

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday June 11, 2019
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	Patrick Krey

Town Officials present:

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

Motion by Patrick Krey, seconded by Ryan Mills, to **approve** the minutes of the meeting held on May 14, 2019, as written.

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

MOTION CARRIED.

The Zoning Board of Appeals Committee entered into executive session and Attorney/Client Privilege session at 7:01 p.m. The session ended at 7:07 p.m. and the Zoning Board of Appeals meeting opened.

Other interested parties present:

Noel Dill	David Sutton	Andrew Warne	Derek Landri	John Miosi
Justin Danat	Dan Sonnenreich	Douglas Cipollone	Jennifer Topp	Douglas Topp II
Andrea Minor	Dawn Wasieczki	Rich Calorico	Michael Hackford	Robert Metz
Rick Tesmer	Mary Czosek	Kenneth Czosek		

Old Business

Appeal No. 2 (from March & May 2019 Meetings)

Noel Dill
Commercial

Requests the Board of Appeals approve and grant a variance to allow a full color LED sign at 9560 Main Street.

Appeal No. 2 is in variance to §181-2(C) (6). "LED signs to emit single monochromatic color on a black, unlit, background".

DISCUSSION:

Chairman Michnik recused himself from this agenda item. The proper paperwork is on file. Vice-Chairman Mills will preside over the meeting.

Dave Sutton, of Sutton Architects, is present along with Noel Dill from Steven Development and Andrew Warne from the Ulrich Sign Company. Mr. Sutton said the Board asked for details on the LED sign that was being proposed. A major question was if the sign could be dimmable, the answer is yes. Mr. Warne explained that the sign can be dimmed and the dimming can be adjusted manually as well as automatically. This unit dims at night to one-tenth of what it is during the day but that can be adjusted. The adjustment can be made from the computer and will be instant.

Mr. Sutton said the Board wanted examples of why they need full color. Exhibit A is example one (1) and shows a black background with one color on it, this is allowed by code. This sign is to take the place of each individual business having a directory sign which is difficult to read from the street and makes it visually cluttered. This will be one (1) sign that will be shared by all the businesses in this building and will change every 30 seconds. It is not designed to display product, it is to promote businesses. Exhibit A is what would be allowed by code, Exhibit C is multiple colors but on a black background, Exhibit B represents the altered background, monolithic but allows for the logo to be best presented. The applicant feels Exhibit B allows them to present more quality signage and allows each tenant to have their branding associated with the sign. Exhibit D is a typical directory sign, it is a lot of visual clutter. Exhibit E shows how a differing background can tone down the sign at night.

Mr. Hickey asked if the main background color has to be chosen at the time of purchasing the sign. Mr. Warne said the background color can be adjusted as desired. Mr. Dill said they would choose neutral backgrounds as much as possible. Mr. Sutton said they would only use a lighter background color when it would enhance the logo, it is not about making the sign brighter or more predominant. Each logo would take up a 30 second slot. Mr. Dill said there will be no flashing or animation. Mr. Sutton said they think most of their tenants will have a dark background.

Mrs. Burkard voiced her concern noting that this would be the only sign in the Main Street area that is multi-colored, the other signs are only two colors and no logos. She is concerned this sign will start a precedent and everyone will want a logo sign. She asked what size the logos will be. Mr. Sutton said every logo will be a bit different plus they are limited due to the size of the sign. What makes this sign unique is that it is the only form of signage on the street for these businesses. All the other signs Mrs. Burkard is referring to are promoting product. This sign will not promote product, it is to promote each business. Each business will have a wall sign but no other pylon sign, street sign or ground sign. Mr. Dill said they have the exact same sign set-up at the property at Goodrich Road and Main Street, Willow Square.

Mr. McNamara asked if there is a photo eye on the sign so it will adjust the intensity. Mr. Warne said yes. Mr. McNamara asked if the sign can have one color dimmed and the other colors left as is, for instance tone down the white background. Mr. Sutton said the intent of the sign is never to have a bright white background, it will always have a color background to tone it down, and yes the background color can be toned down while the other colors remain as is. The control is broad band wireless so wherever the applicant wants to set it up will work, and if it needs to be changed it has easy access. There will be no other signs on the property unless allowed by code.

Mr. Callahan said the code was updated in an effort to reduce light pollution LED signs. Sign not located on Transit Road shall be required to emit a single color on a black unlit background. Mr. Dill said construction started on this project in February 2018. The sign update was adopted in June/July 2018. Mr. Hickey asked what the applicant is open to in terms of an ongoing discussion about the background. Mr. Sutton said the idea is not to create an obnoxious sign and if someone brings to the applicant's attention that one of the 13 images may be questionable, Mr. Dill will surely look at it and come up with a different image, he will absolutely be cooperative.

Mr. McNamara asked if there is a way to track the output of the lighting, Mr. Warne said yes it can be obtained through the software. Exhibit F is submitted which provides a general description of the software program, the documents are on file.

Mr. Mills noted that as a Board they need to have an enforcement mechanism in place as part of any motion. He went on to ask that if the Board asks for a reduced brightness from dusk to dawn, is that agreeable to the applicant. Mr. Sutton said yes and explained that the cap that is being presented is 750, but if the Board finds that is too bright, they will gladly adjust it.

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills, to **approve** Appeal No. 2 (from March & May 2019 Meetings), under Old Business, with the following conditions:

- the nits are to be restricted to 750 maximum from dusk until dawn.
- there will be a 30 second minimum hold per store front images/logos only, no advertisements are to be utilized
- the landlord can advertise for space there, however, none of the twelve (12) storefronts can advertise sales, promotions or products
- other businesses that are off-premise are not to use the sign.
- the signage background of the sign is restricted to dark, similar to Exhibit E, and not bright as in Exhibit B
- it was made clear that none of the tenants/storefronts can advertise any sales/promotions or products but that the landlord can advertise space for lease or for rent. The storefronts can only have their logo and/or tagline on the sign

ON THE QUESTION:

Deputy Town Attorney Steve Bengart clarified that the motion is for the 12 businesses, one being the landlord, would be able to only display logos and a tagline.

Mr. Callahan asked if the Board would consider allowing a dark background so the intent of the law, which requires a black background, is maintained.

Deputy Town Attorney Steve Bengart suggested specific colors be used in the motion, Mr. Dill is hesitant because he does not know what the logos are for the tenants.

Mr. Mills advised the applicant that the background in Exhibit E is acceptable but Exhibit B is not.

Paul Steven asked about putting messages on the sign like “Merry Christmas” or “Go Devils”. Deputy Town Attorney Steve Bengart said the messaging has to be related to the twelve (12) businesses and their logos, and the landlord having the ability to establish that they need to rent units. No paid advertising is allowed. Festiveness is acceptable.

Patrick Krey	Aye	Jonathan Hickey	Aye	Richard McNamara	Aye
Patricia Burkard	Nay	Ryan Mills	Aye	Daniel Michnik	Recuse

MOTION CARRIED.

Chairman Michnik returned to the dais.

Appeal No. 1 (from Feb & May 2019 Meeting)

Bracken Brainard
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A 196 square foot variance to allow a 196 square foot addition to an existing detached accessory structure.
- 2.) A 1’ variance to allow a 4’ rear yard setback for a detached accessory structure.
- 3.) A variance to allow chickens on a residential parcel less than five (5) acres in size.

All requests apply to 5171 Glenwood Drive.

Appeal No. 1 is in variance to 1.) §229-55(H) and previous ZBA approval on 12-8-15, 2.) §229-55(E)(1) and 3.) §229-47(B).

DISCUSSION:

Mr. Callahan noted that Mr. Brainard called after the last meeting in which Mr. Callahan informed him he would need to provide medical professional’s letter. Mr. Brainard informed Mr. Callahan that it was his son’s birthday and would not be able to attend this evening’s meeting. Mr. Callahan asked Mr. Brainard to submit a letter indicating that he would not be in attendance. Mr. Brainard then said he would see Mr. Callahan Tuesday (today) and hung up.

Mr. Hickey found Mr. Brainard’s situation sympathetic, he is not selling his eggs. Mr. Hickey took Mr. Brainard and his friend at their word that they are just trying to do what is best for their daughter. His inclination is to give him a chance to make the next meeting. Mrs. Burkard, Mr. Mills, Mr. McNamara and Chairman Michnik agreed to table the item as well. Mrs. Burkard asked what happens if the applicant does not come in next month, at this point the chickens are illegal. Deputy Town Attorney Steve Bengart said if the Board decides to table it this month a decision can be made next month whether he comes in or not.

ACTION:

Motion by Jonathan Hickey, seconded by Ryan Mills, to **table** Appeal No. 1 (from Feb & May 2019 Meeting) under old business, to the July 9, 2019 meeting based on the applicant had his son’s birthday party to attend. Everything that was asked of Mr. Brainard during the February 2019 and May 2019 meetings is still required. In the absence of some good cause, Mr. Brainard’s matter can proceed in his absence on July 9, 2019.

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

MOTION CARRIED.

Appeal No. 2 (from May 2019 Meeting)

Derek Landri
Residential Single Family

Requests the Board of Appeals approve and grant a 75' variance to allow a 175' front yard setback for the construction of a single family home at 5795 Newhouse Road.

Appeal No. 2 is in variance to §229-52(A)(3). *Established front yard setback of 95'-100'.
Previously listed as a 100' variance to allow a 200' front yard setback.

DISCUSSION:

Mr. Landri is present and said he had numerous discussions with Mr. Fisher who is not worried about berms or trees. The stake is at 190' back on Mr. Fisher's property is at the edge of Mr. Fisher's back garage, the garage more than 10' and less than 20' from the 190' stake.

Mrs. Burkard did not have any questions at this time. Mr. Mills asked if Mr. Landri is now seeking a 170' variance instead of a 175' variance front yard setback. Mr. Landri said yes, they do not have an exact measurement, give or take 5', his neighbor is fine with this as well. Mr. Mills asked if Mr. Landri has any further plans for the house such as flood plans or elevations. Mr. Landri said he does not, he is working with an architect now, but he knows it will be a 3,000+/- square foot ranch home. Mr. McNamara had now questions. Mr. Hickey asks if to the best of his knowledge it will be 170'. He also asked if there was neighbor notification filings. The range will be between 170-175'.

Resident John Miosi commented that he is looking at property adjacent to and right to the North, the other half of that property. His concern is that if he builds on the property next door and that if he builds at the 100' mark on the property next door, and Mr. Landri is granted the variance, if a pool was installed Mr. Landri would be directly in his backyard. Mr. Miosi does not own the property at this time. He also wanted to know that if the variance is granted, would he be forced back to 175' or have the option to go back to 175' if he should buy the property. He does not want to go back to 175' because of the additional cost of the driveway, utilities, etc. Mr. Bengart stated that Mr. Landri has a formal pending contract subject to this preceding and that houses try to stay in a general alignment. The Board cannot answer at this time if Mr. Miosi would be forced to go back to 175', it was stated that generally houses are forced to stay in a line. Mr. Miosi would have to come in and ask for a variance should he purchase the land because they would not be able comment on it now. Mr. Miosi would want to keep everything at 100' and stated that if Mr. Landri is granted the variance he most likely would not purchase the adjoining piece of land.

ACTION:

Motion by Jonathan Hickey, seconded by Patricia Burkard to **approve** Appeal No. 2 as written.

ON THE QUESTION:

Mr. Hickey stated that this is Mr. Landri’s second appearance, but his property has been on this docket several times in the past couple years. He thinks Mr. Fisher and Mr. Landri should be commended for taking the 30 days and working out something that is agreeable to them. It is always good to see neighbors working well together. This variance will not have a substantial change to the neighboring area. The benefit to Mr. Landri outweighs any potential detriment to the welfare of the community.

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

MOTION CARRIED.

New Business

Appeal No. 1

Andrea Minor
Traditional Neighborhood District

Requests the Board of Appeals approve and grant a variance to allow an accessory structure within the front yard setback located at 9500 Clarence Center Road.

Appeal No. 1 is in variance to §229-67.

DISCUSSION:

Town Attorney Steve Bengart and liaison Paul Sheer recuse themselves. Ms. Minor is looking to put a shed on the side yard. It would be in the corner in the front of the raised garden. Mr. Mills asked if other locations were explored. Ms. Minor explains that anywhere else would take away from yard space. The total height is 11’. The shed is 10’ x 12’ with a 4’ porch in the front. The Arborvitaes will be retained. They are about 12’ high along the South and East border.

ACTION:

Motion by Ryan Mills, seconded by Patricia Burkard to **approve** Appeal No. 1 under New Business with the condition that the Arborvitaes that are currently running along the south and east borders of the property continue to stay in place and be maintained and if they should pass on or become injured or damaged that they will be replaced with at least 6’ in height. Neighbor notifications are on file.

ON THE QUESTION:

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

MOTION CARRIED.

Appeal No. 2

Justin Danat
Residential Single Family

Requests the Board of Appeals approve and grant a 192 square foot variance to allow a 392 square foot detached accessory structure located at 4045 David Road.

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

DISCUSSION:

Town Attorney Steve Bengart, liaison Paul Sheer and Zoning Board of Appeals member Jonathan Hickey have returned to the meeting.

There are two neighbor notifications: 4055 David Road and 4035 David Road. Mr. Danat wants to utilize the undeveloped land in the back corner of his lot for a shed. Right now it is just brush. Mrs. Burkard states that Mr. Danat is going to build the shed himself. He needs it for more storage space. It will be raised. Mr. McNamara asks the height of the structure which is the maximum of 15'. Mr. Hickey asked if Mr. Danat considered a smaller structure. Mr. Danat answers that it was considered but everyone he talked to advised him to go larger because he will need the space. He has a temporary carport in the backyard right now but needs an actual structure for lawn equipment, ladders, etc. Mr. Danat is a Pneumatic Engineer, and is an Electrical Engineer by trade. He has a lot of experience in building. Mr. Danat presents his plan to the Board. It will be LH or LE. It's all going to come Gui's Lumber. All that's left to do is get it Engineer qualified. Mr. Mills states that the land in the back is lower than the rest of the property. Mr. Danat says he is bringing in fill which will be on grade with septic with proper drainage. There will be no second floor on the structure.

ACTION:

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

ON THE QUESTION:

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

Appeal No. 3

Dan Sonnenreich
Residential Single Family

Requests the Board of Appeals approve and grant a 25' variance to allow a 125' front yard setback for the construction of a single family home located at 5565 Old Goodrich Road.

Appeal No. 3 is in variance to §229-52(A)(2).

DISCUSSION:

There are three neighbor notifications on file from 5535 Old Goodrich, 9345 Roll Road and 9365 Roll Road. Mr. Sonnenreich states that he is looking to build a home. There are no other homes on Old

Goodrich to line up with and the home just south is set back about 400'. Mr. Sonnenreich owns the property. The septic system will be located in the front. The house will be about 3000 square feet, mostly Ranch style with two bedrooms upstairs, Farmhouse style. The backyard backs up to a Tennis Court. The garage will be on the side of the house. Mr. Mills asks about any additional landscaping or foliage along the north side of the house. Mr. Sonnenreich states that he will probably put up some privacy Spruces. Different options were discussed such as trees, a fence, Arborvitaes. It was settled on privacy Spruce.

Douglas and Jennifer Topp of 9361 Roll Road addressed the Board. Their backyard will butt up against Mr. Sonnenreich's backyard. They would like to see a copy of the layout and are given one to look at. They would like to know how deep the house is going to be with the 125' setback. They would also like to know how high the house is going to be. They have drainage concerns. The builder, Doug Cipollone, states that the house will be 40' and the garage is going to be another 20' for a total of 60' deep. In regards to the water concern, no water can be added to their property. There will be a drainage plan drawn approved to address this concern. The Board cannot limit the property owner to a one story or two story house. That is his decision to make. Douglas Topp is still concerned with drainage since the homes across the street in Martha's Vineyard had standing water and had to hire an Attorney when homes were built behind them. They ended up taking care of it themselves. Mr. Mills assures him that Mr. Sonnenreich will not be able to have a permit issued and move in unless it is taken care of. In reference to the drawing, Mrs. Burkhard states that the Topp's are behind the Sonnenreich house and will not be looking at the garage.

ACTION:

Motion by Ryan Mills, seconded by Richard McNamara to **approve** Appeal No. 3 with the condition that the applicant needs to place Spruce trees starting at the northwest corner of the house all the way to the far east of the parcel with the trees situated 12' on center at a height of 6' each along the North property line. This is to be completed before the permitted C of O is issued.

ON THE QUESTION:

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

Appeal No. 4

Dawn Wasieczko & Richard Calorico
Residential Single Family

Requests the Board of Appeals approve and grant a 14' variance to allow a 31' front yard setback for the construction of an attached accessory structure located at 4170 Cameron Drive.

Appeal No. 4 is in variance to §229-52(A)(1),*Established front yard setback of 45'.

DISCUSSION:

There is neighbor notification on file from 4182 Cameron Drive. Ms. Wasieczko states that they want to add on a one and a half car garage. They are a two vehicle family and they also need the storage space and have a fishing boat to store. It will ultimately be a one and a half car garage. If they wanted to build

a two-car garage, they would have to come back to the Board again because neighbor notification was for a one and a half car. Mr. Hickey asks Director of Community Development James Callahan the requirements and Mr. Callahan says that 35' is the bare minimum in the Zoning Law. Mr. McNamara asks Mr. Callahan that if they were to set back the garage another 2 or 3 feet, because Wehrle comes in on an angle, would that give them a little more room? Mr. Callahan answers that they would gain some room but he would need a survey to properly assess it.

ACTION:

Motion by Patricia Burkard, seconded by Daniel Michnik to **approve** Appeal No. 4 as written.

ON THE QUESTION:

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

Appeal No. 5

Michael Hackford
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A 2' variance to allow an 18' tall detached accessory structure.
- 2.) A 2' variance to allow a 28' setback per condition of approval at the Zoning Board of Appeals Meeting of May 14, 2019.

Both requests relate to the construction of a detached accessory structure located at 5155 Bank Street.

Appeal No. 5 is in variance to §229-55(E) (2) and the May 14, 2019 ZBA condition of 30' setback.

DISCUSSION:

There are two neighbor notifications on file that come from 5175 Bank Street and 5135 Main Street. Mr. Hackford went before the Board previously and believes he fixed his error. He is trying to eliminate his need to cut down his Maple trees. He is doing a salt barn style roof with an 18 foot ridge and a scissors type truss. This way he can install shelving. He no longer wants to use his attic. Mr. McNamara was at the property discussing the 28 feet and believes that if he moves it back another 8 or 10 feet to the north, the need to cut down trees would be eliminated. Mr. Mills agrees with Mr. McNamara. Mr. Hackford says he would rather move it north than nix the 18 foot roof. The Board wants to make sure that Mr. Hackford is aware that it can only be used for simple storage and not a workshop.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik to **approve** Appeal No. 5 Provision 1. For a 2' variance to allow an 18' tall detached accessory structure but deny Provision 2. The parcel is unique in size and based upon the foliage around where the structure is going to be located it will be a nice privacy barrier for surrounding neighbors.

ON THE QUESTION:

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

Appeal No. 6

Timothy Heineck
 Traditional Neighborhood District

Requests the Board of Appeals approve and grant a variance to allow a ground mounted solar photovoltaic system on a Traditional Neighborhood District parcel less than five (5) acres in size at 9300 Clarence Center Road.

Appeal No. 6 is in variance to §184-6(B)(1).

DISCUSSION:

Applicant was not present. Neighbor was present. The Applicant did not speak with anyone on the Board, the application was mailed in and the property was not staked. The property owner stated to the neighbor that the company would represent the Applicant today but nobody was present. Neighbor notifications included in the file for 9280 Clarence Center Road and 9320 Clarence Center Road. Robert Metz of 9280 Clarence Center Road (adjoining property) was present and spoke. He stated that he does not have any concerns at this point because he does not know anything about the project. He knows they will be solar panels ground mounted and Mr. Metz requested more information on the project. Mr. Metz told his neighbor that he would not be present at the meeting but the solar company would act as his Representative.

ACTION:

Motion by Jonathan Hickey, seconded by Patricia Burkard to **table** Appeal No. 6 to the July 9, 2019 Zoning Board of Appeals meeting because they feel the Applicant thought his representatives would be present at tonight’s ZBA Meeting.

ON THE QUESTION:

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

Appeal No. 7

Richard Tesmer, Tesmer Builders, Inc.
Residential Single Family

Requests the Board of Appeals approve and grant a 5' variance to allow a 5' side yard setback for the placement of a detached accessory structure (emergency generator) located at 5451 Waterlefe Drive.

Appeal No. 7 is in variance to §229-55(E)(1).

DISCUSSION:

Neighbor notifications are not on file. Mr. Tesmer states that he does not have any neighbor notifications with him. There are technically no neighbors since there are lots only and no homes yet. The Builder stated that they own the lots. The questioned about the neighbor notification for the home being built next door and Mr. Tesmer was told that it is there responsibility to provide the neighbor notifications. Exhibit A was entered into record and was a landscaping exhibit. They would like to place a whole house generator near where the natural gas and electric enter the home. This would be an emergency gas generator. The generator is 18" off the building and 30" wide, due to the size of the generator it leave about 5 feet from the lot line. The generator location has been marked on the property. A survey was also entered in the record showing the generator at the foundation level. With the landscaping design, they will be blocking the view of the generator so there will not be a hindrance to anyone looking at it. Mr. McNamara did not have any questions. Mr. Krey asked if the homeowner was present. Mr. & Mrs. Czosek was present and he stated that they want the generator because they have an expensive home and without electricity things can happen to their belongings. They have had outages both in the summer and winters in the past at their prior home. They do plan on being present in the home during the winters. Mr. Hickey asked when the generator would run. It was replied that typically an emergency gas generator would run 10 - 15 minutes every week and would be maintained by ABC Hardware. It will be a Briggs and Stratton generator and is about 12 kw. The home is over 3,000 square feet on the first floor. Mrs. Burkard asked if this is a patio home and it was replied yes, the home is a patio home. A question was asked why the lots were not built larger knowing that a lot of home owners would like to put in a custom generator. They stated that they will continue to run into this problem due to the open space regulations. Is Mr. Tesmer sure about the size of the generator? They are concerned about the noise issue. Mr. Tesmer said that there is no standard size. Most townships that have a variance only go 3 feet from the lot line but the Town of Clarence has a 5 foot variance. They could possible reduce the size if needed for noise level. The home is going to be a sold stone home so that noise level will not be impacting the homeowners. They are concerned about the noise level of the generator to neighbors on a narrow lot. The houses are well insulated and all 2 x 6 construction that will help with sound proofing. The lot sizes are smaller so that they can maintain 50% open space. There are no further questions. They may not be able to vote on the issue tonight because they are missing key information such as the size of the generator. Mr. Tesmer states that the generator will be able to run the entire home which is over 3,000 square feet. The lot for this property is a lot and a half so it is a slightly larger lot. Mr. Tesmer stated that after checking, the generator is a 20kw generator.

ACTION:

Motion by Jonathan Hickey, seconded by Patrick Krey to **approve** as written with the following conditions: (1) the generator does not exceed 20kw (2) that the landscaping around the generator will be

consistent with Exhibit A. Motion amended to include the above conditions by Jonathan Hickey, seconded by Patrick Krey.

ON THE QUESTION:

Patrick Krey	Aye	Patricia Burkard	Aye	Jonathan Hickey	Aye
Ryan Mills	Aye	Daniel Michnik	Nay		

ACTION:

A Motion is called for to close the meeting.

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

Meeting adjourned at 9:20pm