

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday April 10, 2018
7:00 p.m.

Chairman Daniel Michnik called the meeting to order at 7:00 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik	Vice-Chairman Ryan Mills
Patricia Burkard	Richard McNamara
Jonathan Hickey	

Town Officials present:

Director of Community Development James Callahan
Deputy Town Attorney Steven Bengart
Councilman Paul Shear

The Zoning Board of Appeals Committee entered into executive session and Attorney/Client Privilege session at 7:01 p.m. The session ended at 7:18 p.m. and the Zoning Board of Appeals meeting opened.

Motion by Jonathan Hickey, seconded by Ryan Mills, to **approve** the minutes of the meeting held on March 13, 2018, as written.

Jonathan Hickey	Aye	Richard McNamara	Aye
Patricia Burkard	Abstain	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Other interested parties present:

Patricia Krey	Sam Bumbalo	Thomas Grolemond	Thom Palmer
Thomas Klebes	Dan Digiore		

New Business

Appeal No. 1

William R. Hoppe
Residential Single Family

Requests the Board of Appeals approve and grant 4' variance to allow a 6' side yard setback for the placement of a detached accessory structure (emergency generator) located in the side yard of 6058 Samantha Lane.

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

DISCUSSION:

Sam Bumbalo is representing Mr. Hoppe as he is out of Town. A signed affidavit giving Mr. Hoppe's permission for Mr. Bumbalo to represent him is in file. There are two (2) neighbor notification forms on

file. Mr. Bumbalo said they want to install a whole-house generator because they have numerous power outages. The proposed location will have minimum impact for the neighbor on the side and less neighbor will be affected than if it was located in the back. Mr. Bumbalo also plans to landscape around the generator so it is less obtrusive and is shielded from the street. It is also more cost effective placing the generator on the side of the house as it would cause additional work for the gas and electric if it was place behind the house.

In response to Mr. Hickey's questions, Mr. Bumbalo said he does not live at the location. The Hoppe's have lived there for five (5) years. He does not know with what regularity the power outages occur, however when Mr. Bumbalo was visiting the Mr. Hoppe the other day the power was out for 5-6 hours. Mr. Hickey asked what causes the power outages, Mr. Bumbalo said any type of weather disruption. Mr. Hickey asked what the cost differential for locating the generator on the side as opposed to the back of the home. Mr. Bumbalo does not know. Mr. Hickey asked the size and dimensions of the generator. Mr. Bumbalo said it will be 48" by 25" and a height of 28". It will run when the power is out. Mr. Bumbalo does not have the actual decibel level but said it is designed for residential neighborhoods. Mr. Hoppe's house is approximately 2000 square feet in size.

Mrs. Burkard said she agrees with the proposed location as it will effect less neighbors than if it was placed in the back of the property. She has a neighbor across the street that has a generator and she only notices it when it is running, however she never hears it inside her house.

Mr. Mills asked which model generator the applicant is looking for. Thomas Grolemond said the model is 7033. Mr. Mills said in reviewing the neighborhood he saw only one (1) generator in the side yard, the rest were in the rear yard, then asked why the applicant wants it in the side yard. Mr. Bumbalo said it is cost effective but the main reason is because it is less obtrusive in the side yard. It will be between Mr. Hoppe's home and the adjacent neighbor's garage. If it was placed in the back it will impact four (4) houses. Mr. Mills asked if the generator kicks on once a week for a half an hour to run. Mr. Bumbalo does not know.

Mr. McNamara asked if a contractor will install the generator. Mr. Bumbalo said yes. Mr. Grolemond said Tim Barden is the contractor, he has installed eight (8) generators in their neighborhood, he is licensed. Mr. McNamara said when he visited the property he saw that the stakes were located in front of the gas meter and the electrical meter. He thinks NYSEG and National Fuel would not want the generator in front of their meters, they must have access to the meters. The contractor will probably know this but Mr. McNamara wanted the applicant to be aware of it as well. Mr. McNamara asked if anyone in the audience knows the cost factor of running a gas or electric line. Mr. Grolemond said he knows it is almost \$4.00 a foot to run an electric line because that's what he has to do. Mr. McNamara said an approximate additional cost would be \$500 to extend a line, with labor.

ACTION:

Motion by Patricia Burkard, seconded by Richard McNamara, to **approve** Appeal No. 1 as written.

Jonathan Hickey	Aye	Richard McNamara	Aye
Patricia Burkard	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 2

Thomas Grolemond
Residential Single Family

Requests the Board of Appeals approve and grant 5' variance to allow a 5' side yard setback for the placement of a detached accessory structure (emergency generator) located in the side yard of 6052 Samantha Lane.

Appeal No. 2 is in variance to §229-55(E)(1).

DISCUSSION:

Thomas Grolemond is present. There are two (2) neighbor notification forms on file. Mr. Grolemond said he wants to place a Generac generator Model #7033 with a 200 amp transfer switch on the side of his house. His subdivision experiences numerous power outages. He currently has a back-up generator that he has to plug in. The problem with that is he has to be present to plug it in. He was out of Town once, he has a water generated back up sump pump system, the sump pump has a ground fault switch that it was plugged into, this tripped the switch when the power went out, so his back up was running and his neighbor called him to tell him he had water overflowing from his front yard into the street. Mr. Grolemond is retired now and plans on being away from home more and he needs something he can depend on. His gas meter is on one side of his house and the electric meter is on the other side. He has a finished basement and cannot afford for his sump pump to not work. There is a sidewalk that goes around one side of his house and a patio in the back, so to put it in the back is not a good option. All the houses in the subdivision have the bedrooms in the back of the house so if the generator was placed in the back yard there would be four houses that hear it when it runs. The generator runs twelve (12) minutes every two (2) weeks. There is a casing around the generator that minimizes the noise.

Mrs. Burkard asked when the generator will run. Mr. Grolemond said he can program it for whatever time he wants, he is planning on having it run at 1:00pm.

Mr. Mills asked if there is a Homeowners Association, Mr. Grolemond said yes. Mr. Grolemond said he is not aware of any regulations in terms of aesthetics relating to accessory structures. Thom Palmer is a member of the Homeowners Association and said there is a stipulation that the accessory structure cannot be a distraction and is to be consistent with the character neighborhood, there is an approval process. Each of the applicants has submitted an application and have been approved. Mr. Mills asked if the applicant plans on putting landscaping around the generator, Mr. Grolemond said yes.

Mr. McNamara asked why the generator is proposed to be 30" off the building when the requirements are only 18". He wanted to keep the generator at least 18" from the gas meter.

Mr. Grolemond has lived in the house for five (5) years. He retired five (5) years ago and his family is in the area so he wants to stay in this house.

ACTION:

Motion by Richard McNamara, seconded by Ryan Mills, to **approve** Appeal No. 2 as written.

Jonathan Hickey	Aye	Richard McNamara	Aye
Patricia Burkard	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 3

Daniel Digiore
Residential Single Family

Requests the Board of Appeals approve and grant 5’ variance to allow a 5’ side yard setback for the placement of a detached accessory structure (emergency generator) located in the side yard of 6046 Samantha Lane.

Appeal No. 3 is in variance to §229-55(E)(1).

DISCUSSION:

Two (2) neighbor notification forms are on file. Mr. Digiore is present and explained he wants to install an emergency generator at his home.

Mr. Mills asked if the generator is the same as the previous two (2) applicants, Mr. Digiore said yes. Mr. Digiore has lived in the house for four (4) years and plans to stay as long as possible. He went on to say that after the generator is installed he will have landscaping put in around it to cover it as much as possible. He loses power quite often just as the previous applicants have indicated. He thinks the wind is the issue.

Chairman Michnik asked the applicant if he is concerned about the echoing of the generator between him and his neighbor when it runs. Mr. Digiore said not really, his research tells him it is not a loud machine.

Mr. Mills asked what the cost of the project is. Mr. Digiore said approximately \$5,000, plus the cost of landscaping.

ACTION:

Motion by Patricia Burkard, seconded by Richard McNamara, to **approve** Appeal No. 3 as written.

ON THE QUESTION:

It is clarified that the generator will be moved further away from the gas and the electric meter than what is indicated by the stakes in the photo that is on file.

Jonathan Hickey	Aye	Richard McNamara	Aye
Patricia Burkard	Aye	Ryan Mills	Nay
Daniel Michnik	Abstain		

MOTION CARRIED.

Meeting adjourned at 7:50 p.m.

Carolyn Delgato
Senior Clerk Typist