

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, January 14, 2025

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	Steven Dale	

Town Officials present:

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

Other Interested Parties:

Gregory Bonerb

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on December 10, 2024.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Abstain		

MOTION CARRIED

OLD BUSINESS

Appeal No. 6 – From the September 2024 Meeting
Allie & Tac LLC.
Residential Single-Family

Applicant requests a variance of 9' to allow a 36' front yard setback for the construction of a single-family home located at 5544 Herons Glen.

Town Code Reference:
Map Cover 3858

Note: This request supersedes the September 2024 variance request, which was tabled.

Appeal No. 6 under Old Business was withdrawn by the applicant.

NEW BUSINESS

Appeal No. 1

Gregory Bonerb
Residential Single-Family

Town Code Reference:

1. §229-55(H)
2. §229-55(H)

Applicant requests variances:

1. to allow a secondary detached garage; and
2. of 304 sq. ft. to allow a 504 sq. ft. detached accessory structure;
located at 8440 Lakemont Drive.

Mr. Drinkard recused himself from Appeal No. 1.

DISCUSSION:

Greg Bonerb was present to represent his request, explaining that he would like to add this proposed structure for additional storage. He has a unique lot at 1 ½ acres, and with lawn equipment, pool furniture, and sports equipment he would like to store it all in this proposed structure. They plan to stay in this home for many years, and they would like to have the extra storage space.

Mr. Bonerb explained that normally he takes the pool furniture up and down from the basement each season. He would also like to take the riding mower and other lawn equipment out of the garage and move it in to the proposed structure also. Additionally, they store all of the sports equipment in the garage including an 8' by 8' golf net. He would like to move all of these items in to the proposed structure to clear out the garage.

Mr. Krey asked why one of the variance requests listed is for a secondary detached garage, but the applicant is stating that it is a shed.

Mr. Bleuer explained that the proposed structure is proposed to have a garage door so that distinction requires it to be listed that way.

Mr. Krey said he would normally consider it a shed over 200 sq. ft.

Mr. Krey asked Mr. Bonerb what the square footage of his house is.

Mr. Bonerb stated that it is approximately 3,400 sq. ft.

Mr. Krey asked Mr. Bonerb if there are similar sized structures in the neighborhood.

Mr. Bonerb stated that he is unsure as to the dimensions, but there are other decent sized sheds in the area, but he does not have any photos of them.

Mr. Bonerb explained that the photos he submitted are ones that he found online and the best depiction he was able to get. The proposed structure is being built by Amish Valley Sheds; they were unable to provide Mr. Bonerb with a picture of the exact final structure.

Mr. Krey asked Mr. Bonerb if he needs a garage door.

Mr. Bonerb responded no; he does not need a garage door, but he does need a door large enough to put the riding lawnmower inside the proposed structure.

Mr. Krey noted that from a visual standpoint, in the pictures that Mr. Bonerb submitted, the proposed structure resembles a pole barn or attached garage. That might be out of character from other structures in the neighborhood.

Mr. Bonerb added that he plans to put a significant amount of landscaping in. Initially he wanted to put the proposed structure further back near the creek but that is a floodway and he is not allowed to build in a floodway. He has also found out that most of the yard is a floodplain, he has had the property re-surveyed and will need to build up approximately 2 ft.

Mr. Dale asked what kind of the floor the proposed structure has, and will it be strong enough to support the lawnmower.

Mr. Bonerb stated that he can not recall the type of flooring, but that it will support the lawnmower. He will have a concrete slab under proposed structure as part of the building code. The flooring will be on top of a concrete slab.

Mr. Dale asked if there will be any utilities like water or electricity run to the proposed structure.

Mr. Bonerb responded no.

Mr. Dale asked what the exterior siding is.

Mr. Bonerb stated that it is LP Smart siding. The best that he could do through this company because they did not provide him with much, was to research online. It will be white with black shutters to match the house.

Mr. Dale asked Mr. Bonerb if he would use vinyl siding rather than the LP Smart siding.

Mr. Bonerb responded yes.

Mr. Dale asked if the proposed structure is located at least 50 ft. from the creek.

Mr. Bonerb responded that he is unsure as to the exact distance from the creek, he was only told that it needs to be out of the floodway, which he has discussed with the town engineer.

Mr. Bonerb stated that the plans are approximate, but pretty close to where he would like the proposed structure to be placed. He does not know the exact distance from the creek.

Mr. Dale stated that it becomes an issue with what entity is holding the creek.

Mr. Bleuer stated that he has spoken to the Assistant Town Engineer, and should the applicant receive a variance for this request he would have to get a floodplain development permit through the Engineering Department.

Mr. Bleuer added that it does need to be out of the floodway and the boundary and topographic survey by GPI shows the proposed location out of the floodway. There will be additional standards regarding elevations that Mr. Bleuer did not get to that level of detail with the engineer, but they are prepared to work with the applicant should this variance be approved.

Mr. Dale stated that to him the placement of the proposed shed appears to be pretty close to the creek.

Mr. Bleuer explained that there did not appear to be a 1-number standard, but there were several considerations.

Mr. Dale stated that it was his understanding that generally speaking when it has to do with creeks under the jurisdiction of state or federal, that it was a 50' minimum.

Mr. Bleuer stated that he does not have any knowledge of that.

Mr. Bonerb noted that he has not heard that number either, and he walked through this all with his engineer who did say that Mr. Bonerb needs to meet a certain elevation.

Mr. Dale asked Mr. Bonerb what the total height of the proposed structure will be.

Mr. Bonerb stated that the contact at Amish Valley Sheds said that it would be 13' to 13 ½' tall.

Mr. Dale confirmed that Mr. Bonerb stated they need to build it up 2'.

Mr. Bonerb stated that it is approximately 2', and if he is approved, he would need to work with another entity.

Mr. Dale asked what the roofing material is.

Mr. Bonerb stated that it is black metal, and the black will match the house.

Mr. McNamara commented on the curb appeal, because the proposed structure will not be behind the house, it will be seen from the road.

Noting that there are small trees at the road, Mr. McNamara asked Mr. Bonerb if he would give any consideration to putting more trees at the road and around the proposed shed to provide more of a green fence.

Mr. Bonerb stated that they are planning to do both of those. There is a row of some type of bushes basically in front of the creek that they plan to connect landscaping to basically where the swing set is currently. That will come out towards the road approximately 5 ft. with evergreens

and shrubs in front of it, so that it will be directly next to the proposed shed. Mr. Bonerb stated that there are 2 evergreens there now that they are going to try to match.

Mr. Bonerb explained that the small trees there now were planted last year with the intention of providing some privacy.

Mr. McNamara confirmed that the colors of the proposed shed will match the house.

Mr. Bonerb responded yes.

Chairman Mills asked Mr. Bonerb if his goal can be achieved with a smaller size structure.

Mr. Bonerb stated that he probably could, but with everything he plans to store in there, it will fill up quickly. He wants to do one structure and not have to worry about running out of room and needing to think about a second structure. They do not have a pool house or any storage for the pool furniture, so he wants to do just one structure that is big enough.

Chairman Mills asked Mr. Bonerb if he has explored the possibility of a conventional attached garage.

Mr. Bonerb replied no, this is his first idea and he has carried through with it to this point. Initially he wanted a shed behind the line of trees that are located on his property, but it is located in the flood way.

Chairman Mills asked if landscaping will be along the west and south sides.

Mr. Bonerb responded yes; looking at the swing set on the photos he provided, it will basically connect from the swing set over to the row that runs east to west.

Chairman Mills asked if they made it a condition of the variance that landscaping will be provided along the west side as well as the south side, would Mr. Bonerb agree to that.

Mr. Bonerb stated that his mom is a Master Gardener, so she is helpful with the landscaping.

Chairman Mills asked if they stated between 4' - 6' in height would that work for Mr. Bonerb.

Mr. Bonerb said yes; absolutely.

Chairman Mills stated that they will leave the type of species to Mr. Bonerb's discretion, because it becomes a compliance issue on the Town's end.

Reiterating, Chairman Mills stated between 4' - 6' in height around the west and south sides as a condition of the variance, would Mr. Bonerb agree to that.

Mr. Bonerb responded yes.

Chairman Mills stated that Mr. Bonerb has a unique parcel, larger than most lots in the neighborhood, but there is some level of concern about the views aesthetically from the street and neighbors. If it was able to be tucked back behind the pool, that would be ideal but there are well-established trees back there that Mr. Bonerb does not want to remove.

Chairman Mills stated that the additional landscaping will help to mitigate the sight lines.

Chairman Mills asked Mr. Bonerb if he plans to operate a business out of the proposed structure.

Mr. Bonerb responded no.

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

In regard to Public Participation, no one spoke.

Mr. Krey asked about the garage door, referring to the different options that Mr. Bonerb included in his submittal.

Mr. Bonerb stated that he does not really have a preference, his thought is that he would like to get a riding lawnmower in and out easily.

Chairman Mills stated that from an aesthetics standpoint, sheds typically have two doors that swing open. It would give more than enough width to get in and out, the same size opening as a garage door, but looks less industrial.

Mr. Bonerb said that would not be a problem.

Mr. McNamara stated that he understands the desire for an overhead door, and asked about putting it on the east side of the proposed structure, the same side as the pool. This way it cannot be seen from the street.

Chairman Mills stated that is up to the applicant. He does not like the idea of driving down Bridlewood Drive and seeing a metal overhead door.

Mr. Bonerb agreed.

Chairman Mills asked if they made a condition to the variance that the garage door is to be facing east, would Mr. Bonerb agree to that.

Mr. Bonerb responded yes.

Chairman Mills reiterated that they would make a condition stating if Mr. Bonerb decides to install a garage door, it must face east.

ACTION:

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

1. no business to be operated out of the structure
2. color of the roofing material and vinyl siding to match the house
3. landscaping around the shed on both the west and south sides at least 4-6 ft. in height
4. man-door will face north, and any other overhead or double-door will face east.

Mr. Bonerb understands and agrees to the conditions.

ON THE QUESTION:

Mr. Bleuer requested clarification on the material type that Mr. Krey stated is to match the house. The house has asphalt shingle roof and this structure is proposed to have a metal roof.

Mr. Krey amended his motion.

Chairman Mills noted that while the size of this proposed structure is larger than what the code allows, it is mitigated by the uniquely large size of the parcel.

Chairman Mills noted that there is an abundance of natural foliage that will be further enhanced by the additional foliage that the applicant has agreed to plant around the structure.

Additionally, Mr. Bonerb has agreed to relocate the door to the east side, if he chooses to install an overhead door.

Mr. Bengart stated for the record that the Board is moving to approve this item with these conditions being met.

Mr. Dale asked if the condition could be modified to state either the garage doors or the open doors on the east side so that the applicant can landscape both the west and south sides.

Chairman Mills asked Mr. Bonerb if he plans to install more than one door on the proposed structure.

Mr. Bonerb responded no.

Mr. Krey asked Mr. Bonerb if there is a man-door planned for the structure.

Mr. Bonerb responded yes.

Mr. Krey noted that they are not discussing a man door, but the overhead door or double door will be located on the east side.

Chairman Mills clarified that a man-door will face north, and any other overhead or double-door will face east.

Mr. Bonerb agreed.

Mr. Dale noted that since Mr. Bonerb is talking about raising the site 2 ft. because of the creek, you do not really want the door there. It would be better off on the south side.

Chairman Mills stated that the applicant can bring in sufficient fill to have it work, and if there is a ramp it will be sufficient.

Mr. McNamara stated that for LOMR you need to have it 10' bigger than the structure all the way around.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale			

MOTION CARRIED

Meeting adjourned at 5:53 p.m. with a motion by Richard McNamara.

MOTION CARRIED

Amy Major
Senior Clerk Typist