

BOARD OF APPEALS MINUTES

On Tuesday February 10, 2004 at 7 p.m. the Town of Clarence Zoning Board of Appeals heard the following requests for variances:

APPEAL NO I Jeffrey & Karen Baughan Agricultural	Requests the Board of Appeals approve and grant a three hundred twenty five (325') foot variance creating a four hundred twenty five (425') foot front yard setback for construction of a new home at 10452 Clarence Center Road.
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APPEAL NO I is in variance to Article V, section 30-27B, size of yards.

ATTENDING: John P. Brady
 Ronald Newton
 Arthur Henning
 Raymond Skaine
 John Gatti
 Eric Heuser

INTERESTED PERSONS:
 Jeffrey Baughan
 Karen Baughan
 Roland Boller

MINUTES Motion by Raymond Skaine, seconded by Arthur Henning to approve the minutes of the meeting held on December 9, 2004 as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO I
Jeffrey & Karen Baughan
Agricultural

Requests the Board of Appeals approve and grant a three hundred twenty five (325') foot variance creating a four hundred twenty five (425') foot front yard setback for the construction of a new home at 10452 Clarence Center Road.

DISCUSSION:

Mr. Baughan said that they presently live on Salt Road in a home that is too close to the road. They are considering some land owned by Roland and Shirley Boller on Clarence Center Road. They want to be build their new home at 425 feet so they can enjoy the trees, avoid the road noise, speeding cars, and have some peace, quiet, and privacy. They will also buy the property with the barn that is rental property. They have a child with special needs, and they want to stay in the Clarence Center Elementary School district. They would leave the green space on Clarence Center as it is. They would prefer to build in one of the clearings to save as many of the trees as possible. There were notification forms signed by Roland Boller, and from 10480 Clarence Center Road. 10450 is the rental property. There are two purchase contracts one for the rental, and one on the vacant land. Ray Skaine said he didn't like it, you are going to be looking right into the houses when the leaves are off the trees, they will lose their privacy. Mr. Buaghan said he would be willing to do some screening, or move back even further where the pine trees are. John Gatti suggested bringing the house up in line with the neighbors. They would not buy the lot if that is the case, they would walk away. Ron Newton said one of the concerns this board has is keeping the privacy for the existing neighbors when you are bringing someone in. Ron asked if they had done a perk test where you want to locate the house, a lot of the land looked pretty wet to him. Eric Heuser felt the same way. Without a perk test, you are flipping coins. We don't want you to bring in a lot of fill. Mrs. Baughan said she felt that being in line with the neighbors doesn't promote privacy, you are really looking right into your neighbors windows. That is why they don't want to live in a subdivision. Ray Skaine asked if they would be willing to go back further? Yes, they would. John Gatti asked if they would be willing to screen the neighbors. Yes, they would, they want privacy as much as the neighbors do. Mr. Newton asked Mr. Boller if he would be willing to sell more land to the applicants? Mr. Skaine said they should move the house to the

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west of the property. Mrs. Baughan said there is a house on Salt Road that is being built right behind two houses. How does something like that happen? I pass by these examples every day.

ACTION:

Motion by Arthur Henning, seconded by John Gatti to approve Appeal No I as written.

John Gatti	AYE
Raymond Skaine	NAY
Arthur Henning	AYE
John Brady	AYE
Ron Newton	NAY

MOTION CARRIED.

Meeting adjourned at 8:30 p.m.
Ron Newton, Chairman