

**Town of Clarence**  
One Town Place, Clarence, NY  
**Zoning Board of Appeals Minutes**  
Tuesday, October 8, 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	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:

Connie Fleisher-Weil	Matthew Hann	Ashvani Gulati	Robert Nolan
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Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on September 10, 2024.

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

**MOTION CARRIED**

**NEW BUSINESS**

**Appeal No. 1**

Connie Fleisher-Weil  
Residential Single-Family

Applicant requests a variance to allow more than two accessory buildings, to allow for the construction of a detached accessory structure (greenhouse) located at 5525 Old Goodrich Road.

Town Code Reference:  
§229-55(H)

**DISCUSSION:**

Connie Fleisher-Weil was present to represent her request, explaining that she would like the greenhouse to grow her vegetables and flowers. She has a lot that is specifically for her garden beds, and she starts everything inside the greenhouse earlier in the season then transplants them.

There was originally a greenhouse at her other property that she left upon selling it.

Mr. Drinkard stated that when he walked the applicant's property and compared it to the paperwork that was submitted, the adjoining lot to the north, the house is behind their parcel.

Mrs. Fleisher-Weil stated that is where they used to live. The parcel used to be 5 acres, they sectioned out an acre and kept the garage, apartment, the barn and a very small barn for two horses. Mrs. Fleisher-Weil stated that the lot is somewhat of an 'L' shape.

Chairman Mills noted that they are referring to the property survey dated December 29, 2016.

Mr. Drinkard stated that the survey shows all buildings on Mrs. Fleisher-Weil's property as well as all the adjoining properties going both north and south.

Mr. Drinkard explained that he has a couple of concerns, one of them is the house behind that Mrs. Fleisher-Weil stated she previously owned.

Mrs. Fleisher-Weil stated that is correct.

Mr. Drinkard stated that on her 'L' shaped property, she is requesting to put an accessory structure in the crook of the 'L' of the property, next to the existing garden.

Mrs. Fleisher-Weil responded yes; but if the Zoning Board would prefer that she put the proposed accessory structure somewhere else, she is ok with that. She needed to choose a location for the variance application, and she chose that location due to the proximity to her garden and the tool shed where she keeps her gardening tools.

Mr. Drinkard stated that on the print submitted, Mrs. Fleisher-Weil has indicated that she would like the accessory structure right next to the garden. Mr. Drinkard also noted that there is a telephone pole right near where Mrs. Fleisher-Weil would like the accessory structure.

Mrs. Fleisher-Weil noted that it clears the telephone pole by approximately 4 ft. The back of the proposed accessory structure / greenhouse would be in line with the existing tool shed. The front extends past the width of the shed, but does not proceed past the telephone pole.

Referring to the various buildings on Mrs. Fleisher-Weil's property, Mr. Drinkard asked which building is the home.

Mrs. Fleisher-Weil responded that it is the one directly adjacent to the driveway, labeled "framed garage". It was previously a 5-car garage with an apartment above that they renovated in to a single-family residence.

Mr. Drinkard pointed out two additional structures on the property, one labeled "metal barn". Mr. Drinkard asked what each building is used for.

Mrs. Fleisher-Weil stated that they are mostly used for storage. Their house was very large, and they downsized in to a much smaller home so a lot of their furniture is stored in the metal barn. The smaller barn is used to store tools and equipment.

Mr. Drinkard asked if any business is run out of the structures.

Mrs. Fleisher-Weil responded no.

Mr. McNamara stated that while he was there today and spoke with Mrs. Fleisher-Weil, he feels it is very unique the way the homes are situated.

Mr. McNamara noted that the proposed structure is well shielded from the neighbor and from the road, with a large horse barn to the south, and fits in well with the rest of the property.

Chairman Mills asked if all of the other structures on the property are necessary and confirmed that they are being utilized, and nothing can be removed.

Mrs. Fleisher-Weil responded yes, everything is being utilized; and no, nothing can be removed.

Chairman Mills asked Mrs. Fleisher-Weil if she has had an opportunity to discuss this with the new owners located behind her.

Mrs. Fleisher-Weil responded yes; she had asked if she could buy her greenhouse back from them, but they are looking forward to utilizing it themselves. Therefore, Mrs. Fleisher-Weil is requesting to build her own.

Referring to the photos of a greenhouse that were included in the variance application packet, Chairman Mills asked if they depict what the proposed greenhouse will look like.

Mrs. Fleisher-Weil stated that they will strongly resemble, if not match the proposed greenhouse.

Chairman Mills marked the photos Exhibits A and B, and the property survey Exhibit C.

Describing the proposed greenhouse, Chairman Mills stated that it is a wood structure with windows on all sides, and a metal roof.

Mrs. Fleisher-Weil explained that the roof is not metal, it is clear.

Mrs. Burkard asked if the fenced in area with raised beds is the location where the proposed greenhouse is going to go.

Mrs. Fleisher-Weil stated yes; there were stakes to indicate where it is proposed to be located.

Mrs. Burkard asked if the existing raised beds will go inside the proposed greenhouse.

Mrs. Fleisher-Weil responded no; most of the beds are rotted, and will be removed. It will be a greenhouse with raised beds inside.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no written comments were received.

**ACTION:**

Motion by Patrick Krey, seconded by Richard McNamara to **approve** Appeal No. 1 as written, with the following condition:

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

**ON THE QUESTION:**

Mr. Krey stated that what distinguishes this from other variance requests is although it is zoned Residential Single-Family, it is much more rural and agricultural in nature. This property is adjacent to a horse farm, and due to the placement of the proposed greenhouse, it will not be very visible. It will not have any negative or adverse effects on the character of the neighborhood.

Mr. Bengart confirmed with Mrs. Fleisher-Weil that no business will be conducted from the property.

Mrs. Fleisher-Weil responded yes; she understands.

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

**MOTION CARRIED**

**Appeal No. 2**

Joseph Neiman  
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 5195 Donnington Road.

**DISCUSSION:**

The contractor for the applicant, Matthew Hann with Gen-Tech Power Systems was present to represent this request on behalf of the applicant. A signed permission form is on file.

Mr. Hann stated that Mr. Neiman would like a generator installed on the side of his home, but due to the corner lot, it constitutes as the front yard.

Mr. McNamara noted that while he was on location today to see the property, he saw that the electric meter, gas line, and air conditioning unit are in the same location as the proposed generator, so it will fit well in that spot.

Mr. McNamara stated that in speaking with the homeowner, he agreed to put landscaping around the proposed generator to shield it.

Mr. Hann responded yes.

Mrs. Burkard agreed that landscaping around the proposed generator will be beneficial.

Mr. Drinkard noted that the way the house is situated is the front, side, and backyard all at once, in the shape of an ‘L’. It is shielded from the street with a row of large trees, and he does not feel that it would be a negative on the neighborhood.

Chairman Mills asked how large the proposed generator is.

Mr. Hann responded that it is 40kw., 83.4 in. wide 32.6 in. deep and will power 100% of the house and the guest house.

Chairman Mills asked if the proposed generator will fit on the existing pad.

Mr. Hann responded no; the homeowner originally planned to put a smaller generator on the pad, then learned that it would not power both houses. They will need to put a new pad in to accommodate this proposed generator.

Neighbor Notifications are on file, no written comments were received.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Gerald Drinkard, seconded by Richard McNamara to **approve** Appeal No. 2 as written

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

**MOTION CARRIED**

**Appeal No. 3**

Ashvani Gulati  
Residential Single-Family

Applicant requests relief from a previous approval by the Zoning Board of Appeals, to not install an architectural portico over the entry door on the constructed garage located at 5884 Bent Brook Court.

Town Code Reference:  
Relief from the Plan Set Approved by the Zoning Board of Appeals on 7/9/2024.

**DISCUSSION:**

Ashvani Gulati was present to represent her request, explaining that once the structure was erected, the builder felt that adding the portico over the man-door of the detached garage would look very crowded. Mrs. Gulati stated that they agreed with the builder and felt that it would look better and less crowded without the portico.

Mrs. Burkard asked if the new garage will have windows and a garage door.

Mrs. Gulati responded yes, the electric is not in yet, They are waiting for the electrician, therefore there is no garage door yet.

Mrs. Burkard stated that there are no other houses similar to this in the neighborhood, with a detached garage. It would be nice if there was some way to help it blend in better.

Mrs. Burkard asked Mrs. Gulati if the front of her house is brick.

Mrs. Gulati responded yes.

Mrs. Burkard asked if there was any way to put brick on the front of the garage.

Mrs. Gulati said that to her, it looks fine. She has not received any other comments on it.

Mrs. Burkard noted that in her opinion, it would have looked better attached.

Chairman Mills asked if there is any glass on the garage door.

Mrs. Gulati responded yes.

Chairman Mills asked if there is or will be any landscaping on the east side, which is the Bent Brook Ct. side of the garage.

Mrs. Gulati responded that there is currently an island with trees, and they have had quite a bit of concrete work done recently. She does not have any intentions of putting any more landscaping in on that side of the garage because of the island of trees.

Chairman Mills noted that the trees Mrs. Gulati is referring to are down closer to the side of the court, while the detached garage is pretty exposed driving down Bent Brook Court and approaching their house.

Mr. Drinkard stated that the structure is a big, plain garage and as Mrs. Gulati acknowledged at the last meeting, the front architecture of the garage was altered with a peak, which was on the print.

Mr. Drinkard added that on that same print and with that approval, was the portico over the door to make the view of the side of the garage from the street or driveway more interesting. Without it, the front of the garage is very basic, and not what was on the print when it was approved.

Mr. Drinkard reminded Mrs. Gulati that in the first meeting there was dialogue with all of the Zoning Board members that explained those details. Mr. Drinkard stated that he thinks the portico makes the garage interesting.

Echoing some of Mr. Drinkard's comments, Chairman Mills noted that the portico is what was agreed upon. If Mrs. Gulati came to the board with some other architectural or design element, something else to help it fit in with the aesthetics and character of the neighborhood, that would have been a better approach.

Chairman Mills stated that the primary residence has brick on the front façade, and a brick chimney, then the garage is a larger structure that is very vinyl and plain.

Mrs. Gulati explained that her view of the garage is that it is more of an extension of the side of her house. The contractor did not talk them out of the portico, he shared his opinion. Once the structure was up Mrs.

Gulati explained that they realized that the area where the portico is proposed, it may look more crowded. There is no portico over the garage door of their main house, so she feels adding a portico to this garage would look out of place. This way the new garage blends in with their garage the way that it is. Mrs. Gulati stated that it does not look unsightly to them.

Mrs. Burkard asked what color the front door on the house is.

Mrs. Gulati responded that it is red. She added that she is matching the detached garage door to her current garage door.

Mr. McNamara asked when this detached garage was built.

Mrs. Gulati stated that it was built approximately a month ago.

Mr. McNamara pointed out that the plans call for a portico, and looking at the photos that were submitted, the garage is sided, the roof is on, and the gutters are on. In his opinion, it appears that they decided to not add the portico otherwise it should have been added in when the garage was built.

Mr. McNamara stated that when they approved the variance request for this garage, there was resistance and the garage really does not fit in with the neighborhood. They approved the garage with the portico.

Mrs. Gulati stated that they did not realize that if they did not add the portico that they were going against what the Zoning Board approved. If the board feels that the portico needs to be included, she will notify the builder and have it added. They incorporated all of the suggestions that the Zoning Board included, and they only decided not to add the portico over the door, which is a very simple fix.

Mrs. Gulati stated that she is looking at it as the side of her house, not the front of her house. It is more the side than the front in terms of matching and aesthetics.

Referring to the Request for Action that Mrs. Gulati signed, Mr. Drinkard noted that; “the applicant requests relief from a previous approval by the Zoning Board of Appeals to not install an architectural portico”. Architectural implies that it adds something to the front of the garage which right now is planned. The portico should be on the front of the garage.

Chairman Mills noted that the Zoning Board wants to force an applicant to go in a certain direction architecturally. Upon hearing the general sentiment that the garage needs something architecturally from an architectural standpoint, perhaps the applicant should talk with an architect and come back with a different design if she does not like the portico. Possibly quarter brick around the front area of the detached garage, for example, but something additional needs to be done if it is not the portico.

Chairman Mills explained that if Mrs. Gulati would like to ask to have this request tabled so that they can speak with the architect to come up with a different design, she can request to have it tabled and return at another time with a different option. If she would like to keep the portico, that can be done tonight.

Mrs. Gulati clarified that this was not an intentional move on their part, going against something that the Zoning Board had decided. If the board feels that strongly that the portico should be up, then they will put it up. She does not feel that strongly that it is needed.

Mr. Bengart explained to Mrs. Gulati that the Zoning Board is giving her the option to return with a different design feature, as opposed to being denied and having to start over. The option is to have them vote tonight or agree to put in the portico, otherwise she will be in violation of the original variance.

Mrs. Gulati stated that she understands, and they will put the portico up.

Neighbor Notifications are on file, no written comments were received.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Patrick Krey, seconded by Gerald Drinkard to **deny** Appeal No. 3 as written.

**ON THE QUESTION:**

Chairman Mills noted that this application involved lengthy conversation regarding aesthetics of this garage structure and how it would fit with the character of the neighborhood. Part of the overall design process included the portico. It does seem to be an architectural element that enhances the façade of the structure, it is important in terms of the character and overall aesthetic of the neighborhood.

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

**MOTION CARRIED**

Mrs. Gulati asked if she needs to do anything else besides have the portico installed.

Mr. Bleuer stated that her Building Inspector will need to verify that it was constructed per the approved plan.

**Appeal No. 4**

Robert & Jeredith Nolan  
Agricultural Rural Residential

Applicant requests a variance to allow a detached accessory structure (garage) to be located within the front yard setback located at 6769 Tuscany Lane.

Town Code Reference:  
§229-44(E)

**DISCUSSION:**

Robert Nolan was present to represent his request, stating that he would like to build a 4-car detached garage. He would move his collection of cars that are stored in the attached garage in to the detached garage so that they are able to park their car in the attached garage.

Mr. Nolan added that he likes to work on his collection of cars with his grandchildren, so the proposed detached garage would be used for that.

Mr. Drinkard referred to the renderings of what the proposed structure would look like, and it looks like a 4-car garage, with two separate doors.



Mr. Drinkard asked what will be stored on the second floor.

Mr. Nolan stated that there will not be much up there, most likely storage of bikes and similar items that are currently kept in the attached garage.

Referring to the renderings, Mr. Drinkard noted that the front of the proposed garage will have brick, the side will be sided, and will match the house.

Mr. Nolan confirmed that is accurate.

Mr. Drinkard asked if there will be electricity run to the proposed structure.

Mr. Nolan responded yes; that is the plan.

Mr. Drinkard asked Mr. Nolan if he has any intent to run a partial or whole business out of the proposed garage.

Mr. Nolan responded no, it is his hobby, and his business is only from his office inside his home.

Mr. Drinkard questioned Mr. Nolan's hobby of making cars nice and then selling them.

Mr. Nolan stated no, he does not sell them. Every car in his driveway is either owned by him or his family.

Mr. McNamara noted that both Tuscan Lane and County Road are located behind Mr. Nolan's house, the proposed garage is no closer to the road than the houses that are on those two roads.

Mr. Nolan stated that he was not aware that a corner lot is considered to have two frontages.

Mr. Nolan added that the plan for the proposed garage is to have it blend in and appear as though it has been there since the house was built.

Mr. McNamara asked if there is a berm along the County Road side of the property.

Mr. Nolan responded yes; there is an entire berm of trees, and a second berm that blocks his property near County Road and where the proposed garage would be located. There is also one that goes the length of his property up to the brick corner entrance.

Mr. McNamara noted that the proposed structure will not be seen from County Road. The only way it would be seen is from Mr. Nolan's driveway looking up towards the house.

Mr. Nolan confirmed that is correct.

Mr. Krey asked Mr. Nolan what the size of his house is.

Mr. Nolan responded that it is approximately 3,000 sq. ft.

Mr. Krey asked if Mr. Nolan has considered having a breezeway connect the proposed garage to the house.

Mr. Nolan explained that they explored that idea, but it cuts off the backyard too much. That corner of his house is his family room with a fireplace, which would cause additional structural issues and planning.

Mr. Krey asked what the square footage is of the proposed garage.

Mr. Nolan responded that is 960 sq. ft.

Mr. Krey stated that some of the things that work in Mr. Nolan's favor with this request are that his existing garage is a side-load, so it is not visible from the street.

Mrs. Burkard stated that she is glad to see that the proposed garage will blend in with the house, and asked if all of the vehicles there will be going in to the new proposed garage.

Mr. Nolan responded not all of them, no. Some of them will be going with their owner's, the 1967 Mustang is his and will be going in to the proposed garage.

Chairman Mills stated that he likes the brick element, and from an aesthetic element it will tie in nicely with the home and help to mitigate the size of the proposed garage as well as the dormers. The glass helps from an aesthetic standpoint, and he would like to see brick all the way around the proposed structure, but also understands it is cost prohibitive.

Mr. Nolan explained that they have also matched the shed on the property to the house, with 3 sides of white siding and brick on the front.

Neighbor Notifications are on file, no written comments were received.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Gerald Drinkard, seconded by Patricia Burkard to **approve** Appeal No. 4 as written, with the following condition:

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

The applicant has heard, understands, and agrees to that condition.

**ON THE QUESTION:**

Mr. Bleuer noted that the Board would be approving the plans as submitted and presented. Any proposed modifications to materials or styling would be subject to further Zoning Board review.

Mr. Nolan responded yes, absolutely.

Chairman Mills stated that due to the unique nature of the lot as well as a corner lot, as well as a very large parcel, it fits in nicely with the character of the neighborhood. The applicant's design and

architectural elements including the dormers and front façade help it to blend in well with the surrounding area.

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

MOTION CARRIED

Meeting adjourned at 6:17p.m. with a motion by Patrick Krey.

MOTION CARRIED

Amy Major  
Senior Clerk Typist