like. Aesthetically it appears to compliment the neighborhood.

Mr. Shear asked Mr. McNamara if he was doing the work on the project, which Mr. McNamara responded no.

Mr. Skaine asked in regards to neighbor notifications and neighbor feedback, whether his neighbors are ok with the proposed addition. Mr. Davidson responded that they are in a cul-de-sac, he spoke to his neighbors, and offered to show the drawings to them, and they have no issues with it.

Mr. Michnik asked whether there were any neighbor notifications that the town received for this appeal. Mr. Bleuer stated that for all of the items on tonight’s agenda, neighbor notifications as well as agendas were sent out to all adjacent parcels. There have been no inquiries regarding this variance request.

Raymond Skaine	Aye	Patrick Krey	Aye	Richard McNamara	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Appeal No. 2

Kevin LiPomi
Planned Unit Residential Development

Applicant request a variance of 2.5 ft. to allow a 7.5 ft. side yard setback for an addition (covered patio) to the principle structure located at 8152 Driftwood Court.

Appeal No. 2 is in variance to:
§229-52 (B) *Existing established side yard setback of 10 ft.

DISCUSSION:

Angelo Louisos, contractor for the applicant was present virtually to speak on the project, and explained that the applicant is looking to put an 18x19 ft. covered patio over their existing stamped concrete pad in the rear of their property.

Mr. Louisos explained that they are seeking a variance because the architect drew up, as required by the town, 24 in. by 48 in. concrete piers (?) which would not be feasible with the existing stamped concrete pad. They need the additional room in order to get in and do their excavation to support the structure.

Mr. Krey asked why the piers can’t be placed back in to the setback, Mr. Louisos responded that they would be in the existing pad then. Mr. Krey stated that in order to not cut in to the existing pad and shorten the area that the applicant is going to have, they need to push it out 2.5 ft.

Mr. Krey stated that he came and looked at the area, and understands the request, he would like to know if there has been any type of discussion with the homeowner in regards to landscaping after the project is complete.

Mr. Louisos replied that the homeowner, Mr. LiPomi will be removing the bushes that are currently there, then re-landscape after the new structure is erected.

Mr. McNamara asked if Mr. Louisos has a letter from the homeowner giving permission for Mr. Louisos to represent him at tonight's meeting, which Mr. Louisos responded that a letter was submitted to Andrew at the Planning office.

Mr. McNamara asked if neighbor notifications went out, Mr. Louisos responded yes all of the neighbors have been notified prior to the meeting.

In regards to the construction, Mr. McNamara stated that he understands the 24 in. footers and moving them away from the concrete, so as to not disturb the pad. Mr. McNamara stated that everything looks good to him.

Ryan Mills asked whether any other design solutions have been explored, while he understands the need to come forward with this particular one, he inquired whether other areas of the backyard have been explored.

Mr. Louisos explained that the homeowner would like it over the existing pad, which is where the exit from the home goes out on to, it makes sense to have it there where it is already an established patio.

Mr. Skaine stated that he agrees with Mr. Mills, and the distance between the two homes is a fairly decent amount.

Mr. Skaine asked Mr. Louisos if the homeowner has explained what he's planning to do with his landscaping. Mr. Louisos stated that the homeowner is a private person, so he expects he will want to put up something similar to what he currently has.

Mr. Michnik asked what kind of materials Mr. Louisos will be using, Mr. Louisos responded that they will be using Douglas Fir framing, then wrap everything in exterior cedar. The posts, beams and ceiling will be cedar, it will be mainly a cedar wrapped structure.

Mr. Michnik asked Mr. Louisos how long the project will take from start to finish, which Mr. Louisos responded approximately 3-4 weeks. Mr. Michnik stated that they will probably be making a recommendation as far as shrubbery to install, where, and when, so that the neighbor next door is protected, and the shrubbery is taken care of. Mr. Michnik asked Mr. Louisos if he thought that would be a problem with the homeowner, Mr. Louisos asked if the homeowner wanted to do something like lattice fencing with smaller shrubbery, would that have the same effect.

Mr. Mills asked Mr. Louisos if he knows what the owner is contemplating in terms of the height of the lattice, and what type of landscaping would be used in conjunction with the lattice.

Mr. Louisos stated that he doesn't know if the homeowner for sure wants to use lattice, he was using it as an example. He's not sure if the homeowner will know for sure what he'd like to put in for landscaping until the structure is complete, but he knows for sure that he will want something up as a blind to the side yard.

Mr. Mills asked if there is any way to contact the homeowner, if he is available via cellphone, in order to get their thoughts on landscaping options.

The town sent out neighbor notifications as well as the agenda to all adjacent neighbors. There have been inquiries for this request, but no comments regarding concern or complaint have been received.

Mr. Louisos's attempted to reach the homeowner, to no avail. Mr. Michnik asked if the board wanted to table this request to the end of the meeting, with hopes that the homeowner contacts Mr. Louisos.

Mr. Skaine stated that he feels the board should move forward, and that the homeowner should put in something equal or better than what he has now, for the protection of himself and his neighbors.

Mr. Bengart stated that the issue he has with something that vague, is that they will be done by the time the Building Department gets out to look at it.

Mr. Krey asked if they can detail lattice as well as shrubbery, which Mr. Bengart responded that if they give specifics as far as what kind of shrubbery, height, and amount then that will be ok.

Mr. Mills noted that he feels the lattice in and of itself won't be enough, but a combination with some shrubbery as well would be more sufficient. Arborvitaes or similar, at least 4 ft. in height as well as the option to add lattice or no lattice.

Mr. Michnik stated that he will do whatever the board decides, but his personal thought is that it be moved to after Appeal No. 4 to see if Mr. Louisos is able to reach the homeowner.

Mr. Krey stated that he would hate to impose a condition only to have the homeowner not agree with it and need to come back to have it amended.

Mr. Louisos asked if it would be possible to agree to do something similar to what he has now, and if there is any deviation Mr. Louisos would let the board know. Mr. Bengart stated that is not possible.

ACTION:

Motion by Ryan Mills, second by Raymond Skaine to **table** Appeal No. 2 until after Appeal No. 4 of the first session. This will give Mr. Louisos time to contact the homeowner.

ON THE QUESTION:

Mr. Krey stated that they are looking for a commitment from the homeowner in regards to the type of landscaping he is going to put in, consistent with Mr. Mills suggestion of a mixture of lattice and shrubbery to provide a blind.

Mr. Bengart stated that if possible, it would be best if the board heard directly from Mr. LiPomi himself.

Mr. Bleuer noted that there is a letter on file authorizing Mr. Louisos to make decisions on Mr. LiPomi's behalf, so if the board were to come up with their specific conditions, worst case scenario Mr. Louisos would be able to make that confirmation.

Raymond Skaine	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Richard McNamara	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Appeal No. 3

Joster Macedo
Residential Single Family

Applicant request a variance of 40 sq. ft. to allow a 240 sq. ft. detached accessory structure (pavilion) located at 8967 Marcos Hideaway.

Appeal No. 3 is in variance to:
§229-55 (H)

DISCUSSION:

Mr. Macedo was present virtually, explaining that they are looking for a covered patio to put a grill and be able to enjoy the outside at their new home.

Mr. McNamara asked what materials will be used to build the structure.

Dan Gossel, contractor for Mr. Macedo explained that it will be a 14x18 sq. ft. pavilion, pre-fab kit with 8x8 timbers, white vinyl clad with a shingle roof.

Mr. McNamara asked if there will be footers going in, or just a concrete pad. Mr. Gossel responded that they will be installing 18 in. sonotubes approximately 43-48 in. deep, and it will be fastened to those. Mr. McNamara then asked if there would be a concrete pad or pavers, which Mr. Gossel responded there will be pavers.

Mr. McNamara asked if they will be running electricity and a gas line to the pavilion, which Mr. Gossel replied yes.

Mr. Skaine asked whether it would be as presented in the rendering that was presented to the board, Mr. Gossel responded yes.

Mr. Mills stated that the 3D rendering referenced can be marked Exhibit A. Mr. Mills stated that it is a pre-fab structure that will be secured with the pavers, Mr. Gossel noted that they will be secured with the sonotubes piers, then the pavers will be around that. Everything else will be pavers aside from the sonotubes that will be installed in to the ground.

Mr. Mills noted that there will be a bar – grill area under the structure, which Mr. Gossel responded yes, it will be an outdoor kitchen and bar area.

Mr. Mills asked what the square footage will be of the paver area, Mr. Gossel stated that the steps come out of their back door, it will then be all pavers right out to the pavilion.

Mr. Mills asked about the roof and interior ceiling of the pavilion, Mr. Gossel responded that it will be brown asphalt shingles to match the color of the roof of the house, and the ceiling is a vaulted ceiling, but he is unsure of the coding of the inside.

Mr. Mills then questioned the columns, and if they were aluminum, which Mr. Gossel replied that they will be vinyl wrap.

Mr. Michnik asked why they are using pavers and not a poured concrete pad which is made to look like pavers. Mr. Macedo responded that his wife made the decision, based on looks and nothing technical. Mr. Gossel stated that pavers will last a lot longer than concrete. Mr. Michnik asked if Mr. Gossel had priced anything with concrete to have it resemble pavers, Mr. Gossel responded no, because he doesn't do any work with flat work, he only works with pavers.

Mr. Michnik asked how long the project will take, Mr. Gossel responded that the project in its entirety will last approximately 4-6 weeks. Mr. Michnik then asked if all of the materials have been ordered, Mr. Gossel responded yes, most of the pavers are in as well as the appliances. The pavilion is expected to be in sometime in the beginning of May.

ACTION:

Motion by Raymond Skaine second by Richard McNamara to **approve** Appeal No. 3 as written.

ON THE QUESTION:

Raymond Skaine	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Richard McNamara	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Appeal No. 4

Anthony Tomasula
Planned Unit Residential Development

Applicant requests a variance of 6 ft. to allow 19 ft. setback fronting Wicklow Manor for a detached accessory structure (pool house) located at 5902 Corinne Lane.

Appeal No. 4 is in variance to:
§229-52 (A) (1) *Map Cover approved setback fronting Wicklow Manor of 25 ft.

DISCUSSION:

Mr. Tomasula was present virtually, and explained that they are having a pool installed this summer, and they would like to construct a pool house adjacent to the pool which will include a bathroom, shower and storage for the pool equipment.

Looking at their yard and trying to center the pool house on the existing house and the pool itself, while also trying to preserve as many trees as possible, the placement that the architect worked out for the pool house, the back corner goes over the setback by 6ft. The majority of the structure is within the 25 ft. setback.

Mr. Tomasula stated that they have lived there since 2014 and have done two major construction projects in that time, both of which have integrated in to the home rather seamlessly. His intention is to use identical materials as far as stonework, roofing, and siding, to make it look like a mini version of his house.

They explored other options to place the pool house, but moving it over 6 ft. in order to avoid the variance would cause them to have to cut down approximately 8 additional trees, which they don't want to do. One of his favorite things about Waterford is that the developer left a substantial amount of trees.

The only other location on his lot that it could be placed would be the very north side, but then his neighbors next to him on Corinne Lane would have the back of a pool house for their view, which they certainly do not want for them.

Mr. Tomasula stated that their neighbor's house behind them on Wicklow is significantly set back from his, with a lot of trees in between, so when the trees are filled in they won't be able to see the pool house.

Mr. Tomasula noted that all things considered, this was the best location for the pool house.

Mr. Michnik asked Mr. Bleuer whether any correspondence was received from neighbors regarding this request, which Mr. Bleuer responded that a couple of inquiries were received, but no comments of concern regarding this proposal were received. Neighbor notifications and an agenda were sent out to all adjacent neighbors.

Mr. Krey stated that Mr. Tomasula did a good job explaining everything in his application packet. The only question he has is when he came to look at the property, he understands the desire to preserve the existing trees on the property line, but he also noticed additional landscaping on the other side of the pool house, will those remain as well. Mr. Tomasula responded that the berm that they put up the last time they did an update will basically be doubled in length straight along the line of property, to create a wall of privacy. Behind the pool house structure they plan on putting in a few pines or something to fill in that area, so that the neighbors on the other side of Wicklow won't be looking at it directly either.

Mr. Skaine commended Mr. Tomasula for his thorough explanation of the plans. When he was out to see the site and Mr. Tomasula explained that it is only the one corner that they are seeking the variance for, it was well staked and thought out, with Gerald Schaefer as an architect.

Mr. Mills asked in reference to materials, he sees that they will be using stone, asked for clarification as to which siding they will be using. Mr. Tomasula responded that the front of their house has a shake siding, they would match that, then the remaining sides would be regular vinyl siding which also will match the sides of his house.

Mr. Mills asked if Mr. Tomasula's plan is to definitely increase the berm in order to create more of a buffer, Mr. Tomasula replied absolutely. Mr. Mills asked if they make that a condition of the variance, would Mr. Tomasula be ok with that. Mr. Tomasula stated that they plan to extend it further towards

Corinne Lane, not back behind where the pool house is going to go, so that the island will provide the privacy for the pool. The pool house itself would provide privacy on that corner, then they will plant trees behind it merely for the neighbor's view on Wicklow.

Mr. Mills stated that his concern would be the neighbor across the street on Wicklow, Mr. Tomasula responded that those neighbors will be moving.

Mr. Mills asked how many feet they planned on extending the berm towards Corinne, Mr. Tomasula replied approximately 20-30 ft., they planned to take it all the way to the fence line.

Mr. Mills asked about doing some landscaping on the rear of the pool house. Not necessarily extending the island, but some landscaping on the rear of the pool house, for the people driving down Wicklow so that they don't have to see the vinyl structure. Mr. Tomasula responded that they could do that, his plan had been to intersperse some pine trees along there to help fill the area in, which Mr. Mills said are fine also.

Mr. Michnik said he agrees with Mr. Mills, he'd like the berm to have a hard number for length attached to it if they are going to set that as a condition. Mr. Michnik asked Mr. Tomasula if he plans to plant anything on the berm, Mr. Tomasula responded he would put something on it, probably not Arborvitae because of the deer, but some sort of evergreen similar to the existing ones there now.

Mr. Michnik stated that he has a few conditions he would like to see placed if there is a motion made to approve the request including distance, and the number and height of plantings.

Mr. Michnik asked Mr. Tomasula if he has any plans to do anything along the property line of 5908 Corinne Lane, Mr. Tomasula responded that will most likely be Arborvitae because it will be inside the fence and out of the reach of the deer. Mr. Michnik asked Mr. Tomasula if he'd have any objection to the board putting conditions on that fence line and what to plant, which Mr. Tomasula responded that although it has nothing to do with the pool house, he would not have an objection.

The meeting was opened for public comment regarding appeal no. 4 at this time.

Peter Gargano of 5908 Corinne Lane spoke in regards to the discussion about the fence and how close to the property line it will come, and what type of Arborvitae will be used.

Mr. Michnik noted that the fence will need to be up to town code, so it will not be able to go right up to Mr. Gargano's property line. Mr. Gargano asked what the town code is for fences, Mr. Bleuer responded that fences can be located right on the edge of the property, as long as it is wholly located on the applicant's property, but there is no minimum setback requirement to the property line. Mr. Gargano asked if they'd need to show their survey, which Mr. Michnik explained that whomever is installing the fence will need to file for a permit, and present a copy of the survey.

Mr. Gargano noted that they are in support of the variance request.

Mr. Tomasula referred to his plans and noted that it would be at least 20 ft. so he would be comfortable if they put that as a condition. It could be more than that, but 20 ft. is a minimum.

Referring to the neighbor's concern, Mr. Michnik asked Mr. Tomasula what he would be doing within the fence. Mr. Tomasula responded that in terms of placement on the property line, the fence contractor has the survey, he believes the fence will go pretty close to the property line. Inside of the fence between that and the pool is the only remaining grass yard that they will have, so they would like to maximize that space.

Mr. Michnik asked Mr. Tomasula if he has any idea what kind of fence they will have installed, Mr. Tomasula replied that within their neighborhood they have to have black aluminum, so it will be the black aluminum, but with upgraded ornamental rings within it. In the front there will be a gate with stone pillars, with the same stone that is on his house and will be on the pool house as well.

Mr. Michnik asked whether the fence will go around the entire property, or part of the property, to which Mr. Tomasula stated that it will run along the property line back to the tree line, then in front of the trees up to the pool house. The front of the pool house will break up the fence, the front of the pool house will be inside of the fence line, with the fence picking up on the other side of the pool house, run parallel to the berm to the edge of the house, then cut across.

Mr. Michnik stated that basically Mr. Tomasula is enclosing his whole backyard, which Mr. Tomasula said most of it, but not all of it, as he has a big back yard, his lot is shaped like a trapezoid.

Motion by Ryan Mills, second by Daniel Michnik to **approve** Appeal No. 4 with the following conditions;

- applicant place 3 pine trees a minimum of 5 ft. in height along the west side of the structure
- along the north side / fence line of the structure, the applicant places Arborvitae at least 3 ft. in height at least 2 ft. apart or less.

Mr. Tomasula asked if the requirement to have Arborvitaes inside of the tree line, he is working with a landscape architect, he is not positive it's what they are putting in, he knows it is Arborvitae of similar evergreen, but he doesn't want to lock himself in to Arborvitae then have the landscape architect plan differently. Is there any way it can be worded so that it Arborvitae or similar in order to give leeway.

Mr. Mills amended his motion, Mr. Michnik seconded to read;

- Arborvitae or similar tree or shrubbery which will provide similar density, along the north side.

ON THE QUESTION:

Mr. Mills stated that while the applicant is looking for a 6 ft. variance, he has demonstrated that he is utilizing same and similar materials as his principal residence with the stone, vinyl cedar shake to mitigate the additional size, as additional landscape buffering to compliment the views on Wicklow and his neighbor on Corinne. For those reasons he is in favor of the motion.

Raymond Skaine	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Richard McNamara	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Mr. Tomasula stated that they are considering pushing construction off until the spring of 2022, will this variance still be ok. Mr. Bleuer stated that it will still be acceptable to build in 2022.

At this point, Appeal No. 2 was read back in to record for Action.

Appeal No. 2

Kevin LiPomi
Planned Unit Residential Development

Applicant request a variance of 2.5 ft. in an addition (covered patio) to the Driftwood Court.

Appeal No. 2 is in variance to:
§229-52 (B) *Existing established side yard setback of 10 ft.

Kevin LiPomi was present virtually to discuss the landscaping concerns.

Mr. Michnik asked Mr. LiPomi what his landscaping plans are, Mr. LiPomi responded he is planning on planting Junipers, because the deer won't eat them like they would Arborvitae. He plans to soften the look and create privacy with 4 ft. Junipers 3 ft. apart, in order to have the soft line and continue to give the privacy to the neighbor next to them.

Mr. Skaine stated he's much more in favor of that than he is a fence.

Mr. McNamara and Mr. Krey agreed that they like the plan for Junipers.

Mr. Mills asked if it will just be the Junipers and nothing else along the northern border, Mr. LiPomi agreed yes, just the Junipers, no lattice or fence work.

Mr. Michnik asked how soon Mr. LiPomi would like to start the project if approved, Mr. LiPomi responded within a month of the project being completed is when he'd have the Junipers planted. Mr. Michnik asked if by the end of May middle of June that would be sufficient, Mr. LiPomi responded yes.

Mr. McNamara suggested giving him within 60 days of his Certificate of Occupancy to have the landscaping completed, Mr. LiPomi agreed to that.

Mr. Mills noted for a point of clarity, 4 ft. Junipers approximately 3 ft. apart for what span, Mr. LiPomi responded approximately a 20 ft. span.

ACTION

Motion by Ryan Mills, second by Daniel Michnik to **approve** Appeal No. 2 with the following conditions;

1. applicant agrees to plant 4 ft. tall Juniper, 3 ft. apart along the north side of the residence for a span of 20 ft. commencing at the rear of his house, and going 20 ft. to the east.
2. must be done within 60 days after issuance of the Certificate of Occupancy.

ON THE QUESTION:

Mr. Mills noted that while the applicant is seeking a 2.5 ft. variance with respect to the side yard setback, the variance is mitigated by the fact that the applicant is providing an extensive amount of landscaping. Based upon the layout of the rear of his house where his sliding door and concrete pad are situated, the location of the piers seem to make the most sense.

Richard McNamara	Aye	Patrick Krey	Aye	Raymond Skaine	Aye
Ryan Mills	Aye	Daniel Michnik			

MOTION CARRIED

Part 1 of the Zoning Board of Appeals meeting was closed at 6:34 pm.

The board discussed previous appeals and where they currently stand.

Mr. Bleuer explained that the biggest item that has been on several of the Zoning Board agendas would be the chicken request in Clarence Center. The applicant has stated that the chickens have been removed, and they are no longer seeking the variance.

Mr. Michnik asked Mr. Shear and Mr. Bengart if going forward, do they have any type of law or article, so that applicants know exactly what they are getting in to, and what it would entail to apply for a variance for chickens. Mr. Bengart responded that he thinks what we have learned through the experiences and time that has been put into these, is that if an application came in again, Jon could certainly advise them as to what is entailed in order to have an application reviewed and meet the criteria to have a vote.

Mr. Shear agrees with Mr. Bengart, as there is not a specific code regarding this in place, and having Mr. Bleuer advise any potential applicant of what basic criteria the board will be looking for, in order to help guide the process along. Mr. Bengart noted that he's always happy to help and guide anyone as well.

Mr. Bleuer clarified that the Town of Clarence does have code regarding this, and the code is simply that it is not allowed in the Residential Single Family Zone less than 5 acres, so any potential conditions placed on a variance were actually stated in the previous month's meeting minutes, which are on public record. We would share those with any interested party, so that they would be able to get an idea of what the board is looking for moving forward.

Mr. Michnik asked Mr. Bengart, noting that most of the variances for chickens appear to be based on medical needs. Is the board or the town going to let applicants know that medical is a reason to request a variance, which Mr. Bengart responded that it is not our job to tell them what they need, it is our job to inform them based on the past meetings and minutes which are on record, examples of the information the board will be seeking. Mr. Bengart stated that it is not our job to tell them how to prove their case, but there are things that we will require before allowing an applicant to proceed with their application.

Mr. Michnik asked Mr. Bengart who will we consider experts on medical conditions, he feels it needs to be tightened up as far as what is appropriate and what is acceptable. Mr. Bengart noted that if someone wants to commit fraud and be dishonest, there's nothing we can do about it. You can decide what the best evidence that you will accept is, case by case. The chances of getting a "wet" signature is not as important as the contents of what they are receiving, and whether it meets the criteria that they are looking for, or whether the person that is giving the information is qualified to be giving it. It should not be the secretary, but rather someone that is legally qualified to make the statement.

Mr. Mills asked about a medical doctor or D.O., versus an R.N., which Mr. Bengart stated he doesn't think that they can set that boundary, as a nurse practitioner is legally able to prescribe medicine as well as give diagnosis.

Mr. Shear asked about Physician Assistants, as Mr. Mills explained that the reason he asked his question regarding medical doctors or D.O.s is because he had an issue come up where a vaccine exemption is only permitted by a medical doctor or a D.O. A nurse practitioner, a Physician's Assistant, are not permitted to apply the exemption. Mr. Bengart stated that if that instance was brought before him, he would contest it and disagree, as he believes that they can.

Mr. Michnik stated that he wants to be sure the town is protected in all categories, and that the applicant knows going in what some of the requirements will be.

Mr. Michnik asked for an update on the other chicken variance request that had been on the agenda. Mr. Bleuer stated that the address on Main Street in the Hollow where the variance request was for, has recently sold. The Planning office has yet to receive documentation from the owner stating that they have withdrawn their request. Mr. Bleuer expects the request to be withdrawn in the coming weeks.

Mr. Michnik asked what happens if the new owner decides to put in a similar request, to which Mr. Bengart stated that they would need to file their own application for a variance. Mr. Bleuer included that the homeowner would be violated by the town for illegal chickens, and then it would be up to them to decide whether they wanted to remove the chickens and comply, or file for a variance.

Mr. Michnik asked if their house sells, are they required to remove the chickens, which Mr. Bengart stated that they are currently, and have been, under violation for the chickens. Mr. Michnik pointed out that they're under violation, but nothing has happened to them even with the violation. Mr. Bengart responded that they were supposed to be submitting an application which would have stayed the proceeding, now that they've sold their property, we are in a different category.

Mr. Bleuer stated that their application is still pending, therefore it could very well be on a future agenda, though he does expect it to be withdrawn.

Mr. Michnik asked whether they plan on leaving their livestock there when they move, for the next owner. Mr. Bengart responded that he will reach out to the homeowner to find out what their intentions are with their variance, whether they are taking the chickens with them, or leaving them on the property, in which the violation will proceed. Mr. Michnik asked Mr. Bengart what would happen with the violation, which Mr. Bengart responded that they would be taken to court for non-compliance. Mr. Bengart noted that the courts are barely open yet at this point, so pursuing it under present Covid rules is a challenge.

Mr. Michnik asked what would happen if the homeowners sell their house, move, leaving their chickens there for the new homeowners, who then decide that they want to keep the chickens. Mr. Bengart responded that they would then be violated. Mr. Bleuer stated that the violation is active, and if there is no longer a variance application pending, then the violation process would proceed.

The meeting paused at 6:45pm, to resume Part 2 at 7:30pm.

Part 2 of the Zoning Board of Appeals meeting was called to order at 7:30pm.

Appeal No. 5

Katie and Chris Lang
Residential Single Family

Applicant requests a variance of 64 sq. ft. to allow a 264 sq. ft. detached accessory structure (shed) located at 5035 Alexander Drive.

Appeal No. 5 is in variance to:
§229-55 (H)

DISCUSSION:

The applicants were present virtually, and explained that they would like to erect a shed on their property in order to fit several pieces of outdoor equipment, patio furniture, kid's toys, as well as multiple other items that need to be stored.

Mr. Skaine stated that he met with Mr. Lang when he was there to check out the location, and is quite pleased with where they plan to place it, back in the far northeast corner. He asked what type of shed they would be putting up, with Mrs. Lang explaining that the Amish will be coming to build a Dutch barn style shed, so that the roof will be a tiny bit higher to give them a bit of a loft area. Referring to the photo submitted with their application, which was marked Exhibit A, Mr. Skaine asked if that is a photo of the type of shed they are looking for. Mrs. Lang replied it's a photo taken from Amish Villa of a similar type shed, except they would like one 2 ft. higher than that shown in the photo. She stated that they are looking for a similar colored roof, and the same metal style with the two doors and two windows as well. Mrs. Lang added that the shape of the shed is as such so that it will fit in where they have some bushes as well, to enhance the aesthetics of the shed.

Mr. Skaine asked how wet it is back in that part of their yard, and what will they be putting the shed on, which Mrs. Lang replied they will have a cement pad, and that they have never had water issues on their property before, to the point that they do not even have a sump pump in their basement. Mrs. Lang explained that it gets wetter back behind their property line, they have never had any issues with water on their property.

Mr. Krey asked why they need the additional size over a basic sized shed. Mrs. Lang responded that she took a tape measure and measured all of the items in her garage that they would be placing in to the shed, factoring in the additional items in their basement that they would also put in to the shed. The extra 64 sq. ft. is to insure everything will fit in to the shed.

Mr. Krey noted that on the paperwork, it states that zoning law allows up to two detached accessory structures, up to 200 sq. ft. Mrs. Lang prefers one shed rather than two sheds, and with having the two doors, they will be able to pull their lawnmower in one door and drive it out the other door. Taking in to consideration all of the factors, it made more sense to put up one slightly larger shed, than two sheds.

Mr. Mills feels the shed will be well positioned, and asked about the additional height, which Mrs. Lang stated would be approximately 2 ft. higher, 11 ft. in total. Originally she was looking at the extra height for a loft that her kids could play in, then long term it will be used for additional storage of items, as the children grow.

Mr. Mills noted that he understands the actual shed structure hasn't been decided on yet, but Mrs. Lang had indicated to the board that they plan to have it have a metal roof with a wood exterior.

Mrs. Lang noted that her neighbor next door's shed measures at approximately 10 ft. The size of her neighbor's shed was an added factor when requesting the added height for their shed.

Mr. Michnik asked whether their shed will be built on-site, or pre-fabbed, Mrs. Lang stated that the Amish will come out to the site to build the shed.

Neighbor notifications were mailed out to the adjacent properties, and no comment of concern were received back.

ACTION:

Motion by Raymond Skaine, second by Patrick Krey to **approve** Appeal No. 5 as written.

ON THE QUESTION:

Mr. Shear asked if the existing shed would be removed, or remain on the property, which Mrs. Lang stated that they do not currently have a shed, she was referring to her neighbor's.

Mr. Krey stated that the applicant testified that the need for the 64 ft. variance is to accommodate all of their possessions, as well as to have their lawnmower enter from one side and exit on the other.

Additionally, she prefers having one larger structure rather than two structures at 200 sq. ft. each.

Placement on the lot will not produce an undesirable change in the neighborhood, and will fit in with the character of the neighborhood.

Ryan Mills	Aye	Richard McNamara	Aye	Raymond Skaine	Aye	Patrick
Krey	Aye	Daniel Michnik	Aye			

MOTION CARRIED

Appeal No. 6

Daniel & Lydia Albrecht
Agricultural-Rural Residential

Applicant requests a variance to allow a 225 ft. front yard setback for the construction of a single family home located at 10175 Keller Road.

Appeal No. 6 is in variance to:
§229-41 (A) *Average front yard setback of 46 ft.

DISCUSSION:

Mr. Albrecht was present virtually and further explained their variance request, stating that they currently live in a more populated area, and would like to get out further where it is less populated, more country, with privacy.

Originally they requested a 225 ft. variance, but once he got out there and measured from the middle of the road, they decided that 200 ft. was plenty. Whomever went out to look and put up the zoning sign, those stakes were at 200 ft.

They have small children, and it is a 45 mph. speed zone, so sitting back a bit further from the road is an added buffer.

Mr. Skaine stated that he is definitely not in favor of this, because going that far back will take privacy away from the houses currently there. Mr. Bleuer stated that the setbacks vary in that area, but the estimated allowable setback is 46 ft. Mr. Skaine noted that sitting back that far is totally out of character for the neighborhood, he can't get on board with taking the privacy away from the established homeowners in the area.

Mr. Krey referred to the paperwork, and asked about an original 70 ft. setback that was requested and granted, which Mr. Bleuer clarified that Mr. Albrecht had recently received a Minor Subdivision approval to split the lot, and within the application at the time showed a house, with that 60-70 ft. setback. However, a minor subdivision does not authorize a setback, a required setback would be 46 ft. However Mr. Albrecht desired a further setback, so he applied for this variance.

Mr. Krey echoes Mr. Skaine's concerns, in regards to being setback farther from the neighbors and taking away their privacy, it's something that is becoming more common in town, and while he understands the desire to have a buffer from the road for the kids, it does look out of relation with the other homes.

Mr. Krey asked if Mr. Albrecht was set on the 200 ft., or if he would have any flexibility with that number, which Mr. Albrecht responded that he's happy to do whatever the town feels is best. They are building out in the country to have more privacy, but he does not want to inconvenience anyone around him, he didn't realize that it was that far off. He was looking at Keller Rd. as a whole, and on the other side of Strickler the houses are setback further, and it's all his family so he didn't even think about it that way. Mr. Krey asked if the house on the other side of them is also family, which Mr. Albrecht responded no.

Mr. Krey noted that when the board grants these variances, they have to be forward thinking with them as well, for future homeowners.

Mr. Krey stated that he would like to keep an open mind about other possibilities, including moving it forward or other ideas to mitigate the view.

Mr. McNamara asked where Mr. Albrecht's parents live, which Mr. Albrecht responded they live to the east. Mr. McNamara noted that there is a good tree line down the west side to protect from that house, though Mr. Albrecht pointed out that he understands the trees won't always be there. Mr. McNamara stated that a lot of times the board will impose landscaping as a buffer, and he does have an issue with the the house being set back that far, he is wondering if there is a way to mitigate that.

Mr. McNamara stated he feels the choices are to either be equal with the other houses, or even further back, to provide the privacy.

Mr. Mills stated that the current owners are Kenneth and Donna Albrecht, and asked whether the property has been deeded to Mr. Albrecht yet, which he responded that he believes so, and his dad Kenneth wrote a letter stating that Daniel had permission to build on the land. Mr. Albrecht said he does not know what further legal action needs to be taken in order for him to have his name on that land. Mr. Bleuer confirmed that the letter is in the file.

Mr. Mills agreed that he is not comfortable with the size of the setback, and the issue of privacy. One way to help enhance the privacy for all neighbors, both current and future, would be some heavy foliage landscaping along both the east and west sides of the property. Mr. Mills asked Mr. Albrecht to what extent he would be willing to plant extensive foliage on the east and west sides, understanding that his parents are currently on the east. Mr. Albrecht stated he would be open to discussing it with his wife. Mr. Albrecht added that John Kelkenberg leases that land from them, and he would use the additional area to maneuver his equipment back and forth when necessary. Mr. Albrecht stated that without conferring with his wife, he personally would rather move the house up than put in heavy landscaping and vegetation on both sides.

Mr. Albrecht stated that he needs to go back to the plans and discuss their options with his wife. Mr. Mills said another thing to figure out is what would be the least setback that they would be willing to live with in place of any extensive landscaping.

Mr. Michnik echoed Mr. Skaine's concerns, stating he would be willing to go 50 ft. at the most. It is totally out of character for the neighborhood having it setback so far in that stretch of Keller. He looked at the property extensively, and feels that the 46-50 ft. is sufficient, and keeps in line with the rest of the neighborhood.

Mr. Michnik asked Mr. Albrecht what type of home they are planning to build, Mr. Albrecht responded that it will be a two story house between 3400 sq. ft to 3500 sq. ft.

Mr. Michnik stated that while not zoned a Traditional Neighborhood, there are traditional houses in the area, which are well established. He feels staying within the 46-50 ft. setback gives plenty of room, they can still have a long driveway. Utilities going back that far and the addition of a longer driveway would add additional expenses as well.

Mr. Michnik stated that he would deny this request based on the way the neighborhood is set up.

Mr. Albrecht asked if the request is tabled, would he need to come up with a new plan, or would they rather deny it and he would re-submit something different. Mr. Bengart responded that it is Mr. Albrecht's decision, but if the board voted and denied the request, a brand new plan and application fee would be necessary.

Mr. Michnik stated that if Mr. Albrecht asks to have the appeal tabled, he'd like Mr. Albrecht to also stake the property line that would be helpful.

Mr. Albrecht asked to have the request tabled. Mr. Michnik asked Mr. Bleuer how soon the applicant would be able to get on to the agenda again. Mr. Bleuer also noted that if the board tables the request tonight, that Mr. Albrecht needs to contact the Planning Office to state his intent. Keeping in mind that should Mr. Albrecht choose to build his home within the allowable 46 ft. setback, the Building Department has the ability to flex that number 10 ft., and therefore Mr. Albrecht wouldn't even need a variance. If Mr. Albrecht decides to make an alternate request, we could attempt to get him back on the agenda for next month's agenda, but there is no guarantee.

ACTION:

Raymond Skaine made a motion to **table** Appeal No. 6, second by Ryan Mills.

ON THE QUESTION:

Mr. Bengart stated that with the request being tabled, it will be put back on the next available meeting agenda, after Mr. Albrecht advises the Planning office of his readiness to be put back on.

Mr. Albrecht stated that he understands.

Raymond Skaine	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Richard McNamara	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Appeal No. 7

Joel Stuart
Agricultural-Rural Residential

Applicant requests a variance to allow a detached accessory structure (pole barn) to be located within the front yard setback located at 9100 Lapp Road.

Appeal No. 7 is in variance to:
§229-44 (E)

DISCUSSION:

Mr. Stuart was present virtually to further explain his request, stating that he would like to build a 30' by 60' pole barn with an 8 ft. porch. They have a unique property, and where they would like to build the pole barn is technically to the front of the house, making it the front yard setback, although they traditionally look at that as their backyard. They plan to use it predominantly as a garage, parking vehicles in there including a tractor and boat, but they plan to use it for storage as well.

Mr. Stuart stated that he researched where to place the pole barn, and because they plan to use it as a garage, it made most sense to have it connected to the driveway.

Mr. Krey stated that the shape of the lot is unusual, which does change the dynamics of the variance, as it is a flag shaped lot, which was approved in 2001, and Mr. Stuart stated that they purchased the property in 2015.

Mr. Krey noted that the reason the lot is shaped like a flag, was to maintain a drainage ditch. This was at the request of the Town of Clarence Engineering Department. Mr. Skaine stated that at the time the house was built, the Zoning Board took their direction from the Highway Department, which had requested that the house be positioned in that way, so that they would be able to access the drainage ditch when necessary. Based on the suggestions from the Highway Superintendent and Town Engineer at the time, they finally approved the positioning of the house.

Mr. Krey agreed that even though it is technically their front yard setback, the way the home is situated on the lot, it is really their backyard. As the applicant stated, in order to have the driveway connect to the garage, this is the best placement for the pole barn.

Mr. Skaine stated that he likes the way the proposed pole barn looks, as well as the placement. There will be plenty of buffering with the trees, it won't be seen from the other areas.

Mr. McNamara stated that he also likes the location and the look of the proposed structure.

Mr. Michnik asked why the pole barn needs to be so big, Mr. Stuart explained all of the different vehicles and equipment that they would like to store inside of it.

Mr. Michnik asked what type of business Mr. Stuart runs, which Mr. Stuart responded an e-commerce company, selling sport and health supplements, survival gear to all the major markets and they have websites.

Mr. Michnik asked if Mr. Stuart does any repair business on vehicles, Mr. Stuart responded no, aside from his own as needed.

Mr. Michnik asked Mr. Stuart if the board asked them to reduce the size of the pole barn, would he consider that, which Mr. Stuart responded that he would be disappointed, but he would listen. He doesn't want to infringe on the neighbors, and he feels like their house is pretty big as well, so the pole barn in comparison would not look out of proportion.

Mr. Michnik stated that he is concerned about the neighbor in front of Mr. Stuart, and where the pole barn is situated, it looks like it will fill up the entire yard. Mr. Bengart asked if Mr. Michnik was referring to 9120 Lapp Rd., which Mr. Michnik responded yes, he was.

Mr. Stuart said that he did speak with both of his neighbors that it would most directly impact, the first one which is more west of the proposed barn, said that he does not care. The next neighbor (9120 Lapp Rd.) also stated that he only had one concern which was water, which he didn't want more of on his property.

Mr. Michnik asked Mr. Stuart if he has another shed currently on his property, to which Mr. Stuart replied that if the pole barn is approved, he plans to get rid of the current sheds and only have the pole barn.

Mr. Michnik stated that he is very concerned about the size of the pole barn, Mr. Stuart noted that the plans read 38 sq. ft. by 60 sq. ft., but 8 ft. of that is the porch, it is actually 30 by 60.

Mr. Michnik asked what kind of floor the structure will have, which Mr. Stuart responded it will be a concrete floor. There will be all utilities run to the pole barn, the color scheme will match that of the house.

Mr. Stuart stated that eventually he'd like to get an RV and park it inside the pole barn.

Mr. Michnik asked how they will know that Mr. Stuart is actually storing all of the equipment that he is stating he will store, inside of the pole barn and not leave it all laying outside of it again. Mr. Stuart replied that the damages that leaving it in the rain causes, is enough for him to be sure it is all stored in the pole barn.

Mr. Michnik asked how soon he plans to start the project, and has he looked at builders yet, which Mr. Stuart responded he already has a contractor and they are just waiting to see how their request plays out.

At this time, the meeting was opened for public comments:

Karen Boehm of 9200 Lapp Rd., her property abuts up to Mr. Stuart's. She asked about the size of the barn, which Mr. Stuart reiterated that it's the only building he plans on having aside from the house, he has a large lot with a large house. There is a barn behind him with large structures as well, so he does not feel it is entirely out of character for the area. Mr. Stuart noted that he and his family have a lot of items that they want to keep stored in the barn, and not have scattered all over the yard, the barn will keep it all contained nicely.

Mr. McNamara noted that if Mr. Stuart builds his barn, even if the board conditioned that it was reduced in size, there is nothing to stop him from expanding on it at a later date, without a variance, because he is in the agricultural zone, which Mr. Bleuer confirmed that in the agricultural zone there is no limitation on accessory structures, it is only based on setback. If Mr. Stuart had decided to place the structure in a code compliant area, he would not need a variance, only a building permit. It is only because of the location of the front yard setback that he is required to have a variance.

Mr. McNamara asked if they granted the variance but cut the size of the structure in half, would Mr. Stuart be able to put an addition on that. Mr. Bleuer stated that he would be able to, as long as he didn't increase the amount of variance needed, he would not be able to increase it further to the back of the Lapp Road lots, but if he was to extend it further away, yes he could.

Mr. Bleuer read a correspondence from Stephanie Bernhard of 7280 Countryview Lane in to the record.

In regards to one of the questions asked in the correspondence from Ms. Bernhard, Mr. Michnik asked Mr. Stuart which way the doors will be facing on the barn, which Mr. Stuart stated that the doors will be facing the west, there will be two 10 x 10 overhead doors, and the height of the building is 16 ft.

Mr. Bleuer noted that the walls appear to be 16 ft. but per the elevations, the peak extends farther than that. The total height of the building is approximately 21 ft. in the middle.

As previously stated, Mr. Stuart plans to store his cars, boat, and other equipment as well as his kid's toys in the structure.

Renderings were included with his application, and are available on the website with the supporting documents, the colors of the structure will match those of the house.

Mr. Michnik asked what size the building is, Mr. Stuart stated it is 30x60. Mr. Michnik asked Mr. Stuart if he would be willing to reduce it to 24 x 60 and still have the overhang, which Mr. Stuart responded that he could, but 24 ft. is a bit narrow.

Mr. Michnik stated that he understands and agrees with the neighbor's concerns.

Mr. Stuart confirmed with Mr. Bleuer that if he were to relocate the proposed building to behind the foundation of the home, he wouldn't need a variance, and there are no limitations. Mr. Bleuer confirmed that per the current proposal, that is correct, a variance would not be required.

ACTION:

Motion by Richard McNamara second by Raymond Skaine to **approve** Appeal No. 7 as written.

ON THE QUESTION:

Mr. Krey stated that the reason he is voting to approve this appeal as written, is due to the unique nature of the lot is what caused the need to request the variance. The way the lot is situated, the location is actually the backyard of the home, though based on the lot itself, it is technically the front yard, which is causing the need for a variance.

Additionally, Mr. Krey believes that the natural tree line buffers the home in front of it, and will mitigate any issues with those neighbors.

As well as the applicant's explanation as to why he needs the pole barn, is why he is voting in favor of the variance.

Patrick Krey	Aye	Raymond Skaine	Aye	Richard McNamara	Aye
Ryan Mills	Aye	Daniel Michnik	Nay		

MOTION CARRIED

Appeal No. 8

Barbra and Peter Casilio
Residential Single Family

Applicant requests a variance:

1. To allow a secondary detached garage;
2. Of 1,690 sq. ft. to allow a 1,890 sq. ft. detached accessory structure;
3. Of 17 ft. to allow a 33 ft. tall detached accessory structure;
4. Of 1 ft. to allow 10 ft. tall overhead garage doors;

Located at 9170 Thompsonwood Drive.

Appeal No. 8 is in variance to:

- 1) §229-55 (H)
- 2) §229-55 (H)
- 3) §229-55 (E) (2)
- 4) §229-55 (I)

DISCUSSION:

The applicants were present virtually to further explain their request, explaining that they would like to build a detached garage to park multiple vehicles and pieces of equipment in. When their son is home from college there will be an added vehicle as well, and it would be nice to have everything stored in the garage.

Mr. Casilio stated that they feel the building that they are requesting is appealing, and keeping with the neighborhood, and is designed to match their house.

Mr. Casilio noted that having multiple cars and vehicles parked on a property is unsightly, and are better parked indoors.

Mr. McNamara asked what the size is of the main part of the garage, which Mr. Casilio responded that it is 28 ft. deep, and 32 ft. wide. Mr. McNamara noted that its 896 ft., then with the covered porch is 16 ft. by 28 ft. Mr. Casilio explained that they have planned to build this building up since they developed the property, and it has moved around to different areas on their property. Currently their patio is difficult to use during the evening sunlight hours, and he doesn't want to put a roof over their existing patio.

When their (great) neighbor built a Pickle ball court next to them, they decided to move the location of the structure to where it would give her privacy on her court, as well as give them privacy. They decided to add a patio to the proposed structure in order to give them some relief from the western sun exposure.

Mr. McNamara reviewed the sizes, stating that the two car garage is 896 ft., the upstairs is approximately 546 ft., the patio is 548 ft., for a total of 1,890 sq. ft. Mr. McNamara asked what the plans are for the upstairs portion of the structure, which Mr. Casilio responded that it will be strictly used for storage.

Mr. McNamara finished by saying that the proposed building looks very appealing, fitting in very well with the neighborhood.

Mr. Skaine stated that while checking out the property, he noted that there is a similar building in the neighborhood just down the road. Based on where the property was staked, and the privacy that the applicants have, it won't be a detriment to the neighborhood.

Mr. Krey asked what size their home is, which Mr. Casilio explained that the living area of the house is approximately 4200-4500 sq. ft., with an additional 1600 sq. ft. in the finished basement. Mr. Krey noted that based on the size of their home, and the location of the garage doors, the proposed building will fit in nicely from the street view.

Mr. Krey asked about similar detached structures in the neighborhood, which Mr. Casilio stated that directly north of their property is a very large barn, which appears much larger than the accessory structure that they are proposing. Their neighbor to the west of them also has a detached garage, as well as the neighbor across the street from them, has a detached accessory structure at the end of their driveway. Another neighbor has a pool structure in their backyard, and finally another neighbor has a structure very comparable in size to the structure that they are proposing.

Mr. Mills noted that Exhibit A is a 3-D rendering photograph, and asked if the materials shown in the photo are the actual materials that Mr. Casilio is intending to use, which Mr. Casilio responded yes. Mr. Mills asked if it is vinyl or another material, Mr. Casilio responded that he has stone and vinyl siding on their home, which the proposed structure will match. They do like the vertical board and other materials on the structure, which they may incorporate in to an area on the front facade of their home.

The doors won't be wood, but will be made to look like barn doors, they will be a metal appearing as wood.

Their total parcel size is approximately 4.28 acres, Mr. Casilio confirmed.

Mr. Michnik asked what size the doors are that will be on the structure, Mr. Casilio replied that they are 10 x 10, giving enough room to easily move his tractor in and out of the garage. Based on experience, the garage doors need to be bigger than what he has on his current garage for ease of moving vehicles in and out.

Referring to the equipment that Mr. Casilio mentioned, Mr. Michnik asked if Mr. Casilio runs any type of business out of his home, which Mr. Casilio responded no he does not.

Mr. Bengart asked if the board placed a condition that Mr. Casilio would agree that no business would be run from his property now or in to the future, would he agree to that, which Mr. Casilio responded yes he would.

Mr. Michnik asked Mr. Casilio if he intends on running flatwork on the existing driveway to the proposed building, which Mr. Casilio responded yes, as shown in the rendering.

Mr. Michnik asked when they intend on starting this project, which Mr. Casilio stated that they would like to begin as soon as possible, which Mr. Michnik asked if they intend to start the project this year, Mr. Casilio responded that he hopes so.

Mr. Bleuer stated that correspondence was received from a David Lewandowski at 5730 Thompson Rd., and is on file.

ACTION:

Motion made by Patrick Krey, second by Raymond Skaine, to **approve** Appeal No. 8 as written.

ON THE QUESTION:

Mr. Krey noted that the reason he voted to approve the request is due to the testimony of the applicant, the need for the size, and the location of the detached garage, as well as the view from the street being mitigated,.

Also, because of the multiple attached accessory structures found within the neighborhood, this structure will not be out of character, nor will it cause an undesirable change to the neighborhood.

Patrick Krey	Aye	Raymond Skaine	Aye	Richard McNamara	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

Mr. Michnik stated that the reason he voted in favor are for the same reasons that Mr. Krey stated.

MOTION CARRIED

Mr. Michnik reminded the board that the members need to get their 4 hours of training in.

Motion by Mr. Michnik to close the meeting at 8:41 pm.

MOTION CARRIED

Amy Major
Senior Clerk Typist