

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, July 8, 2025

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

Zoning Board of Appeals members present:

Chairman Ryan Mills
Gerald Drinkard

Patrick Krey
Steven Dale

Richard McNamara

Town Officials present:

Director of Community Development Jonathan Bleuer
Deputy Town Attorney David Donohue
Councilman Paul Shear

Other Interested Parties:

Kathryn Hocking
Peter Paganelli
Lori DeFilippis

Sean Moskal
Pete Terpin
Robert Forest Rung

Jason Grendowicz
Silvia Terpin

Bill Burke
William Cloren

Motion by Patrick Krey, seconded by Gerald Drinkard, to **approve** the minutes of the meeting held on June 10, 2025

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Edge Development, LLC.
Commercial

Town Code Reference: §229-126(D)(1)(b)

Note: This item was previously before the Zoning Board of Appeals and received approval for 12 multiple family housing units over the allowable residential density on April 8, 2025.

Applicant requests a variance to allow for 13 multiple family housing units over the allowable residential density located at 9105 Sheridan Drive.

Mr. McNamara recused himself from Appeal No. 1. The proper paperwork will be filed with the Town Clerk's Office.

DISCUSSION:

Bill Burke was present to represent this item, and distributed a 15-page document to the Board. This has been placed in the project file as Exhibit A.

Mr. Burke reviewed the proposed project since the last time it appeared in front of the Zoning Board, adding that they have obtained Concept Plan Approval from the Planning Board, as well as Landscape Review approval, and a Special Exception Use Permit from the Town Board. They have also submitted fully engineered site plans for this project to the Planning and Zoning Office and they are currently under review.

Noting that Development Plan Approval is the last step in the review process, Mr. Burke explained that they originally presented a 24-unit project that had some first-floor residential units in the mixed-use building. After discussions with the Town Board during Work Sessions, they agreed to eliminate the two units. When Mr. Burke spoke with his architect and asked him to proceed with the plans, his architect informed him that removing the two units subjected them to a violation of the Fair Housing Act Design Manual, which requires accessible first-floor residential space.

Mr. Burke stated that this request is for one additional residential unit on the first floor. They are not asking for any additional space; the building did not get any larger. They are exchanging commercial space for residential space. They went through the 5 criteria and feel that there is minimal to no impacts to the environment or neighboring property owners. They also do not believe there are any detriments, and there is a benefit to them as the developer by allowing them to proceed with the plan in accordance with the Fair Housing Act Design Manual.

Referring to the Fair Housing Act, Mr. Drinkard noted that "it is intended to provide usable housing for persons with disabilities". Mr. Drinkard asked if Mr. Burke took that sentence literally and placed a residential unit on the first floor, what about all of the residential units on the second floor – do they fall under the same law.

Mr. Burke responded no; another option they considered before this proposed plan was to attach one single unit to the townhouse buildings. It would have been unattractive, and not something they wanted to proceed with. Ultimately that would not serve the criteria that the Fair Housing Act addresses. The letter of the law reads that "the first level of accessible space must offer accessible dwelling space". Either that is a first-floor dwelling that is accessible and meets all of the criteria of the Fair Housing Act, or some additional accessibility must be created on the non-first floor level. In most cases this is serviced by an elevator. They did investigate that possibility, however there is no requirement for them to provide all-accessible housing.

Mr. Drinkard stated that as long as Mr. Burke is convinced that they will not need to include an elevator.

Mr. Burke explained that they studied this extensively with their architect, they are very comfortable with the process.

Chairman Mills asked if they have explored possibly removing one unit from the second floor and how that might impact the project.

Mr. Burke stated that they did explore a series of different options, most of which are detailed in the package that was submitted. These were reviewed with the Planning Office, Mr. Hopkins, and the architect and was determined that the aligning of the stacking walls and finding a way to reconfigure the floor plan, it would not be feasible. The floor plans are designed very efficiently whereas they cannot effectively remove one unit.

Chairman Mills noted that he understands how it would line up, though essentially it would be storage space in one of the second-floor units instead of an additional unit.

Mr. Burke stated that it would be 1,000 sq. ft. of storage space and it is not marketable nor would it be efficient.

Chairman Mills asked Mr. Burke to verify that from an economic perspective it would not work for the project.

Mr. Burke responded yes.

Chairman Mills asked if it is a 500 sq. ft. apartment.

Mr. Burke stated that they put it in for 600 sq. ft., the concept plan has not been designed yet but they are attempting to make it as small as possible and 600 sq. ft. is the minimum the code allows for a one-bedroom dwelling.

Chairman Mills asked Mr. Burke what he anticipates it will be priced for.

Mr. Burke responded probably anywhere between \$1,200.00 to \$1,500.00 per month.

Chairman Mills noted that the commercial space that was planned for that space will be ruined but overall, this is a positive economical move.

Mr. Burke responded not necessarily; as commercial space it could be worth more.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

Public Participation was closed for this item.

ACTION:

Motion by Patrick Krey, seconded by Gerald Drinkard to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Krey stated that he found the applicant's presentation and materials highly persuasive. Particularly the analysis under the 5 area variance criteria, which he agrees with.

Chairman Mills added that as the applicant's testimony stated, the footprint of the structure will not change, they are merely swapping out commercial space for additional residential space in order to comply with Fair Housing.

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

MOTION CARRIED

Mr. McNamara returned to the meeting.

Appeal No. 2

Kathryn Hocking	Applicant requests a variance of 2' to allow a 6'
Residential Single-Family	fence to be located within the front yard
Town Code Reference: §101-3(C)(2)	setback located at 4650 Sawmill Road.

DISCUSSION:

Kathryn Hocking was present to represent her request, adding that she would like to build the fence around two sides of her property. There is already an existing 6' fence on the east side of Sawmill Road which does front Sawmill Road. The fence that requires a variance in accordance to the Town of Clarence Code is perpendicular to Sawmill Road; it does not front Sawmill Road. She would like it to conform with the existing 6' fence.

Mr. Dale asked if Mrs. Hocking is planning to keep the wooden fence and just extending it.

Mrs. Hocking responded yes; aside from the color because it will be newer, it should look exactly like the existing fence.

Stating that it was unclear from the stakes on the property, Mr. Dale asked if the Sawmill portion is being extended approximately 6 ft., then going perpendicular up the rear property line.

Mrs. Hocking responded yes; the fence that is there now does not extend to the property line.

Mr. Dale asked how long the portion along the rear lot line will be.

Mrs. Hocking stated that it will extend from the corner of the existing fence to the other corner of the property, though she believes she will bring it in approximately 2 ft. so that she is able to access the other side of the fence. It will extend the length of the entire rear lot line.

Mr. Dale asked Mrs. Hocking if she plans to leave all of the underbrush that is there now.

Mrs. Hocking responded no; it was planted when the house was built, the entire perimeter of her property used to have the hedges but they are very old and unhealthy, and have been dying since she moved in. She does not intend to replace them with more hedges.

Mr. Dale stated that Mrs. Hocking has a pre-existing, non-conforming fence that is already there, she just wants to extend it a bit farther, make the turn, and then go on to the back property line.

Mrs. Hocking responded yes.

Mr. Krey asked if the fencing that will be closer to Sawmill Road will be 4ft. or 6ft.

Mrs. Hocking stated that all of the wooden fence that she intends to build would potentially be 6ft. tall. There is a chain-link fence requested for the side of her property to be 4ft.

Chairman Mills noted that Mrs. Hocking provided a color-coded survey, entered in to the record as Exhibit A. Chairman Mills pointed out that noted in yellow on the survey is a new 4ft. chain-link fence running perpendicular with Sawmill Road.

Mrs. Hocking stated yes; adding that she lives at the corner of Sawmill and Sawmill.

Chairman Mills clarified that the survey indicates the yellow heading north.

Mrs. Hocking responded yes.

Chairman Mills added that everything else will be 6ft. wood fencing.

Mrs. Hocking responded yes; and the portion that she is requesting a variance for is the green strip as indicated on the survey, which is a small portion on the south side.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

Public Participation was closed for this item.

ACTION:

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

ON THE QUESTION:

Chairman Mills noted that this variance request is a very small portion of the south area of the property, and will not have any adverse impact on the character or environmental conditions of the neighborhood. The small portion is marked on Exhibit A.

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

MOTION CARRIED

Appeal No. 3

Sean Moskal
Planned Unit Residential Development
Town Code Reference: §229-55(H)

Applicant requests a variance of 104 sq. ft. to allow a 304 sq. ft. detached accessory structure (pool house) located at 5922 Donegal Manor.

DISCUSSION:

Mr. Moskal was present to represent his request, adding that he brought some renderings of the property to help visualize the proposed project.

Mr. Moskal stated that he is not a general contractor, he is doing his best to put this together for his family. Colley's installed the pool, Sutton Architecture did the architecture for the original extended patio, they had a landscaper do all of the landscaping, and an architect from the Town of Clarence do the pool house.

Mr. Moskal apologized for not knowing he needed a variance for the pool house, he was not aware that he needed one, the architect did not inform him of that.

Mr. McNamara stated that he was at the property today, saw that the foundation is in, and asked Mr. Moskal if he has a Building Permit for it yet.

Mr. Moskal responded that he does have a building permit.

Mr. Bleuer stated that he spoke briefly with the Building Department, and they did identify that the structure could be built without the overhang if the variance was not granted.

Mr. McNamara stated that it looks like a nice project, it fits the area well.

Mr. Drinkard stated that he walked the property with Mr. Moskal and the project is almost complete. He thinks that the overhang is a positive addition to the house, and would not affect anyone in the neighborhood.

Mr. Krey asked about the neighboring property to the north that has a tennis court.

Mr. Moskal explained the neighboring property, and that the tennis court is on the neighbor's property, it is their personal court not a community court.

Mr. Krey noted that there is an abundance of trees which buffers the view, and asked Mr. Moskal if an overhang would be visible from the street, or more towards the backyard.

Mr. Moskal stated that the overhang would be towards his pool, the neighbors would not be able to see it. Mr. Moskal explained that the neighbor identified that they cannot see the structure now, and told Mr. Moskal that if he wants to plant more trees on their property to give him more privacy, they would let him do that.

Mr. Krey added that with the pool house there, they will have good privacy from the pool. It looks like a beautiful project so far.

Mr. Dale asked who owns the pine trees that surround Mr. Moskal's yard.

Mr. Moskal stated that on the side that Mr. Krey was just referring to it is his neighbor who backs up directly to him. To the right is the other neighbor, he has two different neighbors blocking him on two different sides, they are not his trees.

Mr. Dale asked if there is any type of agreement in place like a PURD or an HOA that would prevent Mr. Moskal from building this structure.

Mr. Moskal responded yes there is, and they previously received approval from the HOA to build the structure.

Chairman Mills noted that the renderings that Mr. Moskal provided, labeled Exhibit A, which are colored images from Colley's pools show this accessory pool house structure with conventional vinyl siding. The architectural drawings show vinyl cedar shake siding. Chairman Mills asked Mr. Moskal if he has decided which he will be using.

Mr. Moskal responded that they are keeping with the cedar shake on the front and the traditional vinyl on the side of the structure. He believes they are going to be doing the cedar shake siding.

Chairman Mills stated that from an aesthetic perspective, the vinyl cedar shake will be a better choice. Chairman Mills confirmed that the asphalt shingle will match the roof of the house.

Mr. Moskal responded yes; the plan is to match the aesthetics of the house.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills to **approve** Appeal No. 3 as written, with the following conditions:

1. siding to be vinyl cedar shake
2. asphalt shingle roof

Mr. Moskal agreed to these conditions.

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

MOTION CARRIED

Appeal No. 4

Peter & Irene Paganelli
Residential Single-Family
Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' fence to be located within the front yard setback located at 8691 Millcreek Drive.

DISCUSSION:

Peter Paganelli was present to represent his request, noting that they would like to continue their existing fence on to the western edge of Shamrock Lane and hook back up to their house. For aesthetics they would like to continue the fence that they have, which is 6 ft. in height. They live on the bike path and this would give them some privacy, and also for safety reasons as they have a small grandchild and a large active puppy both whom would benefit from having a taller fence.

Mr. Krey noted that while he was looking at the property, he noticed that there is a berm there with arborvitaes on it, and asked if it is Mr. Paganelli's intention to remove the berm and arborvitaes.

Mr. Paganelli responded no; they did take approximately half of it down already; it previously went all the way out to the edge of his lot.

Mr. Krey asked what edge they removed.

Mr. Paganelli stated the edge towards the bike path was removed to create some more space and make their yard a bit larger, and to make room for the fence. The arborvitaes have been there since they built the property, and they planned to go around them with the fence.

Mr. Krey asked Mr. Paganelli if he knows how tall the arborvitae are.

Mr. Paganelli responded from the ground and including the berm, they are probably at least 12 ft. tall.

Mr. Dale asked Mr. Paganelli if he has considered just replacing the wrought-iron fence that is there currently.

Mr. Paganelli stated that it is a temporary type of fence that they primarily use to keep the dog in, that is what they are replacing.

Mr. Dale asked Mr. Paganelli if he is aware that Meadowlakes prohibits 6 ft. fences in a front yard. They cannot really allow him to do it. He appreciates that Mr. Paganelli lives on a corner,

and the side of his yard facing Shamrock Drive is considered a front-yard, so it is unable to go in that direction without violating Meadowlakes guidelines which have been in place since Meadowlakes was built.

Mr. Paganelli noted that this Board is a Town of Clarence Zoning Board.

Mr. Dale explained that it is a Town Zoning Board, but in cases where there are previously established rules by a subdivision or Homeowner's Association, the Board generally tries to abide by those rules.

Mr. Paganelli stated that many of the rules that were there when they moved in are no longer in effect. As far as he knows the original Meadowlakes charter or guidelines has expired. All of the things that were not allowed, are now being done. He stated that this would fall under those lines, and he does not think that rule applies anymore.

Mr. Dale stated that unfortunately, it does.

Mr. Drinkard stated that if he interpreted the June Zoning Board of Appeals meeting correctly, the Zoning Board is here for the Town of Clarence Law.

Chairman Mills interjected, confirming that they are here for the Town Law, and if the applicant chooses to investigate any further deed restrictions or restricted covenants, HOA agreements or anything along those lines, they will not discuss those at the Zoning Board meeting other than possibly pointing out that they are or may be in existence. They are here for the variance request as it relates to the Town of Clarence Code.

Regarding safety issues, Mr. Drinkard pointed out that Mr. Paganelli lives on a corner with a bike path. Both vehicle and bikes have a heavy presence in that area, often at unsafe speeds without a stop sign. A 6 ft. fence at that corner would block views of those traveling on the bike path. The safety issue is a big concern.

Mr. Drinkard asked Mr. Paganelli if he has taken any of the safety issues in to consideration.

Mr. Paganelli responded yes; that he probably spends more time on the bike path than anyone over the past 25 years. He continued by sharing a video that he took of the corner that showed the sightlines, traffic, and pedestrian flow. The arborvitaes that were up that he removed obstructed the view more than a fence would.

Mr. Paganelli stated that in regard to the proposed fence obstructing the view any more than it is now, it is simply not the case. It is actually much more difficult to see the bike path coming from the other direction towards Millcreek Dr. on Shamrock Dr.

Mr. Paganelli added that 2 ft. of fence will not obstruct views any more than a 4 ft. will.

Chairman Mills stated that he shares Mr. Drinkard's concerns of the sightlines. The Board members have all been out to the property to view the proposed fence location. He understands there is a degree of objectivity but the fact remains; it is a corner lot with a bike path.

Chairman Mills asked Mr. Paganelli if he is aware of any other properties or conditions on the bike path where there is a 6 ft. fence at a bike path intersection.

Mr. Paganelli responded that he is unsure.

Neighbor Notifications are on file, two letters of opposition have been received from Paul Badding and Michael Sanders. Both were provided to the full Zoning Board of Appeals as well as the applicant, and have been placed in to the project file.

Chairman Mills asked what the letters stated as opposition.

Mr. Bleuer responded that they cited safety and potential deed restrictions.

In regard to Public Participation, no one spoke.

Mr. Drinkard noted that the Meadowlakes subdivision does not have any sidewalks; pedestrians have to walk in the street. Also, the visual obstruction and the whole law of fence laws, it says what it says restricting 6ft. fences along the side yard when considered the front yard on a corner lot. They do have the option of a 4' fence. The law speaks to that specifically.

Mr. McNamara noted that Mr. Paganelli is 15' off of the right-of-way, going 20-25 ft. is then so close to the street that if he moved it in a little more, perhaps the Board would take a different look at it then.

Mr. Paganelli stated that he did not want to destroy the berm, and that that would put it right through the berm.

Mr. Krey clarified that the deed restriction is outside the scope of the Zoning Board in terms of a variance. If they were to deny this variance, the zoning law permits a fence to be there if it is 4'. To Mr. McNamara's point, if Mr. Paganelli would really like a 6' tall fence, there is the option to table this request and Mr. Paganelli could revisit how he would like to place the fence on the property, or they can proceed with the vote. But he could return with an altered proposal that does not have the fence out as far, which cannot be guaranteed it would be approved, but could be considered.

Mr. Dale told Mr. Paganelli that he could run a 6' fence directly from the corner of his house perpendicular to the fence in the back. This would shorten the area a bit.

Mr. Paganelli stated that would take away the purpose.

Mr. Dale stated not if it is Mr. Paganelli's dog and his grandson.

Mr. Paganelli responded that he is trying to make safe space for them also.

Mr. Paganelli asked if the board votes no, can he come back the next time and propose moving the fence in 5'.

Mr. Bleuer explained that if there is a vote and the action is denied, Mr. Paganelli could apply for a new variance, but not the same variance. A new application would be needed, and to start over with a different request.

Chairman Mills stated that there would be some relative change, a different distance.

Mr. Krey asked if Mr. Paganelli would need to pay the variance fee again.

Mr. Bleuer responded yes.

Mr. Krey noted that if the action is tabled, he could resubmit the application without paying.

Mr. Bleuer responded yes. The next meeting is August 12, 2025 and the application deadline is July 25, 2025.

Chairman Mills asked Mr. Paganelli if he would like them proceed with the vote or is he asking them to table it.

Mr. Paganelli requested they proceed with the vote, noting that he would need to return either way.

ACTION:

Motion by Gerald Drinkard, seconded by Ryan Mills to **deny** Appeal No. 4 as written.

ON THE QUESTION:

Mr. Drinkard stated that it is the law of the Town of Clarence to not have a 6' fence in the front of a house and the side yard in this case is the front. A 6' fence would deter the line of sight for vehicles coming down Shamrock Lane in either direction from the bike path.

Chairman Mills added that as a Board, they are asked to look at 5 factors in accordance with New York State Law with a variance request. One of those factors is whether the variance request will change the character of the area, and in this case, it does affect the character as it would impact sight lines particularly those adjacent to the bike path.

Chairman Mills added that there are other alternatives that do not require a variance; one of them is a 4' fence.

Also, Chairman Mills pointed out that they do believe this variance request to be substantial based on the size.

Regarding effects on physical environmental conditions in the neighborhood or district, Chairman Mills stated that there will be environmental as well as physical effects based on the size of the fence and the proximity to the bike path.

Lastly, Chairman Mills noted that the situation is self-created based on the fact that the applicant has owned his home for a period of time and there are other means to accomplish his request such as a 4' fence or different foliage and landscaping that can create privacy.

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

MOTION CARRIED

Appeal No. 5

Peter Terpin
Residential Single-Family
Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' fence to be located within the front yard setback located at 8295 Galbraith Road.

Mr. Krey recused himself from Appeal No. 5. The proper paperwork will be filed with the Town Clerk's Office.

DISCUSSION:

Mr. Terpin was present to represent his request, explaining that he would like the fence to run from the side of his approximately 8' then straight back to the back property line. He has recently had a pool installed therefore he needs a fence around the pool.

Mr. Drinkard noted that the pool is under construction, but he could see why Mr. Terpin would like to have the lack of line of sight from the street. There are also trees on the property, and only coming out 8' from the house.

Mr. Terpin stated that the fence will be on the inside side of the existing trees, and the 8' is for the gate.

Mr. Drinkard stated that when he walked Mr. Terpin's property he was in the middle of all of the workers building the pool, it is obvious to him where it is staked out, and Mr. Terpin's desire to have a 6' fence down the property to the back property line would not obstruct any line of sight for anyone walking in the street on either the front or the side.

Mr. Drinkard asked Mr. Terpin if he thinks it would be possible to go down to a 4' fence.

Mr. Terpin responded no; because it is a pool, they would like the privacy for when they are out using the pool area.

Mr. Drinkard stated that even if they had a 4' fence they would be asked to put landscaping around it, like a line of arborvitae that would go way above the fence and provide privacy.

Mr. Terpin responded that they have a lot of deer in the neighborhood and they would destroy the arborvitae.

Mr. Drinkard added that there are two types of arborvitaes, one that the deer like and one that they do not.

Mr. McNamara explained that while he was at Mr. Terpin's house today for a site visit and spoke with Mrs. Terpin, the pool looks great and the house is 46' off of the easement line and approximately 38' away from the easement. A sufficient distance away from any potential line of sight issues.

Mr. Dale asked what kind of fence Mr. Terpin is installing.

Mr. Terpin stated that it is a vinyl fence in a clay color to match the house.

Mr. Dale was advised to refer to the photograph of the fence that was included in the applicant's submission.

Chairman Mills noted for the record that Mr. Terpin shared a brochure with the Board from Active Yards that shows the proposed clay colored fence that Mr. Terpin is referring to.

Chairman Mills stated that the fence Mr. Terpin is showing the Board has an open area, and asked Mr. Terpin if he plans to have an open area near the top.

Mr. Terpin responded yes; they will be doing an aluminum decorative fence around the pool itself, and they feel that will coordinate well with it.

Mr. Dale confirmed that the pine trees are going to stay.

Mr. Terpin responded yes.

Mr. Dale confirmed that the fence will encroach approximately 8'.

Mr. Terpin responded yes.

Mr. Dale stated that when he visited the property, he thought it looks closer to 6'.

Mr. Terpin reiterated that it is 8', he measured it is 8' right off of the house to where the stake is.

Chairman Mills stated that he agrees with Mr. Drinkard, an analysis of site lines on the corner does not appear to have any adverse impact on views from either Red Tail Run or Galbraith Road. The proposed fence will be set far enough back to not have an impact on views from either direction.

Chairman Mills added that some privacy as well as the type of fence to aesthetically tie-in with the house, as well as if they plan to do an additional metal-type fence.

In regard to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Gerald Drinkard, seconded by Steven Dale to **approve** Appeal No. 5 as written.

ON THE QUESTION:

Mr. Drinkard stated that this fence will not obstruct the view on either the front or side of the house.

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

MOTION CARRIED

Mr. Krey returned to the meeting.

Appeal No. 6

William Cloen
Agricultural Rural Residential
Town Code Reference: §229-41

Applicant requests a variance to allow up to a 150' principal structure front yard setback located at 10840 Miland Road.

DISCUSSION:

Mr. Cloen was present to represent his request, adding that he and his wife purchased the 2.4-acre lot located at 10840 Miland Road where they plan to build their forever home. The lot is approximately 700 ft. deep and 180 ft. wide. They are requesting the variance to allow for the construction of a single-family home with a maximum 150' front yard setback, as opposed to the 47.5 average setback that is currently required.

Mr. Cloen explained that the intent of the variance would be to preserve as many trees as possible on the lot while building the home, create a safer area for their children and pets.

This will also align the new house with the neighbor's home as well as the planned future homes that are slotted for 3-homes to the east of his property which have previously been granted the same variance.

Mr. Cloen stated that he has prepared a survey with a rough location of the residence that his architect was able to prepare, which was not submitted with the rest of the documents.

Chairman Mills entered the document in to the record as Exhibit A; a survey dated April 28, 2025. The document was passed around to the Board members for them to view.

Mr. McNamara explained that he did a site visit, the property was well-marked, and asked if the foundation at the front of the site will be removed.

Mr. Cloen responded yes; there is a demolition permit in the process, the previous house has been removed, the septic tank has been pumped out and an excavator will be out to fill in the foundation and current septic system.

Mr. McNamara asked if the new septic system will be put in the front of the property.

Mr. Cloen responded yes; it will be put somewhere in the front; he is not quite sure exactly where at this point.

Mr. McNamara asked how big the lot is.

Mr. Cloen stated that it is approximately 700' by 180'; 2.84 acres. The sides are different lengths.

Mr. Drinkard asked Mr. Cloen if he has spoken with the people next door who also had their setback established at a Zoning Board meeting and their setback is also 150'. Mr. Cloen reiterated that all 3 lots to the east of the property are set at 150'.

Mr. Drinkard noted that Miland Road is a very senior, zig-zaggy road that is nicely filled in and hides the least setback to the most setback.

Mr. Krey commented that this is a unique situation because of the sub-divided lot next door that has the same variance. Approving this variance brings the property in-line with the neighboring properties. The lot is also heavily treed, so the house will not be in the neighbor's backyard or highly visible.

Mr. Krey asked what the square footage of the home is.

Mr. Cloen replied that it is between 2,600 sq. ft and 2,700 sq. ft.

Mr. Dale stated that he is confused after visiting the site with Mr. Cloen, and the stakes that mark the 150' line. The other stakes were in front of the 150' mark, Mr. Dale assumed those were marking the house.

Mr. Cloen explained that the stakes were placed tentatively based on where he and his wife choose to place the house as far as saving the trees. The 150' would be the maximum depth that they would go with the front porch, but they will most likely come forward in order to save trees in both the back and the front.

Mr. Cloen reiterated that the 150' mark is the maximum they would go, and would line them up with the houses next door, but they want to save as many trees as they can.

Discussion continued regarding the layout of the markers at the site.

In regard to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Gerald Drinkard, seconded by Richard McNamara to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Chairman Mills stated that this setback request can be distinguished from other setbacks in that the three parcels directly to the east all have 150' setbacks and the house to the west has 125' setback, and the subject parcel has a substantial amount of natural foliage and privacy surrounding it. Chairman Mills does not believe there would be any adverse impacts on the character or environmental conditions of the area.

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

MOTION CARRIED

Appeal No. 7

Lori Defilippis
Residential Single-Family
Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 6" to allow a 4'6" fence to be located within the front yard setback located at 8930 Country Club Drive.

DISCUSSION:

Mrs. Defilippis was present to represent her request, explaining that they would like a 54" aluminum fence so that it is standard in the front, sides, and back of the property. This is mainly for the safety of her three young children.

Mr. Krey asked why she is requesting a 6" variance.

Mrs. Defilippis stated that it is the standard for aluminum fencing in the neighborhood. They are all around 54". She would have preferred 6', but she wants to keep it uniformed with the rest of the neighborhood.

Mr. Dale noted that everyone has the same fencing in the neighborhood, this request makes sense.

Mr. McNamara asked if there is a photo of the fence.

Mrs. Defilippis stated no; she does not but it is the standard aluminum fence, it has wider spaces so there should not be any obstruction of views.

Mr. Drinkard asked Mrs. Defilippis to describe what is on the top of the fence.

Mrs. Defilippis explained that towards the top of the fence, there will be two inches then a bar then a second bar spacing it then another bar on top.

Mr. Drinkard is very concerned about the obstruction of eyesight. He walked the property, there are an abundant number of bicyclists in the neighborhood and this property is right on the bike path. Mr. Drinkard asked Mrs. Defilippis if she has given thought to the fact that she is fencing in her entire property.

Mrs. Defilippis stated that she believes the reason this specific fencing is throughout the neighborhood is so it does not obstruct views, as you can see through the fencing. There is an easement that she believes to be 50', keeping them from being too close to the crosswalk.

Mr. Drinkard added that the 6" is a very minimal request.

Mr. Dale asked what the spacing is between the individual bars of the fence.

Mrs. Defilippis stated that she believes it to be between 2-3".

Mr. Dale stated that he thought it was wider, and asked if you can see through them.

Mrs. Defilippis responded yes.

Mr. McNamara stated that they are typically around 4" and for safety reasons they typically are not any wider.

Mr. Dale confirmed that you can see through them.

Mr. McNamara responded yes.

Chairman Mills pointed out for the record that there are several of these fences throughout the neighborhood.

Mrs. Defilippis responded yes, there are multiple including one just on the other side of the bike path.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

Public Participation was closed for this item.

ACTION:

Motion by Patrick Krey, seconded by Steven Dale to **approve** Appeal No. 7 as written.

ON THE QUESTION:

Mr. Krey stated that the variance request is minimal with only 6", and it is also the type of fence that is similar to the other fencing throughout the neighborhood. Also, some of the concerns raised with other fence requests in terms of obstructing views are not present here since you are able to see through the fence.

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

MOTION CARRIED

Meeting adjourned at 6:38 with a motion by Richard McNamara.

MOTION CARRIED

Amy Major
Senior Clerk Typist