

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, April 9, 2024

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

Zoning Board of Appeals members present:

Chairman Ryan Mills	Patrick Krey (arrived late)	Raymond Skaine
Richard McNamara	Gerald Drinkard	

Zoning Board of Appeals members absent: Patricia Burkard

Town Officials present:

Director of Community Development Jonathan Bleuer	Deputy Town Attorney Steven Bengart	Councilman Paul Shear
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Other Interested Parties:

Kathy Meacham	Dave Meacham	William Degroat	Pete Kruszynski	Karen Bienko
Kevin Waterman	Heather Waterman	Keith Langlotz	Chris Lavocat	Dominick Farbo
Doug Cippilone				

Motion by Gerald Drinkard, seconded by Raymond Skaine, to **approve** the minutes of the meeting held on March 12, 2024.

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Kevin & Heather Waterman
Agricultural Rural Residential

Applicant requests a variance to allow a 175' front yard setback located at 10020 Keller Road.

Town Code Reference:
§229-41(A)

DISCUSSION:

Heather and Kevin Waterman were present to represent their request, explaining that one of the reasons they purchased the property is because of the view of the tree lots of Jurek Farms. They would like to

leave that all treed, and they would like to be at the top of the elevations, past the peak. This will also give them ample acreage in the front yard.

Mr. Drinkard stated that he walked the lot, taking note of the stakes that were placed to indicate where the proposed house will be built.

Mr. Drinkard confirmed that the stakes show where the house will go.

Mrs. Waterman responded yes, and that the front stakes show where the garage will begin.

Referring to the 175' setback that the applicant is requesting, Mr. Drinkard noted that the houses on either side of the applicant's property are set back even further. In the context of the neighborhood, the 175' setback request is not out of character.

Referring to the conditions that the Planning Board placed on this project at the March 6, 2024 meeting, Mr. Drinkard confirmed that they heard, understood, and agreed to the conditions.

Mrs. Waterman responded yes, they did.

Mr. Skaine asked what the dirt was in the front of the property, as he was unable to get over it.

Mrs. Waterman responded that it is from the neighbor.

Doug Cippilone explained that the dirt came from the ditch on Keller Road. The previous owner placed the dirt there to create a berm.

Chairman Mills asked if the residence will be constructed according to the architectural drawings that were submitted as part of the application packet.

Mrs. Waterman responded yes.

Chairman Mills noted that the plans they have are from January, 2024.

Mrs. Waterman responded that there is an updated set from March, 2024 that includes a man-door on the right-hand side (as you are looking at the property).

Chairman Mills stated that the plans he has show just one door to the main house on the in-law side.

Mrs. Waterman responded that is the correct version then.

Chairman Mills asked if the vinyl lap siding is what will be used for the front façade.

Mr. Cippilone responded yes.

In regards to landscaping, Chairman Mills asked if they intend to have a berm in front of the house.

Mrs. Waterman stated that they do plan to keep the berm and tree it as well. She'd like to use Forsythia and Dogwood as well as evergreens.

Chairman Mills asked when they will plant the trees on the berm.

Mrs. Waterman responded as soon as they are allowed to.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Raymond Skaine, seconded by Patrick Krey to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Drinkard stated that he did ask the applicant if they agree with the conditions that were placed by the Planning Board, and the applicant confirmed that they have agreed to the conditions set at the March 6, 2024 Planning Board meeting.

Mr. Bleuer noted that this item has a Public Hearing in front of the Town Board scheduled for April 24, 2024 to consider a Special Exception Use Permit for a secondary living unit.

Chairman Mills noted that while this is a large setback, the other setbacks in the area of Keller Road are setback either equally or further back, and would not adversely affect the impact of the character or environmental conditions of the neighborhood.

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

MOTION CARRIED

Appeal No. 2

Capital Heat Inc.
Residential Single-Family

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 located at 4222 Susan Drive.

DISCUSSION:

William Degroat with Capital Heat was present to represent this item, stating the that generator permit was given, the generator was installed, and failed upon inspection due in part to the location, therefore they are seeking a location variance.

He knows there were some other changes that need to be made, this is not the only reason it failed.

Mr. McNamara clarified that a permit was given for the generator, and the original application showed the intended location of the generator.

Mr. Krey confirmed that the homeowner has given consent for Mr. Degroat to represent him and speak on their behalf.

Mr. Bleuer responded that we do have owner authorization to allow Capital Heat to represent the matter.

Mr. Krey asked if there has been consideration to place any landscaping around the generator to mitigate the street view. Part of the concern is that because this is a corner lot, it is more exposed and landscaping will help to blend it in.

Mr. Degroat stated that he does not have an answer for that, but he can get one. He had asked the homeowner to accompany him to this meeting, but he was unable to.

Mr. Krey explained that the problem will be if the board places any conditions such as landscaping, and Mr. Degroat is unable to agree on behalf of the homeowner, this request may need to be tabled until the homeowner is able to attend.

Chairman Mills agreed with Mr. Krey, stating that this is a variance to be within a front yard setback with a strong visual field of the generator from the street view. He would also like to see some landscaping for sight mitigation. If this is something that the homeowner needs to agree to, Mr. Degroat may want to request that this variance is tabled until the homeowner can be consulted or in attendance.

Referring to the generator being too close to the PVC piping as Mr. Degroat mentioned, Chairman Mills asked if they will be moving the generator further out from that.

Mr. Degroat noted that they are within 8 inches too close to the PVC pipes and furnace exhaust, so they need to move the generator out just to get the clearance from the PVC pipes.

Mr. Drinkard referred to the landscaping that was previously mentioned, and stated that the landscaping on either side is suitable, what the board would like to see is additional landscaping at the front of the generator to mitigate the view from the street.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

Chairman Mills explained to Mr. Degroat that after hearing the general sentiments of the board, he can request that they vote to either approve or deny the variance, or he may request to table this variance and return to the board either with the homeowner, or with the ability to agree to conditions.

Mr. Degroat stated that the homeowner had received a 30-day notification to have everything resolved and cleaned up before receiving a fine.

Mr. Bleuer explained that one option Mr. Degroat can consider tonight is to take on the responsibility as the company to agree to install the necessary plantings, either Boxwood or similar, and pass that on to the customer if they are willing.

If the customer is not willing, Mr. Bleuer stated that a deferment from the Building Department could be requested, to attend a future meeting.

It would entail Capital Heat taking on the responsibility of planting Boxwood or similar, if the homeowner is not willing to do it.

Mr. Degroat stated that Capital Heat is willing to take on the responsibility if the homeowner declines.

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to **approve** Appeal No. 2 as written, with the following conditions:

1. planting Boxwood or similar in front of the generator on the east side, similar in height to the generator

Mr. Bengart confirmed that Capital Heat assumes responsibility financially and otherwise.

Mr. Degroat agreed.

ON THE QUESTION:

Mr. Krey stated that while typically they would not approve a request like this, the landscaping will mitigate the issues with it being a detriment to nearby properties and the neighborhood.

Mr. Krey noted the potential for issues with ventilation and spacing, so when the landscaping is planted, to keep that in mind.

Mr. Degroat stated that there is a 3 ft. clearance requirement.

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

MOTION CARRIED

Appeal No. 3

Diroll Farms, LLC.
Agricultural Rural Residential

Applicant requests a variance of 125' to allow a lot frontage of 25' located at 6510 Salt Road, on the east side of Salt Road.

Town Code Reference:
§229-40(A)

DISCUSSION:

Peter Kruszynski of 6485 Salt Road and Karen Bienko of 6495 were present to represent this request.

Mr. Kruszynski noted that this parcel is unique in that there is only 25' of frontage, with approximately 13 acres behind it and is owned by their corporate entity. It is complicated because one of the owners resides out of town and is one of the reasons that they made it an LLC.

Additionally, Mr. Kruszynski stated that because they lease the property to farmers, they wanted to ensure their protection in case there were any situations that occur.

Mr. Kruszynski explained that they were in the process of selling 66 acres of land across the street which was the main parcel, to Chris Lavocat.

Mr. Skaine asked for clarification of the request.

Mr. Kruszynski reviewed and stated that they need access for the farmers that utilize the land to get back to the back fields.

Chairman Mills asked what the end goal of the lot is.

Mr. Kruszynski responded that they do not know, they are unsure. The portion of the original farm property has the house that his mom built with 100' of frontage, he built a house with 100' of frontage, his sister built a house for 125' of frontage and they came to the Zoning Board for a variance for his son to put his house on the same side of the road. This leaves the 25' of the original property, and they are looking to have access to the back property. He does not know what they will do in the future, it depends on what he and his siblings decide.

Chairman Mills confirmed with Mr. Bleuer that this is a non-conforming parcel, and this variance request will bring it in to conformity.

Mr. Bleuer responded, stating that if granted, this will become one buildable lot. Additionally, should the owner choose to sell or build on it, would require a variance for setback because you cannot build within the 25'.

Chairman Mills noted that at this time, the applicant does not have any plans to build on it.

Mr. Kruszynski stated that they would like to keep the property behind their homes as it is, with having individual protection by the LLC in case there is an accident on the property.

Chairman Mills asked Mr. Bleuer if the transfer of the LLC is what triggered this variance request.

Mr. Bleuer explained no, it is not. The LLC comment was the fact of a variance being needed. They had originally considered merging this in to a family member's property and it would not have required a variance. With a different ownership, the merge was impossible so as a separate entity, it has to remain its own lot. The Planning Board considered a minor subdivision action on the other side of the street, which resulted in this requiring a variance.

Regarding the 25' access, Mr. Drinkard asked if they could potentially lease or sell it to someone for farming.

Mr. Kruszynski responded that they do currently.

Mr. Drinkard asked Mr. Bleuer about the law §229-8 (D) lot standards asking if ultimately, they would be giving this variance for commercial use and not residential.

Mr. Bleuer noted that the 36' requirement is associated with the minimum standard for a private drive to a development. This lot would not be able to be developed beyond a single driveway for a home, should the Zoning Board choose to approve it.

Mr. Drinkard stated that the variance request and supporting documents are all very nice.

Mr. Drinkard confirmed that anything on the west side of Salt Road has nothing to do with tonight's variance.

Mr. Kruszynski stated that the sale of the property on the west side of Salt is what initiated this variance request. The 25' has been there for a number of years, but was not an issue because of the property across the street. Since they are now in the process of selling that parcel to Mr. Lavocat, it kicks this in to play because there is only 25'.

Mr. Krey explained that when variance requests like these come before the Zoning Board, they have to look at the zoning laws, and the applicant's intent. From a practical perspective, the applicant is already utilizing this lot for farming purposes and that will not change.

Mr. Kruszynski stated that it will not change, but they were told that a variance would be needed in order to keep it as it is.

Mr. Krey stated that in terms of a lot like this being used as a buildable lot with a home on it, anyone that would purchase the property to do that would need to return to the Zoning Board to apply for another variance in order to get a variance for a setback.

Chairman Mills asked how long the family has owned this parcel.

Mr. Kruszynski stated it has been since approximately 1945. They transferred it to an LLC after his mom passed away, because his brother lives out of town, and for protection of their individual personal assets. This is what is left of the property.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Raymond Skaine to **approve** Appeal No. 3 as written.

ON THE QUESTION:

Mr. Krey stated that nothing is changing aside from the legality of the lot, and any future potential building on the lot would require a variance for a setback.

Mr. Krey does not believe this will have any undesirable impact on the neighborhood.

Chairman Mills noted that the applicants have demonstrated on the record a very long family history of owning this parcel, and to be able to utilize it in the way that they are for farm use.

Any further modifications to the lot would need to return to the Zoning Board for any further modifications to make this a buildable lot, at least for a setback variance.

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

MOTION CARRIED

Appeal No. 4

David Meacham
Residential Single-Family

Town Code Reference:

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

Applicant requests variances:

1. of 304 sq. ft. to allow a 504 sq. ft. detached accessory structure; and
2. of 1' to allow a 17' tall detached accessory structure; and
3. to allow an accessory structure greater than 400 sq. ft. to use materials different from the principal structure;

located at 4510 Harris Hill Road.

DISCUSSION:

David and Kathy Meacham were present to represent their request. Mrs. Meacham explained that their property is landlocked in their neighborhood, leading them to believe this proposed structure will not have any impact in their neighborhood. She also stated that their neighbors on each side are in full support of this proposed structure, and they have no neighbors in the rear of their property.

Mrs. Meacham added that there are large trees blocking on the south side of the property, blocking the view of the building. Additionally on the north side of the building, there is a row of large pine trees that have been there for at least 50 years.

Mrs. Meacham continued to explain the layout of their property as depicted on their supporting documents. Because of the size of their RV, the structure is 504 sq. ft., it is a bit big, therefore they are requesting the 304 sq. ft. variance. Their RV is 17' tall, this would allow the RV to fit in to the structure, with the 1' variance.

Describing the structure, Mrs. Meacham explained that the structure is made of steel, has a gravel base, will have steel siding, has no doors or windows, and will not have any utilities hooked up to the building.

Mr. Meacham reiterated that it is a 3-sided building, just enough to get the RV in and out of the structure. They are doing the best that they can to match the steel color to match the house and the garage.

Mr. McNamara noted that the Meacham's have begun construction of the structure, before obtaining a building permit.

Mr. Meacham responded yes.

Mr. McNamara asked why that happened.

Mr. Meacham responded that he was originally told he did not need a building permit, so they began construction. Then their contractor began construction and did not have it right, it was not constructing properly.

Mr. Meacham explained that they have lived in Clarence a long time, and decided it was time to call the Building Department, who then referred him to the Planning Department and the Zoning Board.

Referring to the second variance request for an additional 1 ft. to give them 17 ft., Mr. McNamara noted that in 2017 Mr. Meacham received a variance for 17 ft. for a different structure on the property.

Mr. Meacham responded yes, for the garage.

Mr. McNamara confirmed that the structure will be 3-sided, the back will remain open.

Mr. Meacham responded yes.

Mr. McNamara asked if any thought has been given to putting any landscaping in around the structure.

Mr. Meacham stated that he was considering something that does not grow crazy, along the lines of Arborvitae or similar, especially on the north side. There will be gravel on the other sides.

Mrs. Meacham stated that she does not want that to be a condition, because their yard is so crowded, and as she previously stated, they have 4 large trees on the south side of their property, with a row of pine trees along the opposite side that they share with the neighbors.

Mrs. Meacham does not think it needs a row of Arborvitae or anything else, and does not want to see that as part of the approval. You cannot see the structure from the road.

Mr. McNamara stated that from the road is one view, but the neighbor's view is another.

Mr. Krey asked how they would get the RV in to the structure, will a they need to put in a path or anything similar.

Mr. Meacham responded that they can drive it right through their yard, no path is needed. Mr. Meacham explained that there has been a pad there for several years, and they are building the structure right on the existing pad.

Chairman Mills stated that while he understands the point of view that the structure will be obstructed by the garage from the view from Harris Hill Road, but having visited the site, there are views from Ericson Drive.

Chairman Mills explained that the Zoning Board does not take just the current homeowners in to consideration, but how it may affect future homeowners as well. He does have a concern with those views, and the aesthetics of them from Ericson Drive.

Chairman Mills pointed out that they already have a large accessory structure on the property.

Chairman Mills asked the Meacham's if they have explored any other options in terms of storing their RV.

Mr. Meacham explained that they previously stored it at a storage facility in Akron, but are no longer doing that.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

Mr. Drinkard stated that when he visited the property and chatted with the applicant, he saw that the existing structure, Mr. Meacham assured Mr. Drinkard that the roof will blend in with house, and the siding will be relatively the same color as the house.

Chairman Mills confirmed that the house and garage both have vinyl siding, and the proposed structure will be an all-steel building. The new structure will be a similar color, but a different material.

Mr. Meacham explained that the color will be the closest that he can get. The roof will be a copper color metal and match the house roof.

ACTION:

Motion by Gerald Drinkard, seconded by Raymond Skaine, to **approve** Appeal No. 4 as written.

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

MOTION CARRIED

Appeal No. 5

Keith Langlotz
Agricultural Rural Residential

Applicant requests a variance of 15' to allow a 10' rear yard setback for a detached accessory structure (pole barn) located at 4349 Autumn Trail.

Town Code Reference:
§229-44(F)(3)

DISCUSSION:

Mr. Langlotz was present to represent his request, explaining that if he sets the proposed structure back further on his property, it would allow him to set it back farther from his neighbor to the south. This requested location will also place the proposed structure further away from the street.

Additionally, Mr. Langlotz submitted plans for his proposed structure, stating that he did not have them at the time he submitted the paperwork for this variance request.

Chairman Mills noted that Mr. Langlotz submitted architectural drawings to the Board.

Mr. Langlotz stated that he attempted to find an image online that resembles what he is proposing. It will have two garage doors facing towards the west, an awning overhangs on the left. The size of the proposed

structure is 30'x40', with the lower half of the proposed structure a dark grey and the upper half light grey.

Mr. Langlotz stated that they plan to either re-side or re-paint the house to match this proposed structure.

Mr. Langlotz explained that this proposed structure is going to replace the two existing structures that are on the property. Once the proposed structure is constructed, the other two will be demolished.

Mr. Drinkard noted that Mr. Langlotz is putting up a much larger structure, but will be removing two smaller structures.

Mr. Drinkard asked what the area is behind Mr. Langlotz's property.

Mr. Langlotz stated that immediately east and south of him is a drainage easement that he believes the Town of Clarence owns. Directly behind that are the homes on Tillman Road, with the lots that abut to the drainage easement. His closest neighbor in that direction is more than 1,000 ft. from his property.

Mr. Drinkard asked Mr. Langlotz if he has considered moving the proposed structure over and not needing a variance.

Mr. Langlotz responded that he is requesting a rear setback variance so that he can keep it away from the residence next door, as well as the street.

Mr. Drinkard asked Mr. Lanlotz if he's considered moving the proposed structure up closer to his house so that he doesn't need a variance for a rear setback.

Mr. Langlotz explained that if he were to do that, he would be closer to his neighbor.

Mr. Skaine stated that his concern was that the other two structures were not going to be removed. He feels that Mr. Langlotz has plenty of the space in the back, and will not affect anyone directly. He would like the two existing structures removed as soon as possible.

Chairman Mills asked if a condition of approval was made stating that the other two structures are to be removed after a certain time period of the proposed structure being built, would Mr. Langlotz agree to that.

Mr. Langlotz responded yes.

Chairman Mills noted that in terms of materials, and what the proposed structure will look like, Mr. Langlotz has submitted a document titled "Bowman" which is entered as Exhibit A. This depiction shows two grey metal overhead doors on the front of the proposed structure, a metal roof and a covered side area.

Mr. Langlotz responded yes.

Chairman Mills stated that while Mr. Langlotz could place this proposed structure up further on his property and negate the need for a variance, he has chosen to set it back farther, thus requiring a variance. This is due to the sight lines for his neighbor at 4345 Autumn Trail.

Mr. Krey asked for clarification as to what is directly behind Mr. Langlotz's property.

Mr. Langlotz explained that the shape of his lot is abnormal, but immediately behind him to the southeast is a neighbor's property, then there is a piece that abuts up to the 75' drainage easement that he believes is owned by the Town of Clarence.

Mr. Drinkard asked Mr. Langlotz if he plans to run a business out of his proposed structure.

Mr. Langlotz responded no.

Chairman Mills asked if that was made a condition of the variance approval, would Mr. Langlotz agree to that.

Mr. Langlotz responded yes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills to **approve** Appeal No. 5 as written, with the following conditions:

1. no business is to be run from the structure
2. the two existing structures are to be removed upon receiving the Certificate of Occupancy (C/O) for the pole barn

ON THE QUESTION:

Mr. Krey explained that the difference between this request and others that have come before them is that setting the proposed structure further back on the property is better for the neighbor and the south side of the property is primarily wooded.

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

MOTION CARRIED

Appeal No. 6

Paul & Jacquelyn Blonski
Agricultural Rural Residential

Applicant requests a variance of 10' to allow a 52' front yard setback located at 10743 Jones Road.

Town Code Reference:
§229-41(A)

DISCUSSION:

Jacquelyn Blonski was present to represent her request, explaining that they would like to build a porch on to their house, and due to a poor design, is now leaking. They have already spent a lot of time and money attempting to fix their current porch, and after seeking professional advice, are now going to have a new porch built.

Mrs. Blonski continued, stating that due to the front yard setback, the proposed porch would extend 10' in to the front yard setback.

Chairman Mills noted that Mrs. Blonski provided some architectural drawings to the Board.

Mr. McNamara stated that after visiting the site and seeing the plans, he does not see any issues or problems with this proposed front porch.

Mr. Krey stated that the porch itself will not have any siding, then asked if there will be any siding on the peak over the doors.

Mrs. Blonski explained that there is currently brick on the center piece that will be removed to avoid any potential issues above the roof line. They will have vertical siding installed that matches the existing siding.

Mr. Krey asked if they made it a condition of approval that the siding is to match the existing siding as closely as possible, would Mrs. Blonski be in agreement with that.

Mrs. Blonski explained that the style that they have offers a lot of options, and she may want to slightly alter it, yet complement the existing siding, therefore she is unsure she wants to commit to matching the existing siding.

Chairman Mills noted that looking at their current façade in comparison with the architectural drawings that were submitted of the proposed porch, there will be the screened in porch area to the left. Chairman Mills clarified that the stone will be removed from the center portion.

Mrs. Blonski noted that the stone will stay below the roof line, because it will be protected by the roof. Mrs. Blonski added that due to questionable brick placement, the area above the roof line will be replaced.

Chairman Mills clarified that water is infiltrating the second-floor area of stone.

Mrs. Blonski stated that it's actually between the window and the door. They had a leak test conducted, and a portion of the problem has been identified, while it's been agreed upon that the remaining portion which is the cricket in the gable is due to poor design. They believe that the water is running down from the top of the roof in to the gable, and then basically pouring in to their house.

Mrs. Blonski stated that she and her husband have put extensive time, money, and effort in to having this fixed, and they are continuously dealing with this problem.

Mrs. Blonski stated that they have not yet determined whether the proposed porch will be partially screened in or left open, as it will depend on the cost of the project.

Chairman Mills asked if there is any scenario where this will be a finished living space.

Mrs. Blonski responded no.

Mr. Skaine stated that he understands what is being done.

Mr. Drinkard noted that the Blonski's are next to a huge berm. The houses all along the street all differ, so any changes will not stand out or be a detriment to the neighborhood.

Mr. Drinkard asked if the leakage was only in the winter.

Mrs. Blonski responded no.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Raymond Skaine, seconded by Gerald Drinkard to **approve** Appeal No. 4 as written.

ON THE QUESTION:

Mr. Drinkard noted that the requested setback variance will not have any adverse effect on the neighborhood, and that it will blend in with the house.

Chairman Mills noted that this will be a covered porch or screened area, not additional living space.

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

MOTION CARRIED

Appeal No. 7

Vinay Rajendran
Agricultural Floodzone

Applicant requests a variance to allow a 250' front yard setback located at 8305 & 8325 Wolcott Road.

Town Code Reference:
§229-31

Tabled per applicant's request

Appeal No. 8

Dominick Farbo
Residential Single-Family

Town Code Reference:

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

Applicant requests variances:

1. to allow a secondary detached garage (pole barn); and
2. of 1,400 sq. ft. to allow a 1,600 sq. ft. detached accessory structure (pole barn); and
3. of 2' to allow an 18' tall detached accessory structure; and

4. §229-55(F)
4. to allow an accessory structure (pole barn) greater than 400 sq. ft. to use materials difference from the principal structure; located at 5021 Kraus Road.

DISCUSSION:

Dominick Farbo was present to represent his request, explaining that due to cost, he did not complete his last variance, instead they are purchasing new property and a new house. He wants to build a garage right by the house.

Chairman Mills asked Mr. Farbo if they are under contract with the new house yet.

Mr. Farbo responded no; not yet.

Chairman Mills asked who the current owner is.

Mr. Farbo responded that it is Brett Rawdin. Mr. Farbo is building the home for Mr. Rawdin, who is then selling it.

Mr. Krey clarified with Mr. Farbo the last variance he had requested as well as the cost.

Discussion continued regarding the financials for each project as well as the size of the new house and proposed pole barn.

Mr. Krey asked what the total square footage of the proposed pole barn will be.

Mr. Farbo responded that it will be 30'x 40' with a 12' lean-to on the side, a total of 1,400 sq. ft.

Mr. Krey noted that the variance request states 1600 sq. ft. detached accessory structure.

Mr. Bleuer explained that we include all of the roof whether it is open underneath. It is an approximately 30' x 40' structure with a 10' x 12' lean-to, and a 28' x 10' overhang. The structure as a whole from the roof is 40' x 40'.

Mr. Krey stated that if this request was in an agricultural area, he would not have a problem, but this size in a residential area seems excessive.

Mr. Krey asked if there are similar size pole barns in the neighborhood.

Mr. Farbo responded yes, and he included those with his supporting documents. There is a garage next to him that is larger than the pole barn that he is requesting.

Mr. Drinkard noted that one of Mr. Farbo's neighboring structures is a large house that is being erected, set back behind Mr. Farbo's. This would mean that Mr. Farbo's proposed structure would be in the direct line of site for his neighbor from his front yard.

The other neighbor has a large accessory structure that appears to be larger than what Mr. Farbo is requesting.

Mr. Farbo stated that the neighbor at 5045 Kraus has a garage in her backyard, and she will be adding another 2.5 car garage that she received a variance for. Mr. Farbo noted that they will not see anything but his neighbor's garage.

Mr. Drinkard stated that he is unsettled by this, and it would seem that the Residential Single-Family zone is basically being corrupted. He does not think that the pole barns are good to have in the Residential Single-Family environment.

Chairman Mills noted that the concern is the size of this proposed pole barn in the Residential Single-Family area, and asked Mr. Farbo if he could accomplish what he wants with a smaller structure.

Mr. Farbo explained that he has a trailer that he would like to store under the lean-to portion of the proposed pole barn, to keep it out of sight and protected. The last 10 ft. of the lean-to will be a shed to store his lawn and garden equipment in.

Mr. Farbo stated that he owns three "toy" vehicles, plus his vehicle so he needs a 4-car garage. He will also have a small lift in the garage so that he can work on his cars as needed.

They plan to have the proposed pole barn match the house the best that they can, it will be two-toned and have stone, similar to the house.

Mr. Farbo described his passion for cars, and his love for Clarence and living in this town, and how he is trying to make it all work together for him and respect the Town as well.

Mr. Drinkard asked Mr. Farbo if he is purchasing cars to restore and sell.

Mr. Farbo described his cars that he owns and plans to keep. He is not running a business; his cars are his hobby and his passion.

Mr. Drinkard asked if there was a condition placed on a potential approval stating that no business will be run out of the proposed structure, would Mr. Farbo agree to that.

Mr. Farbo responded yes; the only thing he would not agree to is not being able to have more cars.

Mr. Farbo explained that he is not contracted to purchase the house yet; it is conditioned on whether or not he receives this variance. If he receives it, he will purchase the home.

Mr. Krey noted that the photos that were submitted showing similar structures in the neighborhood did not include addresses. He did not realize that they were all on the same street and in the same area.

Referring to the structure on the property next door at 5011 Kraus Road, Mr. Krey noted that the lot appears to be much larger than Mr. Farbo's.

Mr. Krey also noted that the house at 5045 Kraus Road differs because it appears to be larger than Mr. Farbo's proposed home, making the ratio of the two different.

Discussion continued regarding the neighboring lots and their accessory structures.

Chairman Mills suggested ways to mitigate the aesthetics the proposed structure, by adding some stone to the front façade to at least the lower half then vinyl above that with the other 3 sides remain metal.

Mr. Farbo explained that he would consider that, but the proposed structure will not be seen from the road, as it will be down and behind the house.

Discussion continued regarding the placement and view of the proposed pole barn.

Neighbor Notifications are on file, an inquiry was made regarding this proposed project.

In regards to Public Participation, the following resident spoke:

1. Sharon and Paul Barker of 5045 Kraus Road:

- previously received a variance approval for a large garage for their plow
- concerned with the size of the proposed building in a residential area in comparison to the lot
- concerned that the material does not match the house
- grading is very low, assumes the grading will need to be brought up
- it is a huge building, and will be visual from their property hence the size and material concerns
- they have put in a bounty of evergreen trees between their lot and the house being built next door
- asks the board to consider the size of the building on that size lot in a residential area

Mr. Drinkard noted that the proposed pole barn is the principal storage for Mr. Farbo's cars, and stated that a good portion of the pole barn is overhang, which is still storage. Although it is a pole barn with a functional look to it, it is still a pole barn.

Mr. Farbo stated that it is for his enclosed trailer that he uses to move the cars around with.

Discussion continued regarding the use of the overhang and storing the trailer.

Mr. Drinkard does not like the idea of a pole barn in a residential area where it will be a principal sight of what is seen on the lot next to the house.

Mr. Krey noted that the building at 5011 Kraus Road is not a pole barn, in terms of comparisons to Mr. Farbo's request.

NO ACTION

Motion failed.

Meeting adjourned at 6:49 p.m. with a motion by Patrick Krey.

Amy Major
Senior Clerk Typist