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Exhibit A

*Summary of the area variances granted on April 8th and a description
of the requested area variance;*

EXHIBIT A

I. PROJECT HISTORY: ZONING BOARD OF APPEALS TWO (2) AREA VARIANCES GRANTED ON APRIL 8, 2025:

The Applicant submitted a Request for Action and supporting documentation dated February 21, 2025 to the Zoning Board of Appeals (the “ZBA”) to request the granting of two (2) area variances in connection with the Project. The first area variance sought relief from Section 229-126 D. (1) (f.) to permit the construction of a three-story multiple-dwelling building. The second area variance sought relief from Section 229-87 F. (1) to permit a project density of twenty-two (22) total residential units on the Project Site.

The Applicant made an initial presentation on March 11, 2025 during a public hearing held by the ZBA. The Project was tabled during the March 11th hearing to allow the Applicant to provide additional information in response to questions posed by members of the ZBA. The Applicant provided an updated submission dated March 21st addressing the questions from the members of the ZBA and appeared before the ZBA on April 8th during a continuation of the public hearing. The ZBA adopted a resolution by a unanimous vote during its meeting on April 8th to grant the requested area variances, allowing the Applicant to proceed with the Project as designed, including 22 residential units and a three-story multiple-family building.

II. ZONING BOARD OF APPEALS DESCRIPTION OF ADDITIONAL AREA VARIANCE REQUEST FOR ONE (1) ADDITIONAL EFFICIENCY DWELLING UNIT:

The Applicant is requesting an area variance from the ZBA for relief from Section 229-126 D. (1) (b.) of the Zoning Code which limits the density of a Project Site that does not have access to sanitary sewers. A copy of Section 229-126 of the Zoning Code is attached as **Exhibit “D”** and states as follows:

Residential Project Density:

Section 229-126 D. (1) (b) of the Zoning Code: Where feasible and appropriate, multiple-family developments may be considered on properties without sanitary sewer access. The maximum on-site waste treatment allowance determination shall be consistent with the approvals of regulatory agencies and the Town Engineer, including residential and projected commercial waste. The maximum number of residential units that can be developed on properties without sewer access in a multiple-family development shall be four units per acre with a maximum total number of 16 units.

The Applicant is proposing twenty-three (23) total residential units on the Project Site as depicted on the updated Concept Site Plan [Drawing C-100 – Dated 05/20/2025], prepared by Anthony Pandolfe, P.E. of Carmina Wood Design (the “Site Plan”). A copy of the updated Site Plan is attached as **Exhibit “E”**. The updated Site Plan shows one additional 600 sq. ft. dwelling unit on

the first floor of the mixed-use building. The updated Site Plan reflects an increase in the total dwellings in the mixed-use building from ten (10) dwelling units to eleven (11). Accordingly, the Project density increased from twenty-two (22) dwelling units to twenty-three (23) total dwelling units on the Project Site.

The ZBA granted an area variance for the Project on April 8th for a total of twenty-two (22) residential units on the Project Site. Therefore, the Applicant is seeking a variance for one (1) additional residential unit to allow a total of twenty-three (23) residential dwelling units on the Project Site.

It is important to note that a dwelling unit located on the first floor of a mixed-use building complies with the requirements of Section 229-126 D. (5) (b) of the Zoning Code which states as follows:

Section 229-126 D. (5) (b) of the Zoning Code: Mixed use designs within the commercial component shall require a minimum of 75% of the first-floor square footage to be dedicated to permitted commercial uses.

The one (1) additional 600 sq. ft. residential dwelling unit would be only 8.5% of the overall first floor space in the mixed-use building. Approximately 6,400 sq. ft. or 91.4% of the first-floor space would remain commercial, satisfying the conditions set forth in Section 229-126 D. (5) (b) of the Zoning Code.

III. REASON FOR AREA VARIANCE REQUEST SEEKING ONE (1) ADDITIONAL DWELLING UNIT:

In preparation of Development Plan review of the Project, the Applicant engaged David Sutton, R.A. of Sutton Architecture (the "Project Architect") to advance architectural plans for the mixed-use building and townhome buildings to be located on the Project Site. During a recent project meeting, the Project Architect highlighted the requirement to provide accessible dwelling units in the mixed-use building in accordance with the U.S. Department of Housing and Urban Development Fair Housing Act Design Manual.¹ The relevant excerpt from the Fair Housing Act Design Manual is attached as **Exhibit "F"**.

In collaboration with the Project Architect, the Applicant evaluated multiple potential solutions for compliance with the Fair Housing Act Design Manual. Adding a small 600 sq. ft. dwelling unit on the first floor of the mixed-use building is the most viable option to maintain the architectural integrity of the Project and to ensure the financial viability of the Project. The Site Plan depicts the location of the proposed 600 sq. ft. studio apartment located on the southeast corner of the mixed-use building. Including this studio apartment would reduce the overall commercial space by 600 sq. ft., resulting in a total of approximately 6,400 sq. ft. of commercial space in the mixed-use building.

¹ U.S. Department of Housing and Urban Development, Fair Housing Act Design Manual, Revised April 1998, Page 7-11; [Fair Housing Act Design Manual](#)

In addition to the proposed first floor dwelling unit, the Site Plan has been updated to include an approximately 900 sq. ft. exterior patio located on the northeast corner of the mixed-use building for use by a future hospitality tenant of the first-floor commercial space. The exterior patio space enhances the vibrancy and pedestrian scale of the Project consistent with the objectives of the Town of Clarence Comprehensive Plan and Vision Sheridan Corridor Economic Redevelopment Plan prepared by Wendel in collaboration with the Clarence Industrial Development Agency. The exterior patio space is depicted on updated renderings of the Project attached hereto as **Exhibit "G"**. The updated renderings, prepared by David Sutton, R.A. of Sutton Architecture PLLC, illustrate bistro-style dining tables with umbrellas suitable for a variety of potential first floor commercial tenants.

Exhibit B

Justification for the requested area variances

I. NARRATIVE PROVIDING JUSTIFICATION FOR THE REQUESTED AREA VARIANCES FOR THE MIXED-USE PROJECT:

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by a zoning board of appeals in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variance will result in a benefit to the Applicant including the ability of the Applicant to proceed with the proposed mixed-use project pursuant to the current project layout including a small studio dwelling unit to be located on the first floor of the mixed-use building as depicted on the Site Plan.

The granting of the requested area variances will not result in any detriment to the health, safety and welfare of the community. The Project Site is located within the C Commercial zoning district as depicted on **Exhibit "H"**, an excerpt of the Town of Clarence Zoning Map. All properties abutting the Project Site are also zoned C Commercial.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a ZBA to consider five (5) criteria as described below:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:

The granting of the requested area variance will not produce an undesirable change to the character of the neighborhood or detriments to nearby properties. The scope and size of the Project would remain unchanged as a result of the granting of the requested variance. The appearance and architectural integrity of the Project will remain virtually identical. As proposed, the Project will capture all of the same benefits to the Town of Clarence as outlined in the Town of Clarence Comprehensive Plan.

The granting of the requested area variance will not result in any detriments to nearby properties. All properties abutting the Project Site are zoned C Commercial with uses consisting of commercial retail, commercial office and industrial uses. Furthermore, the Project size, impact, and visual appearance will remain unchanged as a result of one (1) additional studio dwelling unit on the first floor of the mixed-use building.

2. Whether the benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

The alternative methods to maintain compliance with the Fair Housing Act Design Manual that have been evaluated are not desirable and will jeopardize the economic viability of the Project. A summary of each alternatives that have been evaluated is outlined below:

A. Commercial Space located on Second Floor:

In the interest of preserving the overall quantity of commercial space included in the Project, the Applicant would have the option to locate a dwelling unit on the first floor and add 600 sq. ft. of commercial space on the second floor of the mixed-use building. However, locating commercial space on the second floor of the mixed-use building would negatively impact the marketability of the commercial space and create an undesirable mixture of uses on the second floor of the mixed-use building. It would also be challenging to lease 600 sq. ft. of commercial space on the second floor of the mixed-use building.

While this option would not require an area variance, the Applicant does not wish to proceed on account of the reduction in value and marketability of the second-floor commercial space.

B. Attaching a Dwelling Unit to the proposed Mixed-Use Building:

An alternative that was evaluated was attaching a small 600 sq. ft. efficiency apartment outside of the existing envelope of the mixed-use building on the southeastern portion of the building. An illustration of this option is attached as **Exhibit "I"**. While this option is feasible, economically viable and would preserve the quantity of commercial space included in the mixed-use building, it would be undesirable from an architectural and aesthetic perspective. The mixed-use building is an attractive and symmetrical building. The Applicant does not wish to compromise the architectural integrity of the mixed-use building.

This option would also require an area variance for one (1) additional dwelling unit from the ZBA. The Applicant does not wish to proceed with this option.

C. Elevator Installation:

The Applicant could proceed with including an elevator in the mixed-use building for the purpose of complying with the Fair Housing Act Design Manual. However, the mixed-use building was not designed to incorporate an elevator. An elevator would be a detriment to the layout of the building and would jeopardize the architectural aesthetics. An elevator would require additional common area space for purposes of accessibility, thereby reducing the commercial space available on the first floor and reducing the overall layout of the dwelling units on the first and second floor.

The installation of an elevator is not financially feasible. The cost associated solely with installing an elevator is approximately \$175,000. This does not factor in the additional financial challenges of additional common area space and the reduction in overall net rentable residential and commercial space in the mixed-use building.

The Applicant cannot proceed with this option on account of the financial detriment to the Project.

D. Attach a Dwelling Unit to proposed Townhome Building:

The Applicant and Project Architect explored the possibility of attaching a single-story accessible dwelling unit to the end of one of the proposed townhome buildings. An illustration of this option is attached as **Exhibit “J”**. This option would require an area variance for one (1) additional dwelling unit granted from the ZBA. After careful review of the Fair Housing Act Design Manual, including an accessible dwelling unit on the proposed townhome buildings would not meet the accessibility criteria as set forth by the U.S. Department of Housing and Urban Development.

After analyzing the options available to the Applicant, it is clear that the proposed addition of one (1) studio dwelling unit to the first floor of the mixed-use building is the only viable option to pursue.

3. Whether the requested area variance is substantial:

The area variance being requested for one additional dwelling unit is not substantial. The only change to the Project is a reduction of 600 sq. ft. of first floor commercial space in the mixed-use building and the addition of 600 sq. ft. of residential space.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

The granting of the requested area variances will not have adverse effects or impacts on the physical or environmental conditions in the neighborhood or district. The Project has undergone extensive review by the Planning Board. The Planning Board conducted a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”). The Planning Board issued a Negative Declaration pursuant to SEQRA on January 29, 2025 based on its determination that the Project will not result in any potentially significant adverse environmental impacts.

It is also important to mention that the Project will comply with the numerous technical standards that apply in order to receive Development Plan Approval from the Planning Board as well as the required approvals and permits from involved agencies. The Applicant will be required to submit a fully engineered Site Plan for review by the Engineering Department along with additional involved agencies, to include the Erie County Water Authority, Erie County Health Department, New York State Department of Transportation, and the Building Department.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variances:

Town Law Section 267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance. Since the Applicant’s design team has knowledge of the Fair Housing Act Design Manual, the alleged difficulty can be viewed as being self-created.

However, the overall balancing test and the other four statutory criteria provides strong justification for the granting of the requested area variances by the Zoning Board of Appeals.

II. CONCLUSION:

The Applicant requests that the Zoning Board of Appeals grant the requested area variance being sought in connection with the proposed mixed-use project. The granting of the requested area variance is justified since the benefits that will be received by Applicant if the requested area variance is granted clearly outweigh any resulting detriments per the statutorily mandated balancing test and five criteria.

Exhibit C

Project Description and Project Review History

EXHIBIT C

PROJECT DESCRIPTION

I. Project Site Details – 9105 Sheridan Drive:

The Project Site consists of 2.83± acres with approximately 324 ft. of frontage on the south side of Sheridan Drive and is located approximately 1,000 ft. northwest of the intersection of Sheridan Drive and Main Street. The Project Site previously consisted of a locally operated diner. The Project Site was purchased by 9105 Sheridan Drive LLC by its current owner on September 14, 2006, after permanent closure of the diner. The current property owner intended to renovate the existing building, but due to the state of disrepair, the building was demolished, providing the opportunity for the Project Site to be redeveloped.

The current owner has previously proposed multiple projects, including a large self-storage facility on the Project Site. Ultimately, the current owner decided to list the Project Site for sale in 2023. The Applicant and the current owner entered into a Purchase and Sale Agreement dated July 22, 2024, which included a contingency for the purpose of allowing the Applicant to pursue the required approvals for the proposed mixed-use project.

II. Project History:

The Applicant submitted a Request for Action to the Town Board dated September 18, 2024 for the purpose of requesting referral of the Project to the Planning Board by the Town Board. The Applicant attended a Town Board Work Session held on September 14, 2024 and engaged in conceptual discussion with the members of the Town Board regarding the Project. In response to comments received from the Town Board, the Applicant submitted an Updated Concept Plan Review submission dated October 2, 2024 which included a revised Site Plan eliminating two (2) of the previously proposed first floor apartments in the mixed-use building and an increase in the amount of first floor commercial square footage from 5,250 sq. ft. to 7,000 sq. ft.

The Applicant appeared before the Planning Board on November 13, 2024 to formally introduce the Project to the Planning Board and to request that the Planning Board commence a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act ("SEQRA"). The Town of Clarence issued a Lead Agency Solicitation letter dated November 18, 2024 pursuant to SEQRA with a thirty (30) day lead agency solicitation response deadline that expired on December 31, 2024.

The involved agencies that responded all concurred with the request of the Planning Board to be the designated Lead Agency for the purpose of the coordinated environmental review of the Project pursuant to SEQRA.

The Applicant appeared before the Planning Board on January 29th to discuss the comments received from the interested and involved agencies and to discuss the responses provided to the Planning Department. The Planning Board adopted a motion by a unanimous vote during its

meeting on January 29th for the purpose of issuing a Negative Declaration pursuant to the State Environmental Quality Review Act. The Planning Board also adopted a motion to deny the Concept Plan based on the need for relief from the Zoning Board of Appeals.

The Applicant appeared before the Planning Board on April 30th to provide the Planning Board with an update on the requested area variances and to request Concept Plan Approval for the Project. The Planning Board adopted a resolution to issue Concept Plan Approval by unanimous vote. Additionally, the Planning Board adopted a resolution recommending that the Town Board issue a Special Exception Use Permit for the Project.

The Project is scheduled to appear before the Town Board on May 14th for the purpose of setting a public hearing in connection with the pending requested Special Exception Use Permit for the Project.

III. Zoning Analysis:

The Project Site is zoned C Commercial pursuant to the Town of Clarence Zoning Map. Commercial retail uses are expressly permitted within C Commercial zoning district. Multiple-family dwelling units are also included as a use permitted within the Commercial zoning district subject to the issuance of a Special Exception Use Permit by the Town Board in accordance with Section 229-85 E. of the Zoning Code.

Exhibit D

Section 229-126 of the Zoning Code

§ 229-126. Multiple-family developments. [Amended 6-27-2007 by L.L. No. 3-2007; 6-26-2013 by L.L. No. 2-2013; 7-8-2015 by L.L. No. 2-2015; 7-26-2017 by L.L. No. 5-2017]

Multiple-family developments will only be allowed in the Commercial, Restricted Business and Traditional Neighborhood Districts as described herein.

- A. The purpose of a multiple-family development special exception use permit is to guide the future establishment of multiple-family developments within the Town of Clarence. Multiple-family developments shall not be considered an "as of right" use within any zoning classification.
- B. The Town Board shall determine the Town-wide placement of such a multiple-family development based upon its design features, and its impacts upon the community character, infrastructure and fiscal sustainability of the Town.
- C. The intent of this section is to provide design standards to ensure that multiple-family developments are properly integrated into the character of the Town of Clarence by providing for:
 - (1) Preservation of valuable commercial property within the Town for development of commercial uses.
 - (2) Preservation of open space.
 - (3) Harmony with the rural and suburban character and scenic qualities of the Town.
 - (4) Facilitation of interconnectivity within the multiple-family development between commercial and residential components.
 - (5) Facilitation of cross access between the development and surrounding properties.
 - (6) Facilitation of the adequate extensions of roads, walkways and utilities.
- D. Multiple-family developments in Commercial and Restricted Business Zones.
 - (1) In order to preserve the long-term viability of the Commercial and Restricted Business zoning classifications for commercial uses, provide a balance to residential growth in the community, and avoid the concentration of multiple-family developments in a particular area of the Town, the maximum number of multiple-family developments that can be approved on any shall be restricted as follows:
 - (a) Multiple-family developments will only be allowed on properties with sewer access as approved by the Town Board. The maximum density for multiple-family developments with sanitary sewer access shall be eight units per acre.
 - (b) Where feasible and appropriate, multiple-family developments may be considered on properties without sanitary sewer access. The maximum on-site waste treatment allowance determination shall be consistent with the approvals of regulatory agencies and the Town Engineer, including residential and projected commercial waste. The maximum number of residential units that can be developed on properties without sewer access in a multiple-family development shall be four

units per acre with a maximum total number of 16 units.

- (c) A minimum of 50% of the property shall be committed to commercial uses. On-site integration between residential and commercial components is required. The required commercial component shall be located in such a way as to front the public right-of-way.
 - (d) The density calculation and total number of residential units is only to be determined by the residential component of that portion of project site being utilized for the multiple-family development.
 - (e) Within the residential component, there shall be a maximum of four residential units per building. Upon recommendation of the Planning Board, the Town Board may consider exceptions to maximum residential units per building, as documented by the applicant for purposes relating to the physical or developmental health needs or government-recognized financial needs of the intended occupants.
 - (f) Buildings within a multiple-family development shall be limited to a maximum of two stories.
 - (g) Exclusively residential buildings within a multiple-family development shall have a sufficient setback from the fronting road to preserve the open character of the Town. The required front yard setback area shall be enhanced with landscaping to ensure a visual buffer. Where appropriate, exclusively residential buildings shall be located to the rear of the required commercial component or integrated through a mixed-use format.
 - (h) Scale and design must be compatible with community features and all other standards, as identified for Commercial or Restricted Business Districts in §§ 229-83 through 229-90.2 and §§ 229-75 through 229-82.2 of this chapter.
 - (i) All multiple-family developments shall have pedestrian connectivity integrating the site with its surrounding environment. Where appropriate, sidewalks or recreational trails shall be created, extended and connected to existing or planned off-site sidewalks or trails.
- (2) Multiple-family developments will require 30% of the overall development to be preserved as permanent open space.
 - (3) Part or all of the required commercial component can be preserved as open space for later commercial development. This open space reserved for commercial use is in addition to the 30% required for the overall development.
 - (4) Upon recommendation of the Planning Board, the Town Board will designate the area of the development that is to be reserved for commercial use as open space at the time of the approval of the special exception use permit.
 - (5) Mixed use design incentive.
 - (a) Within the minimum 50% of the development committed to commercial uses, mixed use designs may be allowed through an incentive density of up to four

residential units per acre.

- (b) Mixed use designs within the commercial component shall require a minimum of 75% of the first floor square footage to be dedicated to permitted commercial uses.
 - (c) For mixed use designs, there shall be no limit to the number of residential units per building in the commercial component.
- (6) Transfer incentive.
- (a) A transfer incentive of two additional residential units may be placed within the commercial component in a mixed use design for every one unit removed from the residential component.
- (7) General design standards.
- (a) All on-site roads and driveways shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrance and exit access roads and driveways shall not be closer than 100 feet to any existing road intersection.
 - (b) Each design or construction phase of any multiple-family development must meet the density requirements as herein established.
 - (c) Multiple-family developments that adjoin a road shall have significant screening running the length of the right-of-way, parallel to the road frontage.
 - (d) All multiple-family developments shall have an area, or areas, devoted to recreational use by the residents. Such recreational space shall have a total area equal to a minimum of 15% of the overall development. Part or all of such space shall be in the form of developed recreation areas to be usable for recreational purposes. The 15% recreational areas may be counted as a part of the 30% total open space requirement for such projects. The recreational area shall be maintained by the owner of the property.
 - (e) Buildings used in whole or part for single-family residential purposes, exclusive of accessory buildings, porches, entries, garages and terraces, shall contain no less than 900 square feet of usable living space if a one-story detached building, nor less than 600 square feet of usable first floor living space if more than one story. No such building shall contain less than 600 square feet of usable living space for each one-bedroom family unit or apartment; 720 square feet of usable living space for each two-bedroom family unit or apartment; and 1,000 square feet of usable living space for each three-bedroom family unit or apartment.
 - (f) Any multiple-family development that includes five or more residential units which is situated, in whole or in part, within the Adequate Educational Facilities Overlay District, shall comply with the terms of Article XIVA of the Town Zoning Law.¹
- (8) Small-scale retail uses in the Restricted Business Zone exception.

1. Editor's Note: See §§ 229-114.1 through 229-114.8.

- (a) Under special circumstances, the Town Board, upon recommendation of the Planning Board, may allow small-scale retail uses within the Restricted Business Zone in conjunction with multiple-family developments in a mixed use design. These special circumstances would include:
 - [1] Each business should complement and service the residents of the development, and contribute to the character of the Restricted Business Zone.
 - [2] For mixed use design proposals that do not have predetermined small-scale retail tenants or defined uses at the time of submission, the overall area designated for small-scale retail will be considered for approval subject to future use permits as approved on a case-by-case basis by the Planning Board at the time when a tenant or defined use has been proposed.
 - (b) Furthermore, in an effort to maintain small-scale retail units that uphold the intent of the Restricted Business Zone (see § 229-75), additional retail restrictions would include but not be limited to:
 - [1] Limited vehicular traffic generation consistent with Restricted Business Zone.
 - [2] Architectural and design standards consistent with Restricted Business Zone.
 - [3] No automotive uses, including but not limited to sales, part sales, service, rental, collision, body repair, detailing and fueling.
 - [4] No drive-through facilities.
 - [5] No outside display.
 - (c) An applicant shall have the right to petition the Zoning Board of Appeals of the Town of Clarence in the event of a denial of the small-scale retail use permit by the Planning Board. The Zoning Board of Appeals of the Town of Clarence, after public notice and a hearing, may approve, deny, or vary/modify the application of this section in harmony with its general purpose and intent.
- E. Multiple-family developments in Traditional Neighborhood District (TND).
- (1) The maximum residential density of the multiple-family development shall be limited to eight units per acre.
 - (2) A minimum of 25% of the total floor space shall be committed to commercial uses.
 - (3) On-site integration and connectivity of uses is required.
 - (4) The required commercial component shall be located in such a way as to front the public right-of-way.
 - (5) Scale and design standards shall be compatible with community features and all other standards, as identified within the TND Zoning District (§§ 229-57 through 229-68 of this chapter).
 - (6) General design standards.

- (a) All on-site roads and driveways shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrance and exit access roads and driveways shall not be closer than 70 feet to any existing road intersection.
- (b) Each design and construction phase of any multiple-family development must meet the density requirements as herein established.
- (c) Multiple-family developments that adjoin a road shall have significant screening running the length of the right-of-way, parallel to the road frontage.
- (d) All multiple-family developments shall have an area or areas devoted to recreational use by the residents.

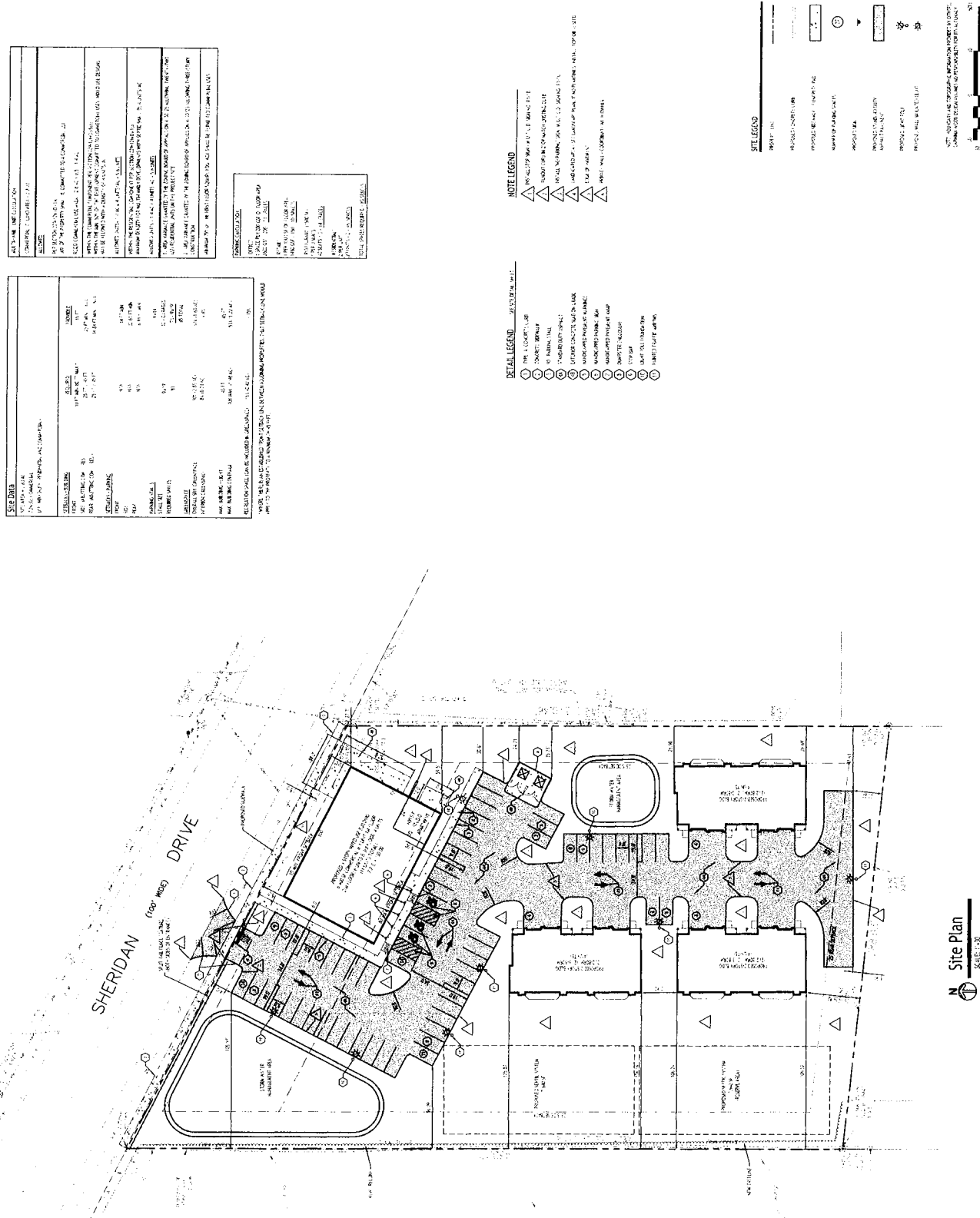
Recreational uses shall be defined as pedestrian accommodations and improvements intended to beautify the property fronting the public right-of-way. Such features include, but are not limited to, benches, planters and bike racks.

- (e) All multiple-family developments shall have pedestrian connectivity integrating the site with its surrounding environment. Where appropriate, sidewalk or recreational trail connections shall be created, extended and connected to existing or planned off-site sidewalks or trails.
- (f) Buildings used in whole or part for single-family residential purposes, exclusive of accessory buildings, porches, entries, garages and terraces, shall contain no less than 900 square feet of usable living space if a one-story detached building, nor less than 600 square feet of usable first floor living space if more than one story. No such building shall contain less than 600 square feet of usable living space for each one-bedroom family unit or apartment; 720 square feet of usable living space for each two-bedroom family unit or apartment; and 1,000 square feet of usable living space for each three-bedroom family unit or apartment.
- (g) Any multiple-family development that includes five or more residential units and which is situated, in whole or in part, within the Adequate Educational Facilities Overlay District, shall comply with the terms of Article XIVA of the Town Zoning Law.²

2. Editor's Note: See §§ 229-114.1 through 229-114.8.

Exhibit E

*Updated Concept Site Plan [Drawing C-100 – Dated 05/20/2025],
prepared by Anthony Pandolfe, P.E. of Carmina Wood Design*



Site Plan

Exhibit F

*Relevant Excerpt from the Fair Housing Act Design Manual,
prepared by the U.S. Department of Housing and Urban
Development, updated April 1998*

THE SCOPE OF THE DESIGN AND CONSTRUCTION REQUIREMENTS OF THE FAIR HOUSING ACT

The accessibility requirements of the Fair Housing Act are intended to provide usable housing for persons with disabilities without necessarily being significantly different from conventional housing. The Fair Housing Act specifies certain features of accessible design and certain features of adaptable design. These basic design features are essential for equal access and to avoid future de facto exclusion of persons with disabilities, as well as being easy to incorporate into housing design and construction. These design features assist not only persons with disabilities but also other persons to use and enjoy all aspects of a residential development.⁴

ADAPTABLE DWELLING UNITS

Covered dwelling units that meet the design requirements of the Guidelines are sometimes referred to as “adaptable dwelling units” or units that meet “certain features of accessible design.” The Guidelines incorporate accessibility features that are both accessible and adaptable. Accessible elements and spaces are those whose design allows them to be used by the greatest number of users without being modified. For example, the requirement within the covered dwelling unit for “usable” doors, with a nominal clear opening of 32 inches, ensures that dwelling unit doors are not too narrow or impassable for any resident.

Adaptable/adjustable elements and spaces are those with a design which allows them to be adapted or adjusted to accommodate the needs of

different people. The Fair Housing Act incorporates the adaptable/adjustable concept in bathroom walls by requiring that they contain reinforced areas to allow for later installation of grab bars without the need for major structural work on the walls.

DWELLINGS COVERED BY THE DESIGN REQUIREMENTS

The design requirements apply to buildings built for first occupancy after March 13, 1991, which fall under the definition of “covered multifamily dwellings.” See page 12 for a discussion of “first occupancy.” Covered multifamily dwellings are:

1. all dwelling units in buildings containing four or more dwelling units if such buildings have one or more elevators, and
2. all ground floor dwelling units in other buildings containing four or more units.

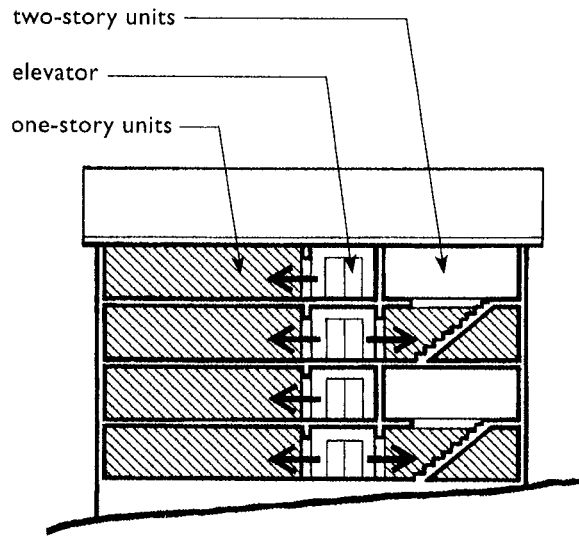
To be a covered unit, all of the finished living space must be on the same floor, that is, be a single-story unit, such as single-story townhouses, villas, or patio apartments. Even though raised and sunken areas are permissible in covered dwelling units, there are limitations to their use and they are discussed in Chapter Four: “Accessible Route Into and Through the Covered Unit.” Multistory dwelling units are not covered by the Guidelines except when they are located in buildings which have one or more elevators, in which case, the primary entry level is covered.

⁴House Report No. 711, 100th Congress, 2nd Session

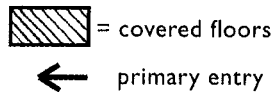
Dwelling Units in Buildings with Elevator(s)

As is evident from the preceding discussion, the Fair Housing Act's definition of "covered multifamily dwellings" distinguishes between buildings with elevators and buildings without elevators. Thus, if a building has one or more elevators, all of the dwelling units in the building are covered.

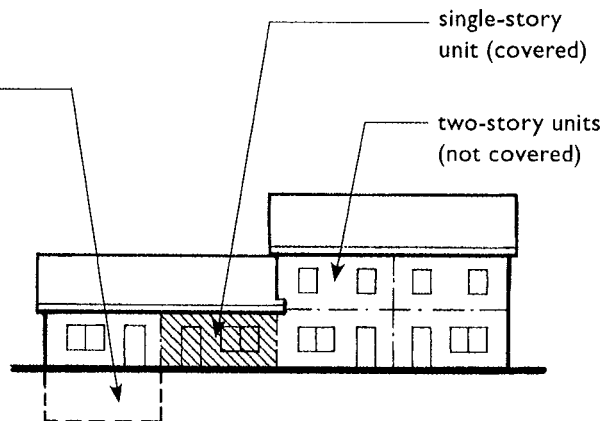
There is one exception to this requirement, and that is when an elevator is provided only as a means of creating an accessible route to dwelling units on a ground floor. In that case, the elevator is not required to serve dwelling units on floors which are not ground floors, and the building is not considered to be a "building with one or more elevators" that would require all of the dwelling units to meet the requirements of the Guidelines. This concept is discussed more fully in Chapter 1: "Accessible Building Entrance on an Accessible Route," starting on page 1.21.



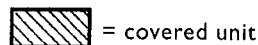
**Buildings with Elevator(s):
All Single-Story Units and the Primary Entry
Level of Multistory Units Are Covered**



finished basement
with living space
makes this a two-
story dwelling unit,
thus, it is not covered



**Ground Floor Units in Buildings of 4
or More Units Are Covered**



Ground Floor Dwelling Units

The **ground floor** is defined as a floor of a building with a building entrance on an accessible route. The ground floor may or may not be at grade.

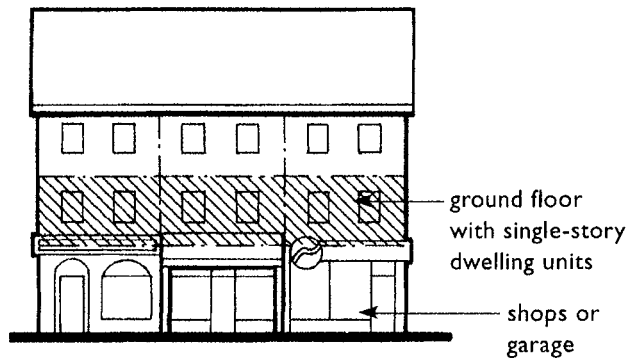
INTRODUCTION

The definition of **ground floor** further provides that where the first floor containing dwelling units in a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

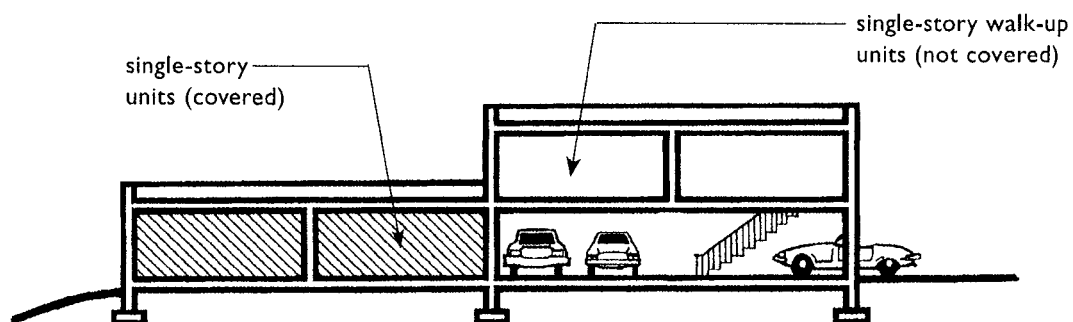
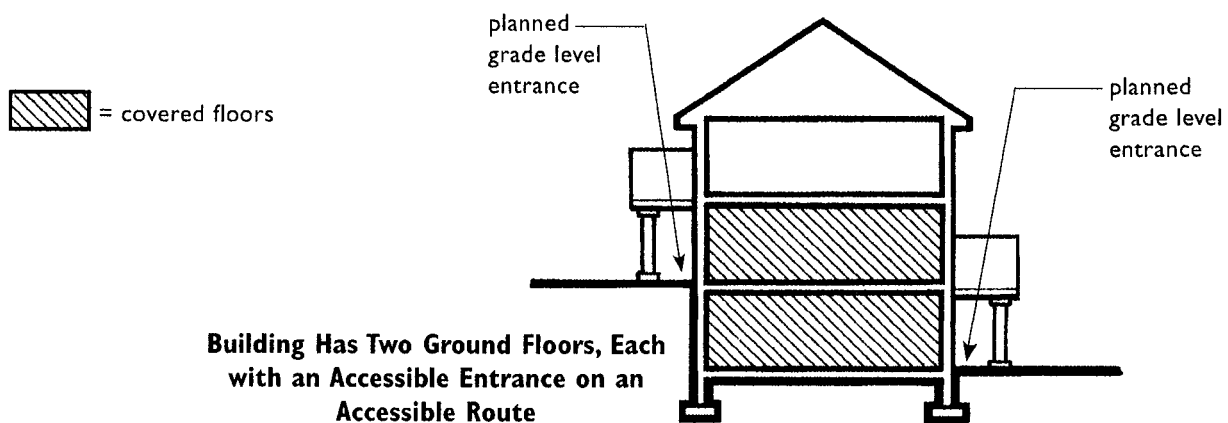
If more than one story can be designed to have an accessible entrance on an accessible route, then each story becomes a ground floor and all units on those stories are covered. However, the Fair Housing Act and the Guidelines do not require that there be more than one ground floor. See Chapter 1: "Accessible Building Entrance on an Accessible Route" for more detailed discussion of covered ground floors.

an accessible route via a ramp or elevator must be provided to the first floor of dwelling units

placing shops or garages under multi-family housing is a design choice and is not dictated by extremes of terrain



Covered Dwelling Units Over Shops and Garages



Dwelling Units on the Ground Floor Are Covered
(the Guidelines Do Not Require that There Be a Second Ground Floor)

EXAMPLES OF COVERED MULTIFAMILY DWELLINGS

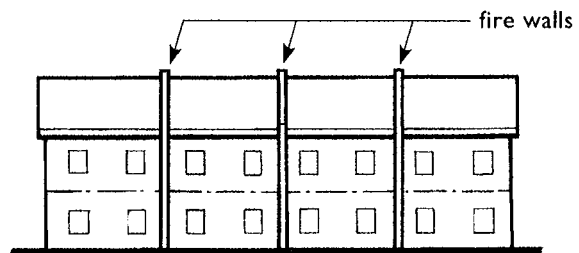
The Fair Housing Act does not distinguish between different forms of ownership when determining whether a unit or building is covered. Condominiums are covered by the Fair Housing Act even if they are pre-sold as a shell and the interior is designed and constructed by the buyer. All covered units must comply with the design and construction requirements of the Guidelines. Single-story townhouses are covered, as are other types of housing including vacation timeshare units, college dormitories, apartment housing in private universities, and sleeping accommodations intended for occupancy as a residence in a shelter.

Continuing care facilities or retirement communities are covered even when they include health care, provided the facility includes at least one building with four or more dwelling units. Whether a facility is considered a “dwelling” depends on whether the facility is to be used as a residence for more than a brief period of time. The operation of each continuing care facility must be examined on a case-by-case basis to determine whether it contains covered multifamily dwellings.

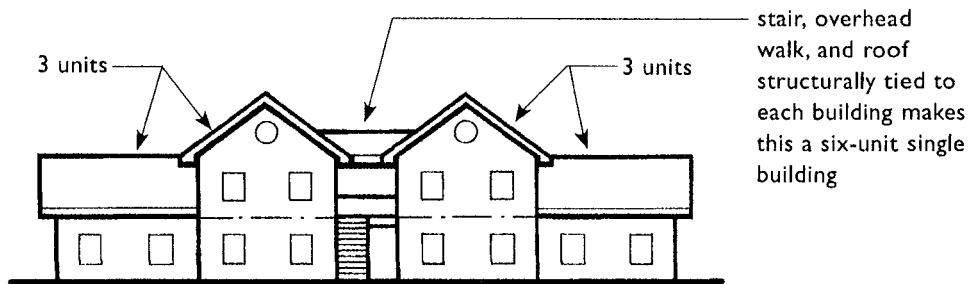
Buildings Separated by Firewalls or Covered Walkways

Dwellings built within a single structure but separated by a firewall are treated under the Fair Housing Act as a single building. For example, a structure containing two units on each side of a firewall would not be regarded as four two-unit buildings (and thus not covered by the Guidelines) but as a single eight-unit building.

In other situations where the dwelling units are connected, such as by stairs or a walkway that is structurally tied to the main body of the building, for purposes of the Guidelines, they are considered a single building and ground floor units in such buildings without elevators are covered.



**Building with Firewalls
Is Treated as a Single Building**



**For Purposes of the Guidelines, Two Structurally Joined Buildings
Are Treated as a Single Building**

Building Conversions

If a building was used previously for a nonresidential purpose, such as a warehouse, office building, or school, and is being converted to multifamily housing, the conversion is not covered. The Fair Housing Act only applies to covered buildings for first occupancy after March 13, 1991. The regulations define “first occupancy” as “a building that has never before been used for any purpose.”

See page 12 for additional discussion of “first occupancy.”

New Construction Behind Old Facade

In cases where the facade of a building is preserved, but the interior of the building, including all structural portions of floors and ceilings is removed, and a new building is constructed behind the old facade, the building is considered a new building for the purposes of the Fair Housing Act. Thus, it is covered and must comply with the Guidelines.

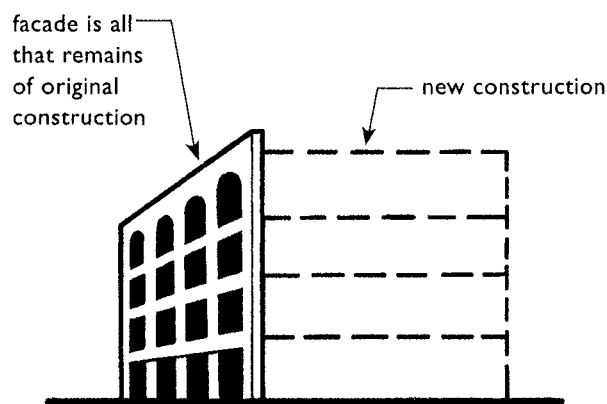
Additions to Existing Buildings

When an addition is built as an extension to an existing building, the addition of four or more units is regarded as a new building and must meet the design requirements of the Guidelines.

If any new public and common use spaces are added, they are required to be accessible. If, for example, an apartment wing is added to an existing hotel, the apartments are covered by the Fair Housing Act.

Housing for Older Persons Is Covered

Housing built specifically for older persons is exempt from complying with the Fair Housing Act’s prohibition against discrimination based on familial status (see 24 CFR 100.303 and 100.304). However, such housing is still subject to the Fair Housing Act’s other requirements, including the design requirements for accessibility.



**New Construction Behind
Old Facade Is Covered**

Exhibit G

*Updated renderings of the Mixed-Use Building, prepared by David
Sutton, R.A. of Sutton Architecture*



lumion



 lumion

Exhibit H

Excerpt from the Town of Clarence Zoning Map

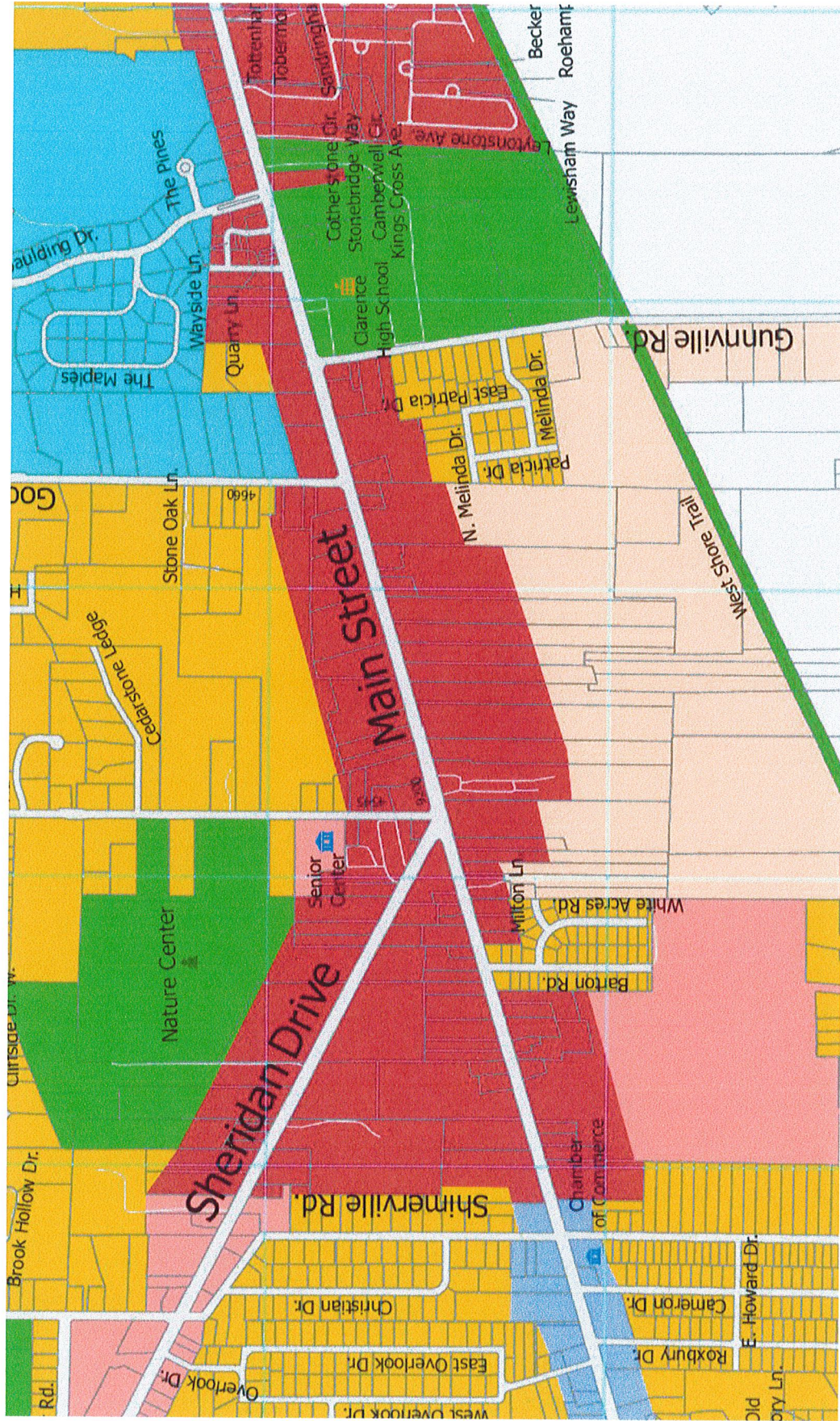


Exhibit I

Illustration of a dwelling unit attached to the mixed-use building

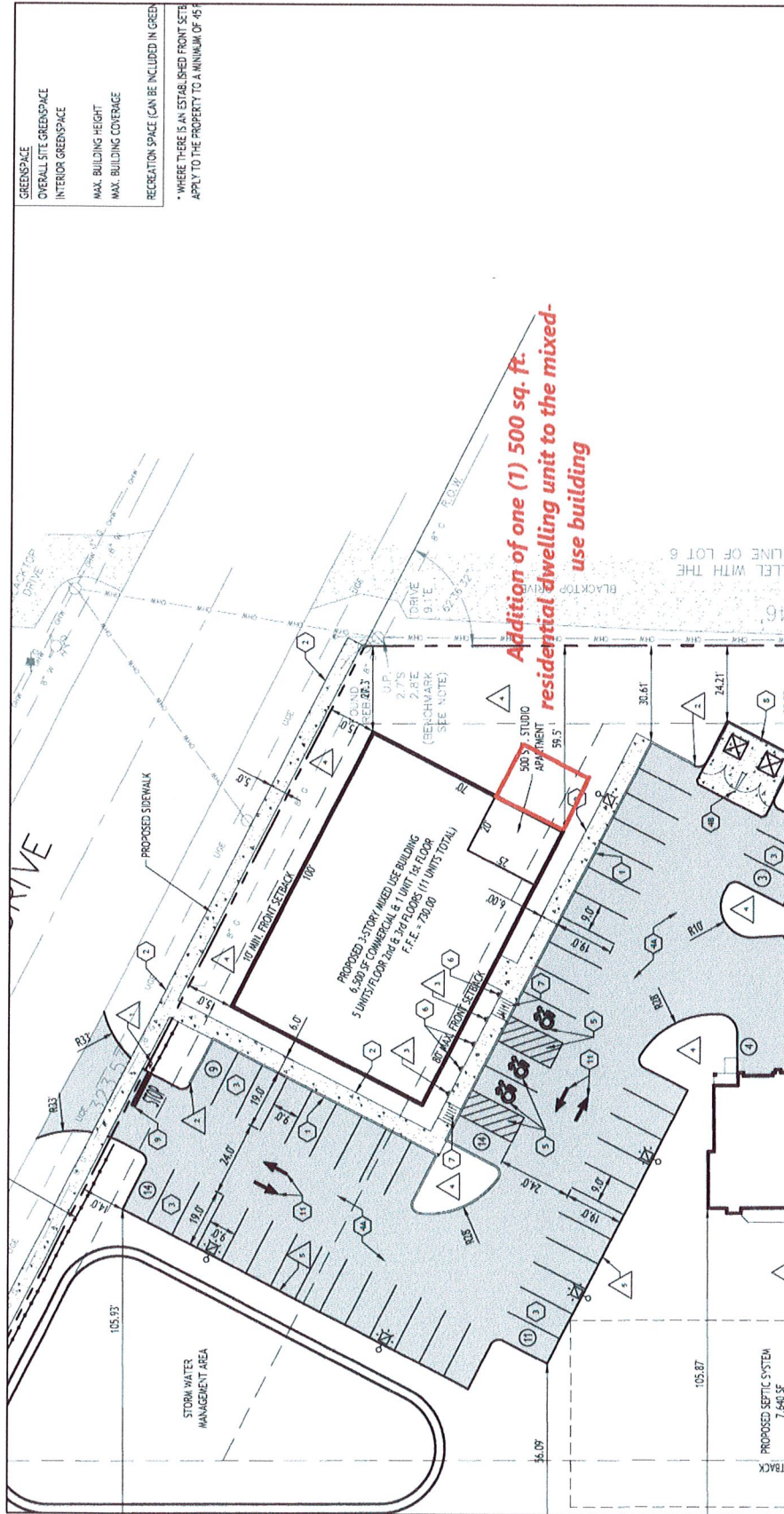
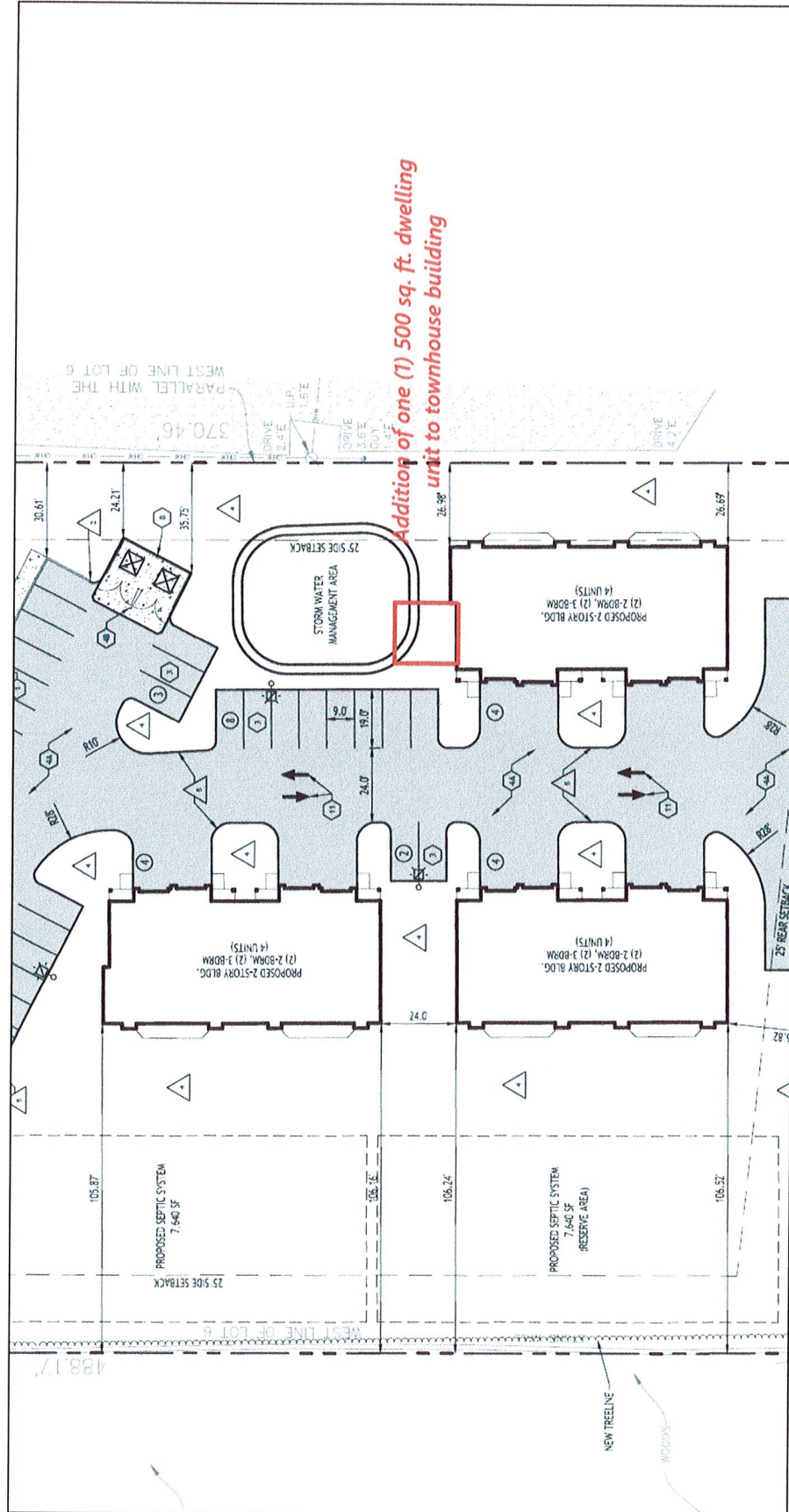
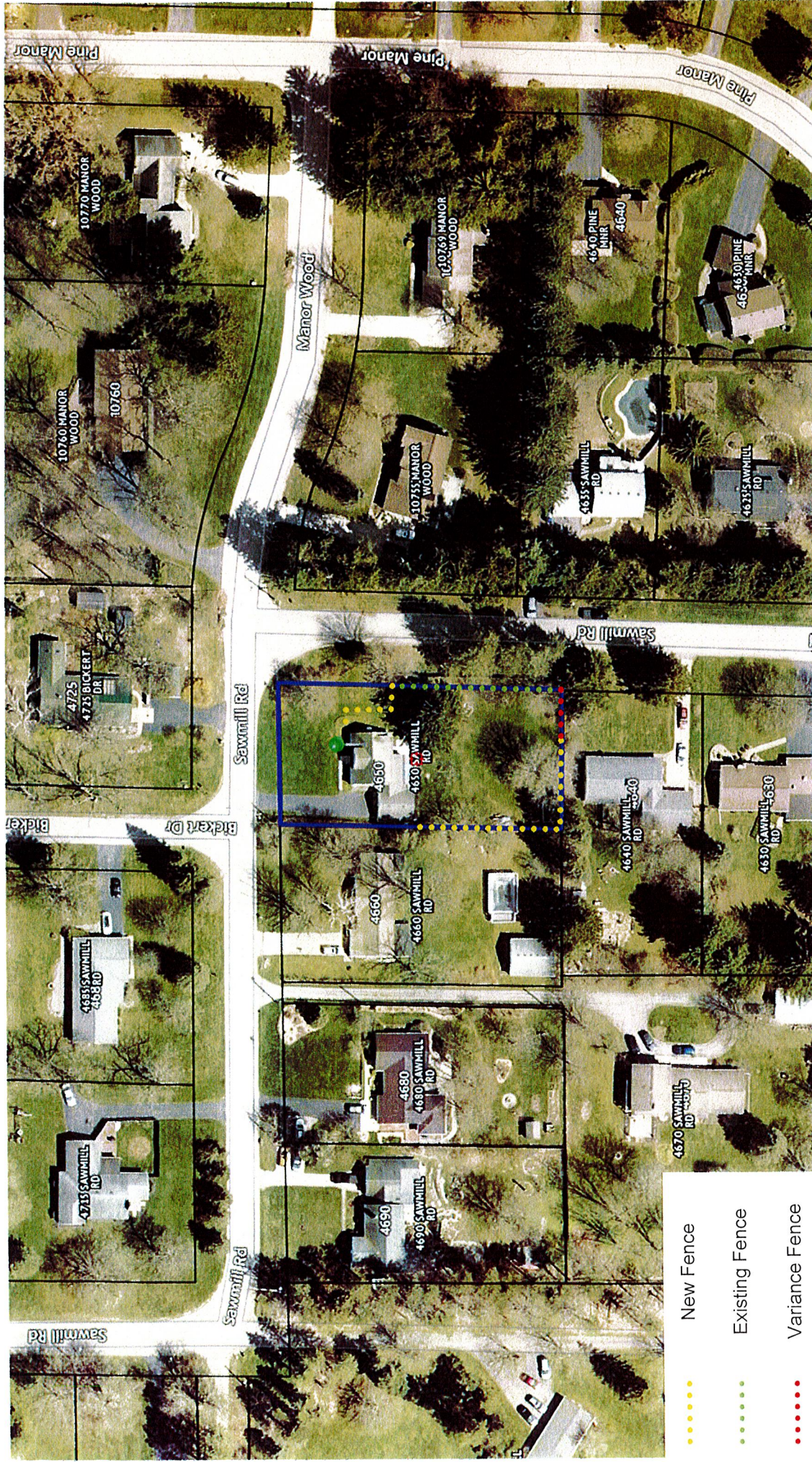


Exhibit J

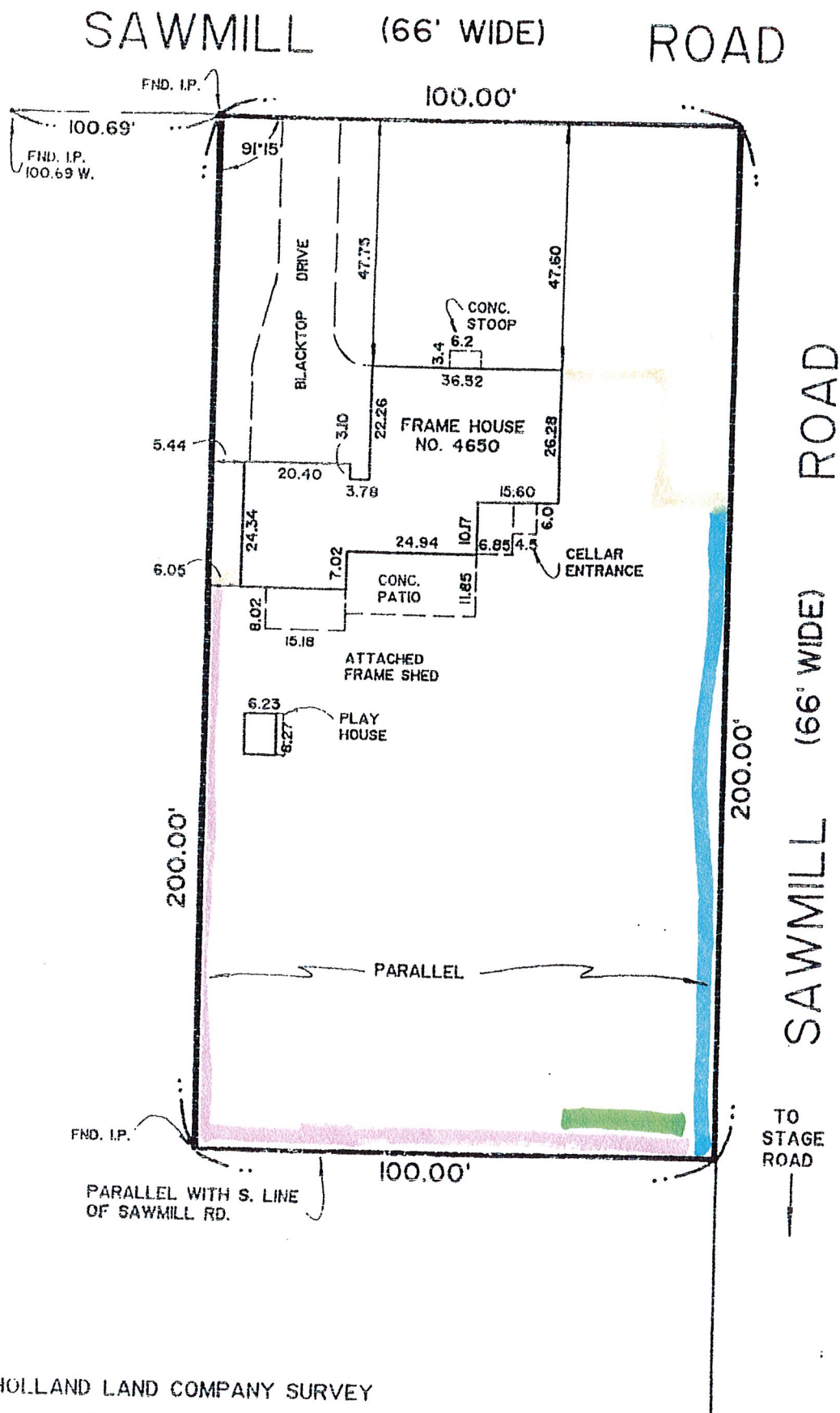
Illustration of a dwelling unit attached to a townhome building



[illegible]



[illegible]



new 4' cha
Link fence

existing 6
wood fence

new 6'
wood fence

VARIANCE
Requested

NOTED
THIS MAP WAS PREPARED WITHOUT THE BENEFIT
OF A FIELD SURVEY AND IS SUBJECT TO ANY
CORRECTIONS THAT MAY BE REVEALED BY AN
OFFICIAL SURVEY

HOLLAND LAND COMPANY SURVEY

LAW OFFICES
SHEFFER, MURPHY & WHITE
6461 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
(716) 634-6750

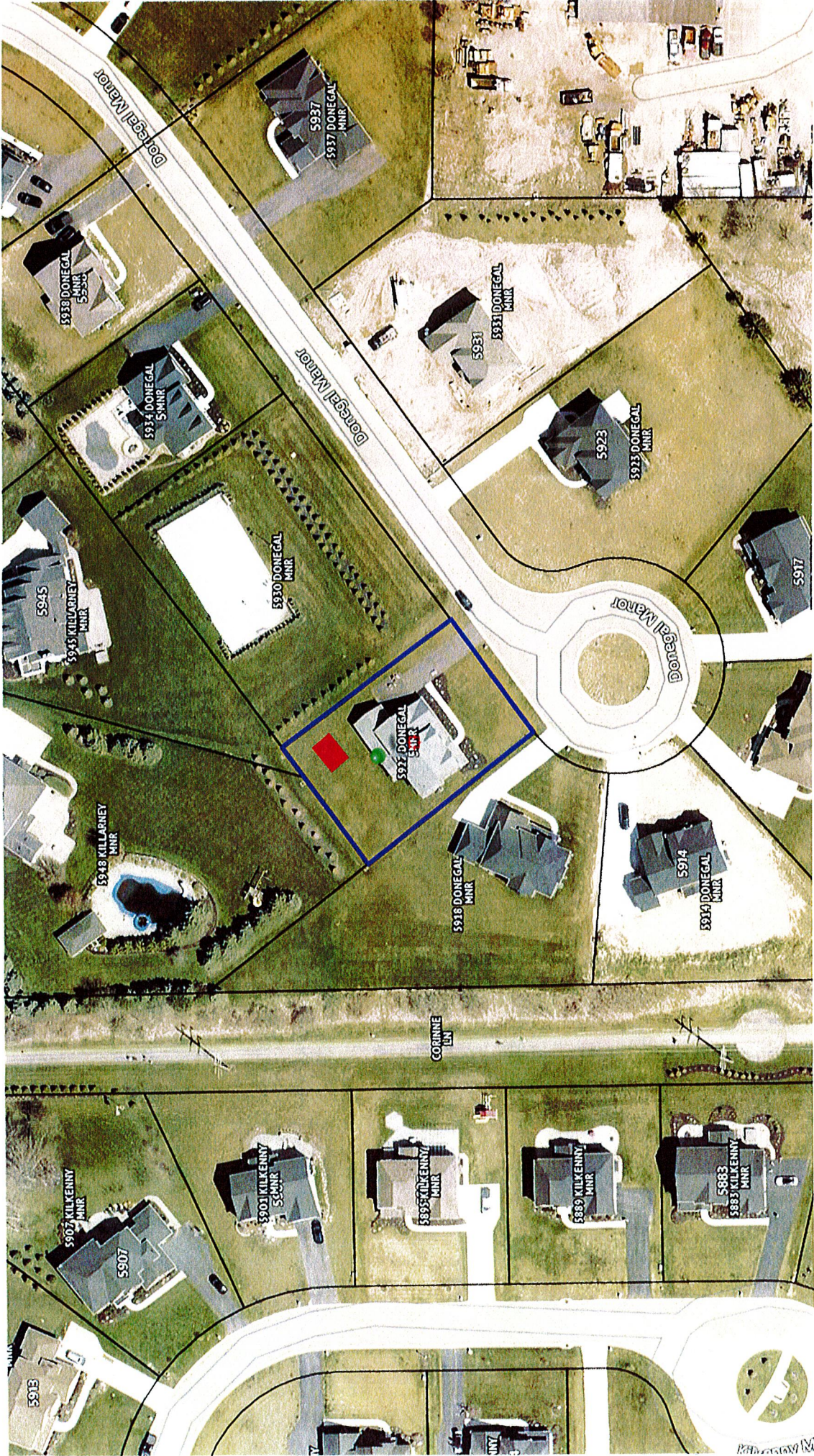
MILLARD & MACKAY
LAND SURVEYORS
BUFFALO, NEW YORK
631-5140

AMEND: A
DATE: 9/14/89
SCALE: 1"=30'





Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____



note the parcel lines displayed are approximate

5922 Donegal Manor

Proposed 304 sq.ft. detached accessory structure (pool house).

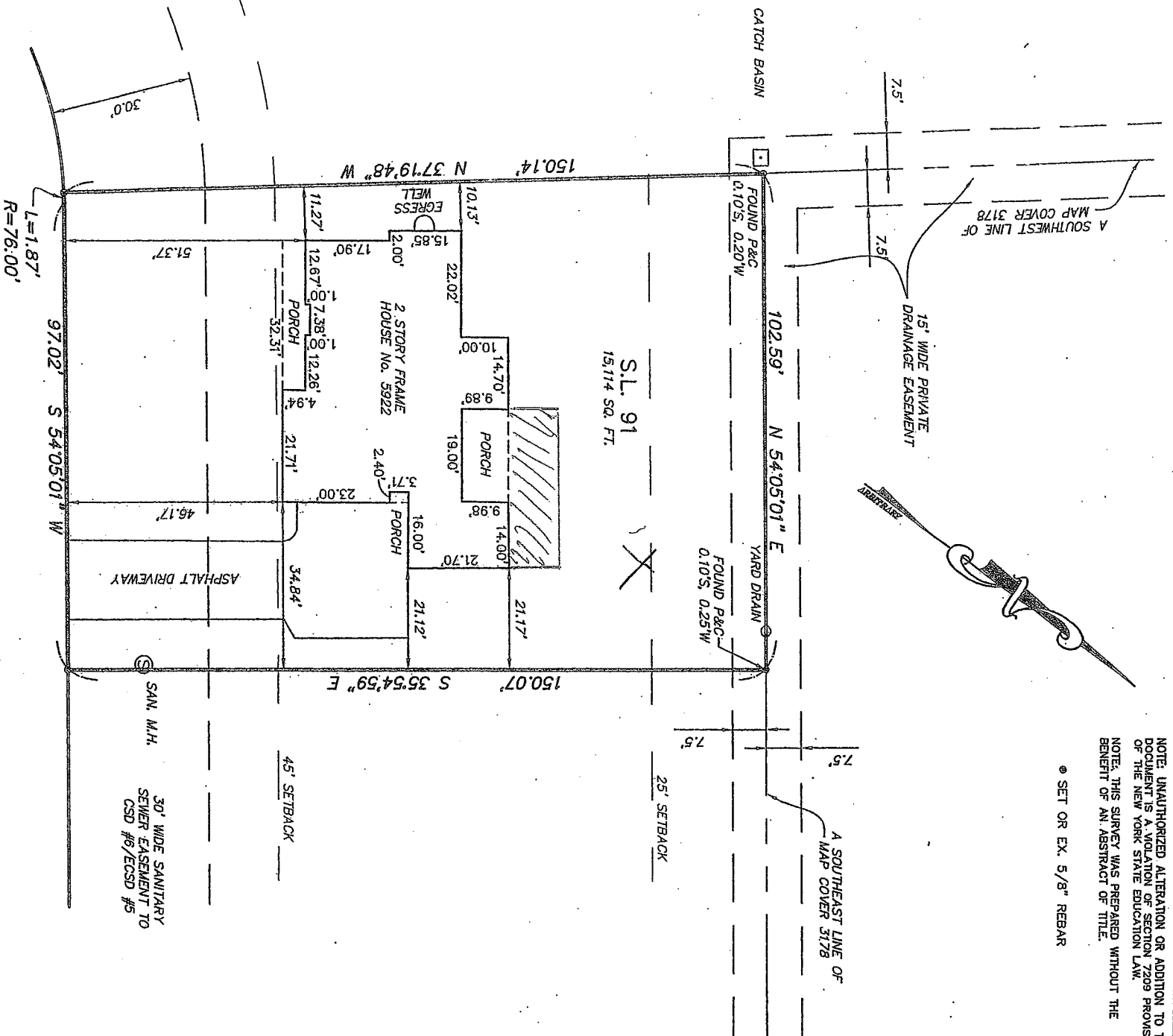
The maximum allowable square footage for a detached accessory structure is 200 sq.ft.

A 104 sq.ft. variance is requested.

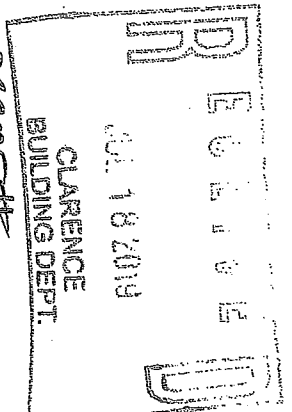
[illegible]

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

● SET OR EX. 5/8" REBAR

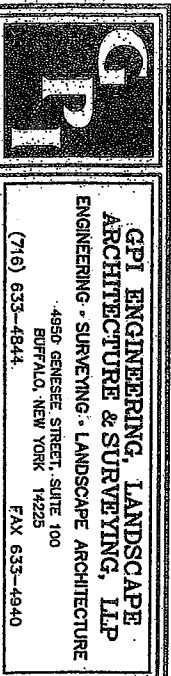


#5922
DONEGAL (60' WIDE) MANOR



permanently 30913-18

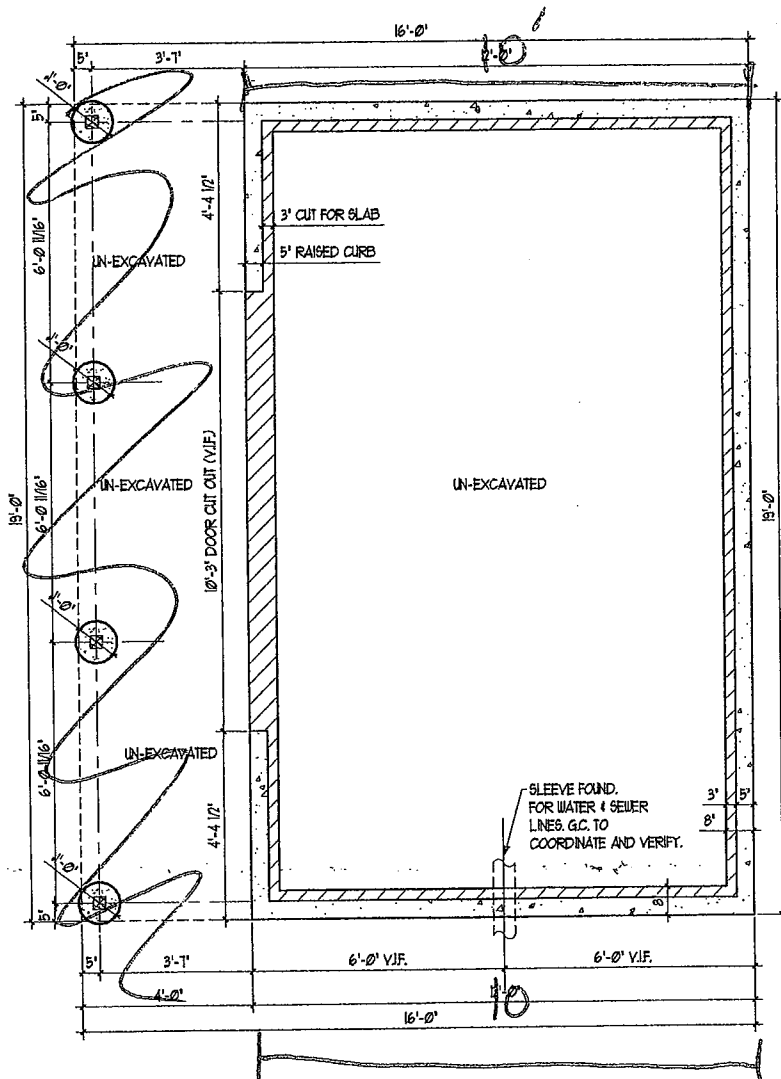
SURVEY OF
SUB LOT 91, COVER 3728
WATERFORD ESTATES PHASE 3, PART F
HOLLAND LAND SURVEY
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK



Job No. 2979-91 Date: SEPTEMBER 27, 2017
Scale 1" = 40' Tax No.

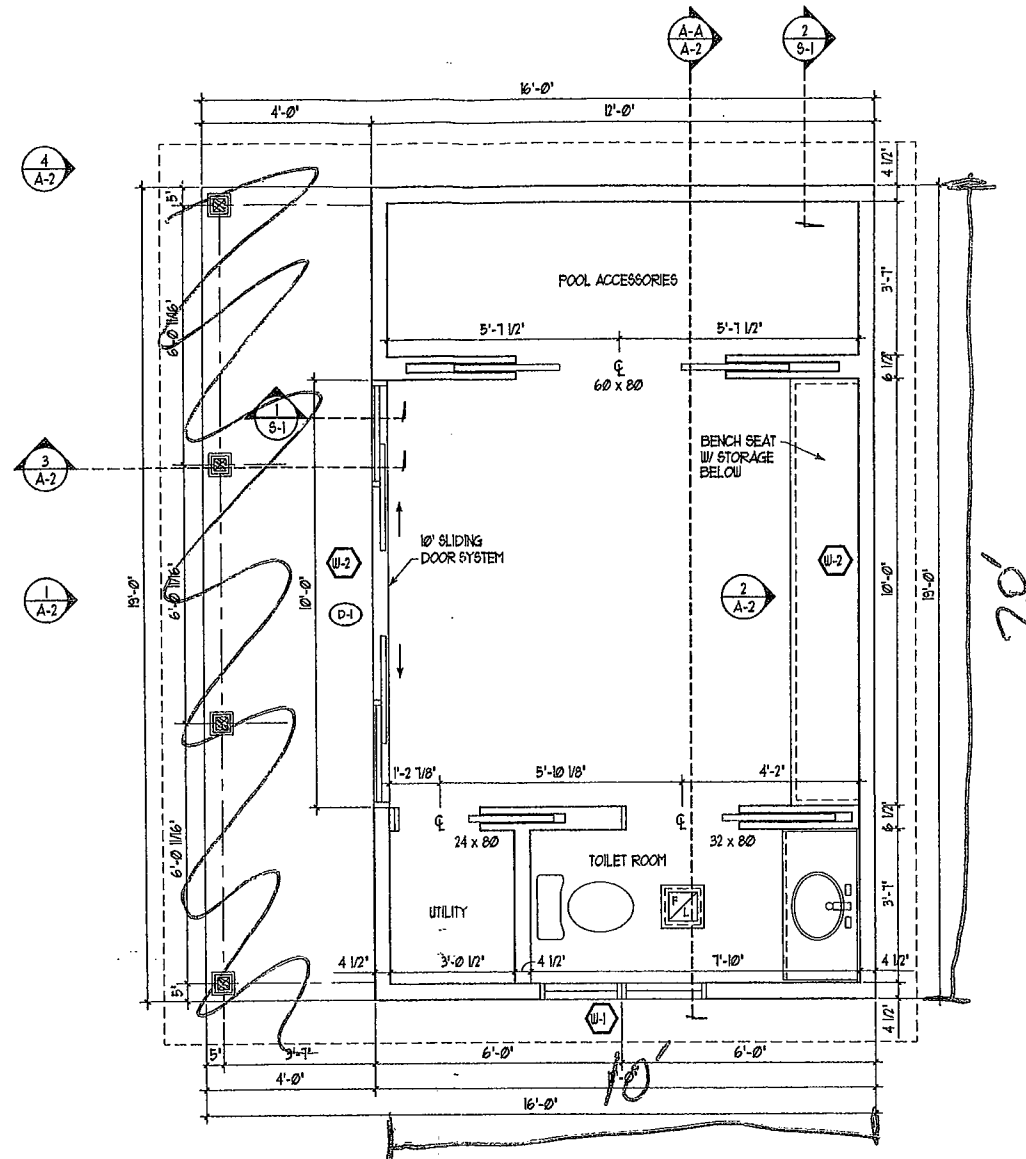
DATE	REVISION/TYPE
7/17/19	FINAL SURVEY
3/28/19	HOUSE LOCATION

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FOUNDATION PLAN

SCALE: 1/2" = 1'-0"



FLOOR PLAN

SCALE: 1/2" = 1'-0"

PLAN NOTES:

- G.C. TO PROVIDE & COORDINATE: TOILET ROOM AS SHOWN IN PLAN. WATER & SEWER LINES ARE TO BE CONNECTED TO THE HOME'S EXISTING SYSTEMS. ALL PLUMBING WORK IS PROVIDED BY OTHERS AND IS TO FOLLOW THE CURRENT NEW YORK STATE BUILDING CODE'S & REQUIREMENTS.
- G.C. TO PROVIDE J-BOXES & LIGHT FIXTURES AS SHOWN ON ELEVATIONS AND PLANS. SWITCHES TO BE LOCATED AT ENTRY DOOR. COORDINATE WITH OWNER. ELECTRICAL DESIGN AND INSTALLED BY OTHERS PER THE 2020 RESIDENTIAL CODE OF NYS.
- G.C. TO PROVIDE CONVENIENCE OUTLETS AND LIGHTING AS DIRECTED BY OWNERS. ELECTRICAL WORK IS PROVIDED BY OTHERS AND IS TO CONFORM TO THE NEW YORK STATE CODE & REQUIREMENTS.

STRUCTURAL NOTES:

ALL WORK SHALL BE INSTALLED/EXECUTED PER THE REGULATIONS OF THE 2020 RESIDENTIAL CODE OF NEW YORK STATE.

FOUNDATION NOTES

- ALL FOOTINGS / FOUNDATIONS SHALL BEAR UPON UNDISTURBED OR COMPACTED SUB-GRADE.
- FOOTING BEARING POINTS SHALL MAINTAIN A MINIMUM DEPTH AS SPECIFIED IN CONSTRUCTION DOCUMENTS OR MAINTAIN MINIMUM OF 48" BELOW FINISH GRADE, AS FOR FROST PROTECTION FOR THE FOUNDATIONS.
- ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE DESIGN STRENGTH OF 3000 PSI AT 28 DAYS.

WOOD FRAME:

- ALL NEW WOOD STUDS SHALL BE STANDARD GRADE (UTILITY GRADE STUDS NOT ACCEPTABLE). ALL WOOD JOISTS, RAFTERS, HEADERS AND BEAMS TO BE HEM FIR #2, SFF #1 & SFF #2. SEE SECTION FOR SPECIES & GRADE- UNLESS NOTED OTHERWISE AS DOUGLAS FIR OR OTHER.
- ALL WOOD POSTS SHALL BE SFF #1 OR #2 OR HEM FIR #2. (SEE POST SCHEDULE). DO NOT USE STUD GRADE.
- ALL COMPOSITE WOOD BEAMS AND HEADERS TO BE CONSTRUCTED WITH CONTINUOUS MEMBERS WITH NO SPACERS. (UNLESS NOTED OTHERWISE) SEE LVL MEMBER CONNECTION NOTES FOR 2-PLY/4-3-PLY NAILING PATTERN.
- AT INSTALLATION OF POSTS, BLOCK TO ADJACENT STUDS AT 3'-0" +/- SPACING IN EXISTING WALLS.
- RAFTERS, JACKS AND KINGS, HEADERS AND BEAMS TO BE HEM FIR #2, SFF #1 & SFF #2 UNLESS NOTED OTHERWISE.
- RAFTERS AS NOTED ON FRAMING PLANS, SPACING IS 16" O.C. UNLESS NOTED OTHERWISE.
- JOISTS & RAFTERS: DRILLING, NOTCHING, CUTTING OF JOISTS & RAFTERS MINIMUM 2" FROM EITHER TOP & BOTTOM OF ANY MEMBER PER IBC, R802.2 & R802.1 OF THE 2020 NYS RESIDENTIAL BUILDING CODE.
- JOIST/RAFTER CONNECTION & CEILING JOIST LAPPED- PER TABLES R802.5.1(3) & R802.5.2 OF THE 2020 NYS RESIDENTIAL BUILDING CODE. PROVIDE (8) 6d COMMON NAILS PER RAFTER.
- EXTERIOR WALL SHEATHING NAILING PATTERN- FOLLOW NAILING PATTERN AS DESCRIBED. 8d COMMON NAILS 12" MIN. PENETRATION- 6" AT EDGES & 12" AT FIELD.

ROOFING / SIDING ICE & WATER SHIELD NOTES:

- ROOF DECK SHEATHING: 15 1/2" CDX, APA RATED PLYWOOD SHEATHING- (UNLESS NOTED OTHERWISE).
- INSTALL ONE ROW OF ICE & WATER BARRIER AT THE EAVES, ONE LAYER 5" TAR PAPER OR EQUAL AT ALL OTHER AREAS. ASPHALT SHINGLES STYLE AND COLOR TO BE DETERMINED- G.C. TO COORDINATE WITH HOME OWNER.
- SIDING SHALL BE INSTALLED PER MANUFACTURER'S GUIDELINES AND 2020 NYS RESIDENTIAL CODE SECTION R103. THE STYLE AND COLOR TO BE DETERMINED- G.C. TO COORDINATE WITH HOME OWNER.
- INSTALL HURRICANE STRAPS AT EACH END OF PREFABRICATED WOOD TRUSSES IF TRUSSES ARE USED. UNLESS NOTED OTHERWISE (UNO).
- FOR 24" O.C SPACING- INSTALL "PSCA" PANEL SHEATHING CLIPS AT ROOF SHEATHING UNSUPPORTED EDGES.
- IF APPLICABLE: TRUSS MANUFACTURER TO MANUFACTURER TRUSSES PER THE DESIGN DATA AND COMPLIANCE WITH 2020 RCBC/NYS RESIDENTIAL BUILDING CODE NEW YORK STATE. TRUSS MANUFACTURER SHALL PROVIDE TRUSS DIAGRAMS THAT ARE CERTIFIED/SIGNED BY NYS REGISTERED ENGINEER.
- ANY PIPE OR STACK PENETRATING THE ROOF PLANE: FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR PENETRATIONS AND FLASHING REQUIREMENTS.

EXTERIOR WINDOW & DOOR SCHEDULE

U-1	1	NO	TWO UNITS MULLED		MARVIN- ELEVATE DOUBLE HUNG UNITS	1'-10-1/2" X 4'-0-1/4" RO.			
U-2	2	NO	HALF CIRCLE FIXED TRANSOM		MARVIN- ULTIMATE COLLECTION- HALF CIRCLE FIXED TRANSOM	1'-11-3/16" X 3'-10-3/8" RO.			
D-1	1	USPD10068	YES	10'-0" W SLIDING DOOR UNIT		10'-0" X 6'-10-1/2" RO.			

MARVIN 'ELEVATE' DOUBLE HUNG WINDOWS & MARVIN 'ULTIMATE' SLIDING PATIO DOOR HAVE BEEN SELECTED AS THE BASIS OF DESIGN, BUT OTHER MANUFACTURER'S CAN BE UTILIZED IN THE DESIGN AS SELECTED BY THE OWNER. LIGHT, VENT AND GLAZING CRITERIA IF A MODEL NUMBER OR MANUFACTURER IS CHANGED BY THE OWNER OR GENERAL CONTRACTOR, IT IS THE OWNER OR GENERAL CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL ROUGH OPENINGS AND THAT THE WINDOW MEETS OR EXCEEDS THE DESIGN FOR U-FACTOR, SOLAR HEAT GAIN CO-EFFICIENT, GLAZING, LIGHT AND VENT CALCULATIONS. ALL MUST MEET OR EXCEED THE STANDARD SET FORTH IN THE CURRENT RESIDENTIAL BUILDING CODE OF NEW YORK AND ENERGY CONSERVATION CODE.

I.A.
Hauer-Laduca
ARCHITECT P.C.
Architecture & Design
10940 Main Street
Clarence, NY 14031
Phone: 716-759-1965
Fax: 716-759-1966

The Moskal Residence
Pool House Outbuilding
5922 Donegal Manor, Clarence Center N.Y. 14032

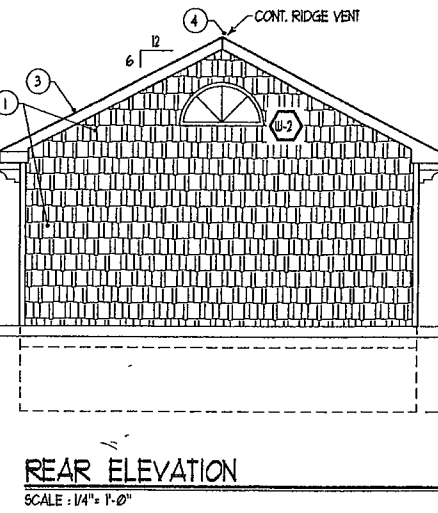
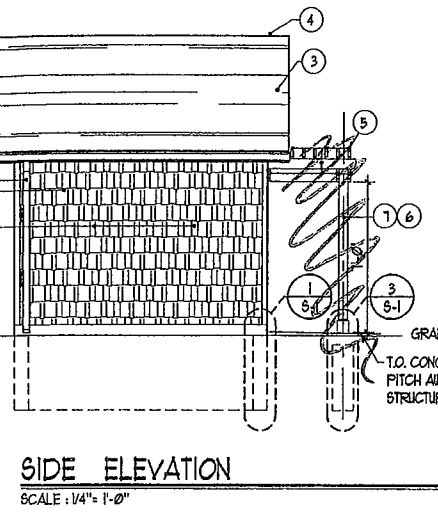
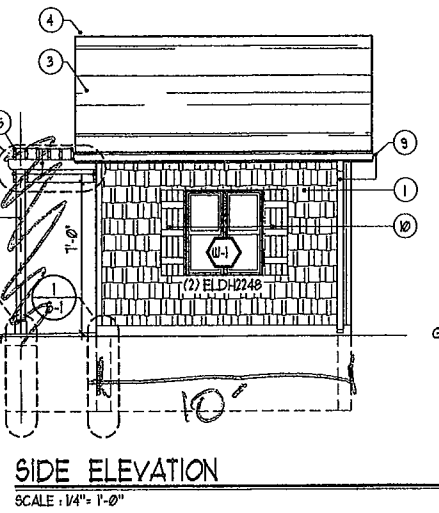
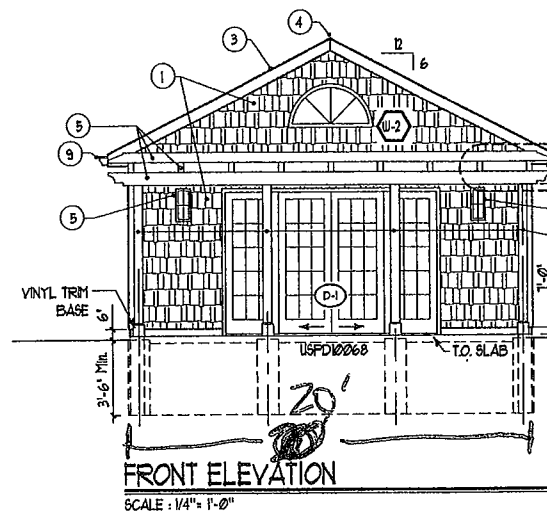
PROJECT NUMBER	24-226
REVISION	DATE BY
DATE	11-24
DRAWN BY	UL/DL
APPROVED	
CHECKED BY	

FOUNDATION AND
FLOOR PLANS,
NOTES AND
WINDOW & DOOR
SCHEDULE

SHEET NUMBER

A-1

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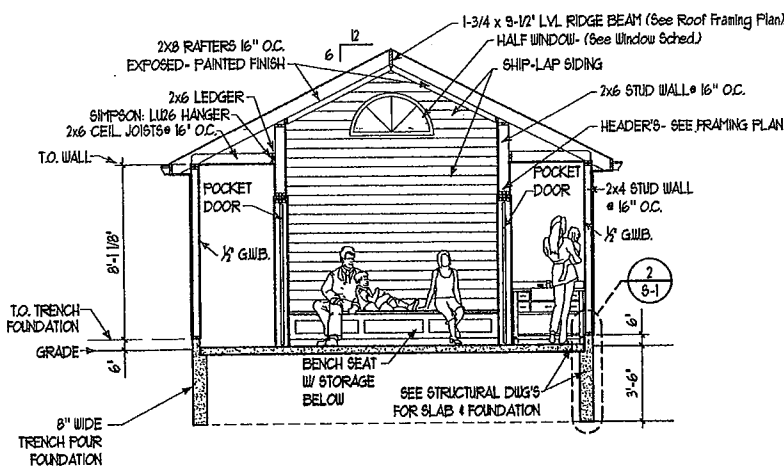
ELEVATION NOTES

- 1 VINYL SHAKE SIDING OVER VAPOUR PERMEABLE AIR & WATER BARRIER. G.C. TO VERIFY SIDING SELECTION & COLOR WITH OWNER.
- 2 VINYL VENTED SOFFIT MATERIAL, ALUMINUM FASCIA WITH AL. GUTTERS AND DOWNSPOUT, USE SPLASH BLOCKS FOR DOWNSPOUT DISCHARGE.
- 3 ASPHALT SHINGLES OVER 15# FELT PAPER WITH ICE & WATER-SHIELD AT EAVES.

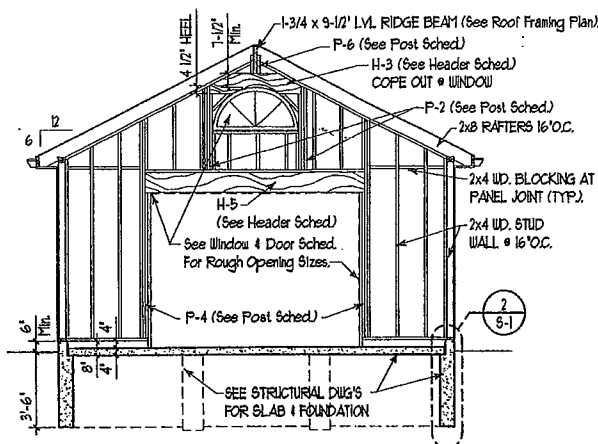
- 4 CONTINUOUS RIDGE VENT AT RIDGE.
- 5 ELECTRICAL FIXTURES AS SHOWN, PROVIDE SIDING BLOCKS FOR EACH FIXTURE. MODEL & TYPE PER OWNER. ELECTRICAL DESIGN AND INSTALLATION BY OTHERS.
- 6 4X4 P.T. POSTS, WRAP WITH PVC TRIM BOARDS. SEE POST SCHEDULE FOR STAND-OFF POST BASES & POST CAPS.

- 1 PROVIDE PVC TRIM BASE AT EACH COLUMN / POST.
- 2 'VERSATEX' PREMIUM VINYL TRIM AT TRELLIS WORK OF PERGOLA. SEE DETAILS #3 & 4 FOR DECORATIVE PROFILES AND MEMBER SIZING.
- 3 PROVIDE ALUMINUM GUTTERS & DOWNSPOUTS AS SHOWN, DISCHARGE ONTO SPLASH BLOCKS OR TIE INTO EXISTING STORM SYSTEM (G.C. TO COORDINATE).

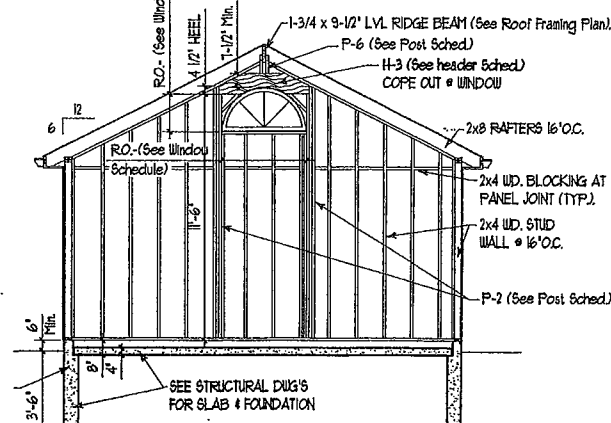
- 10 PROVIDE VINYL BOARD & BATTEN SHUTTERS TO MATCH WINDOW HEIGHT, SHUTTERS TO MATCH DESIGN AND COLOR OF EXISTING SHUTTERS ON THE HOUSE.



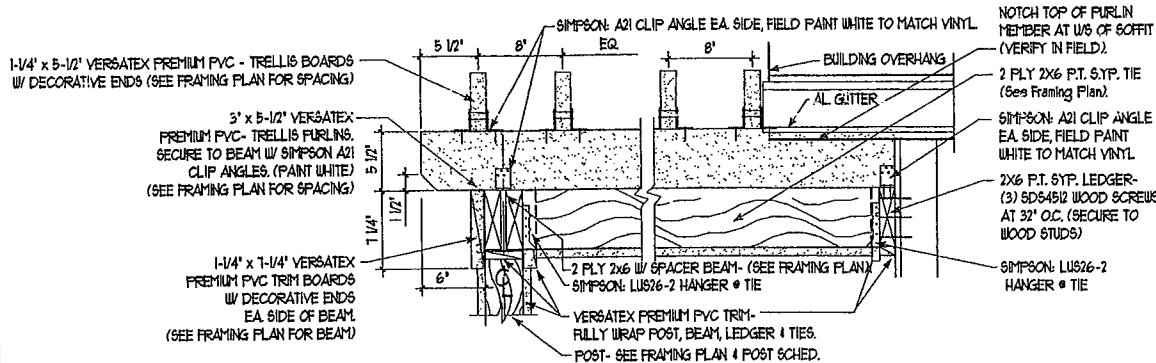
SECTION A-A
SCALE: 1/4" = 1'-0"



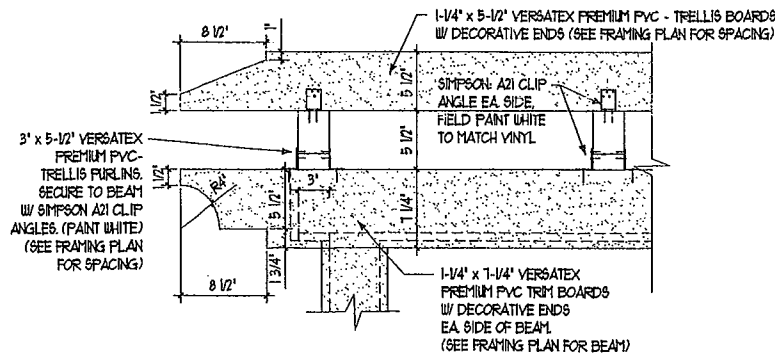
FRAMING DETAIL 1
SCALE: 1/4" = 1'-0"



FRAMING DETAIL 2
SCALE: 1/4" = 1'-0"



FRAMING DETAIL 3
SCALE: 1-1/2" = 1'-0"



FRAMING DETAIL 4
SCALE: 1-1/2" = 1'-0"

LA
Hauer-Laduca

ARCHITECT P.C.
Architecture & Design

10940 Main Street
Clarence, NY 14031
Phone: 716-759-1965
Fax: 716-759-1966

**The Moskal Residence
Pool House Outbuilding**
5922 Donegal Manor, Clarence Center N.Y. 14032

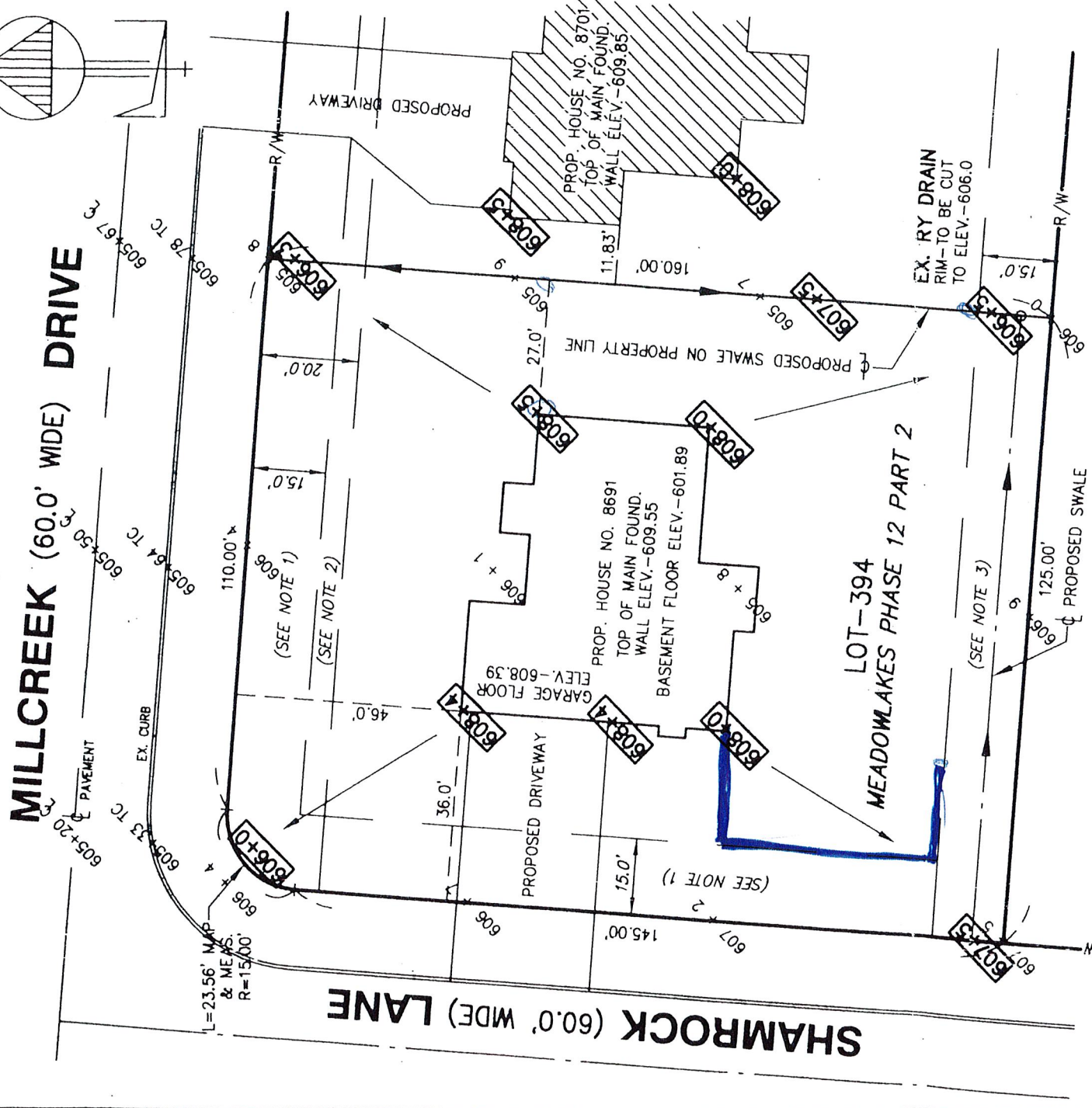
PROJECT NUMBER	24-26
REVISION	DATE BY
DATE	5-23-04
DRAWN BY	U/L/D/L
APPROVED	
CHECKED BY	

EXTERIOR
ELEVATIONS,
BUILDING SECTION,
FRAMING AND
TRELLIS DETAILS

SHEET NUMBER
A-2

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

THIS MAP IS INTENDED FOR GRADING PURPOSES ONLY. THIS IS NOT A SURVEY.



TOWN OF CLARENCE R.O.W. (66.0' WIDE)

Regina Regentini Eyre



UNAUTHORIZED ALTERATIONS TO THIS MAP
ARE IN VIOLATION OF SEC-7209 STATE
EDUCATION LAW

- NOTES:
1. 15.0' WIDE EASEMENT TO NEW YORK TELEPHONE CO., NATIONAL FUEL GAS DISTRIBUTION CORP., NEW YORK STATE ELECTRIC & GAS CORP. AND ADDELPHIA CABLE COMMUNICATIONS INTERNATIONAL, L-10907, P-3433
 2. 20.0' WIDE SANITARY SEWER EASEMENT TO E.C.S.D. #5 L-10902, P-5893
 3. 15.0' WIDE PRIVATE DRAINAGE EASEMENT.

KEY

5' BLM

4' Height

DENOTES EXISTING GRADE

DENOTES PROPOSED GRADE

TC DENOTES TOP OF CURB

CL DENOTES CENTERLINE

GRADING PLAN SUBLOT 394 - MAP COVER 3010	
BEING PART OF LOT - 2 SEC. 15 TWP 12 R. 6	
TOWN CLARENCE	VILL. CITY
COUNTY OF ERIE	STATE OF NEW YORK
REVISIONS	OTHER
HOUSE LOCATION	
REDATE	
CERTIFICATION	
COPYRIGHT 2002 © CTM.P.C.	

CONSTRUCTION TEAM MANAGEMENT, SURVEYING AND ENGINEERING, P.C.	
LANDESIGN	
SURVEYORS & ENGINEERS P.C.	
8800 MAIN STREET WILLIAMSVILLE, NY 14221 PHONE (716) 632-1013 FAX: (716) 632-8341	
SCALE: 1"=30'	DATE: 9/24/02
JOB No. 93-2086/394	FILE: RCR
APPROVED: RCR	

[illegible]



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

note the parcel lines displayed are approximate



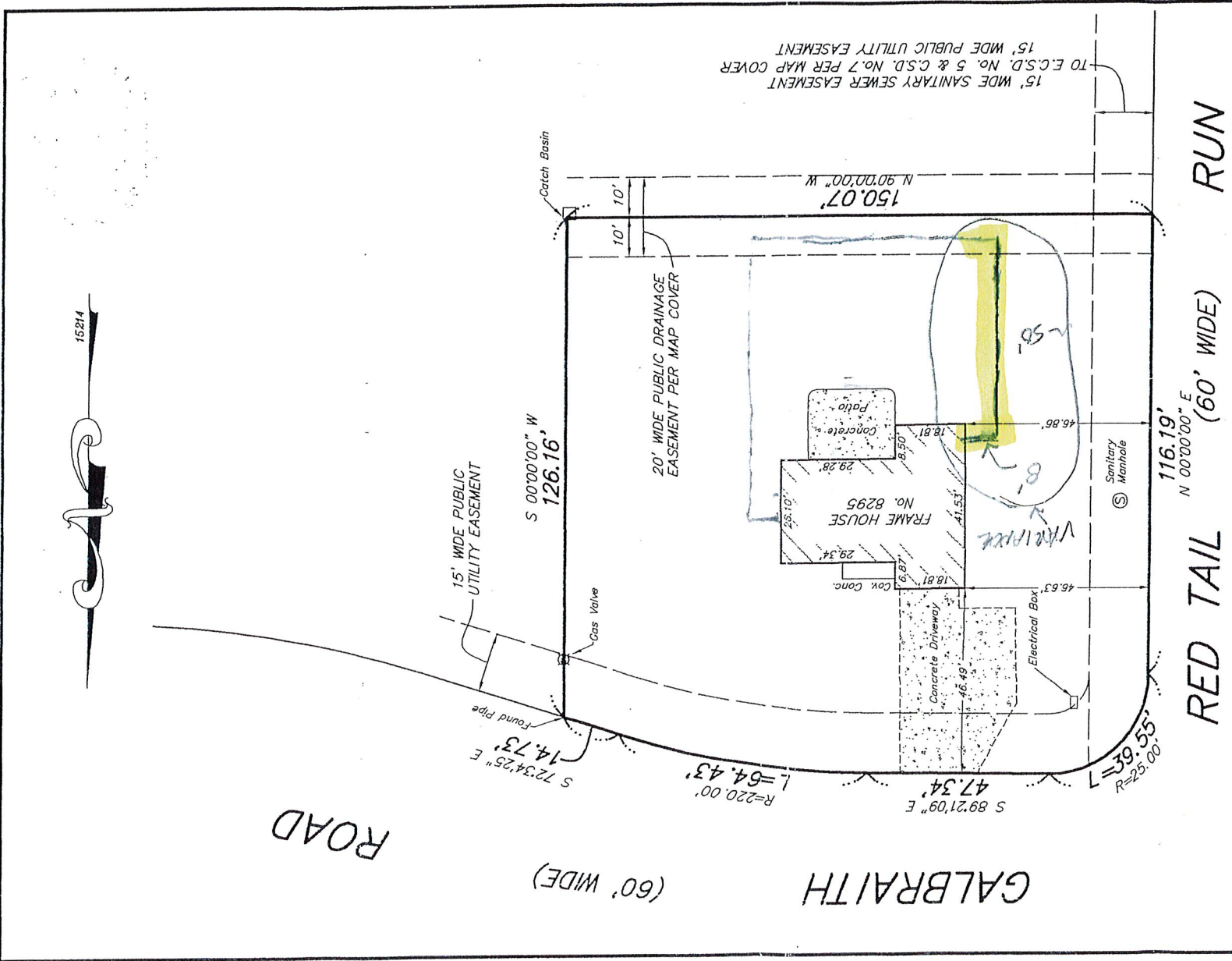












INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Head of Search
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.
NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE SURVEYING SOCIETY OF ERIE COUNTY AT THE REQUEST OF Richard C. Sisz, Esq.		©COPYRIGHT 2015 BY: Millard, MacKay & Delles LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-5140 ~ FAX 631-3811	AMEND: SURVEY DATE: 5-18-15 DRAWING DATE: 5-20-15 SCALE: 1" = 30' "ALL RIGHTS RESERVED"
FRANCIS C. DELLES NYSPLS No. 050477		THIS MAP VOID UNLESS EMBOSSED SEAL OF SURVEYOR'S SEAL ALONG WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL ALONG WITH NEW YORK STATE EDUCATION LAW 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.	
SUB LOT 60 ~ MAP COVER 2844		SBL No. 70.06-6-2	
PART OF LOT 7 SECTION 14 TOWNSHIP 12 RANGE 6 OF THE: Holland Land Company's SURVEY - Erie COUNTY, N.Y.			
SURVEY OF: 8295 Galbraith Road, Town of Clarence			

FILE No. 70.06-6-2

[illegible]



10840 Miland Road

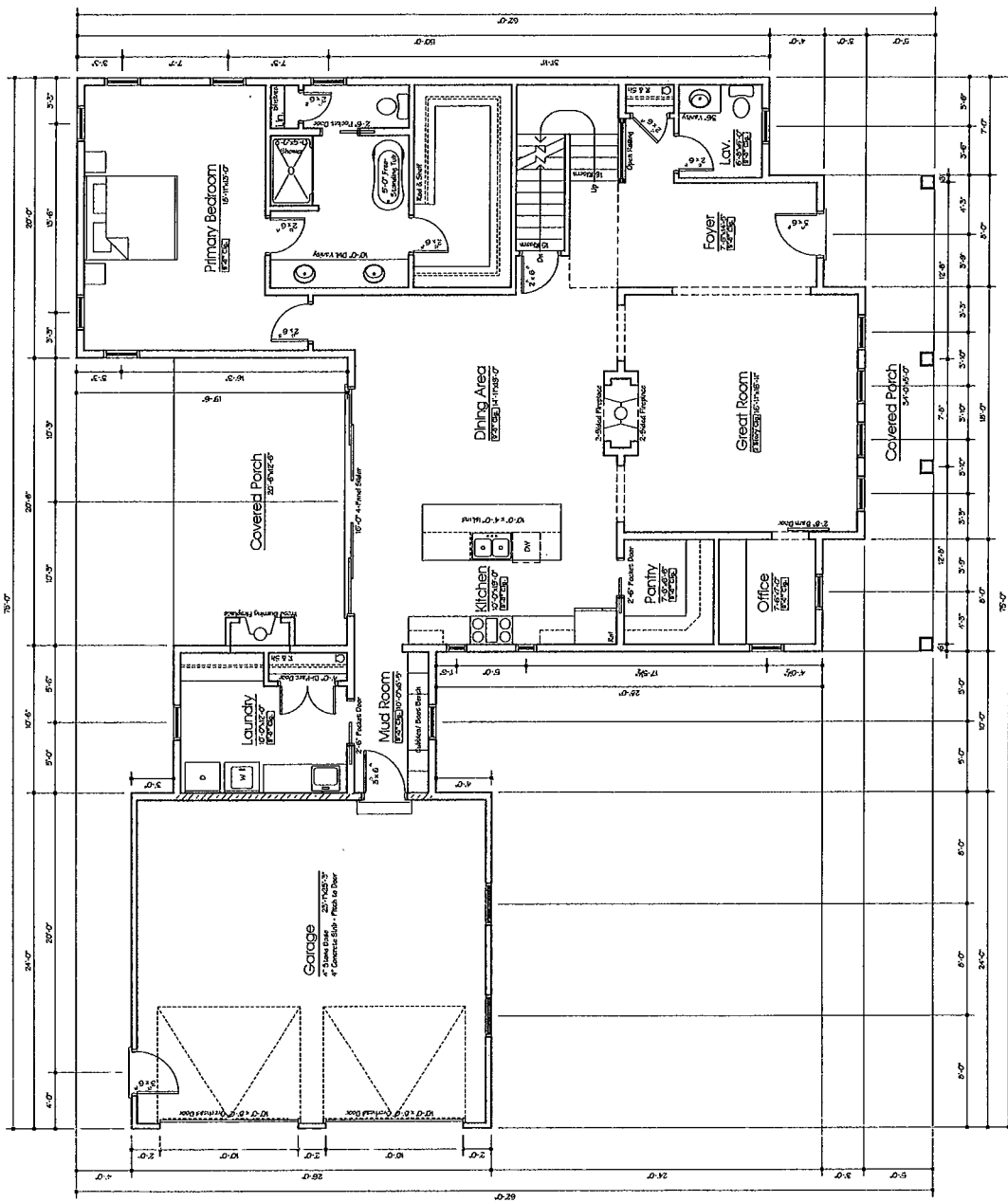
Proposed 150' principal structure front yard setback fronting Miland Road.

The established front yard setback along Miland Road within 500' is 45'.



note the parcel lines displayed are approximate

[illegible]



A1.1 First Floor Plan, 2037 SqFt.

No.	Description	Date	By

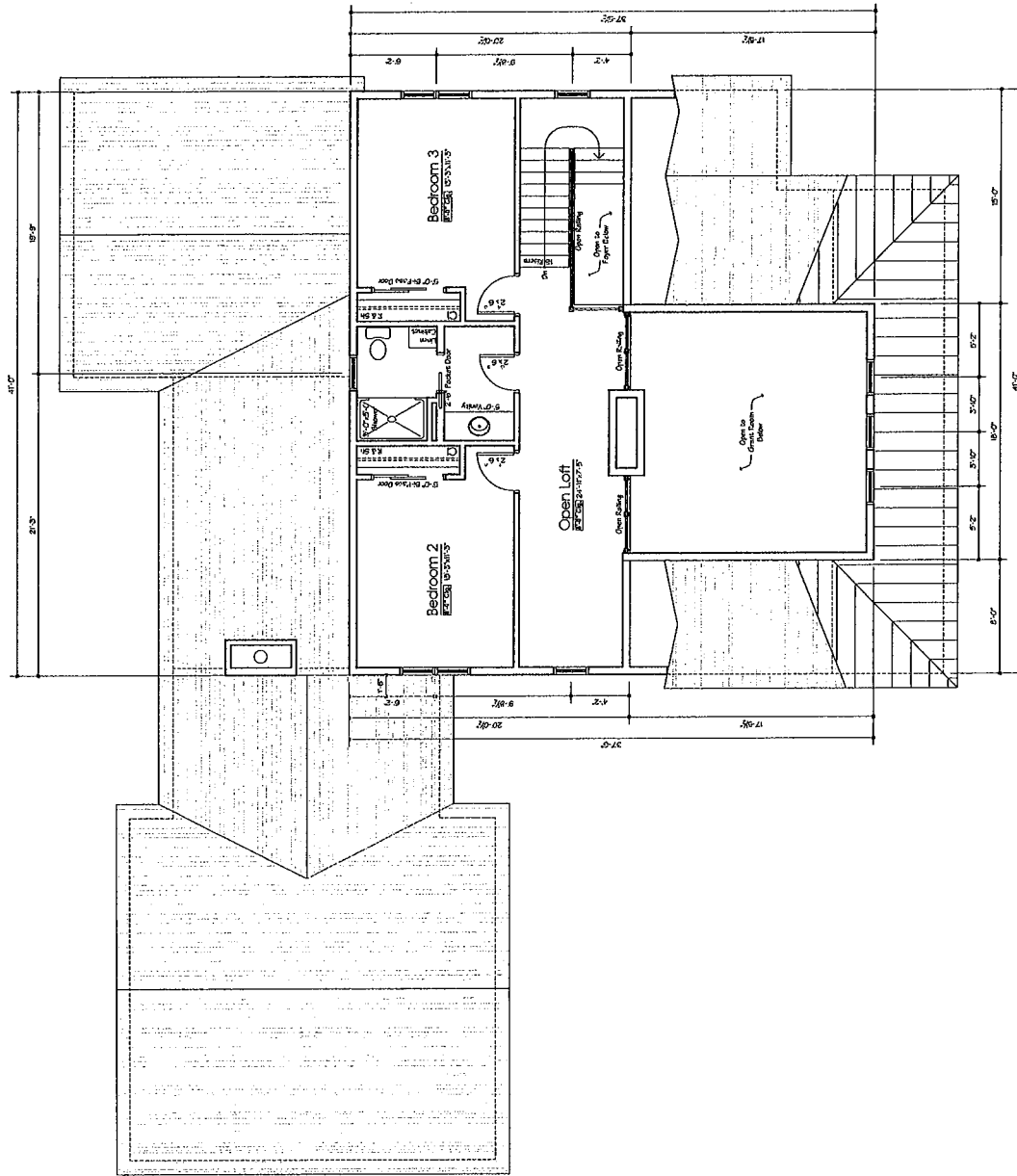
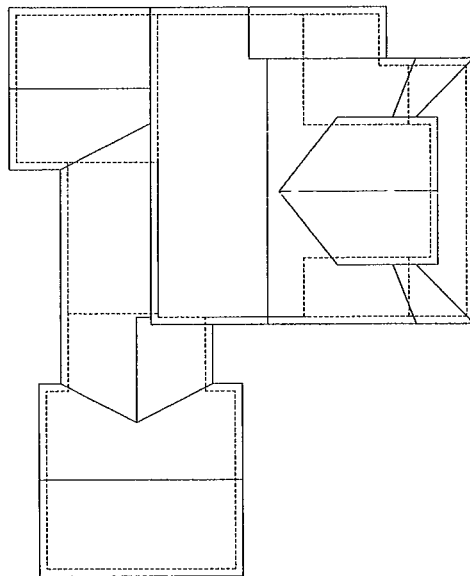
WARNING:
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Proposed Residence For:
Bill & Catherine Cloen
 10840 Miland Road, Clarence, NY
 2752 Total Sqft
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SUTTON
 architecture
 "Design 2 Build"
 5405 Main Street
 (Second Floor)
 Williamsville, NY 14221
 (716) 932-7156 Fax: 932-7973

25-230
 First Floor Plan
 Project No.
 Client No.
 Date
 6-10-25
 D. Sullivan
 1/4" = 1'-0"

A-1

[illegible][illegible]

Proposed Residence For:

Bill & Catherine Cloen

10840 Milland Road Clarence, NY

2752 Total Sqft:

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5409 Main Street
(Second Floor)
Williamsville, NY 14221
(716) 932-7156 Fax 932-7673

25-230

Roof Plan &
Second Floor Plan

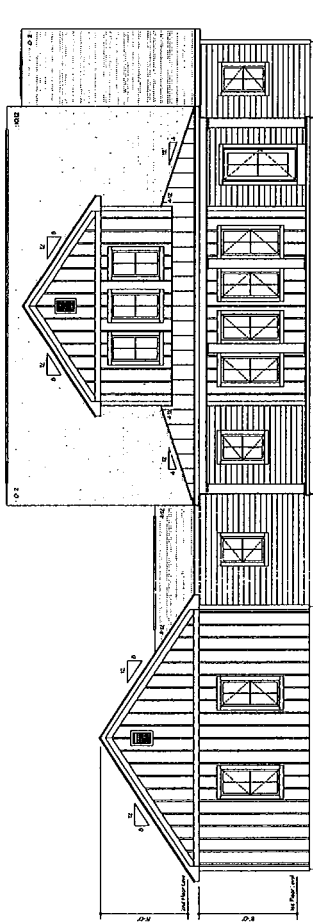
Drawn By J. M. Smith	Drawn & New
-------------------------	-------------

Date 6-10-25

Classical:
D. Sutton

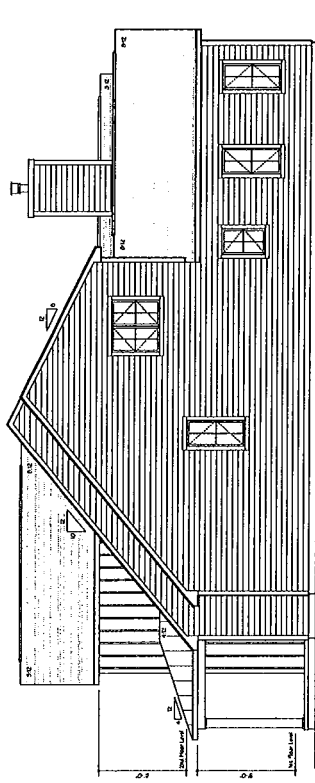
Quater
As Noted

A-2



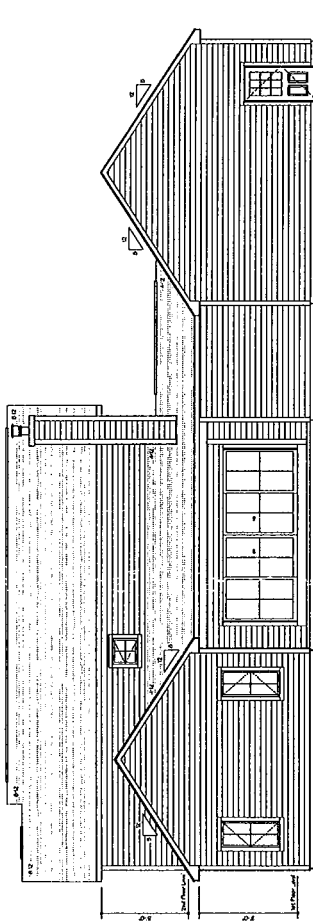
A31 Front Elevation

3/16" = 1'-0"



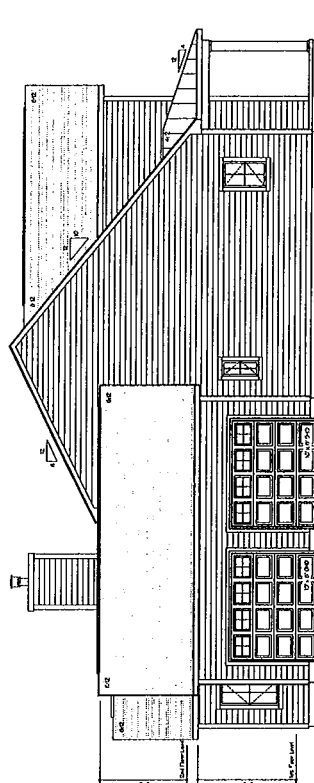
A32 Right Elevation

3/16" = 1'-0"



A33 Rear Elevation

3/16" = 1'-0"



A34 Left Elevation

3/16" = 1'-0"

Rev.	Description	Date	By

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Proposed Residence For:

Bill & Catherine Cloen

10840 Miland Road, Orleans, NY

2752 Total Sqft

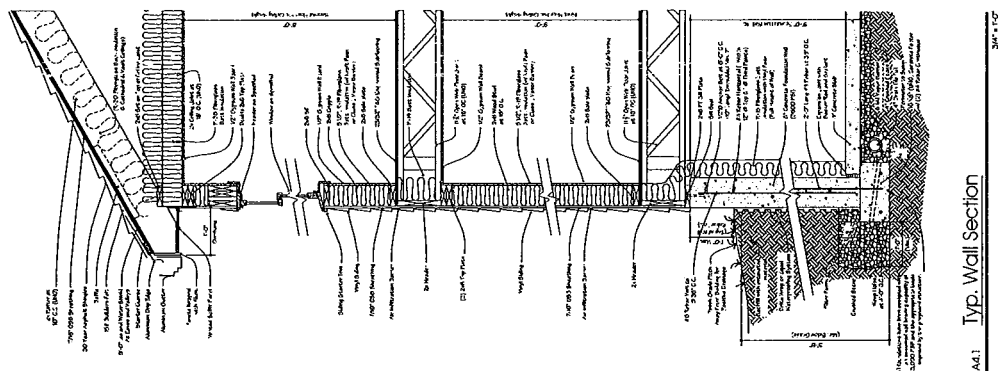
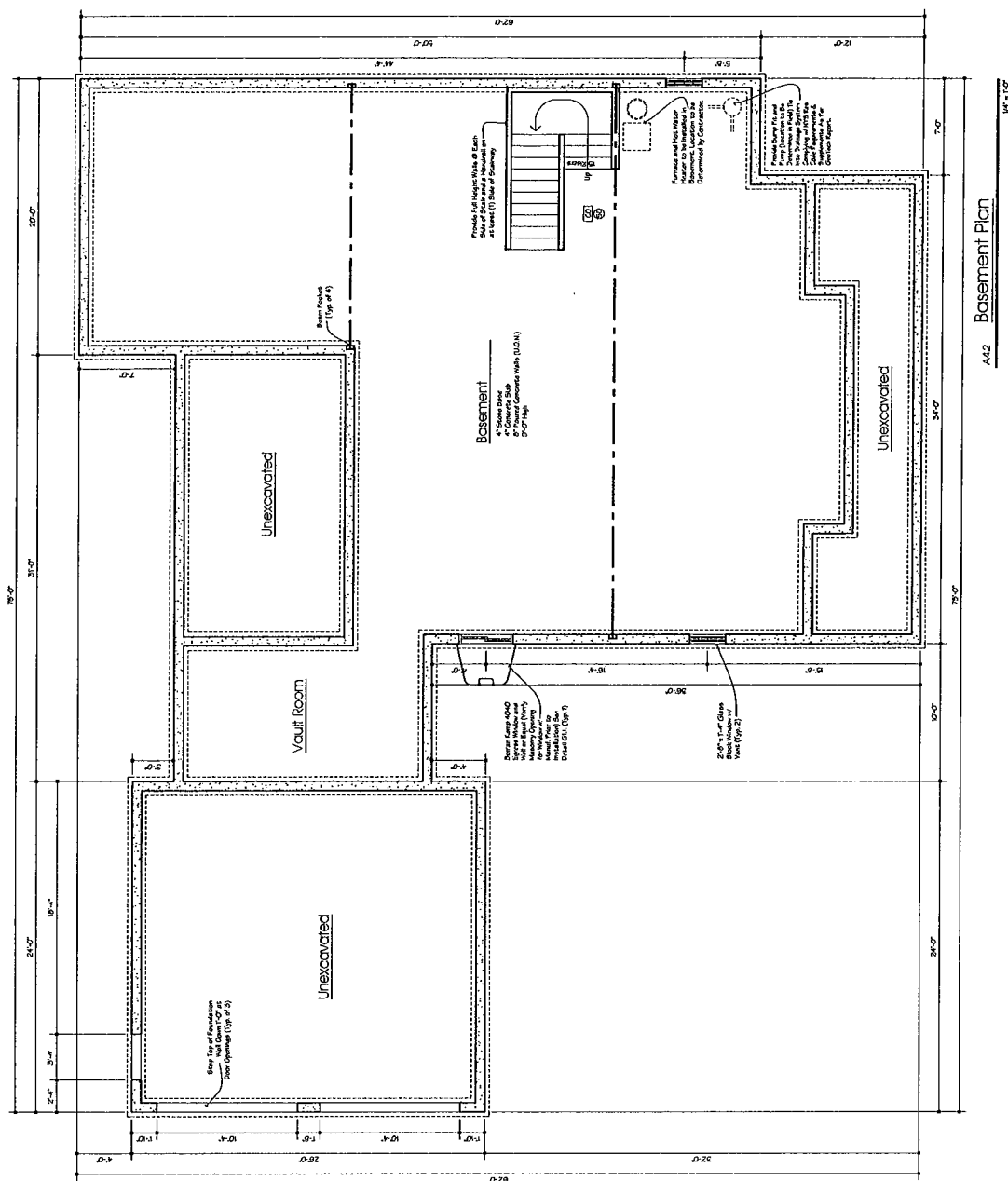
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(Second Floor)
Williamsville, NY 14221
(716) 932-7556 Fax 932-7875

<p>25-230</p> <p>Elevations</p>	<p>Project No.</p> <p>Client</p> <p>Design No.</p> <p>Drawn By</p> <p>Checked By</p> <p>Date</p> <p>Scale</p> <p>Sheet</p> <p>3/16" = 1'-0"</p>
---------------------------------	---

A-3



Typ. Wall Section

Proposed Residence For:

Bill & Catherine Cloen

10840 Milland Road Clarence, NY

2752 Total Sqft

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(Second Floor)
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25-230

**Typ. Wall Section &
Basement Plan**

A-4

Jonathan M.
Date: 6-10-25
Checked: D. Sutton
Scale:

COPY

Appeal No. 4

Robert Honadle & Elizabeth Zmirak
Agricultural Rural Residential

Applicant requests a variance to allow a 150' front yard setback for the construction of three (3) single family homes located on Miland Road (SBL: 31.00-1-18.2).

Town Code Reference;

§229-41 (A)

*Average front yard setback of 45'

DISCUSSION:

Mr. Honadle was present to represent their request, stating that they purchased the nine-and-a-half-acre lot on Miland Road in 2018. The lot was approved to be subdivided in to 3 lots approximately 200' by 700' lots.

Mr. Honadle added from a building standpoint, they would like to set back the homes 150' for multiple reasons. Back when the original approval was made, one of the conditions was to preserve the trees in Clarence, and setting the homes further back would achieve this.

Mr. Honadle added that additionally, it is a safety precaution for children and pets, etc.

Mr. Honadle stated the lot across the street is 100 acres and cannot be subdivided, but if it is ever approved for a subdivision, it would be better for these houses to be set back.

Mr. Skaine noted that the previous meeting that Mr. Honadle referred to was the March 21, 2018 Planning Board Meeting when this was approved.

Mr. Skaine asked Mr. Honadle if he plans to reside in any of these houses, or is sub-dividing them. Mr. Honadle responded that they plan to build in the center lot.

Mr. Drinkard referred to an aerial view of the parcels, and asked if the parcel located in the back is the parent parcel. Mr. Honadle responded yes.

Mr. Drinkard asked if there are any plans to develop the parent parcel. Mr. Honadle responded no, there are no plans to develop the parent parcel. They spent a great deal of time before purchasing the lot that they did to be sure they covered all bases.

Mr. Drinkard stated that there are setbacks all along that area, and this request won't stand out.

Mr. Krey reiterated the calculation for the setback for the area is based on the average of the others in the area.

Mr. Krey asked Mr. Honadle to confirm that he plans to build and reside on the middle lot. Mr. Honadle responded yes.

Chairman Mills noted that they are referring to the March 21, 2018 Planning Board document that shows all three parcels, identified as Lot 1, Lot 2 and Lot 3 will be marked Exhibit A.

ZBA 10-12-2022

COPY

Chairman Mills added that Mr. Honadle has stated that he plans to occupy Lot 2. Additionally, Mr. Honadle stated that Lot 3 has foliage covering the first 100 ft. of the frontage which he would prefer to not disturb.

Mr. Honadle confirmed Chairman Mill's statements, and added the two houses on either side are surrounded by woods, which would mitigate the view of the house he plans to place on Lot 2.

Mr. Krey asked what the intentions are for Lots 1 and 3.

Mr. Honadle responded that they plan to sell those lots, and they would like to have them deed restricted stating that any homes built need to be 150' back.

Conversation continued regarding deed restrictions on the other two lots.

Mr. Bleuer stated that someone could proceed to move forward not using the variance so unless the applicant deed restricts the parcels, we would honor the established setback, or if there is a future variance.

Elizabeth Zmirak, co-applicant stated that it was her understanding that if they received the variance on the parent parcel then sub-divided, that the action received today would travel legally from one lot to the other.

Mr. Bleuer stated that if the Zoning Board of Appeals grants a variance, it would be honored for future owners but they can also choose not to utilize the variance.

Mr. Honadle noted that they have spoken with an attorney and their plan is to proceed with the deed restriction.

Discussion continued regarding deed restrictions.

Mr. Honadle referred to the document from 2018, noting that the conditions of that approval stated that the trees had to be maintained.

Mr. Bengart stated that it is a different Zoning Board now than it was in 2018, but anything previously approved would still apply. The current board members may not know the information set forth by the previous board members.

Mr. Honadle stated that the conditions from the 2018 board were that as many of the trees along the tree line are kept and maintained as possible. By setting the home back 150' they are able to achieve that.

Discussion continued regarding the trees.

Chairman Mills asked Mr. Bengart if this is all currently one parcel and they are granting the variance for the entire parcel, will it survive future splits.

Mr. Bengart responded, stating that it will create a new setback line going across all 3 lots, and with plans by the applicant to deed restrict the parcels, it is simple.

ZBA 10-12-2022
HJZ

COPY

Chairman Mills asked if there are any additional deed restrictions the applicant is considering for these lots aside from the 150' setback.

Ms. Zmirak responded that she is unfamiliar with what is allowable, but does not want development like golf courses or similar to be located on the property. Ms. Zmirak added that she would like to keep it similar to what is currently located in the neighborhood.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

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

ON THE QUESTION:

Mr. Krey stated that due to the nature of Miland Road, there are currently houses with varying setbacks. These lots are all large, and having them approved at the same time with the same setback will be keeping more in accordance with the intention of the zoning law.

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

MOTION CARRIED

ZBA 10-12-2022



*note the parcel lines displayed are approximate

Miland Road

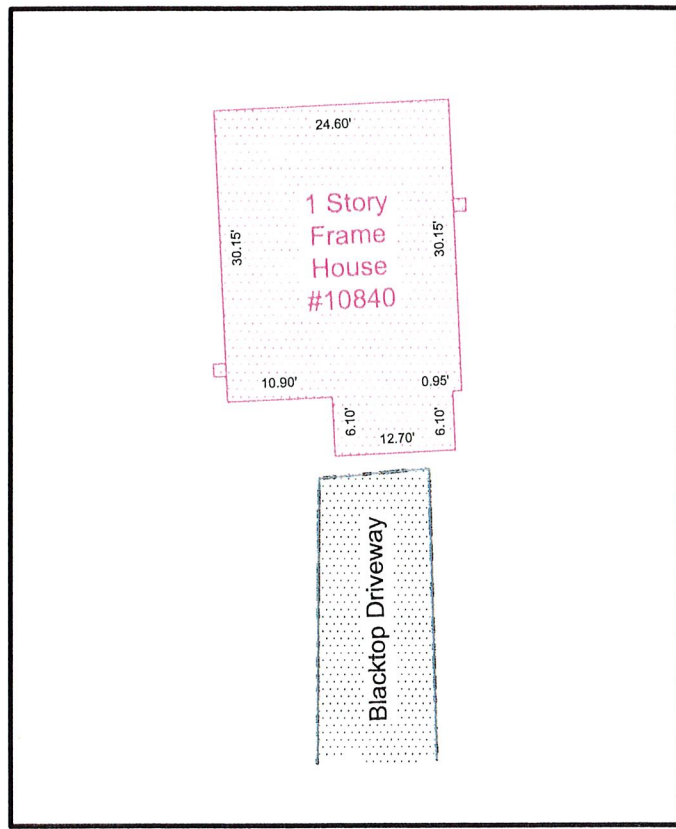
SBL: 31.00-1-18.2



COPY

Three (3) proposed single family homes with 150' front yard setbacks fronting Miland Road.

*Setbacks
150' and 125'*



House Detail ~ Scale: 1" = 20'

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- 1 This Survey is Published in many different colors. Any Black and White reproduction is not a valid map from Freeman Land Surveying PLLC

Reference Data

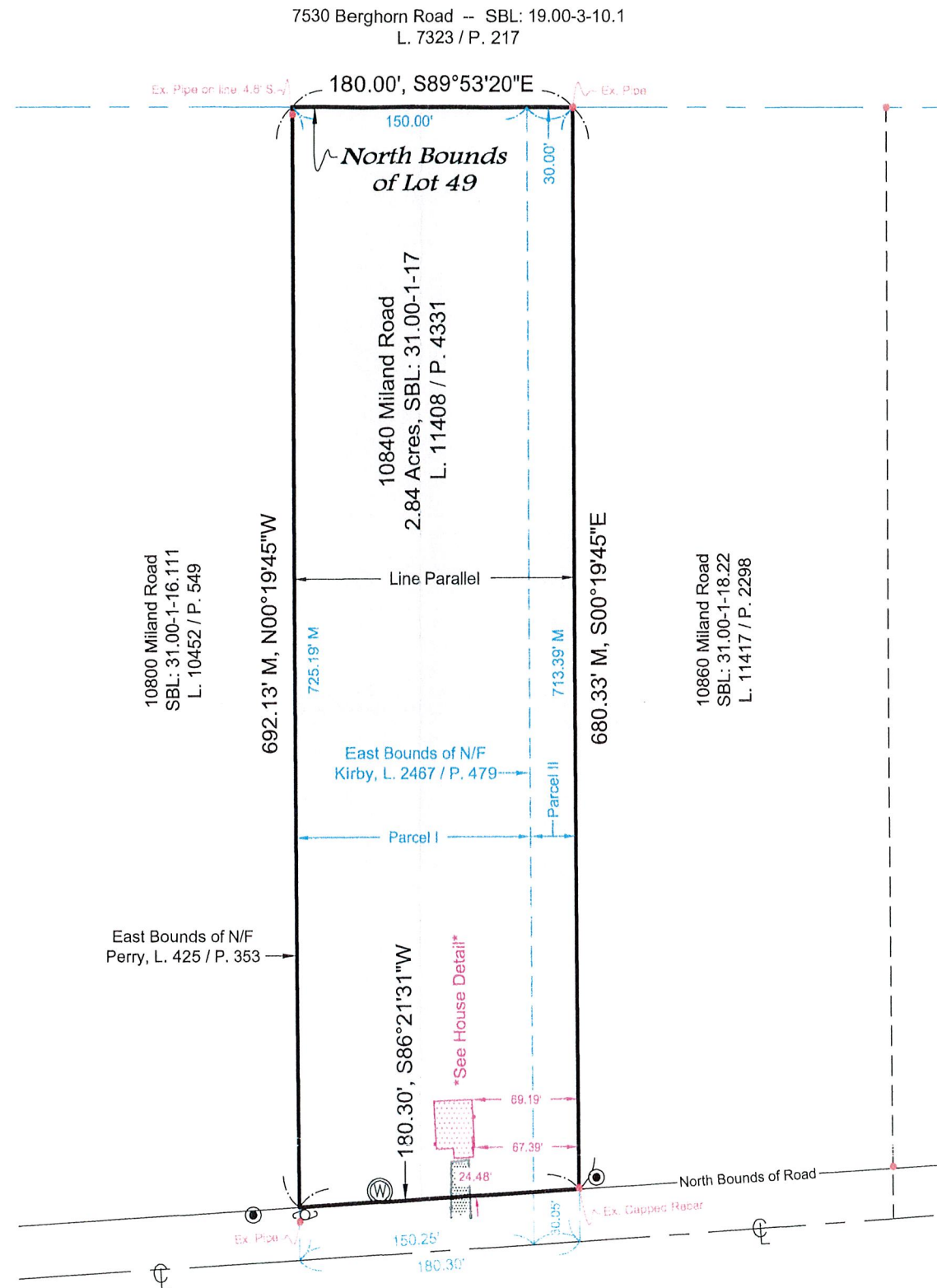
- RD1 Maps and notes from the Holland Land Company Survey.

Statement of Encroachments

- A No encroachments were noted or surveyed to in the original field survey.

Notes

- N1 All dimensions are in the "U.S. Survey Foot" unless specified otherwise on the map.



Miland (66' ROW) Road



Miscellaneous Notes

- MN1 Some features shown on this plat may be shown out of scale for clarity.
- MN2 Certain easements and /or utility lines, may or may not be shown hereon, however this shall not imply that all easements or utilities affecting premises are shown.
- MN3 Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.
- MN4 This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.
- MN5 THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

IP / ReRod	N. North	Enc. Encroachment
Power Pole	S. South	ROW Right-of-way
	E. East	Centerline
	W. West	
	Degrees	Indicates Mutual
	Ft. or Min.	Owner
	In. or Sec.	
R Record	N/F Now or Formerly	
M Measured	One Chain = 66.0 Ft.	
L Liber	One Meter = 3.2808333 Ft.	
P Page	One Acre = 43,560.0 Sq.Ft.	
Ex. Existing		
	Property Boundary	
	Line of Record	
	Edge of R.O.W.	
	Holland Land Co. Lot Line	
	Road Centerline	
	Fence	

Map of 10840 Miland Road

Being Part of
Lot 49 Township 13 Range 6
Holland Land Company Survey
Town of Clarence
Erie County, New York

Surveyor's Certification

I hereby certify

that this survey was prepared in accordance with the current Code of Practice for Land Surveyors.

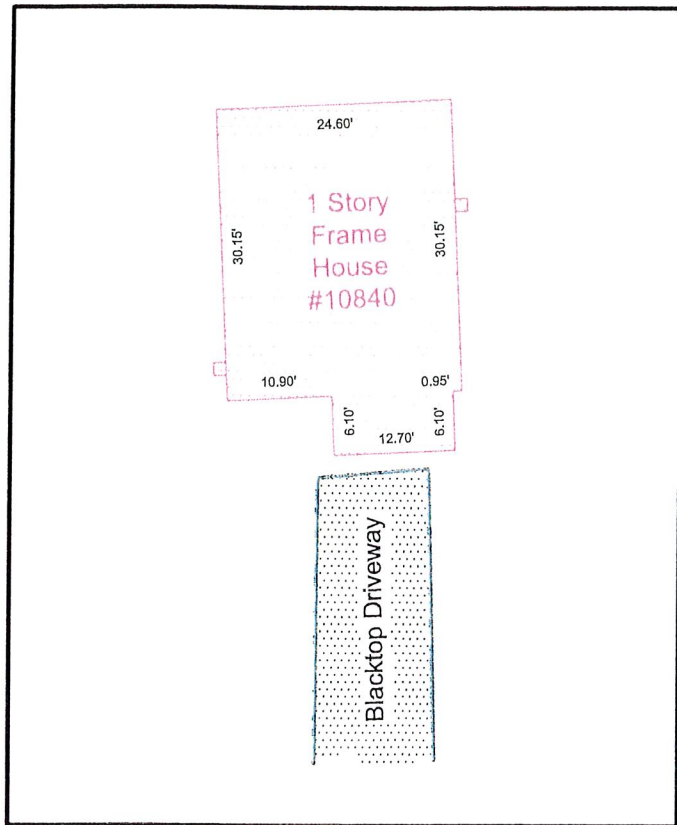
This certification does not extend to subsequent owners, mortgages, or insurers unless this survey has been re-surveyed for this purpose by the surveyors. This certification is void unless signed by the surveyor listed below. This certification is null and void if the fee for said certification is not paid.

David S. Freeman

Survey Prepared By:
Licensed Surveyor: David S. Freeman
License No.: 50480
In the State of: New York
Date of Survey: April 28, 2025
Date of Last Revision:
Drawing Scale: 1" = 100'
Freeman Job No. 15248



Freeman Land Surveying PLLC
Resurveying the Holland Land Company for the 21st Century
10432 Crump Road - Glenwood, N.Y. 14069
Phone: (716) 592-7740, Email: Survey@FreemanSurveyors.com



House Detail - Scale: 1" = 20'

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1 This Survey is Published in many different colors. Any Black and White reproduction is not a valid map from Freeman Land Surveying PLLC

Reference Data

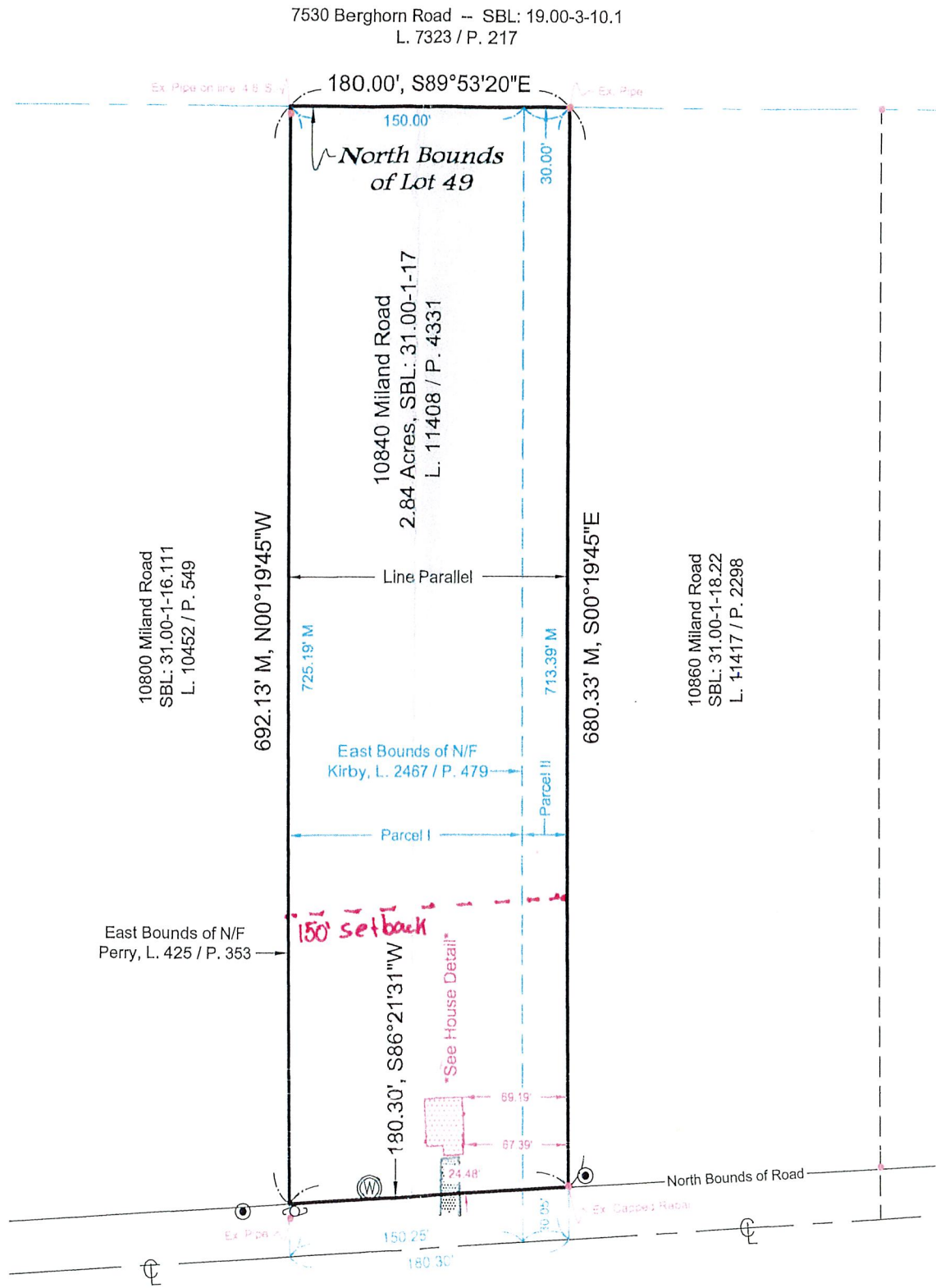
RD1 Maps and notes from the Holland Land Company Survey.

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Notes

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Miland (66' ROW) Road



Miscellaneous Notes

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- MN5 THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

IP / ReRod	N. S. E. W. Degrees Ft. or Min. In. or Sec. Record Measured Liber Page Existing	North South East West	Enc. ROW	Encroachment Right-of-way Centerline
Power Pole	R M L P Ex.	Indicates Mutual Owner	N/F	Now or Formerly
		One Chain = 66.0 Ft.		
		One Meter = 3,280.8333 Ft.		
		One Acre = 43,560.0 Sq.Ft.		
		Property Boundary		
		Line of Record		
		Edge of R.O.W.		
		Holland Land Co. Lot Line		
		Road Centerline		
		Fence		

Map of 10840 Miland Road

Being Part of
Lot 49 Township 13 Range 6
Holland Land Company Survey
Town of Clarence
Erie County, New York

Surveyor's Certification

I hereby certify

that this survey was prepared in accordance with the current Code of Practice for Land Surveyors.

This certification does not extend to subsequent owners, mortgages, or insurers unless this survey has been re-surveyed for this purpose by the surveyors. This certification is void unless signed by the surveyor listed below. This certification is null and void if the fee for said certification is not paid.

David S. Freeman

Survey Prepared By:
Licensed Surveyor: David S. Freeman
License No.: 50480
In the State of: New York
Date of Survey: April 28, 2025
Date of Last Revision:
Drawing Scale: 1" = 100'
Freeman Job No. 15248



Freeman Land Surveying PLLC
Resurveying the Holland Land Company for the 21st Century
10132 Crump Road - Glenwood, N.Y. 14069
Phone: (716) 892-7740, Email: Survey@FreemanSurveyors.com

Town Use Only:



Proposed 4'6" fence to be located within front yard. The maximum allowed height for a fence extending into the front yard is 4'. A 6" variance is requested.

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



8930 Country Club Drive

note the parcel lines displayed are approximate

[illegible]

147
3,988± SQ.FT.

148
13,574± SQ.FT.

149
4,524± SQ.FT.

COUNTRY

NORTHWOODS SUBDIVISION PHASE 4b
MAP COVER 3884

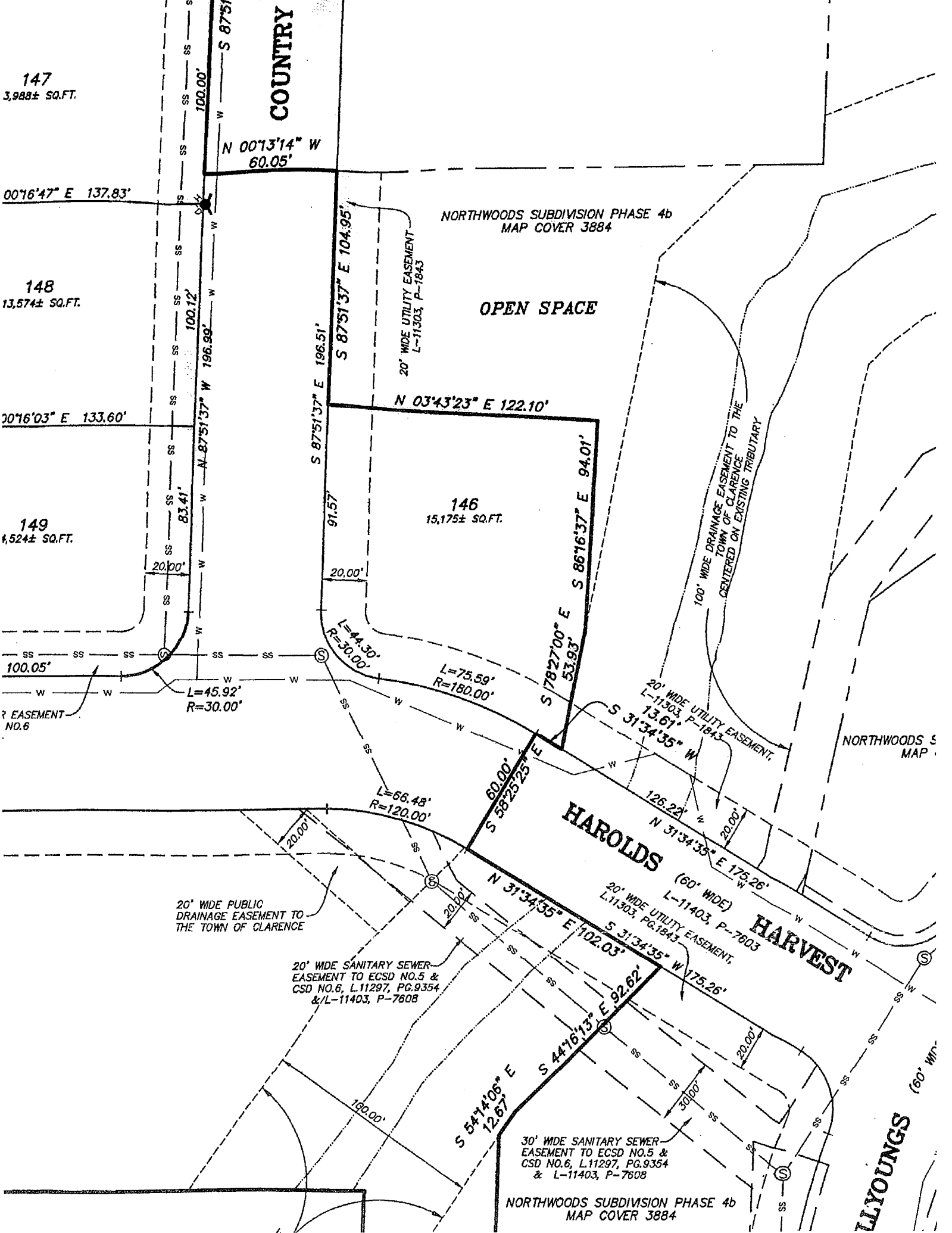
OPEN SPACE

146
15,175± SQ.FT.

HAROLDS

HARVEST

LLYOUNGS

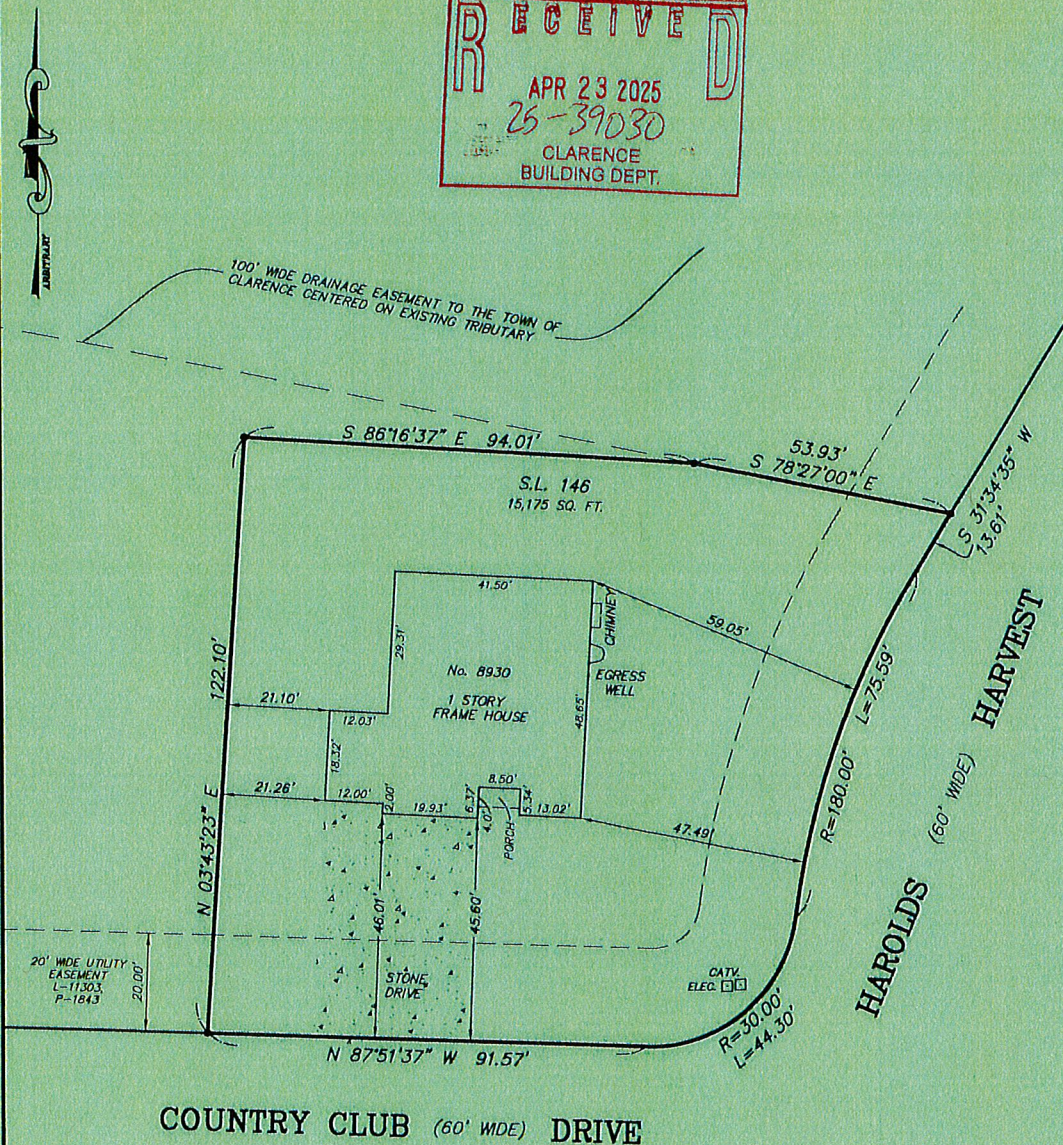




NOTE: THIS SURVEY WAS PREPARED WITHOUT THE
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NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS
DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2
OF THE NEW YORK STATE EDUCATION LAW.

• SET OR EX. 5/8" REBAR



COUNTRY CLUB (60' WIDE) DRIVE

SURVEY OF
SUB LOT 146, MAP COVER 3928
NORTHWOODS PHASE 5

PART OF LOT 10, SECTION 10, TOWNSHIP 12, RANGE 6
HOLLAND LAND COMPANY'S SURVEY

TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE
4/9/25	FINAL LOCATION
3/7/25	FOUNDATION LOCATION



GPI ENGINEERING, LANDSCAPE
ARCHITECTURE SURVEYING, LLP
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4950 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 6232-146(5)

Date: JANUARY 3, 2024

Scale: 1" = 30'

TAX No.