

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, September 12, 2023

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

Zoning Board of Appeals members present:

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

Town Officials present:

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

Other Interested Parties:

David Rowe / DMR Inc.	Dan Tytka	Tommaso Briatico
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Motion by Gerald Drinkard, seconded by Raymond Skaine, to **approve** the minutes of the meeting held on July 11, 2023.

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

MOTION CARRIED

Motion by Gerald Drinkard, seconded by Patrick Krey to **approve** the minutes of the meeting held on August 8, 2023.

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Dan & Katie Tytka
Planned Unit Residential Development

Applicant requests a variance of 2'8" to allow a 9'10" side yard setback for an attached garage addition located at 8195 Golden Oak Circle.

Town Code Reference:
§229-52(B)

DISCUSSION:

Daniel Tytka was present to represent his request, explaining that they would like to have the space to store all of the toys, outdoor items, garbage cans, etc. to make their property more appealing.

Mr. Tytka stated that if approved, once the construction of the proposed structure is complete, he plans to put in landscaping along the property line to the north, in order to mitigate the view and make the view more aesthetically pleasing for the neighbor.

Mr. Drinkard asked if the laundry room encroaches the garage.

Mr. Tytka responded yes; it will take an 8 ft. by 10 ft. area of the garage in order to have a dedicated laundry room.

Mr. Drinkard asked what color the siding will be on the proposed addition.

Mr. Tytka stated that the siding will match the house, and the front will be brick to also match the house.

Neighbor Notifications are on file, no negative comments were received, only comments of support.

Mr. Skaine noted that it will look very nice, although he did not see any other homes with a similar attached garage in the area.

Mr. Tytka indicated where there are others in the neighborhood within close proximity.

Mr. Krey asked if the roofing will also match the house.

Mr. Tytka responded yes.

Chairman Mills asked with the laundry room embedding on the garage, will it reduce the garage to a one-car garage.

Mr. Tytka responded yes, one bay with another half for storage, garbage totes.

Chairman Mills asked Mr. Tytka if he plans to run a business out of the proposed addition.

Mr. Tytka responded no.

Chairman Mills asked Mr. Tytka if a condition of the variance was placed that stated the materials of the proposed addition are to match the house, would that be acceptable to him.

Mr. Tytka responded yes.

Chairman Mills asked Mr. Tytka if he knows what type of landscaping he will do along the north side.

Mr. Tytka responded no, not yet but he believes either Arborvitae or flowering tree. He plans to discuss it with his neighbor, they have already talked about it and he plans to continue to do so.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Raymond Skaine, to **approve** Appeal No. 1 as written, with the following conditions:

- 1. Siding and roofing to match the house
- 2. Landscaping on the north side of the garage
- 3. No business is to be conducted out of the garage

Mr. Tytka has heard, understands, and agrees to the conditions.

ON THE QUESTION:

Chairman Mills stated that while not necessarily on Golden Oak Circle, but throughout the neighborhood there are a variety of attached multiple garages, therefore this addition will not adversely affect the character of the neighborhood.

Additionally, Chairman Mills noted that the applicant is mitigating the additional structure size by adding the same façade that will tie in to the existing home, as well as landscaping along the north side.

Mr. Krey added that the existing garage is a side-load garage, which helps with the street-view.

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

MOTION CARRIED

Appeal No. 2

DMR Contracting
Residential Single-Family

Applicant requests a variance of 124 sq. ft. to allow a 324 sq. ft. detached accessory structure (pool house) located at 8990 Roberts Grove.

Town Code Reference:
§229-55(H)

DISCUSSION:

David Rowe with DMR Contracting was present, representing the applicant for this request. Mr. Bengart stated that he has a letter from the homeowner Steven Morber giving Mr. Rowe permission to speak on his behalf.

Mr. Skaine stated that he did not see any stakes while doing a site visit, but understands where the proposed structure is planned.

Mr. Skaine asked if the existing patio will remain, and this proposed structure will be added to it.

Mr. Rowe responded yes; there will be concrete around the pool, this proposed structure will blend with the concrete of the pool.

Mr. Skaine asked what kind of structure is going up exactly.

Mr. Rowe explained that there will be 4 columns, gabled roof facing the pool, a wall on the east side of the structure, then cabinets on the north side. There will be electric and gas to the proposed structure.

Chairman Mills asked for more information regarding the proposed structure specifically regarding materials.

Mr. Rowe stated that the structure will be Hardie Board, architectural shingles, dark in color and not the same color as the house. The structural columns are planned to be painted Azek and a wooden tongue and groove ceiling, and the wall with the fireplace will be tiled stone.

Chairman Mills asked Mr. Rowe why they need the additional 124 sq. ft. that they are requesting.

Mr. Rowe stated that it is the owner's request.

Chairman Mills asked if all of the sides will be open besides the back wall as shown.

Mr. Rowe responded yes.

Chairman Mills asked if there will be any motorized panels or screens on the proposed structure.

Mr. Rowe stated that there is a good chance, but it is not a part of his contract.

Discussion continued regarding the possibility of screens being installed between the columns.

Noting that there are both electric and gas being run to the proposed structure, Mr. Krey asked if there are plans to install bathrooms as well.

Mr. Rowe responded no.

Chairman Mills asked if the proposed structure will have water run to it.

Mr. Rowe responded yes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Raymond Skaine, to **approve** Appeal No. 2 as written.

ON THE QUESTION:

Chairman Mills noted that this request can be differentiated from others in the sense that 3 sides will be open and while they may have screens, they are primarily open.

This lot is more unique situated on a cul-de-sac with privacy behind it and no rear neighbors will be impacted.

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

MOTION CARRIED

Appeal No. 3

Bradley D. Gray
Residential Single-Family

Applicant requests a variance to allow a detached accessory structure (emergency generator) to be located within the front yard setback at 5380 Shimerville Road.

Town Code Reference:
§229-55(B)

Note: A corner lot shall be considered to have two front yards from the public road right-of-way to the closest point of the principal structure.

DISCUSSION:

Mr. Gray was present to support his request and answer any questions, explaining that he would like to install a gas-powered generator on the north side of his property.

Mr. Krey asked why the generator can't be located in the rear yard.

Mr. Gray stated that he is unsure, the company installing the generator had asked where the gas meter is located and when Mr. Gray showed them where, they then determined that the generator would be best located on the north side.

Mr. Gray noted that if they were to install it in the rear yard, a gas line would need to be installed and run to the gas meter.

Mr. Krey asked Mr. Gray if he is able to mitigate the view from the street.

Mr. Gray responded that he plans to build a little structure around it to prevent snow from getting in to it during the winter. It would only be there during the winter months, not permanently, perhaps a snow fence or similar.

Mr. McNamara stated that he would like to see small bushes or a hedge placed in front of the proposed generator, to assist with screening the view from the road.

Mr. Gray responded he can do that if that is what the Board would like for him to do.

Mr. Drinkard noted that if it is placed as shown on the submission, shielding it would be ideal.

Discussion continued regarding shielding.

Mr. Gray stated he would agree to a condition on approval being placed stating that the generator is to be shielded from view.

Mr. Skaine noted that the applicant has two front yards.

Mr. Skaine noted that the area was not staked for him to see location of the proposed generator, but the supporting documents clearly show the location so that he can determine where it will go.

Chairman Mills noted that landscaping around the generator will help to mitigate the view from the streets.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

Mr. Krey asked Mr. Gray how often his power goes out.

Mr. Gray responded that it goes out approximately 2-3 times per year.

ACTION:

Motion by Gerald Drinkard, seconded by Ryan Mills to approve Appeal No. 3 as written, with the following condition:

1. Landscaping on the north and east sides of the generator, to hide view from both streets

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

MOTION CARRIED

Appeal No. 4

Mary Mokka
Residential Single-Family

Applicant requests a variance of 8" to allow a 6'8" tall fence located at 8342 Kimberly Drive.

Town Code Reference:
§101-3(B)

DISCUSSION:

Jake Prentice with the Vinyl Outlet was present to represent the applicant.

Mr. Bengart stated that a letter has submitted from Mrs. Mokka granting Mr. Prentice permission to speak on her behalf. This letter will be placed in the project file.

Mr. Prentice explained that the Vinyl Outlet installed a fence along Mrs. Mokka’s rear property, extending the length of the property line. The fence continues to go straight on the ground, and they had to dig the fence approximately 4 inches in to the ground on the right side. Over time the fence became approximately 10 inches off the ground at the far corner of the property.

There were previously bushes located in this area, which were removed up to the neighbor’s property. The neighbor has bushes that are approximately 8-10 ft. high throughout their entire property.

Mr. Prentice noted that the ground is higher in a portion of the rear yard,

Mr. Prentice noted that the fence is barely visible from the road, it is aesthetically pleasing having it even across rather than staggered, due to the grading of the ground.

Mr. McNamara understands wanting the fence to be even and not staggered, it does look very nice and he does understand the reasoning behind it with the grading and tree on the property.

Mr. Krey asked when it was discovered that the fence would be inches over what is allowed by code.

Mr. Prentice explained that during installation, the foreman on the job reviewed it with the resident / customer and how they wanted to proceed. The problem is, where the tree is located is high ground, the area can not be dug out because then you deal with the structure of the tree. The grade of the ground is 6 inches higher at that point to down level it.

Chairman Mills asked about the filler elements under the fencing.

Mr. Prentice stated that the homeowner hired someone to put patio stones underneath the fencing to fill the gap. There have been previous issues with water and soil erosion, and with the insertion of the patio stones as fillers, this issue has since ceased. It also eliminates any children coming under the fencing, which is an issue in the area.

Chairman Mills asked Mr. Prentice if the Vinyl Outlet provided the patio stones.

Mr. Prentice responded no; the homeowner purchased them separately. They are waiting to see if the variance would be approved before having the stones fully secured.

Chairman Mills asked if the Vinyl Outlet would be able to offer an alternative solution to the patio stones, such as another strip of vinyl.

Mr. Prentice noted that he doesn't believe it would be visually appealing to add any vinyl. The stones contour with the surroundings and blends in. The fence warranty is through a 3rd party, and Mr. Prentice does not want to risk voiding the warranty by possibly damaging the bottom of the fence in any way.

Mr. Skaine asked out of 100 ft., what is the length of the variance request.

Mr. Prentice responded that it is approximately 52 ft. of the fence.

Mr. Drinkard stated it is a nice fence, on a very wooded lot with high hedges that can not be easily seen by the street.

Mr. Prentice noted that the homeowner does not plan to add any other fencing on the property.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Raymond Skaine, seconded by Richard McNamara to **approve** Appeal No. 4 as written.

ON THE QUESTION:

Chairman Mills stated that due to the unique nature of this request, and the fence being located solely across the rear yard and the natural contour of the property partially due to the location of the tree and sloping, as well as it not being viewed from the street this does not appear to impact the character or environmental condition of the neighborhood

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

MOTION CARRIED**Appeal No. 5**

Richard Friedman
Residential Single-Family

Town Code Reference:

1. §229-55(H)
2. §229-55(H)
3. §229-55(F)

Applicant requests variances:

1. to allow a secondary detached garage (pole barn); and
2. of 664 sq. ft. to allow an 864 sq. ft. detached accessory structure (pole barn); and
3. to allow an accessory structure greater than 400 sq. ft. to use materials different from the principal structure;

located at 5160 Elmcroft Court.

DISCUSSION:

Mr. Friedman was present to represent his request and answer any questions, explaining that the existing barn located on the property is dilapidated. Mr. Friedman explained that he would like to tear down the current structure and replace it with a larger one that he would use to store his lawn equipment and tractor attachments as well as outdoor furniture etc. He has been renting a garage for storage, and would like to eliminate having to do that, and would like to utilize his garage for his wife's vehicle.

Mrs. Burkard stated her concern of the proximity of the proposed barn to the house, and asked Mr. Friedman if it is necessary to include the overhang on the proposed structure as planned.

Mr. Friedman noted that he has the structures placed closer together because he likes to do smoking, which can't be done inside the house due to the excessive smoke. It is difficult to stand outside because he gets wet and cold.

Mrs. Burkard asked if the proposed structure will be visible from the street, especially since Mr. Friedman noted that the proposed barn will be a darker color than what the house is.

Mr. Friedman explained that if you go to the road and down to the side street there is a small possibility that it may be visible, but not easily.

Noting the size of the lot, Mrs. Burkard asked if there is another location on the property that Mr. Friedman can place the proposed barn.

Mr. Friedman responded that he could move it over a little bit behind his house, to completely assure that it can't be seen from the street. He would prefer to keep it where it is and tight to the garden so as to not intrude on his neighbor.

Mrs. Burkard asked if there are any other pole barns in the neighborhood.

Mr. Friedman responded not pole barns, there are barns but he is unsure if they sit on concrete pads. He can think of 2 in close proximity to him.

Mrs. Burkard asked if everything in Mr. Friedman's yard will be stored in the proposed pole barn.

Mr. Friedman responded yes, that is his intention.

Mr. McNamara noted that the proposed structure will be behind the house, and not easily seen from the road or front of the house.

Mr. McNamara asked if a concrete floor will be poured.

Mr. Friedman responded no; he is planning to use crushed stone.

Mr. Krey asked Mr. Friedman what the square footage of his home is.

Mr. Friedman responded that he is unsure, but believes it is a couple thousand.

Mr. Krey explained that typically with a bigger accessory structure, it blends in on the property when there is a home of a larger size.

Mr. Skaine commented that he is pleased to know that the existing accessory structure currently on the property will be removed.

Mr. Drinkard stated that the total square footage of the whole proposed structure is 864 sq. ft. with 288 ft. under the roof. Mr. Drinkard noted that the only purpose for the additional space under the roof is for coverage when Mr. Friedman is cooking.

Mr. Drinkard noted that if Mr. Friedman requested the base of 664 sq. ft. and omitted the additional 200 ft. of covered roof, he would eliminate the need for one of the variances.

Mr. Drinkard reiterated the code for the Residential Single-Family zone where Mr. Friedman lives, noting that the materials will differ from the primary structure. If the footprint of the proposed structure could be minimized as has been previously suggested, the colors would be more subtle.

Mr. Drinkard noted that he is concerned that the materials will not be the same.

Mr. Friedman responded that it is his understand the contractor needs to install a backing that the siding can be nailed to.

Mr. Drinkard asked Mr. Friedman if he would consider reducing the size of the proposed structure by removing the roof, so that one of the variances would not be required.

Mr. Friedman asked if rather than remove the entire extended roof, if he could keep a smaller section. While storage is his main issue, he would like to have some covered space to sit and use his fryer so that he doesn't need to use it in the house or the structure, where it is a fire hazard. It would also keep him out of the elements and keep him dry.

Mr. Drinkard asked Mr. Friedman if he would consider removing the covered roof a condition of approval.

Mr. Friedman responded that he would really, really like to have an 8 ft. roof coming off so that he can sit under it to use his fryer and stay dry.

Mr. McNamara noted that even if Mr. Friedman removes the covered roof, he would still have the same amount of siding, that would not change. In his opinion, a darker color would blend and disappear more than a white structure of siding.

Mr. Skaine pointed out that there are no neighbors to either side of Mr. Friedman, therefore nobody would have to see it, and it can not be seen from the street.

Chairman Mills asked Mr. Friedman if he has any intentions of running a business out of the proposed structure.

Mr. Friedman responded no, and it would not be an issue if it was a condition of the variance.

Chairman Mills asked Mr. Friedman if he has intentions of putting any landscaping around the proposed structure.

Mr. Friedman stated that he hadn't planned to, the only person that would see the landscaping is him. He has a fairly large size garden on one side of the proposed structure, and there is not anything on the other side.

Chairman Mills asked Mr. Friedman if they approved the covered porch on half of the proposed structure, would that give him enough room to do his smoking.

Mr. Friedman responded yes.

Mr. McNamara reiterated that the proposed pole barn would be located behind the house where it would not be seen.

Chairman Mills asked Mr. Friedman if he plans to install any utilities.

Mr. Friedman responded no; he'd like to put a battery with 12 v. lights out there for lighting.

Chairman Mills asked what size the property is.

Mr. Friedman responded that it is .75 acre.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

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

- 1. no business is to be conducted out of the building

ON THE QUESTION:

Chairman Mills noted that for a neighborhood parcel, it is a good size parcel with plenty of natural foliage to obstruct the view from neighbors. Additionally, the placement will mitigate the view from the street. The older structure currently on the property will be removed. Chairman Mills does not feel this proposed structure will adversely affect the character of the neighborhood or the environmental conditions of the neighborhood.

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

MOTION CARRIED

Appeal No. 6

Felice & Rev. William Blackford
Residential Single-Family

Applicant requests a variance of 8' to allow a 37' rear yard setback located at 4186 Susan Drive.

Town Code Reference:
§229-52(C)

Mr. McNamara recused himself from Appeal No. 6. The proper paperwork has been filed with the Town Clerk's Office.

DISCUSSION:

Architect Tommaso Briatico with Tommaso Briatico Architects was present to represent this project on behalf of the applicants.

Mr. Briatico explained that they are building an addition to the back of the house and removing the existing family room. Mr. Blackford's elderly grandmother lives with them, and they would like to build a handicapped facility for her to meet her needs.

Mr. Briatico stated that they would like to do an addition that is seamless with the house, and will not be noticeable from the street view or to the neighborhood. The materials on the proposed addition will match those of the existing home, and they will be repairing the existing roof as well.

Mr. Briatico noted that they plan to bring the house up to today's standards, and making a tremendous investment in to the home.

Mr. Krey asked Mr. Briatico if other options were explored that would not require the need for a variance.

Mr. Briatico responded yes, they considered making it a two-story home but the existing family home already encroaches in to the 45' setback requirement. Technically they only requesting a 5' setback, as the remainder has been there since the house was built. They have looked at other alternatives, but with keeping in the characteristics of the house and neighborhood, they want to keep it in its original character and integrity.

Mr. Krey noted that in terms of the home being multi-generational, he understands that having a second story would not be feasible.

Mrs. Burkard asked what the square footage of the present house is, and what will it be after the addition.

Mr. Briatico responded that the home is approximately 2,400-2,500 sq. ft. and after the addition, it will be approximately 3,100-3,200 sq. ft.

Mrs. Burkard asked if there is a size restriction for the size of the lot.

Mr. Briatico responded no, there is plenty of room and there are homes in the neighborhood that are bigger than what this one will be with the proposed addition.

Mrs. Burkard asked if there is a septic system on the property, and if there are any restrictions on that.

Mr. Briatico responded yes, it is septic and no, they currently have 3 bedrooms and when they are finished it will still be 3 bedrooms, they will be more like suites than bedrooms.

Mr. Skaine asked about the roof transition, and how the existing roof will be tied in with the roof on the proposed addition.

Mr. Briatico responded, stating that there is an existing Hip Roof, they will put in a new ridge and maintain the same slope and the same geometry in the front and sides. In the back it will have a Hip Roof where everything will tie in together. They will repair the front of the roof as well.

Mr. Skaine stated that when he spoke with the applicant, he indicated that there will not be brick all the way around the proposed addition to match the existing house. That the back will be regular board.

Mr. Briatico noted that they plan to brick all around but then possibly painting the brick in the back. Mr. Briatico does not like to have a multitude of materials, if need be, they would paint it to match.

Mr. Drinkard noted an observation that from the street this house is very wide and any changes made to the back of the house will not be seen from the street. The sides are highly wooded which mitigates the views from the sides as well.

Mr. Briatico agreed with Mr. Drinkard, adding that if he thought it would hinder the neighborhood or views of the house in any way, he would not be seeking a variance to do it.

Chairman Mills clarified that the material used will be brick.

Mr. Briatico responded that is their design – it is already brick, there is no reason to change it.

Chairman Mills confirmed that the bathroom located at the front of the house will be servicing the front bedroom.

Mr. Briatico responded yes.

Chairman Mills asked if there is a better way to deal with the rear roof line. Correspondence was received from the neighbor located behind the applicant, voicing their concern about the roof line.

Mr. Briatico explained that the current roof is a Hip Roof but when the proposed addition is complete, there will not be any visual difference, it will blend seamlessly. It will be the same type of roof design, identical to what is there currently.

Neighbor Notifications were sent, comment was received via email from the following:

1. Paul Kazmierczak of 4175 and 4195 Clardon – stated that he prefers the new roof style remains consistent with the present roof style with a shingle view and not a new gable sided peak view.

Mr. Briatico responded to the neighbor’s correspondence stating that it is exactly what they are planning to do.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Raymond Skaine to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Mr. Krey noted that the benefits to the applicant outweigh any potential changes to the neighborhood. As discussed, Mr. Krey stated that there is no indication that the addition will be visible from the street. It will blend in well with the neighborhood, and greatly increase the value of the home.

Chairman Mills noted that the existing family room already expands out a bit, so the effective variance across the entirety of the back is less.

Patricia Burkard	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Aye	Gerald Drinkard	Aye		

MOTION CARRIED

Mr. McNamara returned to the dais.

Appeal No. 7

Joseph Pandolfino
Planned Unit Residential Development

Town Code Reference:
§229-55(B)

Applicant requests a variance to allow a detached accessory structure (emergency generator) to be located within the front yard setback at 5036 Shale Bluff Court.

DISCUSSION:

Mr. Pandolfino was present to represent his request, adding that he is requesting to add a generator to the front corner of his house. He chose a dark green color that blends in with the brick on his house. It is in a right-angle nook, fitting in perfectly and barely visible from the street or front of the house, as opposed to putting it on the side of the house where it would be more visible.

Mr. Skaine asked if the generator is already hooked up, as it appears to be.

Mr. Pandolfino responded no; it is not. It is placed in the requested location and the wiring is out, but it is not hooked up.

Mr. Skaine asked if the gas is hooked up.

Mr. Pandolfino consulted with his representative from Capital Heat, who responded yes, it is.

Mr. Skaine asked if a permit has been obtained from the Town of Clarence to install this generator.

Richard Laettner, owner of Capital Heat was present to assist with Mr. Pandolfino's variance request.

Mr. Laettner explained that they applied for the permit two weeks ahead of time and after not receiving a notice to not continue, they set the generator in place. The Town then told them to stop installing it, at which point they ceased installation.

Mr. Drinkard stated that he originally thought that the generator had already been installed, but after consulting with Mr. Bleuer in the Planning and Zoning Department, he learned that there is an email stating that the generator is installed but not hooked up or working.

Mr. Drinkard asked if it would be cost prohibitive to install the generator in the back yard.

Mr. Laettner responded that it is not able to be located in the backyard because it would not be accessible between the patio and there is no basement underneath the pool. The only place to install it is on the right side, and it has to be a certain distance away from a window or a vent, which would push it in to the yard making it more visible. The location that they are requesting is much more hidden and keeps the generator out of sight.

Mr. Drinkard noted that it is located where Mr. Pandolfino is requesting because there are areas on the property where it can not be installed rather than being hidden as it is now.

Discussion continued regarding other locations the generator could be installed and the reasons why it wouldn't work.

Mr. Krey asked if the generator is loud, or has any noise-lessening features to reduce the noise.

Mr. Laettner responded that it is 55 decibels.

Mr. McNamara asked if there are any concerns with it being too close to the house and bushes having it located in the corner as they are requesting.

Mr. McNamara stated that the bushes and greenery around the generator will also help muffle any potential sound that may come from the generator, if any at all.

Mrs. Burkard agreed that the bushes and newly planted shrubbery will mitigate the view of the generator.

Chairman Mills noted that they have already discussed the other areas that it would not be possible to install the generator, but was the northern side considered.

Mr. Laettner responded that the northern side is the driveway side that has cement and an air conditioning unit right near the man-door to the garage. The northern side has no spot to put it.

Chairman Mills noted that the applicant did consider the entire house and any other potential options before considering the current proposed location.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

Mr. Skaine asked if the permit has been received from the Town for the generator.

Mr. Laettner responded that it was filed week ago.

Mr. Drinkard noted that the permit cannot be given until the variance is approved.

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to **approve** Appeal No. 7 as written.

ON THE QUESTION:

Mr. Krey stated that as the applicant explained, there is not another feasible spot for the generator to be placed. Also, the shape of the house and placement of the generator recessed down and behind landscaping gives it an obstructed view. Additionally, the noise will not be an issue either as explained by Mr. Laettner.

Chairman Mills echoed Mr. Krey's comments that this is a unique situation placing the generator in the front, but it is also a unique design in which there are no windows in the area, it is at a corner right-angle and heavily landscaped to mitigate the view from neighbors and the street.

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

MOTION CARRIED

Meeting adjourned at 6:48 p.m. with a motion by Raymond Skaine.

MOTION CARRIED

Amy Major
Senior Clerk Typist