

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
June 14, 2022

Chairman Ryan Mills called the meeting to order at 5:30 p.m.

Zoning Board of Appeals members present:

Gerald Drinkard	Raymond Skaine	Ryan Mills	Patrick Krey
Richard McNamara	Patricia Burkard		

Town Officials present:

Director of Community Development Jonathan Bleuer
Deputy Town Attorney Steven Bengart
Councilman Paul Shear

Motion by Raymond Skaine, seconded by Ryan Mills, to **approve** the minutes of the meeting held on April 12, 2022.

Gerald Drinkard	Abstain	Raymond Skaine	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Patricia Burkard	Abstain	Richard McNamara	Aye

MOTION CARRIED

OLD BUSINESS

Appeal No. 1(from the May, 2022 meeting)

Dominick Farbo
Planned Unit Residential Development

Applicant requests a variance:

1. of 747 sq. ft. to allow a 1,223 sq. ft. attached garage addition for a total of 1,707 sq. ft. of garage space; and
 2. of 7' to allow a 5'6" principal structure side yard setback;
- located at 8135 Golden Oak Circle.

Town Code Reference;

1. §229-55 (D)
2. §229-52 (B)

Note: This request for this property supersedes the May 2022 variance request, which was tabled.

DISCUSSION:

Mr. Farbo was present, as well as his contractor Mr. Smith. Mr. Farbo explained that at the previous meeting, the board members had good suggestions that they took in to consideration.

After reviewing plans and considering alternatives, Mr. Farbo has decided to discard his previous plan to build on to his existing garage, and instead replace it with a new, larger garage.

Mr. Farbo explained that knocking down the existing garage, will allow him to move the new garage forward, and connect it to the house. It will also allow him to add length and width to the new structure.

Mr. Farbo will add a double door in the front of the proposed structure. The proposed structure will also be built to fit the lot more appropriately.

Mr. Farbo further explained his updated plans, which include landscaping and details that will blend the aesthetics of the garage with the house.

Mr. Farbo noted that he plans to make the proposed structure look appealing while providing functionality.

Mr. Farbo added that the new design does not extend past his existing patio. He took in to consideration the potential views of all of his neighbor's, as well as suggestions from this board, and adjusted his plans accordingly.

Mr. Drinkard stated that he is still concerned about the back of the proposed building and the view from across the pond, as well as the 7' variance request for the side of his garage, which in his opinion is quite large. Mr. Drinkard asked if Mr. Farbo would consider reducing the size of the garage which would eliminate the need for a variance.

Mr. Farbo's contractor, Mr. Smith was present to answer questions. Mr. Smith responded that the existing garage is being removed to appease the intended space. The new structure will not extend any farther to the property line that what is existing. The reason for the variance is due to the new build. They are actually removing some of the existing concrete, and rather than replace it with more concrete, they will be putting in landscaping.

Discussion continued regarding the need for the side yard variance.

Mr. Smith stated that the reason the front can't come in is due to the placement of where the house is now. The extra space allows for a 16' door for a two-car garage space.

Mr. Skaine asked for confirmation that the front side-lot setback is 5 ft. 6 in. Mr. Farbo responded yes; they are not building anything larger than what currently exists. Because it is a new structure attached to the house, they need to have a variance.

Mr. Skaine asked when heading towards the pond, what is the setback on the left-hand side.

Mr. Smith responded that he is uncertain of the survey, but estimates it is just under 7 ft. To get an exact number he'd need to see a survey map.

Discussion continued regarding the location of the proposed structure.

Mr. Skaine asked what the total length is from the entrance of the garage to the back. Mr. Smith responded that it is 52 ft.

Chairman Mills asked if there have been any elevations drawn yet. Mr. Farbo responded that after having the initial set done, he did not re-do them. He will do whatever is necessary in order to have his request approved.

Chairman Mills stated that he feels this design is much improved, and makes more sense.

Chairman Mills asked if the front façade will be brick like it is currently. Mr. Farbo responded that he would like to match the brick, but the brick on the house is 25 years old. He'd prefer to not make it look like he was attempting to match it and failed.

Mr. Farbo stated that his first choice is to match the brick. His second choice will be something that compliments the brick.

Chairman Mills asked Mr. Farbo if he would agree to a condition that stated the façade be either stone or brick. Mr. Farbo responded yes.

The photo that Mr. Farbo presented was marked Exhibit A for the record.

Mr. McNamara and Mrs. Burkard complimented the changes and updates.

Neighbor notifications are on file.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to **approve** Appeal No. 1 under Old Business with the following conditions:

1. front façade to be brick or stone.
2. no business to be operated out of the garage.

ON THE QUESTION:

Mr. Krey thanked the applicant responded to the Board's request and made the changes that addressed their concerns.

The front view of the proposed structure will not be out of character, it will resemble other homes in the area that are similar, and it will fit in with the neighborhood.

The changes to the back of the proposed structure will mitigate the previous concerns of the Board as well.

Chairman Mills stated that after thoroughly reviewing the neighborhood, the proposed structure fits in with the rest of the neighborhood based on the revised design.

Chairman Mills added that in terms of the side yard setback, the current structure is already within that setback, therefore he doesn't believe it would be a detriment to the character of the neighborhood.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Richard McNamara	Aye		

MOTION CARRIED

Mr. Farbo thanked the Board members for their help and insight with this project.

NEW BUSINESS

Appeal No. 1

Elwyn Evans
Residential Single-Family Zone

Applicant requests a variance to allow a detached accessory structure (emergency generator) to be located within the front yard setback at 4345 Connection Drive.

Town Code Reference;
§229-55 (B)

DISCUSSION:

Mr. Evans was present to further explain his request, stating that he and his wife are no longer capable of handling a portable generator.

Mr. Evans stated that the generator can be seen from Main Street, but it is a nice-looking generator.

Dale Mattice, Project Manager explained that the reason they are requesting to have the generator placed in this location, is because of the proximity to the utility meters and the exhaust will be pointing away from any other structures.

Mrs. Burkard asked if the applicant would be willing to place landscaping around the unit. Mr. Mattice responded that they can, but the company recommends at least 3 ft. between landscaping and the generator.

Mr. Krey asked if the power often goes out at their location. Mr. Evans responded it has several times over the past 6 years that they have lived there.

Chairman Mills stated that because of the view of the generator from both Main Street and Connection Drive, some landscaping around the unit would be preferred. Mr. Evans agreed to landscaping around the generator.

Neighbor Notifications were sent, with no comments submitted.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Raymond Skaine, seconded by Gerald Drinkard to **approve** Appeal No. 1 with the following condition:

1. Within 3’ of the generator, plantings of deer-resistant vegetation as high as, or higher than the 3’ generator.

ON THE QUESTION:

Gerald Drinkard stated that there is a species of Boxwood shrubs that provide adequate coverage for buffers.

Richard McNamara	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Aye	Gerald Drinkard	Aye		

MOTION CARRIED

Appeal No. 2

Patrick Young
Residential Single-Family Zone

Applicant requests a variance:

1. to allow a secondary detached garage; and
2. of 568 sq. ft. to allow a 768 sq. ft. secondary detached garage; located at 10360 Bergtold Road.

Town Code Reference;

1. §229-55 (H)
2. §229-55 (H)

DISCUSSION:

Mr. Young was present to further discuss his request, explaining that he is seeking an additional building to store his cars, recreational, and other equipment. He is retiring soon and would like to have a place to work on his cars and other equipment.

Mr. Young stated that he plans to set the proposed structure back, whereas on the front façade will be visible from the street.

Mr. Young noted that he plans to match the stone on the front of the façade, at least 48 in. down, to match his other structures.

Mr. Young also would like to put a window in the peak of the structure, which will also match the front of the other structures.

Mr. Young dispersed an 11-page packet which included elevations, and was marked Exhibit A for the record.

Mr. Skaine commented that the plan to bring the stone on the front façade up approximately 48 in. was pleasing.

Mr. Skaine noted that he appreciates the location and proximity to the neighbor on the left. The neighbor has a row of privacy trees along the property line, and none will be removed.

Mr. Drinkard asked if there is any way to reduce the size of the proposed structure. Mr. young responded that he has done the best that he can already.

Mr. Young stated that the hobbies are strictly for pleasure, there will not be any business conducted.

Mrs. Burkard asked what material will be on top of the stone on the front façade. Mr. Young responded that it will be the standard steel.

Chairman Mills asked what made Mr. Young decide on a pole barn versus a stick build structure. Mr. Young responded that there is a substantial cost difference between the two.

Chairman Mills asked Mr. Young if he has considered other aesthetic choices that would match the existing home better. Mr. Young responded that he is open to suggestions.

Chairman Mills suggested something different on the front façade, like placing stone 1/3 up from the bottom. Mr. Young responded that is his plan.

Chairman Mills asked if Mr. Young be in agreement if a condition of approval stated that at least 1/3 of the front façade be stone or similar material. Mr. Young responded yes.

Chairman Mills asked if there are plans to operate a business out of the structure, Mr. Young responded no there is not.

Mr. Bleuer asked to confirm that the overall height is 16' or less. After reviewing the photo, Mr. McNamara responded yes, it is.

Neighbor Notifications were sent, no comments received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Ryan Mills, seconded by Raymond Skaine to **approve** Appeal No. 2 with the following conditions:

1. no business to be operated out of the structure.
2. at least 1/3 of the wall height on the front façade to be stone or similar material.

Mr. Young heard, understands, and agrees to the conditions.

Richard McNamara	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Aye	Gerald Drinkard	Aye		

MOTION CARRIED

Appeal No. 3

William Craven
Residential Single-Family Zone

Applicant requests a variance of 4.5 ft. to allow a 20.5 ft. tall detached accessory structure (garage) located at 6089 Elm Street.

Town Code Reference;
§229-55 (E) (2)

ACTION:

Mr. Craven has requested to table this request due to his inability to attend the meeting due to circumstances beyond his control.

Motion by Gerald Drinkard, seconded by Richard McNamara to **table** Appeal No. 3 per the applicant’s request.

Richard McNamara	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Aye	Gerald Drinkard	Aye		

MOTION CARRIED

Appeal No. 4

Jeffrey Goettel
Residential Single-Family Zone

Applicant requests a variance:
1. to allow a secondary detached garage; and
2. of 184 sq. ft. to allow a 384 sq. ft. secondary detached garage;
located at 8343 Black Walnut Drive.

Town Code Reference;
1. §229-55 (H)
2. §229-55 (H)

DISCUSSION:

Mr. Goettel was present to further discuss his request, explaining that he is a hobbyist woodworker and would like to have a dedicated, conditioned space for his hobby.

Mrs. Burkard asked if any of the neighbors will see the proposed structure. Mr. Goettel responded that two will not, and the third won’t have a clear view of it.

Mrs. Burkard asked if it is a stick-built structure. Mr. Goettel responded yes; it is stick-built with siding and a garage door to will match the house.

Mrs. Burkard asked if there will be electricity in the building, Mr. Goettel responded yes.

Mrs. Burkard asked if Mr. Goettel’s hobby is in any way a business. Mr. Goettel responded no.

Mr. McNamara noted that there is a fence and some landscaping along the side of the driveway, and asked if any of it will be removed.

Mr. Goettel responded that three of the Rose of Sharon will be removed, he is going to try to save some to transplant. The fence will be removed just before the garage, his plans are to situate the garage right to the fence line. This will also leave space for the snow plow company to push the snow pile to and avoid the new structure.

Chairman Mills stated that there is a lot of landscaping on the property which mitigate the view from the neighbors.

Chairman Mills asked Mr. Goettel if he plans to use siding rather than brick, which would match the front facade of the house. Mr. Goettel responded that the white vinyl will match the white siding on the house.

Chairman Mills asked if the garage door will be decorative with any glass on it. Mr. Goettel responded that he doesn't plan on installing any glass, but it will match the existing garage doors the best that he can.

Mr. Skaine asked where the portion of the fence is being removed from. Mr. Goettel responded that it is at the top of the driveway behind the Rose of Sharon trees.

Mr. Goettel further explained the fence in relation to the proposed structure. Discussion continued.

Neighbor notifications are on file and no comments have been received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Richard McNamara, seconded by Patrick Krey to **approve** Appeal No. 4 with the following condition;

- 1. no business is to be operated out of the structure.

Mr. Goettel agreed to the condition.

ON THE QUESTION:

Mr. Krey stated that due to the nature of the lot and all of the landscaping which mitigates the view from the neighbors as well as the street view, it will not have any impact on the character of the neighborhood.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Richard McNamara	Aye		

MOTION CARRIED

Appeal No. 5

Greg Bromley
Residential Single-Family Zone

Applicant requests a variance of 312 sq. ft. to allow a 512 sq. ft. detached accessory structure located at 4410 Westwood Drive.

Town Code Reference;
§229-55 (H)

DISCUSSION:

Mr. Bromley was present, to further discuss his request, explaining that he'd like to tear down his current dilapidated shed, and replace it with a little bit larger one. He plans to match the shed to the house for aesthetics.

Mr. McNamara asked for the size of the shed. Mr. Bromley responded it is 16' x 32'. It will have one garage door, and a man door.

Mr. McNamara asked if Mr. Bromley intends to landscape around the propose shed. Mr. Bromley responded yes.

Mrs. Burkard agreed that a new shed is necessary, and understands the placement request.

Chairman Mills asked for more details on the elevations and materials. Mr. Bromley responded the garage door will be a regular, 9 ft. door as well as a man door. He plans to match the colors to the house.

The frame will be conventional stick-built with a concrete pad.

Mr. Drinkard stated that the drawings that were submitted show an overall 16 ft. height. Mr. Bromley confirmed yes.

There will be no business conducted from this proposed building.

Neighbor notifications are on file and no comments have been received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Raymond Skaine to **approve** Appeal No. 5 as written, with the following condition:

1. no business is to be operated out of the structure.

Mr. Bromley agrees to the condition.

ON THE QUESTION:

Mr. Krey stated that the proposed building is replacing an existing structure. In terms of the variance size, he does not believe it is a big request. The applicant's back yard has a lot of trees, which helps to mitigate the potential view from neighbors.

Richard McNamara	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Aye	Gerald Drinkard	Aye		

MOTION CARRIED

Meeting adjourned at 6:20 p.m. with a motion by Raymond Skaine.

Amy Major
Senior Clerk Typist