

Town of Clarence
 One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
 Tuesday, May 11, 2021
 5:30 p.m.

This meeting was not an in-person meeting, it was strictly virtual.
 The Zoom meeting link may always be found on the published agenda, which is accessible
 on the Town of Clarence's website

Part 1 at 5:30 p.m.
Intermission
Part 2 at 7:00 p.m.

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

Zoning Board of Appeals members present:

Chairman Daniel Michnik
 Patricia Burkard
 Raymond Skaine

Vice-Chairman Ryan Mills
 Richard McNamara

Zoning Board of Appeals members absent:

Patrick Krey

Town Officials present:

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

Other interested parties present:

Jens Richter	David Stasiak	Marc Vitale	Robyn Alpsan
Derrick Enderby	Meg Smith	***-0812	***-4744
Deidre Houston	Gretchen Berger	Vincent Migliori	Jennifer Noah
Eric Braun			

Motion by Ryan Mills, second by Raymond Skaine, to **approve** the minutes of the meeting held on April 13, 2021.

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

MOTION CARRIED

Part 1 beginning at 5:30pm

Old Business

Appeal No. 1 (from November, 2020)

Jens Richter
Residential Single Family zone

Applicant requests relief from the requirement of the installation of a fence which was a previously issued condition of approval associated with a variance approved for 4775 Boncrest Drive East.

*Condition of variance approval issued on
11/10/2020

DISCUSSION:

Mr. Mills recused himself from Appeal No. 1

Mr. Richter was present virtually, and addressed the board, stating that he had been talking to his neighbor, Derrick Enderby, regarding his plans and the fence he had intended to install between their properties per a previously stated condition of the zoning board. Mr. Richter stated that Mr. Enderby commented to him that he would prefer he not install the fence, which Mr. Richter informed him was a condition applied by the board from a previously granted variance request.

Mr. Richter is requesting to be able to install a different form of barrier between the two houses, which would keep with the character of the neighborhood as well as honor Mr. Enderby's wishes.

Mr. Bleuer read correspondence submitted to the planning office from Toni Lenuzza of 4770 Boncrest Drive East. They stated that they are aware of the plans for a new home to be built on the waterlogged property, sharing some concerns and offering suggestions.

This correspondence will be placed in the file. The board had no concerns in regards to the points noted in the letter.

Mr. Skaine stated that if there are plans to change the fence to a natural barrier that any plantings must be at least as tall as the fence would have been upon planting, not in the future. He doesn't agree with the plans to be a variety of sizes when planted, as well as when fully grown, he feels they should be consistent in order to offer the same protection that a regular fence would, immediately upon planting.

Mrs. Burkard agreed with Mr. Skaine in regards to the height of the plants. She also asked if there will be any issues with the plants growing properly in that area, due to the wetness of the land. Mr. Richter responded that there is a hilly area there, with water behind it.

Mr. Michnik asked Mr. Bleuer about the possibility of having the applicant put a berm to put the trees on, which Mr. Bleuer responded that it is within the board's purview to request that, but added that berms need to be reviewed by the engineering department, because they can affect drainage. Without something in writing from the Engineering Department, it is a risky condition to put in place.

In regard to Public Participation:

Derrick Enderby of 4765 Boncrest Drive East, and as Mr. Richter stated, they have discussed the plans Mr. Richter has for the property. Mr. Enderby noted that he and Mr. Richter agree in terms of the border and having a natural border versus a fence.

In regards to Mr. Skaine's comments with having a uniformed look all the way across, Mr. Enderby isn't sure whether he was referring to a hedgerow, but the plans that Mr. Richter showed him had a lot of variety. The neighborhood has a lot of mature trees, and if it was his own property he wouldn't want a uniformed set of trees going across. He does like the idea of some maturity to the trees, but the plans Mr. Richter has which shows a variety of height, is appealing.

Overall Mr. Enderby is supportive of Mr. Richter's plans for a natural barrier rather than a fence.

Mr. Skaine clarified that he didn't intend for all of the same trees to be planted to be uniformed, he would like to see a variety of trees approximately 4-5 ft. tall to start, then let them grow at the rate that they normally grow.

Mr. McNamara stated that some of the plants and trees that are in Mr. Richter's plans are not available at 4-5 ft. tall, but they are fast growers.

Mr. Skaine asked Mr. McNamara if looking at the aerial view of 4775 Boncrest Dr. East, marked Exhibit A, the proposed note of natural vegetation with the American Cranberry Bush, Arrowhead Viburnum, and Washington Hawthorne, and asked Mr. Richter if those are the three varieties he plans to plant. Mr. Richter responded that because of the bird wildlife, that these are good varieties for bird habitats.

Mr. Skaine asked Mr. McNamara if he has seen any of those varieties becoming high enough, which Mr. McNamara responded that yes, each of those trees will grow to a substantial size, and they all do well in water. Mr. McNamara stated that he feels they are great plants which will fill in nicely.

Mr. McNamara asked Mr. Richter when he plans on starting construction for the house, which Mr. Richter responded that their goal is either towards the end of this year or spring of next year. The plantings wouldn't go in until the grading is completed, once the house is underway.

Mr. Richter noted that if there are more mature trees in those varieties available at the nursery when he is ready to purchase them, he will certainly get those.

ACTION:

Motion by Raymond Skaine second by Richard McNamara to **approve** Appeal No. 1 under Old Business at the request of the applicant pursuant to Exhibit A. with the following conditions;

- the applicant plants the variety of trees proposed, as tall as possible, a minimum of 3 ft. in height;
- the trees are planted so that they provide a barrier within a couple of years

Patricia Burkard	Aye	Richard McNamara	Aye	Raymond Skaine	Aye
Daniel Michnik	Aye				

MOTION CARRIED

Mr. Mills returned to the meeting.

New Business

Appeal No. 1

Karla Vitale
Residential Single Family

Applicant requests a variance of 10' to allow a 35' front yard setback fronting Clarence Center Road for the construction of an attached garage addition located at 6081 Meadowlakes Drive.

Appeal No. 1 is in variance to:

§229-52(A) (1)

*Established front yard setback 45' per Map Cover

2485

DISCUSSION:

Mr. Vitale was present virtually and further explained that they are looking to build a 1.5 car garage, attached to the house on the right hand side for additional parking.

Mr. Skaine noted that the only question he has is in regards to the trees that are currently planted along that area, and asked if they plan to plant any more trees to form a shield from Clarence Center Rd. Mr. Vitale responded that they hadn't planned on that, but if the board requests it he certainly would be willing to, though he is not sure what the reasoning is for doing that, if it's to not visually see the garage.

Mr. Skaine responded that he feels it would make it look more attractive if there was something there to shield the garage a bit, he is unsure what construction material he plans to use, which Mr. Vitale responded it will be white siding. Mr. Vitale stated that the front of the house is brick, while the rest of the house is white siding, so the garage will match the house.

Mrs. Burkard stated her concern about the proposed structure blending in with the applicant's other garage, asking if they have given any thought to putting brick on the front of the garage as well, rather than having the stark white against the brick.

Mr. Vitale responded that they did speak with their builder, who stated that it would be difficult to match the brick up, so rather than having mismatched brick, they chose to match the white siding.

Mr. Mills spoke in regards to the aesthetics of the proposed building, noting that there are currently trees along the sideline, and he would like to see some more trees there as well to block the view for drivers on Clarence Center that are turning in to the neighborhood.

Mr. Vitale noted that they currently have two trees in the location where the proposed garage is going, and asked whether the board would like them in a straight line, with a couple more added. Mr. Mills responded that it appears they fall a little short of where the entire garage will be. Mr. Vitale asked if they

are looking for evergreens or another type of tree to be planted along there. They have been having issues with the Blue Spruce trees which are there currently, so if they can avoid having to plant those, that would be preferred. Mr. Mills stated that they can word the condition to read Evergreen or similar species, which Mr. Vitale agreed with.

Mr. Mills also stated that he agrees with Mrs. Burkard in regards to the brick, and it would be nice if they could match that, but since they can't, then vinyl is sufficient.

Mr. Michnik stated that he agrees with what the board has discussed regarding the brick, he also feels that it would be nice if Mr. Vitale could match the brick for the front of the proposed building. He is sorry they are unable to get a match, as he feels it would finish off the property, and make it appear as though it's aged with the house. Sometimes that is important when it is time for resale of a home in the future, it makes it look as though it's been there since the beginning. Mr. Michnik encouraged the homeowner to have their builder do some searching, they may come close and perhaps there is a break where they can put something in between so that the brick isn't right on top of each other and it won't be that bad looking. Mr. Michnik thinks in the long run they may benefit from having the brick on it.

Mr. Michnik also agrees with the committee in terms of the evergreens or spruces or whatever they want to call it and he feels they should be at least 3 ft. high with whatever you're doing just to give them a chance to grow so they kind of fit in with what they are doing.

Mr. Vitale asked if two additional trees would be sufficient, to which Mr. Michnik responded that they will probably want to go with more than two because depending what they're going to plant he would say probably no more than 4 but no less than 3 if you're going to talk to a nursery that will come in and do that work for them, or they can give them suggestions.

Mr. McNamara noted that pine trees should be planted approximately 15 ft. apart, because as they mature they will grow in to each other and cause the bottoms to die out.

Mrs. Burkard asked about the windows on the rendering of the new garage door, and asked if it will have windows, and if their current garage door also has windows. Mrs. Vitale responded that they have asked their builder to match up the garage doors the best that they can, so it will have windows to match the current garage door.

In regard to Public Participation, no one spoke.

ACTION:

Motion by Ryan Mills second by Daniel Michnik to **approve** Appeal No. 1 under New Business as written, with the following condition;

- 3-4 evergreen or similar, approximately 3 ft. in height or larger, along the south property line of the property, following the line of the new garage.

ON THE QUESTION:

Mr. Mills noted that this is a corner lot in a sub development, bordering both Clarence Center Road and Meadowlakes Road, there does appear to be multiple three car garage homes in the neighborhood.

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

MOTION CARRIED

Appeal No. 2

David Stasiak
Residential Single Family

Appeal No. 2 is in variance to:
1 & 2) §229-55 (H)

Applicant requests a variance;

1. To allow a secondary detached garage;
and
2. Of 1,300 sq. ft. to allow a 1,500 sq. ft.
secondary detached garage;

Located at 5450 Shadyside Drive.

DISCUSSION:

Mr. Stasiak was present virtually, adding that they built their home approximately 25 years ago, and have outgrown their garage. He is a collector of cars, currently he owns two vintage cars that he is storing in his garage.

He also does all of his own landscaping on the 1.5 acre lot that they own, so he has quite a few pieces of landscaping and lawn care apparatus, and have run out of storage room. They are looking for something to be able to pull their vehicles in to during the winter, and have a bit more space.

They take pride in their property as well as the neighborhood, and would not want to do anything to diminish the value of their neighbor's property. When he started to research the idea of building a detached garage, they looked to have it identically match the house materials, meaning the brick on the front would match that of the house, and then the Hardee plank siding and roof would also match the house.

It is a large lot, accommodating this structure easily without making it obtrusive, or looking disproportionate to the area.

As far as affecting the neighbors, only one side of the building would face a neighbor, and there is a large natural buffer to help to conceal the view from that neighbor.

Mr. Stasiak noted that the one neighbor he thought it may have any impact on is at 5410 Shadyside Drive. He has discussed it with that neighbor, because he often pulls his tractor through that part of Mr. Stasiak's yard to get to his garage that is in the back of his property. The area is very wet, the neighbor has gotten stuck with his tractor and Mr. Stasiak told him that he would address the drainage problem if he is able to build his garage so that it is dry and usable.

Neighbor Notifications were sent out, and no comments were returned.

Mr. McNamara noted that all of the proposed materials appear to match the house, then asked how large their lot is, which Mr. Stasiak responded that it is 1.37 acres, it's fairly large.

Mr. McNamara confirmed that Mr. Stasiak will not be using the proposed garage for any type of business, and simply to store their personal belongings, to which Mr. Stasiak responded no business whatsoever. Possibly a little shop in the back so that he is able to work on his tractors and cars as maintenance is needed, but no business at all.

Mrs. Burkard commented on the size of the structure, and asked Mr. Stasiak if he would be able to make it smaller, which Mr. Stasiak responded that he has already downsized it from what his original plans were. He has the two additional cars, as well as a zero-turn mower and another tractor that he uses also. Additionally, they are purchasing a boat which they would also like to store in the garage. Mr. Stasiak stated that although it appears to be a substantially large structure, it fits the lot very well, fits the architecture, and he feels that it will increase the value of the property.

Mrs. Burkard asked if this is the only location that the building is able to go, Mr. Stasiak responded that he would not want to put it on the other side, as the neighbor to that side of him already has to deal with the commercial building that was put in many years ago, and is substantially larger than the building it replaced. It won't affect the other neighbor at all placing it where he has planned.

Mr. Stasiak reiterated that the only neighbor it would affect at all won't even have a full wall of the building, due to the way it will be angled.

Mr. Skaine asked how many trees will be taken down, which Mr. Stasiak responded that he has approximately 26 Ash trees on the property, which he has treated, because he has been very devoted to saving the Ash trees, and some of them are substantial. There are two Ash trees in the way that would need to be removed, but it still leaves them with over 30 on the property.

Mr. Mills stated that he is a bit troubled with the size, as it is large, but compared to the size of the parcel, it is a good contrast.

Mr. Mills asked if they had considered placing it closer to the end of their driveway, which Mr. Stasiak responded that they thought about attaching it to their house, as a neighbor did years ago, but their septic tank is directly at the end of their driveway, so logistically they would have to move the septic system, and it would not accomplish his purpose, which is to be able to pull a boat and his vehicles in, to store them lengthwise. If it was placed at the end of the driveway, it would need to be exceptionally long, side to side and it would not fit the aesthetics at all. Where they are planning to place it now, it is almost invisible from the street, aside from only the front of it.

Mr. Mills noted that the front facade will be seen from the street at certain angles, which Mr. Stasiak replied that the proposed building will match the front of the house perfectly, keeping with the character of the property is important to them.

Mr. Mills then asked about the roofline, and if they had explored any other type of roofline perhaps with a dormer. Mr. Stasiak replied that he had considered a dormer, but while discussing with the architect, they decided that essentially to make it blend and look as though it belongs where it is, the roofline is going to be the same pitch as when you look at the front of the house, so it will blend like it belongs. There won't be an awkward, out of place pitch. Mr. Stasiak stated that he would prefer to keep the pitch of the roof as it is currently planned.

Mr. Mills stated that he did not see any other structures in the Shadyside area that resemble the same size as the one Mr. Stasiak is proposing, Mr. Mills asked if there are any that Mr. Stasiak is aware of, that he would be able to refer to. Mr. Stasiak referred to the large structure on Greiner Road that is in his backyard.

Mr. Michnik stated that he feels it is too large for Mr. Stasiak's property, additionally, he is concerned about the neighbor located at 5445 Shadyside, who will have to look at that property every day for the rest of their life. Whenever they pull out of their building or are looking at their house, that is all they will see, even though Mr. Stasiak states it is only 25 ft., Mr. Michnik is still concerned for that neighbor. He drove the whole neighborhood, he is familiar with the houses that are in there, and there is nothing that size in the neighborhood.

Mr. Michnik stated that it is not in the character of the neighborhood, and asked Mr. Stasiak about the out building already existing on the property, as well as the fenced in area, asking what was going on with the fenced in area. Mr. Stasiak responded that they have a garden inside the fence, and that the existing shed is not large enough, and would be removed. Mr. Stasiak referred to one of his neighbors who are not happy with the current shed that is on the property, because it is directly in their view, and is in disrepair. Mr. Stasiak stores multiple pieces of equipment back there, which he would be able to put in to the proposed building and get it out of sight.

Mr. Michnik walked the property, and stated that if it was going to be located somewhere else towards the back of the property, he doesn't feel it would be as bad. Mr. Michnik stated that it does not fit the character of the neighborhood. Mr. Stasiak responded that he attempted to think it all out in detail, he stood on every neighbor's property, taking in to account their view, and does not understand how that will be obtrusive to anyone's view. He has discussed it with his neighbors, he does not understand how it is obtrusive to anyone's view.

Mr. Michnik referred to an aerial view of Mr. Stasiak's property, which he labeled Exhibit A, which Mr. Michnik further discussed his concerns with, referring to the proposed building as being similar to a pole barn, 25'x60' is a pretty large size, even with the size of Mr. Stasiak's lot. Mr. Michnik noted that if it was in a different location, it wouldn't be as bad, suggesting he relocate his leach field and sand filter system. Mr. Stasiak stated that he personally feels that having the structure located at the back of his property would detract from the property more than the current location and plans would.

Much discussion continued.

Mr. Stasiak asked if it would be possible to table the request, so that he has additional time to speak with the neighbors, and show them exactly what the plans are. Mr. Michnik stated that the neighbor feedback would not matter, as Mr. Stasiak is requesting a major appeal. Mr. Michnik stated that if Mr. Stasiak is asking to table the request, the board can do that but it does not mean that if the neighbors don't have a problem with it, that it will be approved, as it is a major appeal.

Mr. Skaine noted that he likes the plans to have the proposed structure match the house, and keep the shrubbery to the east. Maintaining that would assure nobody will have to see the structure, with the exception of possibly the back wall. He likes the positioning of it, and fits the property nicely.

Mr. Michnik pointed out to Mr. Skaine that a tractor trailer or greyhound bus is 54 ft. long, which Mr. Skaine responded that he is familiar with that, and referred to Mr. Stasiak's neighbor to the southwest which is quite large itself.

Discussion continued.

Mr. McNamara suggested possibly moving the building a little to the east, and tucking it back in the corner and a bit farther away from the road and underneath the Ash trees with a hedgerow on both the north and east sides. It's situated behind the house a bit more, rather than being even with the existing house. Mr. Stasiak responded that he can do that.

Mrs. Burkard asked if Mr. Stasiak does decide to move it back, would he change the driveway, because he mentioned having cars in there, if so how would he get them in. Mr. Stasiak responded that the driveway was going to be partially extended to begin with, they would be adding approximately 10 additional feet of driveway.

Mr. Bengart asked Mr. Stasiak if he would like to have the project tabled so that he can explore the suggestions, then come back when he can be scheduled.

Mr. Stasiak responded that he would like to re-draw it with the suggested setback, if that would be more pleasing to the board. Mr. Bengart stated that it is within Mr. Stasiak's purview to request his appeal be tabled.

Mr. Bengart asked Mr. Stasiak if he is requesting the board to table his appeal, which Mr. Stasiak responded that yes, he is.

Mr. Michnik told Mr. Stasiak to make sure he re-stakes everything for the board so that when they come out, they can see exactly what he is planning.

Mr. Stasiak asked if it would be possible to have this on the agenda for the next Zoning Board of Appeals meeting, which Mr. Bleuer told Mr. Stasiak that he needs to get his updated plans in to the Planning office as soon as possible, and they will see what they can do.

Mrs. Burkard asked if when Mr. Stasiak re-stakes the new location, if he would leave the old / original stakes in, so that they can see the difference, Mr. Stasiak responded yes he can. Mr. Michnik asked that he make them different colors, so they are easy to differentiate.

Mr. Bengart stated that if the board ends up eventually approving this, there may be a condition placed stating no business is to be conducted inside the building, as well as having to remove the existing shed. Mr. Stasiak responded that there will definitely never be business conducted in there.

ACTION:

Motion by Richard McNamara, second by Patricia Burkard to **table** Appeal No. 2 of New Business

ON THE QUESTION:

Mr. Mills pointed out to Mr. Stasiak that he also believes it is a large structure, even with the size of their lot. Mr. Mills also asked Mr. Stasiak to consider meeting with an architect to make it more visually appealing, because it is exceptionally long. Finding a way to make it a more dynamic structure, with more of a carriage house and less of a storage facility look to it.

Mr. Mills also suggested possibly attaching the proposed building to the existing structure by way of a breezeway, which will add more of a cost due to having to relocate the septic, but aesthetically, it will be a lot nicer.

Mr. Stasiak responded that he will explore all suggestions that have been mentioned.

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

MOTION CARRIED

Appeal No. 3

Robyn Alpsan
Residential Single Family

Applicant requests a variance of 268 sq. ft. to allow a 700 sq. ft. attached garage as part of a proposed addition located at 4604 Brentwood Drive.

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

Note: Proposed breezeway and second story not included within garage sq. ft. calculation

DISCUSSION:

Brian Alpsan was present virtually, and added that they are looking to place the attached garage on the north end of the property, between 4604 Brentwood and 4614 Brentwood, it would sit at the top of the driveway, extending back.

It would be used for additional parking space as well as storage of their recreational vehicles. Looking ahead, they hope to keep their kids from parking on the street as well.

Mrs. Burkard asked what will be kept on the second level, which Mr. Alpsan responded that it will be used for general storage, no living space.

The breezeway will be a walkway between the house and the side entrance to the garage. Mrs. Burkard asked whether they will be including a gate, which Mr. Alpsan responded that they had not thought of a gate, it was going to be a covered breezeway.

Mr. Skaine asked whether the proposed building will match the house, which Mr. Alpsan replied that yes, the roof shingles as well as the siding will match the existing house.

Mr. Skaine asked how long the breezeway will be, Mr. Alpsan responded that it will be approximately 7 ft. long by 5 ft. wide, with all of the materials matching the house. They planted 6-7 ft. tall White Pine trees along both sides of the property last year, which will also help block the view.

Mr. Mills asked Mr. Alpsan if he has any drawings of the breezeway, there are floor plans and elevations which are titled A-1. Mr. Alpsan responded that they have been attempting to reach the architect to have him add that drawing, because it was added on after the initial batch of drawings were done.

Mr. Mills asked if the breezeway will have a curved arch, or go straight across, which Mr. Alpsan responded that it will basically be straight across.

Mr. Mills asked Mr. Alpsan if they would be able to accomplish their objectives size wise, on a smaller scale addition. Mr. Alpsan responded that they are trying to make it large enough to be able to have a car inside as well as a recreational vehicle in front of the car. In regards to the depth of the building, that was the minimum they are able to do, and then they also made it wide enough to include a stairway to the second floor.

Mr. Mills asked if there is any future intent of finishing the second floor space, or running a business out of the area, to which Mr. Alpsan responded absolutely not, it will basically be a plywood floor for storage. No utilities other than electric will run to the structure.

Mr. McNamara asked if the breezeway changes the variance in any way, by attaching it to the house as they are requesting.

Mr. Bleuer stated that by attaching it to the house, it becomes part of the principal structure. If it didn't include a breezeway, it would be limited to 200 sq. ft. in size.

Mr. McNamara asked if the square footage is based only on the first floor, that the second floor does not count, which Mr. Bleuer responded yes, that because it is part of the principal structure, the size would not matter, it would only be based on setbacks and lot coverage. They are at the maximum allowable for a garage size, thus the need for a variance.

Mr. Michnik stated his concerns regarding the size of the proposed building, while he understands their explanation of needing the space for their recreational vehicles. Mr. Michnik asked Mr. Alpsan what he considers a recreational vehicle, that they need the extra space for, Mr. Alpsan responded that in addition to the third vehicle, in terms of recreational vehicle, it would be an ATV or a side by side type vehicle.

Mr. Alpsan pointed out that there are multiple other houses on the street with three car garages also, Mr. Michnik asked for the addresses of those homes. Mr. Alpsan responded that 4598, 4597 and 4695 Brentwood all have three car garages. Mr. Michnik stated that according to the aerial map of 4604 Brentwood Dr., which will be marked Exhibit A, 4598 Brentwood appears to have been built in the beginning, because everything on the house matches. Mr. Michnik stated that he is concerned with the size, although Mr. Alpsan has made a case in regards to what they will be using it for.

Neighbor notifications were sent for this request, with no comments received.

In regards to Public Participation;

- Meegan Smith of 4598 Brentwood Dr. stated she also has some concerns regarding this proposed building;

1. There are 23 homes on the road and cul-de-sac, and although three houses do have 3 car garages, 20 do not, they only have 2 car garages. The square footage of the proposed building is equivalent to approximately a 5.5 car garage, as they currently have a 2.5 car garage, they are looking at an additional 3 car garage in terms of size, which averages 704 sq. ft.
2. Ms. Smith has not understood there to be any hardship, which is her understanding that the minimum threshold for this is that the applicant needs to demonstrate that there is a hardship, which he has not done, and in her opinion they should conform to that. They have 432 sq. ft. that they are able to build without a variance, so in her opinion they should conform.

ACTION:

With no motion being made, Mr. Alpsan asked for direction in terms of steps to take to make the request more feasible. Mr. Michnik suggested that including the breezeway in the plans, as well as reducing the size of the proposed structure.

Mr. McNamara suggested new drawings that show the garage attached to the house with the breezeway included, would give a better sense of what the finished product will look like and the curb appeal.

Mr. Bengart stated that because they are still in a period where the appeal is being heard, would Mr. Alpsan like to request that it be tabled, so that he can return with updated drawings and plans for the board to consider.

Mr. Alpsan responded that he would like to ask for his variance request to be tabled so that they can provide updated drawings which show the breezeway. He noted that even if they reduced the size on the back of the structure, it is not visible from the road.

Ms. Smith interjected to state that it is visible from her backyard. Right now she has an open view to a retention pond, and this proposed structure will be visible from her backyard, she will be looking at the side of a building.

Moreover, she is aware that Mr. Alpsan spoke of how when his children grow older, but his oldest child is 8 years old, so they are many years away from having to deal with additional vehicles in the street and to be stored. He also noted that there were approximately 6-7 pines that were planted on either side of his property, some of those are dead, and they are not being taken care of.

Ms. Smith reiterated that no hardship has been shown, there are no 5.5 car garages around, and it will obstruct her view.

Mr. McNamara asked Ms. Smith what her address is, which she responded that she is next door at 4598 Brentwood. Mr. McNamara pointed out that she is located to the left side of Mr. Alpsan's house, and the proposed garage will be on the right side. Ms. Smith noted that she will see it from her backyard. Mr. McNamara responded that looking at an aerial photo of Mr. Alpsan's property, it will be difficult for Ms. Smith to see much of the building.

Ms. Smith noted that she has a fire pit in her backyard, and when they sit at that, they are looking towards the street, and they would be looking at that building rather than the retention pond.

Mr. McNamara asked Ms. Smith if she has a playset on her property, which she stated that she does not, but the Alpsan's do, and they also have a shed already on the property which is not noted on the survey. Mr. Michnik noted that Mr. Alpsan is allowed to have that shed, it is within code.

Motion by Raymond Skaine, second by Patricia Burkard to **table** Appeal No. 3 under New Business.

ON THE QUESTION:

Mr. Michnik stated that Mr. Alpsan will need to submit new drawings which show the breezeway, as well as re-stake the new area that will be considered. Also he noted that the board members need to be sure to take note of the view from the neighbors on each side to check for blockage.

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

MOTION CARRIED

Part 1 of the Zoning Board of Appeals meeting was closed at 6:43 p.m. by Chairman Michnik

Part 2 of the Zoning Board of Appeals meeting was called to order at 7:00 pm.

Appeal No. 4

Michael J. Noah
Residential Single Family

Applicant requests a variance of 52 sq. ft. to allow a 252 sq. ft. detached accessory structure (shed) located at 6233 Balsam Fir Court.

Appeal No. 4 is in variance to:
§229-55 (H)

DISCUSSION:

Mrs. Noah was present virtually, and explained that they had a pool installed in the fall, and are now having a structure built which would be half pool house, half storage. They will have their existing shed removed, the ground leveled off and re-seeded for grass, and have everything combined in to one structure, and attached to their pool area.

Mr. Skaine asked if the pad that is poured is the size of the structure that they are putting up, which Mrs. Noah responded yes. Mr. Skaine asked where the opening would be, Mrs. Noah explained that there would be a door facing the pool, and a double door on the side facing their neighbor which will be used to get the lawnmower in and out from. The side facing the street would either be plain, or have possibly a window.

Mr. Skaine asked if the materials will match the house, which Mrs. Noah responded yes, it will coordinate with the house and in conjunction with the pool area, because the concrete is grey so it will be a neutral tone.

Mr. Skaine asked if they will be installing utilities, Mrs. Noah responded that currently they have the conduit run for it, so she believes there will be either solar, or some type of electric.

Mrs. Burkard asked about the double door on the back of the structure that they will use for getting their riding mower in and out of. Mrs. Burkard asked if it will be a bit raised, Mrs. Noah responded yes, a ramp to be able to get the lawnmower in and out of the shed.

Mrs. Burkard inquired about the bar in the picture, if they plan to make the bar look the same, which Mrs. Noah responded yes. There will be a door in the front right next to the bar, because they do not have room on the side of the building due to the way that the concrete was poured.

Mr. Mills referred to a photo that was provided as Exhibit A, noting that it is substantially similar to what they will have built according to the photo provided. Mrs. Noah responded yes, with the exception of a door being where one of the windows is,

Mr. Mills asked if they were going to have an architectural shingled roof to match the house, Mrs. Noah responded yes.

Mr. Mills noted that Exhibit A shows a vinyl cedar shake style shingle on the front façade, asking if that is what they planned to do as well. Mrs. Noah responded that they will most likely do that on the front, then the sides will have the siding that matches their house.

Mr. Mills referred to Mrs. Noah's mention of having a tv installed, and asked where they would place that. Mrs. Noah stated inside the opening on the front of the building they are considering having a half wall, then mounting the tv in the opening, as the overhang may not extend as far as out depicted in the photo.

Mr. Mills asked if there are plans for any plumbing either now or in the future, which Mrs. Noah responded no.

Mr. Mills asked if the columns shown in Exhibit A will be similar to what they build, Mrs. Noah confirmed that yes, they will. Mr. Mills then asked about the color, if they plan on a grey tone, which Mrs. Noah agreed that yes, to match their grey concrete that they currently have back there.

Mr. Mills asked whether there will be a window on the front, Mrs. Noah responded that they need to place the door on the front façade in place of the window, because they cannot fit it on the side as is shown in Exhibit A.

Mr. Michnik asked when they are starting the project, Mrs. Noah responded that they'd like to start it ASAP, but because contractors are so booked up, they are on the list for the summer, but have no definitive date yet. She is hoping that if they are approved tonight, she will be able to tell the contractors, and then they will be able to give a better time frame.

No comments were received regarding this variance request.

In regards to Public Participation, no one spoke.

Mr. Michnik reiterated that the board is able to approve, deny, or table the request.

ACTION:

Motion by Patricia Burkard, second by Ryan Mills to **approve** Appeal No. 4 as written.

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

MOTION CARRIED

Appeal No. 5

Vincent Migliori
Residential Single Family

Appeal No. 5 is in variance to:
§ 229-55 (E) (1)

Applicant requests a variance:

- 1) of 4' to allow a 1' rear yard setback on the north property line; and
- 2) of 1.5' to allow a 3.5' rear yard setback on the south property line; for the construction of a detached accessory structure (shed) located at 4888 Sawmill Rd.

DISCUSSION:

Mr. and Mrs. Migliori were present virtually, and explained that they would like to put a 14x14 sized shed as far back on their property as they can go of their survey. Their lot is shaped like a pie, in that the further back you go, the narrower it gets. In order to match their shed with the neighbor's, and not block them or the path, and place it close to the fence, it would be less than 5 ft. which is allowed.

The Amish would come and put it up, Mr. Migliori explained that he would like to level the area out, put some stone down, and maybe a few of the 4 in. blocks down to give it a little height off of the ground. The shed has 8 ft. walls and a 4 ft. peak, with a 6 ft. door in the front to easily move items in and out for storage. He also included a door in the back of the structure, to best utilize the little bit of pie shaped land that will still be available in the back. If they brought it forward closer to the house, they lose a lot of their land.

As far as electricity, they would like to eventually run a light out to the shed some day, but currently do not have plans for that. It is not a workshop or a welding area, it is simply going to be used for storage purposes.

Mr. Skaine complimented Mr. Migliori on his creativity at placing the shed and utilizing his property, and he doesn't see where it would impact the neighborhood in any way with the variance request.

Mr. Mills asked Mr. Migliori whether he's explored any other areas on his property, which Mr. Migliori responded that they don't really have any other locations to place it, as they are so close to the road. Mr. Migliori also explained that he doesn't want to lose the garage, and there is only about 12 ft. on the other side, and in between the house wouldn't work either. They do not have much to work with, this was their best location.

Mr. Migliori explained that one of the reasons he pushed it back as far as he did, was to not block his neighbor’s view to the path.

Mr. Mills showed a photo, marked as Exhibit A and asked Mr. Migliori if he can say for certain that it will be a wood façade with a metal roof.

Mr. Mills asked if the color will be the same as shown in Exhibit A, which Mr. Migliori stated is raw wood, he will leave it that way as long as he can, but ultimately he would paint it to match the house. He would rather have a black roof than the brown roof shown in the photo. Mr. Migliori stated that he would prefer to not paint it if he doesn’t have to, he would rather seal or stain it.

Mr. Michnik noted that the Migliori’s have a nice house with the painting and trim, why would they not want to match the shed to the house. He likes the idea of staining it to match the house, and although there are fences on either side, Mr. Michnik feels that they would rather have the shed match the home.

Mrs. Burkard stated that she agrees with the location of the building, as they do not have many options, and this way they can still maintain some of their backyard.

Mr. Michnik asked Mr. Migliori if he has spoken with his neighbors, Mr. Migliori responded that yes, he has spoken to them and they have no issues.

Mr. Michnik informed Mr. and Mrs. Migliori that the board can approve, deny, or table their request.

Mr. Bleuer stated that no comments have been received regarding this appeal.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Raymond Skaine, second by Daniel Michnik to **approve** Appeal No. 5 as written.

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

MOTION CARRIED

Appeal No. 6

Eric Braun
Agricultural – Rural Residential

Applicant requests a variance to allow a 150’ front yard setback for the construction of a single family home located at 5650 Davison Rd.

Appeal No. 6 is in variance to:
§229-41 (A) *Average front yard setback of 50’

DISCUSSION:

Mr. Michnik notified Mr. Braun that the board can either approve, deny, or table the request.

Mr. Michnik asked Mr. Bleuer if there have been any neighbor notifications, Mr. Bleuer responded that neighbor notifications were sent out regarding this request, with no comments received.

Mr. Michnik stated that he had been out to the site twice, and did not see any stakes to show where the proposed structure will be. Mr. Braun, who was present virtually, stated that he put the stakes out approximately two months ago, they are stakes with flagging tape at the top of each one.

Mr. Michnik asked Mr. Braun why he wants such a large setback, which Mr. Braun responded that it is in line with many of the other homes in the area, at 150-200 ft. back. It will be a big house on approximately 5 acres. Mr. Braun stated that he spoke with his future neighbor, who has no issues with the setback request. Mr. Braun feels that it is a reasonable request due to the size of the house as well as the lot.

Mr. Michnik asked how big of a home it will be, which Mr. Braun responded 3800 sq. ft.

Mr. Michnik asked how big the lot is in regards to the frontage, which Mr. Braun responded he believes it is 350 ft. wide. Mr. Skaine stated that according to the survey, Mr. Braun's frontage is 350 x 625.

Mr. Michnik asked Mr. Braun if he currently owns the property, which Mr. Braun responded that yes he does, and he intends to purchase the remaining 23 acres of the 28 acres that were split, owned by his parents.

Mrs. Burkard asked what the setback is for the two house near Mr. Braun's property, Mr. Bleuer stated that the house immediately to the south is approximately 80 ft., the house just to the south of that, is very close, possibly as close as 20 ft. (?). Mrs. Burkard noted that you really can't see any of the neighbors, with all of the vegetation, she can understand Mr. Braun's desire to set the house back a bit further.

Mr. Skaine agreed, that normally they would say that having a setback that far back would take away privacy from a neighbor, but with the distance and vegetation in between the houses, there is no way to lose that privacy with a setback.

Mr. Skaine noted Mr. Braun's neighbor's barn, which is set far back from the road, to which Mr. Braun noted that it is approximately 465 ft. from the road.

Mr. Skaine stated that normally he wouldn't be in favor of a request similar to this one, but he feels it will be a nice fit for a house and lot of that size.

Mr. McNamara asked Mr. Braun if his parents own the property behind him and to the north side, which Mr. Braun responded yes, they do. Mr. McNamara asked Mr. Braun if he plans to do anything with the property after he purchases it, which Mr. Braun responded he will plant trees.

Mr. McNamara noted that the 150 ft. from the road is a low area, which gradually goes uphill and will make a nice area for a house to be built, and not in a wet area.

Mr. Mills asked what Mr. Braun's builder, David Homes feels in regard to the placement of the house. Mr. Braun responded that the only comments the builder has made in that regards, is that it gets more expensive the further back they go. The builder did encourage Mr. Braun to go back further than the code allows, due to the size and the house it would be best to be further away from the road. Mr. Braun stated

that the builder does think that the characteristics of the site are conducive to the additional setback and the proposed area.

Mr. Mills asked Mr. Braun what his budget is for the house, Mr. Braun responded that due to lumber cost, it is difficult to say for sure, but approximately \$800,000.

In regard to Public Participation, no one spoke.

Mr. Michnik noted to Mr. Braun that they can approve, deny, or table his request.

ACTION:

Motion by Patricia Burkard, second by Richard McNamara to **approve** Appeal No. 6 as written.

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

MOTION CARRIED

Appeal No. 7

Gretchen Berger
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 7260 Goodrich Rd.

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

DISCUSSION:

Mr. Michnik recused himself from Appeal No. 7.

Richard Berger, who was present virtually, explained that they would like to put up a 32’ by 24’ pole barn, with a 6’ porch on the end, two 10’ doors on the side facing the driveway, then two windows, one which would face the road and the other would be on the west end.

Mrs. Burkard asked if they looked at alternate locations to build the pole barn, because it seems to stick out where they have it planned, they have a beautiful home and she feels that it would take away from the house having it placed there.

Mr. Berger explained that they sit rather far back from the road, so it didn’t feel like it left them with a lot of room in their backyard to have it back there.

Mrs. Berger noted that the structure will still be behind their neighbor’s properties.

Mrs. Burkard asked which part of the pole barn will be facing the road, which Mrs. Berger responded that the front of it will face the road, and she will put in flower beds also, so that it looks nice from the front. There will be one window on each end of the structure.

Mrs. Burkard asked about the porch, which Mr. Berger explained will be on the back of the structure, facing the front of their house.

Mrs. Burkard inquired what the siding will be that they plan to use, Mr. Berger stated it will be a metal that resembles a barn look. Mrs. Berger responded that the sides will be red metal, and there will be a black metal roof with a cupola and a weather vane.

Mr. Skaine appreciates how well the project was staked. He believes it will fit in to the neighborhood well, as there are similar structures around them as well.

Mr. McNamara agrees, because their house is set back as far as it is, it makes for a unique situation, and he also saw a few other structures which resemble this proposed building and the location.

Mr. McNamara asked if approved, would Mr. and Mrs. Berger agree to conditions that trees and plantings in the front of the building be required to hide it from the street, which they agreed to.

In regards to Public Participation, no one spoke.

Mr. Mills stated that he agrees with Mr. McNamara in terms of having some plantings along the front façade, he believes it will help to mitigate the aesthetic appearance of the structure, due to the proximity to the road.

Mr. Mills does feel that it is setback from the other properties enough that it won't impact the neighbor's views, and taking in to account the size of the parcel, the position is appropriate as well.

Mr. Bengart asked if there are any concerns regarding uses for the pole barn, because it is in a residential zone. Mr. Berger responded that it will be used for storage of equipment, as well as parking his truck.

There are no intentions to use it for business purposes, or for anyone to live or stay in which Mr. Berger responded no.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Richard McNamara, second by Ryan Mills to approve Appeal No. 7 as written and with the following conditions;

1. to be used for personal use only, no living area or business operations.
2. plant 3 evergreens on the road side, 4 ft. or higher

Mr. and Mrs. Berger understand and accept the conditions.

Patricia Burkard	Aye	Raymond Skaine	Aye	Richard McNamara	Aye
Ryan Mills	Aye				

MOTION CARRIED

Mr. Michnik reminded the board members to get their hours and credits in for their training. Check with Amy to see how many you have and need.

Discussion regarding future agendas and meetings ensued.

Motion by Richard McNamara, second by Ryan Mills to **adjourn** at 7:39pm.

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

MOTION CARRIED

Amy Major
Senior Clerk Typist