

Town of Clarence  
 One Town Place, Clarence, NY  
**Zoning Board of Appeals Minutes**  
**Tuesday September 8, 2020**  
 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
Raymond Skaine	Patrick Krey

Town Officials present:

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

Per Mr. Krey, the following amendments need to be made to the August 11, 2020 meeting minutes:

Appeal No. 3: The third condition should state that there are to be 10’ doors, not man doors.  
 Sixth condition should state Wains Coating on the front and side, not the back.  
 Final condition should state 8” trim around the doors with the headpiece.

Motion by Patrick Krey, seconded by Ryan Mills, to **approve** the corrections to the minutes for meeting held on August 11, 2020.

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

Motion by Patrick Krey, seconded by Ryan Mills to **approve** the minutes of the August 11, 2020 meeting

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

**MOTION CARRIED.**

Other interested parties present:

Nelma Polvinen	Liz Kociencki	Nanette Cosbey
Shawn Anderson	James Borkman	G. William Weisbeck
Kenneth Levan	Stefane Way	Nathan Way
Wendy Merkle	Larry Merkle	Kelsey Merkle
Gerald Guadagno	Ron Atkins	

## New Business

### Appeal No. 1

Nelma Polvinen  
Residential Single Family Zone

Applicant requests a variance of 2' to allow a 6' tall fence within the front yard setback located at 4700 Sawmill Road.

Appeal No. 1 is in variance to §101-3 (C) (2)

### **DISCUSSION**

Neighbor notifications on file for 4694 Sawmill, 4690 Sawmill, 4706 Sawmill, 4655 Ransom and 1275 Stage Rd.

Mrs. Polvinen explained that she has a unique piece of property, because of the way her house is situated back on her property, and the property right next to her sits forward. She would like to put a fence up for a couple of reasons, the first is for privacy. Because her neighbor's house sits up so far, and she has a very large front window, she can see everything that they do, and she feels that they can see her as well. Secondly, there is a border issue that has been a concern since they moved in. She has tried to clean up her yard, and she has also had others come to help her as well, and there always seems to be issues regarding borders. She would like to have the ability to go on to her property and move about freely without any problem.

Mr. McNamara asked about placement of the fence in regards to the property line. Mrs. Polvinen said that it would be a foot and a half to two feet, depending on what the fence installers decided. The fence would extend back to the property line of her neighbor.

Mr. Skaine stated that when he was in the area earlier, he didn't see any other fences in the neighborhood. Mrs. Polvinen responded that the neighbors to the very back of her have a 6ft. fence. Mr. Skaine then asked why she is requesting a 6ft. fence, Mrs. Polvinen said for privacy and so that she can enjoy her property without any issues. Because her house is the only house that sits back so far, her front yard matches up to her neighbor's backyard, which is why she is requesting the fence in her front yard versus the backyard.

Mrs. Burkard asked where her fence would begin, if it would be at the back of the neighbor's house. Mrs. Polvinen responded that to her understanding, the standard permit allows you to have a 6' fence from the front point to the back, so she measured that on their property, from the front point of their house, back.

Mr. Mills asked whether there is any active dispute regarding who owns the property where the fence will be installed, Mrs. Polvinen replied that no, there is not. A previous dispute over property lines was resolved when a survey done matched the previous survey that Mrs. Polvinen has. Additionally, Mr. Mills confirmed that the fence will be a wood stockade fence.

Mr. Mills asked Mr. Callahan if 4690 wanted to put up a fence, a variance would be needed as well. Mr. Callahan confirmed that due to the unique situation of the location of the house, that it is correct. He asked whether Mrs. Polvinen has considered a natural barrier or not. Mrs. Polvinen stated that over the summer she had hired people to work on her property, and they also had issues with the neighbors. She said that because of the large area, a fence was the most feasible, but if she needs to, she would put in trees in order to give herself the privacy she would like. This would also be a more expensive option. If the variance is not granted, she would supplement a 4' fence with some trees.

Mr. Michnik asked if she received multiple estimates for the work to be done, or if she went with one company. Mrs. Polvinen responded that she has three estimates, the one she chose is in the middle range. Mr. Michnik confirmed with Mrs. Polvinen that the reason she is requesting the 6' fence is because she would feel more

comfortable and safer on her own property. It’s a unique situation, because there’s a neighbor at the end of the street who although their property sits back, they don’t need a fence. Mr. Michnik stated that after recently losing her spouse as well, he understands her desire to want to be able to work in her yard when she would like to, without any issues.

Nanette Cosbey residing at 4690 Sawmill Rd. stated that she doesn’t believe she has caused any issues for Ms. Polvinen. They had a good relationship with her mother – in – law, who was the previous owner of the property. When two trees fell on to her house, Ms. Cosbey said they asked if they could come on to the property at that point to cut the trees then get rid of the debris, and one tree also fell in to their backyard. This was approximately 5-6 years ago. She stated that Mrs. Polvinen hired an axe man to cut down several trees, they left several that are not very healthy, and they cut down one of her trees on the line, and she has a letter from the Tree Doctor attesting to that. So they then called an axe man to speak to her. When the axe men were cutting down the trees, they were using a bucket truck and the branches were dropping in to gardens, which damaged some of the vegetation. She asked him not to drop branches on to the garden. One of the trees that they cut up but didn’t cut down broke, and landed on their house a few weeks ago.

Mrs. Cosbey would like to be notified as to when the fence is going to be installed so that she can work at home on those days, in case there are problems with them damaging her property, she can stop their work.

Elizabeth Kociencki residing at 4659 Ransom Rd. stated she isn’t involved in this, she was only in attendance because she received the neighbor notification.

**ACTION**

Patricia Burkard made a motion to **approve** Appeal No. 1, seconded by Daniel Michnik, as written with the following condition:

- that the neighbor, Nanette Cosbey be notified 48 hours prior to the fence being installed, in writing by Mrs. Polvinen.

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

MOTION CARRIED

**Appeal No. 2**

Shawn Anderson  
Agricultural Flood Zone

Applicant requests a variance to allow a detached accessory structure within the front yard setback located at 8091 Westphalinger Road.

Appeal No. 2 is in variance to §229-34 (E)

**DISCUSSION**

Neighbor notifications from 8025 Westphalinger and 8115 Westphalinger are on file.

Mr. Anderson explained that there are several reasons as to why he’s requesting the variance. It’s a large property, with a tree line that he would like to keep. A lot of planning went in to the plans, and they feel this location is the best fit for a pole barn. The Town of Clarence is doing some drainage ditching along the boundaries as well.

Mr. Skaine stated that he is concerned in regards to the house not being staked, or why exactly Mr. Anderson is requesting the variance. Mr. Anderson explained that the house is staked, and the permits will most likely be issued

within the next day for the home. He currently lives down the road, and has waited until he felt the time was appropriate to build a home on the property. Mr. Skaine asked why he needs to build the pole barn up as far as he's planning to, which Mr. Anderson explained that there is a tree line with several nice, mature trees that he would like to preserve. Mr. Skaine asked whether it would be possible to move the house up, Mr. Anderson explained that the house is already planned and staked, with all of the testing done as well. Everything is completed through the Town that needs to be in order to begin building the house.

Mr. Skaine requested clarification as to the size of the variance that is being requested. Mr. Anderson explained that the house has a 500' setback, the barn will be 471'.

Mrs. Burkard asked what Mr. Anderson plans on building first, the house or the pole barn. Mr. Anderson said the house, which is a 2700 sq. ft. ranch. The pole barn is 40'x64'.

Mr. McNamara confirmed that the pole barn is strictly for personal use, no business. He also noted that when he pulls up the driveway, you can't see anything back there, everything is well hidden by trees and brush. The property used to be farmland, there was at one time an old barn when he bought the property twenty years ago.

The pole barn is metal, two toned coloring, 3' Wainscoting along the bottom. Mr. Anderson stated that his plan is to get the house halfway done before he started the pole barn. The Town of Clarence is doing the ditching along the woods and he'd like to wait until that is finished.

Mr. McNamara asked Mr. Callahan if Mr. Anderson is able to get a building permit for the pole barn before the house is done, Mr. Callahan stated that yes as long as it's under construction.

Mr. Mills stated his concern in regards of the size of the pole barn compared to the house. The house is 2700 sq. ft., the pole barn is 560 sq. ft. (?) The pole barn will be used for storage of tractors, equipment, etc. Mr. Mills asked if Mr. Anderson would be ok if they added a restriction to the variance that no business is to be run out of the pole barn, Mr. Anderson agreed.

Mr. Skaine asked if there was any way Mr. Anderson would consider building a smaller size barn, Mr. Anderson explained that the size is perfect for what they plan to use it for, as well as the area it will be located, and comparison to the house. His street and area have several barns, as well as larger ones located with smaller homes. Mr. Callahan explained that because Mr. Anderson lives in an Agricultural zone, the size of the barn isn't in question, it's the front yard setback that he is requesting a variance for.

Mr. Skaine asked what the size of the variance is actually for, Mr. McNamara explained that the variance is for 29ft.

Raymond Skaine made a motion, Ryan Mills seconded, to approve Appeal No. 2 under the following conditions:

- A 471' setback to the right - of - way will be followed, as shown in Exhibit A which is on file.
- No business will be operated out of the pole barn structure.

## **ACTION**

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

**MOTION CARRIED**

**Appeal No. 3**

James Borkman  
Residential Single Family Zone

Applicant requests a variance:

1. To allow a secondary garage; and
2. Of 400 sq. ft. to allow a 600 sq. ft. secondary detached garage; located at 4892 Winding Lane.

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

**DISCUSSION**

Mr. Borkman explained that his intent is to provide an additional 600 sq. ft. of garage space, in order to store classic cars. He'd like to continue using the 160 sq. ft. storage building which is currently on the property, for his garden tractors. That wasn't part of this request specifically, but it has come up in some questions regarding the property. The drawing he submitted shows the small building on the right is the storage shed, which will be placed on the innermost corner of the property which is heavily shrubbed. The new garage is in position to be parallel with the house, with the garage door facing the house. This will allow 5' or more from the rear boundary, and 15' or more on the west boundary, which is owned by neighbors, while the rear boundary is commercially owned.

Mr. Borkman understands his neighbor's possible concern regarding his driveway on the west side but he would like to still request this location. In the future, if he could put a driveway on the south side adjacent to the commercial property, this would be the desired outcome.

Neighbor notifications from 10171 Pineledge Dr. S. and a postal confirmation from Russell Salvatore are on file.

Mr. Mills stated that a letter was received, marked Exhibit A from Mr. Weisbeck, whom is in attendance. The letter was read in to record, and contains concerns Mr. Weisbeck has in regards to the proposed garage, as well as the potential for a future driveway as well. The placement of the proposed building is located closer to his backyard than Mr. Borkman's, and he is concerned about noise and disruptions as a result, as well as its location. Mr. Weisbeck is not against the proposed building itself, but rather the placement of it.

Mr. Borkman requested a copy of the letter, which he was given. Discussion ensued as to whether Mr. Borkman wanted to continue on with the remainder of his request, or table it.

Mr. McNamara stated that he understands the concern for the driveway being on the west side, as that's where his septic and leech field are both located. Mr. McNamara asked whether Mr. Borkman had any thoughts about moving the driveway closer to Winding Lane, Mr. Borkman responded that he had considered it, but it would put it adjacent to their gazebo, which he would prefer not to do. Mr. NcManara asked if since this would be his third detached structure, whether there was a possibility he may remove the smaller structure. Mr. Weisbeck stated that he would be willing to move the smaller barn, if that would be acceptable. He would lose the 160 sq. ft. of storage space, and would not want to need to come back in the future with another request for a larger structure. Currently he is requesting a 600 sq. ft. garage, and he already has a 160 sq. ft. storage space. He would need to combine the total square footage of storage space amongst the three in to one larger structure. Mr. McNamara asked if there was any way Mr. Borkman would be willing to move the proposed structure further away from his neighbor's property line and closer to Winding Lane. He explained that every little bit helps in regards to working with your neighbors when requesting a large variance. Mr. Borkman explained that he feels it is an appropriate amount of space away now, and to relocate it would entail additional landscape work as well.

Mrs. Burkard noted that when she was on site to view the variance request, that Mr. Borkman stated that if he needed to take down the smaller structure, he would then turn the proposed garage in the other direction. Mr. Borkman said that it was a consideration, but he feels that he would leave it in the same direction as currently planned. Mrs. Burkard asked how much further Mr. Borkman could move the structure over so that it's not as close

to the neighbor, Mr. Borkman stated that because of the berm that is there, he would need to cut down trees. Mrs. Burkard explained that her concern with this request is the neighbor, and the proximity to their backyard. Mr. Borkman explained that he doesn't do the restoration to the cars himself, he has it done for him. Any work he does on cars, he does in his existing garage, and that this structure would be for storage purposes. There are concerns about future owners of the property that may choose to use the garage for other than what Mr. Borkman is intending, which would be detrimental to the neighbor's due to its location.

Mr. Skaine asked about the secondary structure on the property which he is concerned about, but noted that if Mr. Borkman is willing to take that down and make the proposed structure larger. Mr. Borkman explained that in order to make up for the lost space of the current structure, he would need to add that on to the size of the new proposed garage. Discussion continued as to the location of Mr. Borkman's driveway. Mr. Skaine asked whether any thought has been given as far as building another garage connected to the house, Mr. Borkman replied that there is insufficient space for that due to septic, and without needing to get another variance. He feels that it wouldn't be aesthetically pleasing, and it would be too close to the setback.

Mr. Mills said that he would prefer to see one of the alternatives associated with the primary structure. Even adding to the existing garage and possibly relocating the septic, or perhaps something on the other side of the house. He asked Mr. Borkman if there were any other larger detached garages in the neighborhood, similar to what he is requesting. Mr. Borkman stated aside from a building by a pool on Pineledge West, there is nothing similar to what he is requesting.

Mr. Mills confirmed that Mr. Borkman would be limited to storing the cars in the proposed garage, and not working on them there as well. Mr. Borkman stated that is his intent, but if a flat tire or similar occurs then he would fix it, but otherwise he doesn't intend to.

Mr. Michnik said that he is in agreeance with what some of the other thoughts have been in regards to moving the structure closer to Winding Lane, because the current proposed location is not appealing. There is no evidence of any other similar structures within the neighborhood. Mr. Michnik believes the structure should be located closer to Winding Lane, which will also allow access from Winding Lane. His gardens and vegetation can be relocated as well. Mr. Michnik explained that due to the setback, Mr. Borkman would simply need to ask for a variance on that.

Bill Weisbeck reiterated that he is definitely not against the garage, and their main concern is not necessarily what Mr. Borkman will be using it for, but what future residents of the property may use it for. He noted that on Pineledge N. there was a similar variance requested and that was declined.

At this time, Mr. Borkman stated that he felt it would be in his best interest to Table his appeal at this point.

Ryan Mills made a motion to **table** Appeal No. 3, second by Richard McNamara.

## **ON THE QUESTION**

Mr. Mills stated that next time the applicant should bring different proposals of alternative locations including one where it is attached to the house. Possibly a proposal where it's closer to Winding Lane, understanding that a variance may be needed for that. A variance that is closer to the applicant's address than the neighbor's may be easier to gain.

**ACTION**

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

**MOTION CARRIED****Appeal No. 4**

Nathan & Stefanie Way  
Residential Single Family Zone

Applicant requests a variance of 570 sq. ft. variance to allow a 770 sq. ft. detached accessory structure at 4697 Stone Oak Lane.

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

**DISCUSSION**

Mrs. Way stated that they're hoping to build a pole barn, they have recently installed an in ground pool, and because of the steep grade of their yard, they would like to have a covered patio on the bottom to provide some shade because it's so far away from the house. They also have a tractor as well as several accessories, none of which fit in their garage. They measured the square footage of all of the accessories to determine the size of the building, and to store their tractor in there as well as their outdoor furniture.

That's what the building itself is for, and the overhang is to provide shade.

Neighbor notifications for 4717 Stone Oak Lane, 4690 Goodrich Rd., 4080 Goodrich Rd., 4696 Stone Oak Ln., 9300 Main St., and 4700 Goodrich Rd. are on file.

Mrs. Burkard asked how much of the pole barn will be able to be seen from the road once it is erected. Mrs. Way explained that because it's an A-Frame, only the very top will be visible. It's dark brown, with beige siding so that it matches the exterior posts of the house.

Mr. Skaine asked for clarification regarding the overhang, it is not included in the variance.

Mr. Mills stated that the size of the parcel is approximately 2 acres, and the actual structure with the covered patio portion is 20x60 sq. ft. The actual structure itself is only 320 sq ft., the overhang is included in the variance request.

Mrs. Way stated that the materials to build the structure were ordered in May, so work would begin within the next week or so, if their request is approved.

**ACTION**

Motion by Raymond Skaine, second by Patricia Burkard, to **approve** Appeal No. 4 as written.

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

**MOTION CARRIED**

**Appeal No. 5**

Larry & Wendy Merkle  
Residential Single Family Zone

Applicant requests a variance of 555 sq. ft. to allow a 775 sq. ft. attached accessory structure (garage) addition located at 6122 Railroad Street.

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

Dan Michnik recused himself from this appeal, and Ryan Mills took over as Vice Chair.

Mrs. Merkle explained that when they purchased the property in December, they had hoped to be able to add a third bay to the existing garage. They have two options, which she dispersed drawings of, both of which are on file. Exhibit A was discussed, Mrs. Merkle stated that the previous owners had a very large driveway put in, which is nice but unnecessary. She further explained that what they could do without a variance, would be to put a bay around the back. The problem with that option is that due to the size of one of the vehicles, the driveway would need to be widened a bit more, resulting in more green space being removed. With this option, there would still not be any room for a lawnmower or any additional items. They would also need to put their shed back that they have already removed.

Additionally, the neighbor that is directly next door would prefer they not use this option, as she likes the barrier that is currently present, so she would prefer not to have a bigger driveway. This is the neighbor that resides at 6132 Railroad Street.

The next drawing shows the option with the variance. The neighbor at 6132 Railroad St. would prefer they use this option, as this would be adding an additional bay to the end of the garage, with room to park all vehicles, and some additional excess for their lawnmower, sporting goods, and a few other items.

One of the reasons they would like to get the van in a garage, is because it is used to transport delicate and valuable art items, which is difficult to do outside in inclement weather.

With this option, they would not need to widen the driveway, and all current landscaping would be able to remain intact. It would also give a bit of a privacy barrier to both properties. They have done a lot of renovation to the inside of their house, but the outside needs some work, and they recognize that. They would like to do some extra work, including raising the existing doors from 7' to 8', and redo the siding. For the record, this option is Exhibit B.

Neighbor notifications from 6112 railroad St., 6132 Railroad, 6125 Goodrich, 6129 Goodrich, and 6135 Goodrich Rd. are on file.

Mr. Skaine clarified that the shed that was on the property is now gone. He also referred to the drawing of what the plans are for the structure, which is Exhibit C for the file.

Mrs. Burkard asked about the current garage doors, and that Mrs. Merkle had mentioned possibly increasing the height of them. They are currently 7', they would like to raise them to 8', and then the new door would be 8' as well.

Mr. McNamara asked if they had any plans for this yet, Mrs. Merkle responded that no, they do not. Mr. McNamara stated that the roof of the two car garage and the proposed structure should remain consistent, rather than differ as the drawing shows. Mrs. Merkle stated that she'd like to incorporate the porch in to something a little bigger, so that they are able to sit outside and enjoy their surroundings. Mr. McNamara said that when she talks to an architect, she should ask about having the roofs tie in together.

Mr. Krey reinforced the suggestion of adjusting the appearance of the current drawing. He mentioned the one large garage door with the possible addition of a smaller garage door. Mrs. Merkle explained that with the current doors, you need to be precise when pulling in, they would like to have at least one larger door to get in. Additionally, her



daughter is an artist and an illustrator, so the house will be aesthetically pleasing. In regards to the roof, Mr. Krey asked Mrs. Merkle if her daughter has any issues with the gabled roof being more towards the center, rather than all to one side, as depicted in the drawing.

Before giving Mrs. Merkle’s daughter, Kelsey Merkle, a chance to speak, Mr. Krey reiterated that the to this point, the members of the board that have spoken, have addressed the idea that they would like to see the roof span broken up more, to which Ms. Merkle agreed to, also stating she is not opposed to any other solutions to the roof line. She has considered both the front and the back of the house, and how they will tie in to each other. It will have to have a gable of some sort along the back and she is concerned that it might a little odd from any other angle of the house, but she is open to other suggestions.

One of the things she is thinking about because she is an avid gardener, she has plans for growing a few gardens, including a berm on the side of the garage.

Mr. Mills stated that like the others, his concern is focused on the span of roof between the house and the proposed garage. When they analyze the overall square footage of the house, vs. the square footage of the garage bays, he feels that more is needed from a design perspective to incorporate them. Mrs. Merkle asked if they would be able to come back with some alternative ideas, Mr. Mills said that is what he was going to suggest they do.

**ACTION**

Motion by Ryan Mills, second by Raymond Skaine, to **table** to Appeal No. 5.

**ON THE QUESTION**

Mr. Mills explained that based on the suggestions of several of the board members, they are looking predominantly for something to break up the roof line from an architectural standpoint.

Mr. Bengart asked that any plans or drawings be given to the Planning Dept. ahead of the meeting, so that they can be dispersed for review.

Patrick Krey explained that he is specifically looking at the square footage of the garage, that it would be quite larger than the rest of the house, so anything that they can do to adjust that would help.

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

**MOTION CARRIED**

**Appeal No. 6**

Gerald Guadagno  
Residential Single Family zone

Applicant request a variance of:

1. 1,120 sq. ft. to allow a 1,320 sq. ft. detached accessory structure; and
2. 4’ to allow a 20’ tall detached accessory structure; located at 5320 Goodrich Road.

Appeal No. 6 is in variance to 1) §229-55(H)  
2) §229-55(E) (2)

Neighbor notifications are on file from 5310 Goodrich Rd., 5330 Goodrich Rd. and 5321 Park Ledge Ct..

Mr. Guadagno stated that the structure he is looking to build is a pole barn, approximately 32' x 24', with a loft section in it as well. It would be in the Northwest corner of the property, and he plans to use it for storage of household items, equipment, and all of his woodworking tools that he has acquired.

Mrs. Burkard asked what the square footage of the house is, Mr. Guadagno replied that currently it is 2800 sq. ft.. The loft will be used for storage of everything that is currently in the garage and basement, mainly seasonal items. Mrs. Burkard stated that she is concerned about the size, as it is quite large, and there is nothing comparable in the neighborhood. She asked if there is any way he can reduce the size of the planned structure, to which Mr. Guadagno responded that he has taken the floor plan and plotted it out, in order to fit all of his equipment and items in there that he plans to store. Originally he was looking for 35', but after speaking with the contractors, he settled with 32'. He's concerned that if he went any smaller, he wouldn't have enough room, and he would be tripping over things. He has three kids currently under 10 years old, and he's planning on everything they'll need as they grow up.

Mr. McNamara confirmed with Mr. Guadagno that he won't be running any business out of the structure, and that it is strictly for personal use.

Mr. Skaine stated that he agrees with Mrs. Burkard, in that the structure is too big for that area.

Mr. Mills also agreed that the size is significantly large, with a 1,120 sq. ft. variance as well as a 4' height variance, there is nothing comparable to that in the neighborhood. There is nothing nearby that is close to the size in square footage and height. Mr. Mills asked if he's explored other options, including attaching it to the rear of the house somehow – some incorporation to the principal residence, that wouldn't require such a substantial variance. Mr. Guadagno stated that he is unclear what constitutes as the neighborhood, is it just Goodrich Rd., because he is aware of a very large barn on a piece of property much smaller than his, which is not in his neighborhood. The barn he is referring to is located across from the post office on Railroad St., which Mr. Michnik pointed out is in Clarence Center, which is not in Mr. Guadagno's area, which consists more of Goodrich and Greiner.

Mr. Michnik said that he has expressed these concerns to Mr. Guadagno earlier, and that he really feels Mr. Guadagno should look in to possibly making attachments to his garage, then come back with something smaller. His point of view is that in his heart of hearts he can't approve this. He feels there are ways for him to explore other avenues and still accomplish what he needs.

Ron Atkins lives directly behind the proposed structure at 5321 Park Ledge Lane, said that a couple of things he is concerned about include aesthetics – the houses on Park Ledge Court are predominantly larger, except for his, which is only 1800 sq. ft.. The 1800 sq. ft. structure that Mr. Guadagno is proposing to build is approximately three quarters the size of Mr. Atkins house. He is also concerned about drainage problems, with water coming off of the roof of a structure that tall, and fire protection is also a concern, as far as access to the property. It's a residential neighborhood, Goodrich Road backs up to Mr. Atkins house, and the area is predominantly residential for a structure that size. Additionally, the height of the building, is a concern, whereas the top of the structure would be much higher than the top of his house. Lastly, 25' from the lot line is less than 100' to his back patio. If he were ever to sell his house, the quality of his home would drop, because nobody will want to look at the back of a large barn from the backyard.

## **ACTION**

Motion by Raymond Skaine, second by Ryan Mills to **deny** appeal No. 6 on the following conditions:

- Size of the variance is substantially large, and will change the character of the neighborhood both aesthetically and environmentally.
- Structure is self – created, there are other options to explore.
- Look at ways to add to the principal structure in order to accomplish the same goals.

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

MOTION CARRIED

Meeting **adjourned** at 9:02 in a motion made by Richard McNamara, second by Ryan Mills.

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

This meeting will be taped.

Amy Major  
Senior Clerk Typist