

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, August 12, 2025

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

Zoning Board of Appeals members present:

Chairman Ryan Mills	Vice-Chairman Patrick Krey (arrived at 5:32 p.m.)	
Richard McNamara	Gerald Drinkard	Steven Dale

Town Officials present:

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

Other Interested Parties:

Abbey Zucarelli	Brianne Frawley	Robert Forest Rung	Michael Metzger
Christine Barmosz	Pat Sheedy		

Motion by Steven Dale, seconded by Gerald Drinkard, to **approve** the minutes of the meeting held on July 8, 2025.

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

VisoneCo Site Development, LLC.
Traditional Neighborhood District &
Residential Single Family
Town Code Reference: §229-65(A)(1)

Applicant requests a variance of 5'8" to allow for two 45'8" tall mixed-use buildings located at 8560 - 8574 Main Street.

Richard McNamara recused himself from Appeal No. 1. The proper paperwork will be filed.

DISCUSSION:

Michael Metzger with Metzger Civil Engineering, Brianne Frawley with VisoneCo, and Christine Barmosz with Silvestri Architects were present to represent this request.

Mr. Metzger reviewed the project, noting that the property is 7.2 acres, zoned Traditional Neighborhood District (TND) and Residential Single-Family. They are requesting a re-zoning of the back portion of the property from Residential Single-Family to TND so that there is consistency within the project.

Mr. Metzger stated that it is a redevelopment site, there are currently 3 buildings on site. They are proposing to knock down one of the buildings, and partially remove one of the other buildings. The 6-unit apartment building in the rear of the site will remain intact, as is.

While it is not a subject of the variance request, Mr. Metzger stated that there is an 8-unit townhome building proposed as part of the proposed project.

Mr. Metzger stated that the buildings that are in question tonight would be the replacement in full of one building, and partial replacement of another building.

Mr. Metzger distributed additional paperwork that he reviewed with the Board that shows the proposed buildings superimposed on the plans.

Mr. Metzger continued to review the proposed plans, focusing specifically on the buildings in question for tonight's variance request.

Chairman Mills entered the documents in to the record as Exhibit A and Exhibit B. Exhibit A is an aerial display of the proposed development titled "ED-1" and Exhibit B is labeled "Exhibit C Google Map Images of Nativity Blessed Virgin Mary and 8555 Main Street"

Reviewing what is needed for this proposed project, Mr. Metzger stated that there will be many steps to this process, one of them is the rezoning.

With the rezoning to TND, Mr. Metzger explained that the proposed plan is fully compliant with all of the zoning requirements. They have made several changes to the proposed plans since the original submission, many of which were based on suggestions by the Town. This includes the original proposed roof for the buildings, which was a flat roof and kept the height to 36'. The Town Board specifically asked for some architectural changes. One of which was a pitched roof, which is what brings them over the 40' that is required by Town Code.

Mr. Metzger added that this proposed project is located in the Hamlet of Harris Hill, Nativity school and church to the west has a steeple height of 115'. Across the street immediately south of the proposed project is a building that is between 2 ½ - 3 story building, it also has a peaked roof. Ms. Frawley touched on the 5 prongs of an area variance, starting with whether the proposed variance will have an undesirable change on the character of the neighborhood, reiterating the height of both Nativity Church as well as the 3-story building directly across the street at 8555 Main Street. Ms. Frawley stated that the surrounding area is predominantly commercial in nature, therefore it should not be an issue.

The next prong, whether the benefit sought can be achieved by some other method, Ms. Frawley stated that the alternative method of utilizing a flat roof to comply with the Town building code

was not accepted by the Town. Other alternatives such as reducing the building height by one story, or decreasing the number of residential units would compromise the economic viability of the project, making it financially unfeasible to proceed while still meeting the intended goals for the quality, design and community benefit.

Ms. Frawley stated that the area variance being requested is not substantial, their maximum height is 45' 8" which is only 5' 8" over what is required by Town code.

Ms. Frawley explained that the granting of this variance will not have adverse effects or impacts on the physical or environmental conditions of the neighborhood or district. A coordinated environmental review of the project was initiated in October, 2024 with a Negative Declaration declared on June 18, 2025. The Negative Declaration stated that the project would not result in any significantly adverse environmental impacts.

The final prong, whether the alleged difficulty was self-created, Ms. Frawley reiterated that the original building they proposed was fully compliant, approximately 36'. At board meetings it was expressed that the architectural style and overall mass of the buildings needed to be changed. In response, VisoneCo worked with Silvestri Architects to collaborate with the Planning Department to revise the design to be in alignment with the Town's vision for Clarence 2030.

Mr. Drinkard noted that this project is in the very early stages, and has not been to the Planning Board in an active way, limits the questions that he would ask in terms of the exterior of the building, windows, and other items that the Planning Board will get in to.

Mr. Drinkard stated that it is important that the Zoning Board makes a statement as to what they look for and what they look at. Referring to the Master Plan, Mr. Drinkard stated that it speaks very clearly on future uses of buildings that are transitioning in to a new way of fitting in the community.

Mr. Drinkard pointed out the current zoning along Main Street, noting that it starts at Transit Road with Major Arterial, changes to Commercial, transitions in to Traditional Neighborhood, then again changes to Commercial. In the Commercial Zone, 45' is the maximum height allowed on a roof.

Mr. Drinkard stated that he thinks the plans and proposed building that have been submitted are very good, he did not like the flat roof and would not encourage one. He feels that it will go through the process of fine-tuning, and is a great use for the property. It helps transition from Major Arterial to Commercial and in to a nice, soft-landing in to the Traditional Neighborhood District.

Chairman Mills asked for clarification as to how many units are planned for the front two buildings.

Mr. Metzger responded that there are 6 apartments in the existing apartment building on site that are staying, there will be 8 units in the townhome building, and a total of 49, which leaves 35 units between the two front buildings.

Additionally, there is approximately 20,000 sq. ft. of commercial space proposed, currently approximately 25,000 sq. ft. of commercial space. They are proposing to reduce the commercial components on the site while increasing the residential.

Chairman Mills noted that the essence of this variance is one of aesthetics, not changing the function or the number of units in any way. It is simply from an aesthetic design perspective, as a pitched roof is generally favored.

Mr. Metzger responded yes.

Mr. Krey asked what year the current buildings were originally constructed.

Mr. Metzger stated that one of the buildings was once a car wash. He is unsure of the exact time, but approximately the 1950's.

Mr. Krey finds all of the information very persuasive, reiterating that the variance is only required for aesthetic reasons. In the application submittal they included what the roof would look like if it conformed to code, and this pitched roof option is an improvement.

Mr. Dale stated that since this proposed project is located in what he considers to be the commercial portion of the Harris Hill TND, a major traffic artery, he does not object to allowing the use of the 45 ft. maximum height restriction.

Mr. Dale added that he does not understand why this project requires an additional 8 in. of height, given all of the other recent projects in this town that have been able to stay below the 45' maximum.

Mr. Metzger stated that the maximum height for this area is 40', so they are requesting a 5' 8" variance.

Mr. Dale stated that he is conceding the 5' and questioning the 8".

Ms. Barmosz from Silvestri Architecture explained that based on the aesthetics and how they were guided when they had their initial design review, they were provided with examples of architecture that was desired. The examples had steeper-pitched rooves, which they are trying to mimic in their design. The front building with the gable that faces Main Street in order to achieve some of the head clearance they needed to make it a little steeper roof pitch. It was somewhat dictated by the aesthetics of that style of architecture.

Regarding the code requirement of 40', Mr. Metzger stated that they were focusing on that, and 8" taking it above an arbitrary 45' was never a consideration.

Ms. Barmosz stated that she does not feel it would be a far stretch to reduce the height 8", it would consist of reducing the pitch by a minimal amount.

Neighbor Notifications are on file, no comments were received specific to this variance. There have been comments received for the overall project, those are in the project file and shared with the necessary boards for their information.

In regard to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Ryan Mills to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Drinkard read the following statements regarding his motion:

1. the mixed-use proposed for the project is clearly in line with the Clarence Master Plan
2. the requested height variance will not have a negative effect on the neighborhood in any way, or regard
3. the properties in question are in an area of zoning transition, and will not stand out
4. the original plans have building flat roofs that were in height compliance, but the buildings and design were unappealing and rebuked

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

MOTION CARRIED

Appeal No. 2

Zang Ventures, Inc.

Commercial

Town Code Reference: §229-87(C)(2)

Applicant requests a variance of 19'7" to allow a 5'5" principal structure side yard setback located at 6204 Goodrich Road.

Mr. McNamara has returned to the dais.

Mr. Donohue has recused himself from Appeal No. 2. The proper paperwork will be filed.

DISCUSSION:

Civil Project Engineer Pat Sheedy with Carmina Wood Design was present to represent this project.

Mr. Sheedy explained that they are seeking a side yard variance on the south property line for a proposed 9,000 sq. ft. building addition to the existing structure.

Mr. Sheedy noted that the building would be for a building expansion for Zang Ventures, Inc. as well as potential leasable space to compliment the existing sports training facility that currently takes up a portion of the existing building.

Noting that the variance is being requested for the south property line, not the west property line, abutting the single-family residences. Mr. Sheedy stated that they are in full compliance of Town Code meeting setbacks and greenspace requirements for the adjoining single-family residences to the west.

Mr. Sheedy stated that they have received preliminary grading and drainage approval from the Engineering Department. They have also submitted a landscape plan showing that they will preserving approximately 25-30 ft. of existing vegetation along the west property line, as well as planting supplemental plantings along there.

In regard to the five criteria for a variance, Mr. Sheedy spoke on the character of the neighborhood, stating that this would not be a detriment to the surrounding neighborhood. This is a commercially zoned parcel with a commercial zoned parcel to the south. The business being proposed for the building compliments the existing use.

Mr. Sheedy stated that for other alternatives, due to the residences to the west, it restricts what can be built on the site considering a 45 ft. greenspace buffer is required. This limits the options for locating a building addition on-site.

Mr. Sheedy added that they are constricted due to the location of the existing building on-site, which at its closest point is approximately 15 ft. to the southern property line.

As to whether the request is substantial in nature, Mr. Sheedy explained that they do not believe that it is. They are connecting to the existing building, which because of the shape of it creates a pinch-point.

Mr. Sheedy addressed physical and environmental conditions, noting that they do not believe there is any environmentally significant impacts proposed for this project. All stormwater will be contained on-site, minimal additional parking is being proposed for any potential future various uses.

Mr. Sheedy acknowledges the fact that the request was self-created, they are here proposing a building addition; however, they are constricted to the existing building on site, in this location. NYS Town Code states that a self-created request is not the only criteria that can be a determining factor in granting a requested variance.

Mr. McNamara asked if they have considered taking the addition and moving the northwest corner north, having it run parallel with the south property line.

Mr. Sheedy asked if Mr. McNamara means to angle the building addition, they have not. He could present that to his client.

Noting that this is a rather large variance request, Chairman Mills asked if they could perhaps design the way out of it to an extent. As Mr. McNamara mentioned, possibly a slight rotation, maybe getting rid of one of the units, making the side yard setback a little less severe.

Chairman Mills stated he would like to see some additional design alternatives; it is a pretty expansive site. He realizes the rear yard setback needs to be honored.

In terms of the nature of construction, will this additional structure be the same metal material as what is on the existing building.

Mr. Sheedy stated that the building material will be the same as the existing material.

Chairman Mills asked if they will be storage units that are rented out.

Mr. Sheedy explained that a portion of the building will be for the Zang's business, they supply and store custom electrical equipment and they need more space, as their business is growing.

The other part of the building is used for soccer training, and they have had interest from other sports training facilities, keeping it in line with sports training. The proposed addition would compliment what is currently there.

Chairman Mills stated that the site plan indicates there are divisions amongst the different units, asking if that is an accurate reflection of what will occur.

Mr. Sheedy noted that those are preliminary. Once the Zang's determine what they will need for space they will be able to clean the site plan up. The Zang's will most likely need 2-3 of the bays, so those would go away. Then there will be approximately 1-3 more bays with garage doors remaining.

Chairman Mills asked if most likely there will not be the 6 individual units as depicted in the plans now.

Mr. Sheedy stated that is correct.

Chairman Mills asked if there are any elevations available at this time.

Mr. Sheedy responded not currently.

Mr. Krey stated that he would like to see some more details on this proposed addition, as well as other options to perhaps reduce the variance request or conform to zoning.

Mr. Dale stated that on March 12, 2025 Mr. Zang addressed the Town Board regarding the 45 ft. greenspace buffer on the north and west sides of this project, and how important it is to the surrounding residents. He does not believe the concern for the residents on the south side continues. What you have effectively done is propose a solid 10 ft metal wall currently only 99 ft. long, soon to grow to approximately 250 ft. This wall will be visible not only from the adjacent property; but also, from the Peanut Line recreational trail.

Mr. Dale continued, stating in a recent Planning Board meeting the subject of adding landscaping to the south side of this new building to minimize the visual impact was brought up. With such

little space between the wall of this new addition and the property line, he does not believe it will be possible to maintain any landscaping without access from the neighboring property.

Mr. Dale stated that to his understanding, recently some utilities were buried underground between the property line and the existing building. This will be difficult to avoid each utility as a space between the proposed building approaches the property line. He does not agree with allowing only a 5'5" setback for this new warehouse. He would propose instead that this new addition be moved north, parallel with the west wall of the existing building until the side yard setback dimension increases from 4.46' to 15' to match the pre-existing, non-conforming side of the side yard setback.

Mr. Dale continued reading, stating that as an alternative, if you want to hold the front of the new addition in line with the existing building, reduce the width of these new additions from 60' down to 50'. He does like the addition of the windows to the south side of the existing building, and would like to see them add windows to the south side of each of the six units of this new addition, to break up the previously mentioned metal wall.

Mr. Drinkard added that he does not like that close of a setback to a next-door neighbor, it is a very large variance that is being requested. They are going so close to the property line that they have eliminated options for the next-door neighbor to do what they may want to do with their building. He would like to see alternatives before he would vote yes.

Mr. McNamara asked Mr. Bleuer if the proposed building was rotated clockwise so that it maintained the 14.9', would a variance be necessary.

Mr. Bleuer responded no; they would honor the pre-existing setback.

Mr. McNamara stated that by rotating the proposed addition approximately 10 ft., a variance would not be necessary.

Mr. Sheedy acknowledged Mr. McNamara's statement.

Mr. McNamara noted that it would shrink the 45' of greenspace on the north side.

Mr. Sheedy stated that he would confirm the dimensions.

Mr. McNamara asked Mr. Bleuer if the greenspace on the north side needs to be maintained with the parking lot.

Mr. Bleuer responded yes.

Neighbor Notifications are on file, no comments for this specific file were received, however the overall file has comments on file and duly recorded.

In regard to Public Participation, no one spoke.

Public Participation was closed for this item at this time.

Addressing Mr. Sheedy, Chairman Mills explained that after hearing from various feedback from the board members as it relates to alternative design ideas, possibly some elevations, as well as possibly some landscaping to mitigate the design along the south property line.

Taking that feedback in to consideration, Chairman Mills asked Mr. Sheedy if he would like the request to be tabled or move forward with the vote.

Mr. Sheedy requested the appeal to be tabled, he will present these to his client. The feedback and requests do not seem unreasonable and they will return with an updated presentation.

ACTION:

Motion by Ryan Mills, seconded by Richard McNamara to **table** Appeal No. 2.

ON THE QUESTION:

Mr. Krey requested an aerial view of the proposal when the proposed project returns to the Zoning Board. This will simply show the footprint of the property, especially in regard to neighboring properties.

Mr. Sheedy agreed to do that.

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

MOTION CARRIED

Appeal No. 3

Thomas & Wendy Lee
Residential Single-Family
Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 4' to allow a 8' fence to be located within the front yard setback located at 8606 Clarence Center Road.

Mr. Donohue returned to the meeting.

DISCUSSION:

Thomas and Wendy Lee were present to represent their request, adding that their house is located on the corner of Clarence Center Road and Ranchview Drive. They are seeking a 2' variance for their 32' long privacy fence that they have had shown on their survey for at least 14 years.

Mr. Lee explained that because the fence was bug-infested, it needed to be taken down and replaced. He installed 4 ft. pieces on a 32 ft. run, with 8 ft. spacing. It is 4 ft. in the ground, 8 ft. above.

Mr. Lee stated that it is a privacy fence that blocks their pool and exposure from Meadowlakes Park. There are ball games and parties in the park, which they love – the parks are fantastic, but

it is always in their back or side yard. They have their pool and hot tub on the deck right off of the house.

They are looking for 2' additional for the fence that they have had on their property and survey for at least 14 years. It is a very nice-looking fence; it will be painted once it dries out if this request is approved.

Mrs. Lee explained that they have a 5 ft. above-ground pool with the deck leading directly out their back door. Anything shorter than an 8 ft. fence, you are clearly seen by everyone at Meadowlakes Park when they are at their house on the deck. It is very uncomfortable for her to be outside in her back pool and deck area.

Mrs. Lee added that it a very windy area, the wind blew out trees that had been planted by Boy Scouts years ago. They have repaired their fence numerous times because the wind kept pushing it over.

Mr. Dale asked what the height was of the previous fence.

Mr. Lee responded it was 8'.

Mr. Dale asked if that is what shows on their survey.

Mr. Lee responded yes.

Mr. Dale stated that while reading the letter, he was confused by what is presently standing, do they want to add more to that.

Mrs. Lee responded yes.

Mr. Dale asked if they want to go 4 ft. to the west and 4 ft. to the north.

Mrs. Lee responded no; going back towards Ranchview Dr., they were hoping to add another 4 ft. and then reduce the height to 4 ft. and extend around the backyard in the future. She thought they were covered with what is existing, but the ball diamonds are still visible which is why they would like to add 4'.

Mr. Dale noted that it comes out from the house approximately 8 ft., and asked if the fence goes west, and if they want to add to it and when.

Discussion continued regarding where and when the fence will be added on to and how it will transition.

Chairman Mills clarified that they would like to add 4' to the north, and everything else will be 4' in height.

Mrs. Lee responded yes.

Mr. Krey asked if there was a fence permit for the previous fence.

Mr. Bleuer responded that the Planning Office was unable to locate any past approvals for a fence permit.

Mr. Krey asked if they went through the permitting process with the installation of the new fence.

Mrs. Lee responded no, because they were not aware there was one.

Mr. Krey acknowledged the Lee's plans to put in landscaping around the fence.

Discussion continued regarding landscaping with the previous fence.

Mr. and Mrs. Lee stated that they plan to put landscaping around both sides of the new fence.

Mr. Krey acknowledged the unique situation with the baseball fields right across from the house, and speaking for himself, he understands what they are requesting and would want to include conditions for landscaping.

Chairman Mills echoed Mr. Krey's comments regarding landscaping along the 8' span, and asked if that was made a condition of the variance would Mr. and Mrs. Lee be amenable to that.

Mr. and Mrs. Lee both responded yes.

Chairman Mills asked if they know what they plan to plant.

Mr. Lee responded probably small Blue Spruce and shrubs.

Chairman Mills stated that they will condition Blue Spruce, and leave it up to their discretion as to how it is spaced out.

Chairman Mills noted that they will also make a condition that the fence can be extended 4 ft. to the north, but no further.

Mr. and Mrs. Lee agreed.

Mr. Bleuer pointed out that photo page 2 of 3, photo number 5 shows the original 8 ft. fence.

Mr. Krey noted that photo is from the inside, not the street view.

Chairman Mills recognized what the Lee's referred to with the previous top of the fence having lattice whereas the current fence is solid.

Mrs. Lee asked if they decided to install different shrubbery instead of evergreens, would they need to return to this Board.

Chairman Mills stated that they will clarify in the motion what they plan to install.

Discussion continued regarding the type of shrubbery that will be installed.

Mr. McNamara stated that he understands the desire for an 8' fence with the ball diamonds right there, and agrees with the landscaping conditions.

Mr. Drinkard pointed out that this is an attractive fence. The effect on the neighborhood would be minimal, although 8' fences are not allowed in a residential community.

Despite all of that, Mr. Drinkard stated that he does not have a problem with the fence, privacy is a major issue at their location. The subdivision located behind their home was built after they built their house, thinking that they would be private forever.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

ACTION:

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

1. plant evergreen blue spruce or bushes along the 8' span, street side of the fence
2. fence may be extended an additional 4' to the north and maintain the 8' height

ON THE QUESTION:

Mr. Krey explained that this is a very unique request due to the fact that the baseball fields are right across the street from the applicant, impacting the enjoyment of their backyard.

Mr. Krey added that there was an existing fence there for a long period of time, it is not a change from what has existed the past 18 years. The conditions imposed will mitigate any issues with the fence. Chairman Mills added that there is a neighborhood access road adjacent to the applicant's property that was not there previously. There is no residential home directly next to them but rather it is a roadway then baseball fields.

Chairman Mills noted that there are unique site conditions that help distinguish this variance request from fence variance requests that may have been seen in the past, or may be seen in the future.

Mr. Drinkard added that although it is an 8' fence, it does not block any site lines or traffic coming or going in any direction.

Mr. Bleuer explained to Mr. and Mrs. Lee that nothing would prevent them from seeking additional fencing on the property that is compliant with Town Code.

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

MOTION CARRIED

Appeal No. 4

Frank LaFratta	Applicant requests a variance to allow a swimming
Residential Single-Family	pool to be located within the front yard setback
Town Code Reference: §196-3(C)	located at 5300 Park Ledge Court.

Mr. Krey recused himself from Appeal No. 4. The necessary paperwork will be filed.

DISCUSSION:

Frank LaFratta was present to represent his request, explaining that there was an inground pool in this location originally when they purchased the home. The previous pool was caving in so they filled it.

Chairman Mills stated that they have a survey from Nussbaumer and Clark dated February 16, 2012 that does show an existing inground pool in the approximate location where Mr. LaFratta is requesting to place the new pool.

Mr. LaFratta responded yes. he has exhausted a lot of possibilities. There is a septic system directly behind the house which prevents the pool from being placed there.

Mr. Bleuer noted that Mr. LaFratta shared an old aerial view from 2010 showing the previous pool.

Mr. LaFratta added that they found 3-4 other properties that have pools, he read them in to the record:

1. 5240 Brookfield Lane
2. 8250 Ericson Drive
3. 8450 Wehrle Drive
4. 5255 Shimerville Road

Mr. Drinkard noted that the fact Mr. LaFratta has a 6' fence, the site lines coming and going out of the small cul-de-sac are obstructed. Mr. Drinkard asked Mr. LaFratta how he got away with installing a 6' fence.

Mr. LaFratta stated that the fence was there when they purchased the property.

Mr. Drinkard asked if the fence has been there all along.

Mr. LaFratta responded yes.

Mr. Drinkard stated that Mr. LaFratta's property in the right-of-way portion of his lot, drops 2-3 ft. to the street so the fence is basically 8-9 ft. above grade.

Mr. LaFratta stated that he can see over his fence.

Mr. Drinkard stated that he is referring to the view from a car coming down the street with an 8' fence there.

Mr. Drinkard asked Mr. LaFratta when he got the approval for the 6' fence.

Mr. LaFratta reiterated that the fence was there when they moved in.

Mr. Drinkard asked Mr. LaFratta how long he has owned the property.

Mr. LaFratta stated since 2012, and that he believes there was a variance for the fence.

Chairman Mills stated from July 10, 2007.

Mr. Drinkard stated in terms of a pool, there is not one there now, and read the chapter of the Town of Clarence Code where it lists the pool code pertaining to the location, adding that he has a real problem with a pool being installed there.

Mr. McNamara confirmed that the proposed pool will go where the previous pool was. That the old pool had been buried, and they will dig it up to install the new pool.

Mr. LaFratta responded yes.

Mr. McNamara asked how far off of the south property line will the proposed pool be.

Mr. LaFratta stated that he believes the fence is 14 ft. off of the road, the proposed location for the new pool is another approximately 15 ft. in from the fence line.

Mr. McNamara noted that it is approximately 20 ft. in off of the property line.

Mr. McNamara asked Mr. Bleuer how far from the property line it would the pool need to be in a rear yard.

Mr. Bleuer responded that he does not enforce the pool code, but he believes it is approximately 10 ft.

Mr. McNamara stated that the proposed pool will be approximately 20 ft. off the property line, it will not be visible, there was an existing pool in the same location.

Chairman Mills stated that based on the location of the septic tank, size of the rear yard, and although it is a decent sized parcel, there is really no other feasible alternative in terms of pool placement in this yard if it does not go where Mr. Falatta is proposing.

Mr. Falatta responded that is correct.

Chairman Mills noted that visually with the fence up, there will not be any views from any direction.

Mr. Falatta responded not really.

Mr. Dale asked if the existing fence dimensions and location will remain unchanged.

Mr. Falatta responded yes.

Mr. Dale stated that he will need to take it down to put the pool in.

Mr. Falatta stated that only one section needs to come down then will be replaced once the pool is completed.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

ACTION:

Motion by Steven Dale, seconded by Richard McNamara to **approve** Appeal No. 4 as written.

ON THE QUESTION:

Chairman Mills stated that the applicant has demonstrated that there was a pre-existing pool in this location previously as well as testimony that there is no other feasible alternative location for a pool in his yard. The view of this pool will be obstructed by a pre-existing fence, therefore it should not have any adverse effect on the neighbors or the environmental conditions of the neighborhood.

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

MOTION CARRIED

Appeal No. 5

Abbey A. Zucarelli
Agricultural Rural Residential
Town Code Reference: §101-3(B)

Applicant requests a variance of 2' to allow an 8' fence to be located within the rear yard setback located at 9395 Martin Road.

Mr. Krey returned to the dais.

DISCUSSION:

Abbey Zucarrelli was present to represent her request, stating that they would like to install an 8' chain-link fence around a 60' by 30' sport court located at the rear of her property.

Mrs. Zucarelli stated that the court is located far enough off of the road where the character of her property or neighborhood will not be affected, and there is no significant impact on the environment or neighbors.

Mrs. Zucarelli added that she would like to keep as much natural greenery in the backyard as her home is a new build and containing the sporting equipment will prevent her from clearing any of the brush between her neighbors

The equipment currently on the court such as the lacrosse net and lacrosse rebounder is set at a height of approximately 8 ft. she would like to limit the exposure of her son being exposed to ticks and poison ivy, Mrs. Zucarelli explained.

Mrs. Zucarelli stated that she constructed the fence not realizing there was a 6 ft. restriction. If this is not approved, the alternative is to install a 6 ft. fence.

Mr. Krey asked what kind of material the sports court is made of.

Mrs. Zucarelli explained that they are vinyl tiles over a concrete slab.

Mr. Krey asked why not just blacktop.

Mrs. Zucarelli explained that when she went to the sport court company, they would only allow her to do concrete.

Mr. Krey stated that the property around Mrs. Zucarelli's backyard is pretty wooded, and asked what the property is directly behind this property.

Mrs. Zucarelli responded that it is vacant land that is approximately 1,100 ft. between her property line and County Road.

Mr. Dale asked if any additional landscaping is planned for around the perimeter of the backyard to attenuate noise from the new court.

Mrs. Zucarelli stated that she plans to finish the backyard landscaping next year, but first she plans to speak with both of her neighbors to align all of their landscaping.

Mr. Dale stated that it is a little sparse on the east side.

Mrs. Zucarelli agreed.

Mr. Drinkard confirmed that Mrs. Zucarelli's rear property line extends to County Road.

Mrs. Zucarelli stated that the vacant land behind her extends to County Road.

Mr. Drinkard stated that because of the zoning, a business could build behind Mrs. Zucarelli's property in the future.

Chairman Mills stated that as Mrs. Zucarelli is aware, she is allowed to have up to a 6' fence, which she is seeking an additional 2' due to the nature of basketball and other sports, she would like extra protection from balls exiting the sport court.

Mrs. Zucarelli responded yes.

Chairman Mills noted there is an extensive natural buffer along the property, with perhaps some additional on the east side needed, which Mrs. Zucarelli plans to address in the future.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Gerald Drinkard to **approve** Appeal No. 5 as written, with the following condition:

1. landscaping along the entire east side of the fence line within the one year

ON THE QUESTION:

Mr. Krey stated that this request is unique because it is a good-sized lot with a lot of existing greenery. The fence is located in the backyard in the area with all of the trees, minimally visible to the neighbors.

Mr. Krey added that the area directly behind the house is not residential, and there are no houses there, it is not an issue for neighbors to the south. From that perspective, he does not feel that a taller fence will alter the character of the neighborhood.

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

MOTION CARRIED

Appeal No. 6

Tammy Aranyosi
Agricultural Rural Residential
Town Code Reference: §229-41(B)(3)

Applicant requests a variance of 30' to allow a 15' principal structure rear yard setback located at 8721 Hearthstone Drive.

Mr. McNamara recused himself from Appeal No. 6. The necessary paperwork will be filed.

DISCUSSION:

Tammy Aranyosi was present to represent her request, explaining that she would like the variance for a covered patio that they are adding to the rear of her house. The covered patio would be approximately 15 ft. off of the rear property line.

Mrs. Aranyosi explained that the rear of their property is wooded, and there is a gas line that runs all along the back. The patio will be for entertaining, will be a benefit for the neighbors as it will cut down on the noise and give them additional privacy.

Referring to the blue prints that Mrs. Aranyosi submitted, Mr. Drinkard noted that the proposed patio is quite extensive.

Mr. Drinkard asked if there will be sides on the patio, or if it will be all open.

Mrs. Aranyosi explained that there will be sides on a portion, they currently have a covered patio off of their house that will be removed. They will put on a whole covered patio and extending it with Nano-Doors. As it extends in to the side yard, it will have one side on the back and the front will be open. Approximately halfway down it will all be open.

Mr. Drinkard asked why they did not shorten the proposed patio so that it did not need a variance.

Mrs. Aranyosi stated that they considered that, but to make it look aesthetically pleasing in the backyard they chose to have consistency and uniformity in the backyard and not having it choppy.

Mr. Drinkard pointed out that right behind Mrs. Aranyosi's property is an easement for a gas line.

Mrs. Aranyosi responded yes.

Mr. Drinkard asked if they will transition their lot to end with grass.

Mrs. Aranyosi responded yes; she is meticulous when it comes to landscaping, she will landscape it all beautifully.

Mr. Krey asked if the pond is their property.

Mrs. Aranyosi responded yes.

Mr. Krey asked if there is a zipline on the property.

Mrs. Aranyosi responded yes.

Mr. Krey noted that normally there may be an issue if there was a residential house that backed up to their property, but since that is not the case, he does not see any issue.

Chairman Mills clarified the area from the end of the pool beyond will all be open, with the covered area ending prior to the pool.

Mrs. Aranyosi responded yes; quite a bit prior to the pool.

Referring to the area that is subject to the variance, Chairman Mills noted that it is an open, covered patio.

Mrs. Aranyosi responded yes.

Chairman Mills stated that they could shorten it, but from an aesthetics and architectural design standpoint, the symmetry related to the pool and the patio it is best to continue it to the edge.

Mrs. Aranyosi explained that if they shortened it, it would almost be half to where the pool is, and would not look good.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

ACTION:

Motion made by Gerald Drinkard, seconded by Steven Dale to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Mr. Krey stated that the gas line located behind the home makes this unique from other requests in that it will not be approaching any neighboring properties nor will it have any detrimental impact on the character of the neighborhood.

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

MOTION CARRIED

Mr. McNamara returned to the meeting.

Meeting adjourned at 6:46 pm. with a motion by Patrick Krey.

MOTION CARRIED

Amy Major
Senior Clerk Typist