

**Town of Clarence**  
One Town Place, Clarence, NY  
**Zoning Board of Appeals Minutes**  
Tuesday, December 10, 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

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

Other Interested Parties:

Ann Perry                      Mark Valvo                      Dawn Hrab                      Ed Babowicz  
Gayle Babowicz              Megan Arno                      Michael Arno                      Sean Hopkins

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on November 12, 2024.

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

MOTION CARRIED

**NEW BUSINESS**

**Appeal No. 1**

Mark Valvo  
Agricultural Flood Zone

Applicant requests a variance to allow a Type 2 Ground-Mounted Solar Photovoltaic System to be located on a parcel under 5 acres located at 8360 Northfield Road.

Town Code Reference:  
§184-6(B)(3)

**DISCUSSION:**

Mr. Valvo was present to represent his request, stating that he is requesting to place the Photovoltaic System in his rear lot due to the lack of southernly facing area on his roof. He would like to place the system at the very far end of his lot and out of sight.

Mr. Valvo added that he would like to place the system as far northwest on his property as possible.

Mr. Krey asked why Mr. Valvo prefers to not have the system mounted on the roof of his home or accessory structure.

Mr. Valvo explained that his house only faces to the north and the south, and the solar system has to face to the south. He does not want to install the system on his barn roof, and he does not believe there is enough load capacity to support it. It is also more affordable in the long run to not have it placed on his roof, and also easier to maintain on the ground than on the roof.

Mr. McNamara asked how high and big the proposed solar system is.

Mr. Valvo stated that he believes the footprint will be 30 ft. by either 12 ft. or 16 ft., and will be approximately 12 ft. high. It will be at a fixed angle, approximately 37 degrees.

Mr. McNamara asked how far off the ground the panels are.

Mr. Valvo stated that the lowest point will be approximately 2 ft.

Mr. McNamara asked if it is 2 panels high.

Mr. Valvo responded yes; it is 2 panels high, and 10 panels wide.

Mr. Drinkard stated that he walked the property, and saw that Mr. Valvo already has the solar panels.

Mr. Valvo stated yes, he had already purchased them.

Mr. Drinkard asked if Mr. Valvo has approached who he has under contract to assure that they are a certified installer.

Mr. Valvo responded that he will be doing the work himself, he is an electrician.

Mr. Drinkard asked Mr. Valvo if he is certified by NYSEDRA or NABCEP which is listed in the law 184.

Mr. Valvo responded no, he has contacted NYSEG directly and has an inter-connection agreement. NYSEG has no problem with Mr. Valvo installing it, as long as it is properly installed and inspected by an electrical inspector.

Mr. Drinkard stated that the law states you must have certification, it is in the law. Mr. Drinkard asked Mr. Valvo if he is aware of the law for solar panels in the Town of Clarence when he acquired the panels, only to find out that a variance was needed.

Mr. Valvo responded no; he did not.

Mr. Drinkard stated that in the law it states that you must have a certain number of documents that you should have filed when you filed. It lists those very clearly in the law. Not needing a variance, there is a reason 5 acres is needed and this is only 2.8 acres.

Mr. Drinkard stated that it is quite presumptuous to purchase the panels ahead of time.

Mr. Valvo stated that there are two other properties on the street with ground-mounted solar systems that he has seen, and therefore assumed it was allowed. They are in plain sight, where he is proposing to place his all the way to the rear of his lot.

Chairman Mills asked Mr. Valvo what his total lot size is.

Mr. Valvo responded that it is 150' x 850'. He purchased the lot that was to the south of his property, splitting it with a neighbor, which gave him 50' additional feet on the south side of his lot.

Chairman Mills stated that brings him to approximately 2.9 acres.

Chairman Mills asked Mr. Valvo if he has acquired any other equipment aside from the panels.

Mr. Valvo stated that he has the panels and inverters. He needs to install the underground service out to the back of the lot; he still needs to purchase those supplies.

In regard to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

Mr. Bleuer noted that setbacks for the solar system would be 15 ft. to the side lot line and 45 ft. to the rear lot line.

Mr. Drinkard stated that this request for a variance bothers him when the application process, which is actually listed in the law required that the applicant come before the board asking for a variance, should have a site plan, elevations, and a property survey. There should be engineered drawings already prepared certified by a licensed engineer, aerial site plan, manufacturer's information, and an acceptable bond for decommissioning this site so that if at some point in time it does not work out, or it ages out.

Chairman Mills asked Mr. Drinkard to cite the regulation that he is referring to.

Mr. Drinkard read §184-14 where it actually reads that an application is required. Mr. Drinkard feels that Mr. Valvo is asking the Zoning Board to give a variance for one part of the whole project, without having the other documents for the Board to review.

Stating that he does not disagree in theory with what Mr. Drinkard is saying, Mr. Bengart stated that there is a whole other process that still needs to go through the Building Department, arguably this will all come up at that point. The applicant is asking for the ability to do this, which Mr. Bengart understands.

Mr. Bengart is not saying Mr. Drinkard is incorrect, he believes it is unclear which way this should go, but all of this information on the record will benefit the Building Department.

Mr. Krey asked Mr. Valvo if they were to approve this request, would he agree to a condition that the location must be at least 800 ft. from the street. Mr. Krey's concern is if they approve it the way it is written, Mr. Valvo can put the solar system anywhere on his property.

Mr. Valvo stated that 800 ft. will put him right to the back of the property that is filled with trees. He does not have the exact dimension of where to propose it.

Mr. Krey stated that he does not want this to be so vague on paper that they think they are approving something but then it ends up somewhere else.

Mr. McNamara recommended that they put a condition on stating no greater than 50' from the rear tree line. With the tree line there is shade, and the system needs to be placed in the sun.

Mr. Drinkard clarified that paragraph 15 of §184 the law, states that all systems must be installed by a qualified solar installer as defined in this chapter. Mr. Drinkard asked Mr. Valvo if he is prepared to get a qualified solar inspector to come in and okay everything that Mr. Valvo does.

Mr. Valvo stated that Tim Enderby with Empire Inspection will be inspecting the system. Mr. Valvo does a lot of work in town and has never failed inspection.

In regard to the certification, Mr. Valvo stated that it is something to do with the manufacturer, but he is more than qualified to install it.

**ACTION:**

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

1. type 2 Ground-Mounted Solar Photovoltaic System must be placed no greater than 50' from the rear tree line of the property

**ON THE QUESTION:**

Mr. Bengart stated that the variance request is being granted with the condition.

Mr. Krey explained that what distinguishes this from other requests is that even though the lot is not 5 acres in size, it is heavily wooded. This makes it almost impossible to see the solar panels from the street. The condition that has been placed will mitigate any type of street-view issues of the solar system.

Mr. Krey does not believe there will be any undesirable change to the character of the neighborhood.

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

**MOTION CARRIED**

Mr. Bleuer advised Mr. Valvo to contact the Planning Office for the application, and they will work with the Building Department to go through the process with Mr. Valvo.

**Appeal No. 2**

Jennifer Sutton  
Agricultural Flood Zone

Applicant requests a variance to allow a 225' principal structure front yard setback located at 8200 Wolcott Road.

Town Code Reference:  
§229-31

**Appeal No. 2 was withdrawn by the applicant.**

**Appeal No. 3**

Dawn P. Hrab  
Residential Single-Family

Applicant requests a variance of 6'6" allowing for the continuation of a 6' principal structure side yard setback to allow for the construction of an attached accessory structure (greenhouse) located at 6065 Railroad Street.

Town Code Reference:  
§229-52(B)

**DISCUSSION:**

Mrs. Hrab was present to represent her request, adding that she would like to permanently attach a greenhouse to the back of her garage. There is a previous variance in place for the garage, prior to her owning the home. She was advised from the Building Department that an additional variance is needed for the accessory structure that she would like to add.

Mr. McNamara reiterated that the garage is existing and has a variance, and this proposed greenhouse would go straight back from the north side of the garage. It would not be any closer to the property line than the existing building is.

Mr. Hrab responded yes.

Mr. McNamara noted that it is a very nice structure.

Referring to the photographs that Mrs. Hrab provided, Chairman Mills labeled them Exhibit A. It appears there will be a brick base area, and asked Mrs. Hrab if that is consistent with the plans.

Mrs. Hrab stated that the photos she submitted are to give an idea of what it would look like, there will be a solid concrete knee-wall and rock facing as opposed to brick facing.

Chairman Mills noted that there will be some stone element on the exterior, it will not be all concrete.

Mrs. Hrab responded yes, there will be stone it will not be all concrete.

Chairman Mills asked if there are any architectural drawings or photographs, anything showing the stone.

Mrs. Hrab responded no; she has a larger copy of the preliminary drawing that she was provided.

Chairman Mills noted that they have that already, confirming that the remaining area of the proposed structure will be glass.

Mrs. Hrab responded yes, glass and aluminum.

Chairman Mills asked if they make a condition that there will be stone on the knee wall base, would Mrs. Hrab agree to that.

Mrs. Hrab responded yes.

Chairman Mills confirmed that the plans and overall design are being done by a company in England.

Mrs. Hrab responded yes.

Mr. Drinkard asked if there will be utilities.

Mr. Hrab responded yes; there will be electric and a heating system. It will be a stand-alone system.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, the following resident spoke:

1. Paul Shear of 9530 Maple St:
  - the property is behind him, he has spoken in great lengths with Mrs. Hrab and has absolutely no problem with this request, it is a beautiful structure.

Public Participation was closed for this item.

**ACTION:**

Motion by Richard McNamara, seconded by Gerald Drinkard to **approve** Appeal No. 3 as written, with the following condition:

1. the knee wall to be stone finish

**ON THE QUESTION:**

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

MOTION CARRIED

**Appeal No. 4**

Edward Bobowicz  
Traditional Neighborhood

Applicant requests a variance of 1,212 sq. ft. to allow a 1,932 sq. ft. detached accessory structure (garage) located at 9320 Clarence Center Road.

Town Code Reference:  
§229-66

**DISCUSSION:**

Mr. Bobowicz was present to represent his request, stating that he would like to erect a building on a property that he owns. It will definitely not be a pole barn; the property does not warrant a pole barn. Mr. Bobowicz stated that what he is proposing is what he likes to call a “carriage garage”, anything they do will enhance the 100-year-old farmhouse currently on the property.

Mr. Bobowicz stated that he does not have final drawings because he does not know the allowed size yet.

Mr. Drinkard started out by saying that Mr. Bobowicz’s house is lovely, then asked if the current garage will be removed.

Mr. Bobowicz responded yes.

Mr. Drinkard stated that the proposed garage is bigger, and will be located behind the footprint of the where the current garage is located.

Mr. Bobowicz responded yes.

Mr. Drinkard added that it almost goes to the border of Mr. Bobowicz’s property.

Mr. Bobowicz stated that is where he is thinking, but he did not measure it, and this is the only lot in the area that drops off right behind. The properties to the west and the east all have a slope, his property goes back. His survey shows a small building on his neighbor’s property, that is where his property extends to.

Mr. Drinkard stated that the back corner is staked, it would almost be to the fall-off, Mr. Bobowicz is aware of that and is prepared to do what it takes.

Mr. Bobowicz responded yes.

Referring to the prints that Mr. Bobowicz provided, Mr. Drinkard stated that it will look like a nice building.

Mr. McNamara asked what the siding and roofing will be.

Mr. Bobowicz said that they will probably be a combination of materials, though he is unsure of what, they will match the house. They have been updating the house since they moved in 4 years ago. There is no final decision yet, but it will match closely to the house.

Chairman Mills noted that Mr. Bobowicz provided two photographs, marked Exhibit A and Exhibit B, both are architecturally well-designed.

Chairman Mills added that Mr. Bobowicz does not have any architectural plans, and asked if the proposed building will be stick-built.

Mr. Bobowicz responded yes.

Chairman Mills asked if they made it a condition, would Mr. Bobowicz agree to that.

Mr. Bobowicz responded yes.

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

Mr. Bobowicz responded no, and he would agree to that condition also.

Chairman Mills asked Mr. Bobowicz if he could do any less square footage.

Mr. Bobowicz stated that he has learned that in a 30 ft. building you can only fit one classic car, but in a 40 ft. building you can put two in, end-to-end. He needs to store his equipment and classic cars in the proposed garage.

Chairman Mills asked if the second floor is intended for storage, and is there any living space planned.

Mr. Bobowicz responded yes; for storage, there will not be any living space.

Chairman Mills asked if there will be electrical run to the proposed structure.

Mr. Bobowicz responded no, but there will probably be water.

Mr. Krey asked how big Mr. Bobowicz's house is.

Mr. Bobowicz responded that it is 1,400 sq. ft.

Mr. Krey noted that the proposed garage will be bigger than the existing house.

Mr. Bobowicz responded yes; a lot of the old farmhouses were smaller than the barns.

Mr. Krey noted that Mr. Bobowicz is in a Traditional Neighborhood District (TND) and not a Rural area where it is more common to see a larger structure. Mr. Krey asked if they have considered connecting the proposed garage with a breezeway.

Mr. Bobowicz responded no.

Mr. Krey asked if there is a reason why not.

Mr. Bobowicz stated that probably because his plan is to eventually put in a second driveway on the west side of the house, with a u-shaped turnaround between the garage and the house. Right now, if you pull in, you have to back out of the driveway and that is tough to do on Clarence Center Road.



Mr. Bengart stated that the driveway would be up to Erie County, it is not an absolute that a second driveway would be allowed.

Mr. Krey asked Mr. Bleuer if the proposed garage was attached via a breezeway, would this variance for an accessory structure still be needed.

Mr. Bleuer stated that he can look in to that, he is not as familiar with the TND code in regard to attached accessory structures.

Mr. Krey stated that he feels the proposed structure is very large for the area and the home. Mr. Bobowicz stated that they have the property to put the proposed garage on, and asked if there is a limit to the square footage allowed on a piece of property.

Mr. Bleuer stated that for the Traditional Neighborhood District (TND) the code reads that any residential accessory structure must not exceed 720 sq. ft. whether attached or detached. It is his opinion that a variance would be needed for any structure over 720 sq. ft.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

Mr. Drinkard commented that an important aspect is the character of the neighborhood, he travels Clarence Center Road often. The area where Mr. Bobowicz's house is has an array of houses and businesses. Mr. Bobowicz being willing to put money in to a new garage, and taking a look at their house, it has balance to it. It would not look out of character for the neighborhood, and would probably add character to the neighborhood.

Chairman Mills noted that it is a larger variance request, and he does wish that they had more information to ease some of the apprehension amongst some of the Board members.

Mr. Bobowicz asked what information they would need.

Chairman Mills stated that often in a situation such as this, they will have architectural drawings, elevations, floor plans, and detailed materials where they can see that it will be an aesthetically beautiful structure. So that despite the larger variance request, they are able to see that a beautiful structure that will enhance the character of the neighborhood is being proposed.

Chairman Mills stated that although a couple of photos were submitted, they do not know what the proposed garage will look like.

Chairman Mills explained that tabling this request is an option, and Mr. Bobowicz returns with architectural drawings. Realizing that some money will need to be spent on the architectural end without a definite approval, it gives the Board more information and data to possibly grant the larger variance request.

Mr. Bobowicz asked if an architectural drawing means a complete drawing of what they are proposing. He had a basic photo drawn up because they did not want to spend the money on something they are not

sure they will be able to do. Mr. Bobowicz agreed with Mr. Drinkard that it would be an addition to the neighborhood and the house.

Chairman Mills stated that it would not need to be all architectural and construction drawings, but a clearer game plan in terms of floor plan, and elevation which was labeled Exhibit C, D and E.

Mr. Bengart clarified with Mr. Bobowicz that Chairman Mills explained that he has the opportunity if he so chooses to not have the Board vote tonight because if this request gets denied, they need to come back with an entirely different plan.

If Mr. Bobowicz requests to have this request tabled, the Board can vote to do that and there would not be a vote tonight, depending on the outcome. Mr. Bengart stated that the option is Mr. Bobowicz's.

Mr. Bobowicz asked if he would be obligated to have the structure built exactly as the plans show that he submits, or is there room for moving things around. Would he be 100% obligated to build it like the drawings that he submits?

Chairman Mills responded no; unless the Board imposes specific conditions that Mr. Bobowicz agrees to. They are looking for architectural detail.

Mr. Bobowicz requested the Board table his request.

Chairman Mills explained that Mr. Bobowicz is not obligated to do any of the suggestions that the Board may have. Just because he returns does not necessarily mean it will be approved or denied automatically.

Chairman Mills stated that he would like to see more architectural detail specifically related to the floor plan and the elevations. Material details will help mitigate the size of the proposed structure.

Mr. Krey reiterated what Chairman Mills stated, he would like to see some renderings of what is planned. He is aware that sometimes when dealing with architects they give options, he suggested looking in to doing something that conforms to the code or is a different size variance.

Mr. McNamara stated he would like to see elevations of the front and both sides.

Mr. Drinkard stated that all is said is terrific, but he would like to see some additional landscaping to mute the eyeball to looking at the side of the building would be advantageous.

Mr. Bobowicz explained that landscaping is something they have done their entire lives, and continued to explain the need for the larger size request.

Mr. Bleuer explained to Mr. Bobowicz that it is very important that the proposed building is designed as it would be built, because the Board will have an opportunity to approve the exact drawing. That is what will go to the Building Department. If Mr. Bobowicz goes to the Building Department with a variety of changes like roof pitch and details, they will send it back to the Zoning Board. It is very important to design it appropriately now.

**ACTION:**

Motion by Ryan Mills, seconded by Patrick Krey to **table** Appeal No. 4 as written

**ON THE QUESTION:**

Chairman Mills confirmed with Mr. Bobowicz that he has heard what each Board member would like to see. He is not obligated to bring or do anything that they suggest, but it would be helpful. If Mr. Bobowicz is able to submit the supporting documents in time, potentially he could be on the agenda for next month.

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

**MOTION CARRIED**

**Appeal No. 5**

The Megan Arno Residence Trust  
Agricultural Rural Residential

Town Code Reference:

- 1) §229-40
- 2) §229-40

Applicant requests variances:

- 1) of 6'6" to allow a lot frontage of 143'6"; and
  - 2) of 6'6" to allow a lot frontage of 143'6";
- all to allow for a minor subdivision of land, which would result in one lot being split into two lots of record, located at 5920 Kraus Road.

**DISCUSSION:**

Attorney Sean Hopkins from the law firm Hopkins Sorgi McCarthy, and applicants Michael Arno and his daughter Megan Arno were present to represent this request.

Mr. Hopkins reviewed the request, adding that the parcel is quite large at approximately 5.46 acres. The reason they would like to subdivide this property in to two lots so that both Michael and his daughter Megan are able to each build a single-family home.

Referring to a survey of the property as it exists today, Mr. Hopkins noted that there is currently 287 ft. of frontage on Kraus Road, the depth is 829.15.

Mr. Hopkins noted that they are requesting one variance for each lot which is based on section §229-40 of the Zoning Code, Lot Width for the Agricultural Rural Residential district. The section states that with the exception of corner lots, 150 ft. of frontage is required on a dedicated right-of-way.

Mr. Hopkins referred to slides that showed the proposed subdivision of the lots at 2.73 acres, both parcels need minor variances from the 150 ft. requirement.

Mr. Hopkins added that in relation to the construction of each of the proposed single-family homes, they acknowledge and will comply with the required building setbacks of each of the homes. The front yard setback is 45 ft. unless otherwise determined by the Planning Department, side yards are 15 ft., and rear yards are 45 ft.

Mr. Hopkins reviewed the laws and benefits of this variance request.

Mr. Hopkins stated that the neighbors have no opposition to the variances that are requested.

Reviewing the criteria for a variance, Mr. Hopkins stated that they are requesting very minor deviations with each lot only being 6 ½ ft. from the minimum frontage.

Mr. Hopkins noted that granting the area variances will not result in any harm, and the two area variance requests only result in a variation of 6 ½ feet from the minimum requirement.

Mr. Hopkins added that the proposed variances will not have an adverse effect on the neighborhood. Building permits and appropriate grading plans will need to be submitted for review and approval.

A completed short Environmental Assessment Form (EAF) was submitted with the application, and Mr. Hopkins added that a Negative Declaration is appropriate because the project will not result in any adverse environmental impacts.

Regarding whether the alleged difficulty was self-created, Mr. Hopkins added that in this instance, because they have knowledge of the code and the minimum frontage requirement, they will accept a finding that it is a self-created hardship.

Mr. Drinkard asked if the two lots will have houses built on them, and if they will need variances for the structures.

Mr. Arno responded that the houses will each be approximately 3,000 sq. ft. He would like the houses to be set back equally with the other three houses to the south, which he also built.

Mr. McNamara confirmed that Mr. Arno previously owned the house to the left.

Mr. Arno responded yes.

Mr. McNamara asked when he sold that house.

Mr. Arno stated approximately 5 years ago.

Mr. McNamara asked if the 150' set back applied 5 years ago also.

Mr. Bleuer stated that it has been 150' since 2005.

Mr. McNamara asked what the side yard setback for the house to the south is.

Mr. Arno responded that it is at least 20 ft.

Mr. Hopkins reiterated that 144.5 ft. of frontage required with the two side yard setbacks is very easy.

Mr. McNamara noted that Mr. Arno could have reserved some land when he originally split the parcel off and sold it.

Mr. Hopkins responded yes; he did not envision this scenario.

Chairman Mills asked when the parcel was acquired by Mr. Arno.

Mr. Hopkins stated that it is under contract, it has not been formally acquired yet.

Chairman Mills asked if there are any architectural done for the houses.

Mr. Hopkins responded no; they are waiting to see if the variance requests will be granted.

Chairman Mills confirmed that each home will be approximately 3,000 sq. ft.

Mr. Arno responded yes.

Chairman Mills asked Mr. Arno if he expects to need setback variances for the homes.

Mr. Bleuer explained that setbacks are determined based on the average of homes within 500' on the same side of the road. Possibly the northernly lot, if it is going to be in a straight line, may require a variance otherwise it would need to come closer to the home to the north.

Mr. Hopkins stated that they want to comply with that request, and when the time comes, they will need to do the calculations to determine if the lots will require setback variances. The goal would be to align them as much as possible.

Mr. Krey asked about the properties to the north, they appear smaller but were built before the code was changed.

Mr. Arno stated that those houses have 100 ft. of frontage.

In regard to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

**ACTION:**

Motion by Ryan Mills, seconded by Gerald Drinkard that pursuant to Article 8 of the Environmental Conservation Law to **accept** the Part 1 Environmental Assessment Form as submitted and approve the Part 2 and 3 Environmental Assessment Form as prepared and to issue a Negative Declaration on the proposed Megan Arno Residence Trust Minor Subdivision at 5920 Kraus Road. This unlisted action involves a lot split to create 1 lot in the Agricultural Rural Residential zone. After thorough review of submitted plans and Environmental Assessment Forms it is determined that this action will not have a significant negative impact on the environment.

**ON THE QUESTION:**

Chairman Mills stated that while this is a minor deviation from the determined front yard setback in place, looking at the residences adjacent at 5930, 5940, and 5950 Kraus Road they are all 104 ft., 114 ft., and 114 ft. in terms of their frontage. While the other lots are larger around them, he does not believe this will have an adverse effect on the character of the neighborhood or the street.

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

**MOTION CARRIED**

Motion by Patrick Krey, seconded by Gerald Drinkard to **approve** Appeal No. 5 as written.

**ON THE QUESTION:**

Based upon the lot frontages at 5930, 5940 and 5950 Kraus Road, and their frontages of 104 ft., 114 ft., and 114 ft., Chairman Mills does not believe this will have an adverse effect on the character of the neighborhood. There are larger lot sizes around this property and this is not a huge deviation. In addition, the overall parcel size of parcel 1 and parcel 2 are still 2.731 acres which are larger parcels. Chairman Mills does not feel that this will have any significant environmental or negative impacts on the character of the neighborhood.

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

**MOTION CARRIED**

Mr. Bleuer added that the Minor Subdivision for 5920 Kraus Road has been approved.

Meeting adjourned at 6:30 p.m. with a motion by Patrick Krey.

**MOTION CARRIED**

Amy Major  
Senior Clerk Typist