

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, January 13, 2026

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

Zoning Board of Appeals members present:

Chairman Ryan Mills
Steven Dale

Richard McNamara
Forest Rung

Gerald Drinkard

Zoning Board of Appeals members absent: Patrick Krey

Town Officials present:

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

Other Interested Parties:

David Stasiak

Regina Stasiak

Jeffrey Palumbo

Patrick Sheedy

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on October 14, 2025.

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

MOTION CARRIED

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on November 18, 2025.

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

MOTION CARRIED

OLD BUSINESS

Appeal No. 2 – From the August 12, 2025

Meeting

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.

DISCUSSION:

Representing the applicant were Jeffrey Palumbo with the law firm Block Longo, Patrick Sheedy with Carmina Wood, and the applicant Ryan Zang.

Referring to the updated submittal that includes responses to the Zoning Board's questions from the previous meeting, Mr. Palumbo referred to the concerns with the setback at the south property line. Noting that the Board was interested in looking at design alternatives, Mr. Palumbo stated that he believes it was to address one of the area variance criteria as to whether there were any feasible alternatives as to what they are proposing.

Mr. Palumbo referred to Exhibit A which shows the 5.46' setback from the property line. As previously explained to the Board by Mr. Sheedy, the purpose of this expansion is for the 9,000 sq. ft. addition. This allows them to expand the growing business, and allow them to continue the relationship with the soccer community who are leased to use the facility.

Mr. Palumbo stated that they are basically increasing the area for the business, which is extremely important, and is the benefit to the applicant. Having this request approved by this Board with the 5.46' setback, would allow the applicant to expand the business.

Regarding the criteria as to whether granting this variance will be a detriment to the neighborhood, this is a standard whenever dealing with an area variance such as a setback. Mr. Palumbo stated that they do not believe the detriment to the neighborhood is harmful in this case, for multiple reasons. Referring to Exhibit B; the alternative design has setback compliance on the south property line, but reduces the size of the building from 9,000 sq. ft. to 7,581 sq. ft. and a parking area of 43' remains. This impacts the benefit that the applicant is seeking, as the 1,500 sq. ft. of extra space is important to the applicant.

Mr. Palumbo continued, noting that another suggestion of the Board from the previous meeting is to potentially angle the proposed addition. In response to that, they came up with Exhibit C which is an alternative that angles the building, maintaining the existing setback on the south side, but reduces the parking area to 34.3 ft. It creates a cramped arrangement which they believe is not a feasible alternative.

Exhibit D maintains the existing setback on the south side but decreases the green space on the north side adjacent to the roadway from the required 45' setback for green space to 35'. A different variance request would be required to move everything 10' into that area and maintain

the same amount of parking space and the 9,000 square feet for the building. Reducing the green space is also not a good alternative or benefit for the Town.

The Board also asked for windows to be added to the south side of the building. Exhibit E shows the elevations with the floor plans, the elevations and two aerial views. This exhibit shows what is happening with the property.

The benefit versus the detriment concerning adjacent property owners yielded no complaints. There is no variance for the neighbor to the west. There is room for landscaping on the south side. The neighbor to the south has no objections to the proposed addition being located according to the plan.

There was a comment in the minutes about viewing the building from the peanut line. Whether the building is 5' or 15' off the property line, the wall will be visible from the peanut line. The wall is going to be there with the 9,000 sq ft addition to the building. Additional landscaping will be added to the south, where the setback area narrows down from east to west 15' to 5.46', with input from the Landscape Committee and the neighbor to the south.

Mr. Drinkard walked the property, has driven by the property a dozen times and spoke to people in the area. The property is zoned commercial and there are neighboring properties zoned commercial and single-family residential, also bordering the property. Good character for the area is a concern. He believes the Zangs are good neighbors and the properties are very clean, orderly and organized.

Mr. Drinkard noted that this business is a passive warehouse and the sport component is passive. Increasing the size of the building has less concern for the variance with the commercial area. Increasing the size of the building is less of a concern than originally thought and he is not concerned with the proposed footprint. He is satisfied with the original proposal.

Mr. Drinkard talked to the owner regarding the services provided and believes it conveys a social benefit to the Town of Clarence offering storage space and a local soccer practice area.

Mr. McNamara agreed with Mr. Drinkard on the first option. The building will not impact the commercial neighborhood or affect the residents. He agrees the green space is important and has no problem with the variance request.

Chairman Mills asked Mr. Zang about the usage of the building and if the units will be rented. The front area is for soccer and the back area for Zang property.

Mr. Zang said the usage of the building will be determined in the future. He stated 60% will be used for his business in the rear of the building with storage of electrical equipment and possibly office space. It will not increase the traffic. If the units will be rented, they will be very selective who they rent to, not to include contractors or landscapers.

Chairman Mills asked why there are bathrooms in each space.

Mr. Zang said this was a concept plan only and the bathrooms will be eliminated if not needed. Provisions for bathrooms were built in for flexibility in options of how to use the space.

Chairman Mills asked about the colors and if they will match the existing structure. He asked if Stately will be used.

Mr. Zang replied the colors will match and yes; Stately will be used.

Mr. Dale expressed his concerns regarding the amount of parking to be provided for the warehouse. He can see trucks periodically coming and going. He thinks the D option may be better. He asked if the soccer group plays at the same time the warehouse is being used.

Mr. Zang said sometimes there is crossover between the soccer training and the warehouse. The soccer complex, the front 6,000 sq ft of the existing building, is used between 3 pm and 9pm and the weekends. His business operates with 10 employees until 5pm, so there is crossover at times.

Mr. Dale believes he can equitably share the parking lot with the soccer and warehouse and not lose anything.

Mr. Zang is open to that suggestion with the flexibility of parking. He prefers not to spend the money on asphalt but in order to have full use of the warehouse with additional occupants, there may be a need for additional parking and access.

Mr. Dale said the Town is saving him paying but said it could get tight with a full complement of soccer players and tractor trailers coming in at once. That does not happen very often.

Mr. Zang said it does not happen often but it does get tight with space. He is open to the Board's suggestions.

Mr. Dale said his suggestion would be to go with option D and not request the variance.

Mr. Palumbo said option D would move everything 10 feet, decreasing the green space to the north from 45' to 35'. Perhaps Mr. Dale may be thinking of option C.

Mr. Dale said option C gives up a little of each, warehouse and parking. He asked if option C was a consideration.

Mr. Palumbo said option C reduces the parking area to 34' and restricts the tractor trailers and therefore will not work. Option D reduces the green space by 10' to the north.

Mr. Drinkard said the number of parking spaces is at the purview of the Planning Board. We are talking about the variance in the context of alternatives deviating from what was originally presented to other opportunities that would give or take, and affect the parking.

Mr. Dale said they could satisfy that in a way that does not require a variance and still gives them the same warehouse space with a little less parking and paving.

Referring to the statement that 60% of this building will be used for Mr. Zang's business, Mr. Rung noted that he is also curious about the bathrooms, and that there is only access to one of the bays. It does appear as though these bays will be rented out individually, and asked Mr. Zang if there is a reason there is not access to 60% of the building from the warehouse space. He acknowledged the one door, and stated that the applicant has stated the design is preliminary, asking if there will be further access or larger bays.

Mr. Zang noted that the preliminary design dating back approximately 12-18 months ago, exactly who they were going to have in there was unknown. What is currently presented on paper was the ultimate flexibility; if they chose to or if they were allowed to, it could be split up as many as 5 times, giving them 6 individual bays at 1,500 sq. ft. In theory they could have 6 different people or companies renting from them, each with their own overhead door, own bathroom. This is a common model found in many places.

Mr. Zang stated that since they have continued developing this, and as he has considered his own business, he has determined that he most likely would not use it that way. He has not put in any effort in the plans from what has previously been submitted to accommodate him using 60% and still having the potential to flex-out the remaining 40%.

Mr. McNamara explained that often times plans will show a maximum build-out for the Planning Board, and then walls are never actually constructed.

Mr. Bleuer stated that if this item progresses through the review process, each use and/or user would be subject to town review. That would necessitate the need for parking calculations, and architecture would be considered depending on the number of uses or users. At this point, the Planning Board has looked at this as an expansion of the existing user base on site. Any new or future uses would be subject to a thorough review.

Mr. Palumbo stated that he did not want to get in too deep with a site plan, but rather focus on the point of the request which are area variances.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Gerald Drinkard, seconded by Richard McNamara to **approve** Appeal No. 1 as written.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Steven Dale	Nay	Forest Rung	Aye		

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Andrew Sauer
Agricultural Rural Residential
Town Code Reference: §229-41

Applicant requests a variance to allow a 300' principal structure front yard setback located at 6260 Strickler Road.

DISCUSSION:

Andrew Sauer was present to represent his request, stating that he would like to build a new home for his family, and would like to build it at the requested location. The plans that were submitted have the house 150' back from the property line, and 300' back from the road. He plans to build his home as well as a barn next to the home.

Mr. McNamara asked what size house Mr. Sauer plans to build.

Mr. Sauer responded that it is currently approximately 4,700 sq. ft.

Mr. McNamara asked why Mr. Sauer chose to build on this side of the property and not the other side or the middle.

Mr. Sauer stated that the other side of the property has quite a bit of wetlands, and the north side of the property is the high ground. They would also like to be in close proximity to some of their family members that are on adjacent lots.

Mr. McNamara asked if there are any other houses that are set back 300' in that area.

Mr. Sauer stated that there is one that is set back a little over 200', they are the adjacent property to the south.

Noting that there is a ridge of scrub that runs parallel with Strickler Road, Mr. Dale asked if Mr. Sauer is proposing that the house is built in front of that.

Mr. Sauer responded that he is unsure what line of shrubs Mr. Dale is referring to at the front of the property. He is aware of the ones to the rear of the property.

Mr. Dale said that they run parallel to the road, there is a corn field then a line of scrub of some sort then more corn field. He is trying to get an idea as to whether 300' is in front or behind the scrub line.

Mr. Sauer stated that it might be right where the scrub line is.

Mr. Dale asked if the house will be seen from Keller Road also.

Mr. Sauer responded no; at certain angles on Keller Road, you may be able to see the house, but it would be a very small portion of the property.

Mr. Rung asked about the request from the neighbor that the proposed barn structure be at least 700' north from the south property line, and asked Mr. Sauer if he knows what the distance will be.

Mr. Sauer stated that he has 1,100 ft. of frontage, and if he is moving in 150' from that side, he thinks it will be ok.

Mr. Rung noted that according to the aerial imagery that Mr. Sauer submitted, it shows the 150' and 300' with the proposed barn set southwest of the house, and asked if it is to scale.

Mr. Sauer responded yes.

Referring to correspondence regarding this request submitted by neighbors John and Elizabeth Hawkins, Mr. Bleuer handed a copy of the letter to Mr. Sauer to review. This original copy was marked Exhibit A and entered in to the file.

Neighbor Notifications are on file, other than the previous comment that was addressed, no other comments were received.

As referenced in the correspondence, Mr. Sauer stated that they do not plan to have a "party barn". He has a large family, four children, they homeschool their kids and all of the adjacent properties are their family. They have birthday parties, but not just parties. Mr. Sauer stated that he sees Mr. Hawkins' concern, but it is most definitely not a party barn, it is just a barn.

Chairman Mills asked if they intend to use the barn for storage.

Mr. Sauer responded yes; storage, family gatherings, but no parties.

Chairman Mills asked Mr. Sauer what he feels is a reasonable distance from the southern property line that would not affect his plans.

Mr. Sauer stated that because they are being approximate with what the distance is, he is unsure but would say several hundred feet, taking the wetlands in to account. The proposed barn will be close to the house, approximately 40', not set off in the distance.

Chairman Mills asked Mr. Sauer if the Board set a condition of at least 300' from the southern property line, would that be amenable.

Mr. Sauer responded yes; no problem at all.

Everything else that was in the correspondence, this project still needs to comply with the Engineering and Building Departments.

Referring to the original Request for Action form, Mr. Drinkard noted that Mr. Sauer wrote he would build a house 300' back from the center of the road. Strickler Road is 66' wide, divided in half is the center of the road. Mr. Drinkard asked Mr. Sauer if he means that literally.

Mr. Sauer responded no; and agreed with Mr. Drinkard that he meant to state from the right-of-way.

Mr. Bleuer stated that the agenda was published stating 300' from the right-of-way.

Chairman Mills asked Mr. Bleuer what the existing setback would be for this property.

Mr. Bleuer stated that there is only one house that currently sets that for this location, it is 65'.

With no one wishing to speak, Public Participation was closed for this item.

Mr. Dale asked if the driveway will go straight from the proposed house to Strickler Road.

Mr. Sauer stated that they have not determined that yet. If it does not, it may be curved for landscape appeal. It would be either straight or curved for some type of landscaping. They do plan to put in some berms and landscaping, to make it aesthetically pleasing.

Mr. Dale asked if the driveway would be swung towards the neighboring house.

Mr. Sauer stated that it would possibly on that side, but would still be 150' from the property line.

Chairman Mills asked if there are any architectural drawings of the proposed house.

Mr. Sauer responded that he does have some simple renderings.

Chairman Mills noted for the record that Mr. Sauer showed them a front elevation as well as a color version of the front elevation. They were marked Exhibits B and C and will be placed in the file.

Chairman Mills asked if it will be a two-story home, and what size garage.

Mr. Sauer stated no, it will be a ranch, with a two and a half car garage. It will be an approximate 4,700 sq. ft. home, and once he starts getting estimates, it may be smaller.

ACTION:

Motion by Richard McNamara, seconded by Steven Dale, to **approve** Appeal No. 1 as written with the following condition:

1. all structures are to be a minimum of 300' from the south property line

ON THE QUESTION:

Chairman Mills pointed out that this is a large parcel with quite a bit of foliage toward the southern portion of parcel. There is only one comparable house that currently exists to establish the setback at 65'. Based on the size of this parcel and how it will be situated, it does not appear

to have an adverse impact on the character of the neighborhood or environmental conditions related to this area.

Mr. Bleuer asked for clarification regarding the 300' setback minimum. The intent would be this is for the current home and its associated barn, but it is not the intent of any and all future structures in perpetuity. Or is it for any and all structures for the life of the parcel.

Mr. Sauer stated that there is a chance they may add a 3rd garage behind the house at some point, but he could apply for a variance at that point if necessary.

Chairman Mills stated that he thinks they could do it for all structures, that was the neighbor's main concern.

Mr. Bleuer stated that it would not be a deed restriction, however this would run with the land and if there was any development proposed within the 300', it would be subject to a re-review by the Zoning Board of Appeals.

Chairman Mills stated correct.

Mr. Sauer stated that no matter what, he does not plan to get any closer than 300' and if he was, they would need to apply for a new variance.

Chairman Mills stated that is correct; no structure at all within 300' of the southern property line.

Mr. Sauer understands and agrees to the condition.

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

MOTION CARRIED

Appeal No. 2

David R. Stasiak
Residential Single-Family
Town Code Reference:
1) §229-55(H)
2) §229-55(H)
3) §229-55(E)(2)

Applicant requests variances:

- 1) to allow a secondary detached garage; and
 - 2) of 1,130 sq.ft. to allow a 1,330 sq.ft. detached accessory structure (garage); and
 - 3) of 6' to allow a 22' tall detached accessory structure (garage);
- located at 5450 Shadyside Drive.

DISCUSSION:

David and Regina Stasiak were present to represent this request, explaining that after they applied for this variance originally, Covid hit shortly thereafter, changing the prices and other aspects of the project. They then decided they may not do the project, but after being in the house for over 30 years, they have outgrown the space and need some storage space and garage bays.

Mr. Stasiak explained that they are all ready to finally start the project, he called the Town to inform them, and was told they would honor the variance that was originally filed. After further review, and attempting to pull his truck in to the present garage, he realized the bays are 5'-6' deeper than the bays that he had proposed with the variance. It would be difficult to get his truck in, and an additional 4' would be optimal.

Mr. Stasiak stated that the plans have not been changed at all, aside from adding 4' on the back end of the garage which is not really visible from any other angle. Everything that was approved and finalized as far as the street view, neighbor, stays the same.

Mr. Dale asked what they plan to store in the garage.

Mr. Stasiak explained that he collects cars, he has two right now and would like to acquire a third which will all go in to the garage. He keeps his lawn tractor and wood working items in the garage as well, leaving no room for his wife to park her car in the garage. He would like to make the room for them to both be able to pull their everyday cars in to the garage. All of the items that they have accumulated over the past 30 years they will store in the attic space over the garage.

Mr. Dale asked where the classic cars have been stored.

Mr. Stasiak reiterated that they are in his present garage, which is why his wife is not parking in the garage.

Mr. Dale asked what the side yard setback is for the garage.

Mr. Stasiak said he thinks the front corner is 10' and the back corner is 20' from the property line.

Chairman Mills stated that it looks like from the site plan marked A1, it appears to be 22.78' in the back and there is no dimension listed for the front corner.

Mr. Stasiak stated that he knows it was the minimum of at least 10'. The side setback is the noted on the plans.

Mr. Dale asked if Mr. Stasiak plans to add any landscaping.

Mr. Stasiak responded yes; that was part of the original variance conditions. They will lose one of the ash trees, but the ash trees on the property, he spent a lot of money to save them from the Ash Borer. It is probably the only property in the entire cul-de-sac they were the only ones able to save 30 Ash Trees.

Mr. Dale asked how close the proposed garage will be to the neighbor's shed.

Mr. Stasiak responded it will be quite a way away, at least 22'.

Mr. Dale asked if the rear of the garage and the front of the shed will be close.

Mr. Stasiak responded no.

Chairman Mills asked if the conditions that were placed on the last motion that was approved are still acceptable to Mr. Stasiak.

Mr. Stasiak responded yes; absolutely.

Chairman Mills reviewed the 5 specific conditions from the previous motion and approval:

1. the front façade facing Shadyside Dr. is all brick, as depicted in the elevation blueprint.
2. the front façade facing Shadyside Dr. has at least 2 window dormers as depicted in the submitted architectural drawing.
3. the two front corners of the structure facing Shadyside Dr. have 1 Spruce in each corner.
4. both the north and south sides have arborvitae or similar, at least 6 on each side, 2 ft. tall minimum.
5. no business is operated out of the structure.

Mr. Stasiak responded yes, absolutely. Their goal is to add value to the property, so it will look exactly like the front of their house and very well done.

Noting that Mr. Stasiak is requesting a larger variance, Chairman Mills added that they are concerned with the character of the neighborhood. Having the brick façade, dormers, provides a nice aesthetic appeal to mitigate the size of the structure. Chairman Mills also stated that the larger parcel size also helps.

Chairman Mills asked what the size of Mr. Stasiak's property is.

Mr. Stasiak responded that it is approximately 1.5 acres.

Referring to the new drawings, Mr. McNamara stated that it looks very nice, proportional, especially with the roof another 6' higher, he believes that it will fit the neighborhood quite well.

Mr. Drinkard asked Mr. Stasiak if since his antique cars are just sitting in the garage doing nothing, has he ever considered taking them elsewhere to store them professionally.

Mr. Stasiak stated that he is aware of the places that will store the antique cars, but he prefers to keep them very close to him. He did consider it; he prefers to keep them close. He feels strongly that this addition will add nice value to his property.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Ryan Mills, seconded by Gerald Drinkard to **approve** Appeal No. 2 as written, with all conditions of the July 13, 2021 approval in effect.

Mr. Stasiak understands and agrees to those conditions.

ON THE QUESTION:

Chairman Mills noted that this item has been to the Zoning Board a couple of times, this is a larger parcel in a subdevelopment. This helps to mitigate the enhanced size that the applicant is seeking. Further steps are being taken to provide additional landscaping around the structure as well as providing brick façade, and additional dormers to assure that the structure fits in with the character and environmental conditions of the neighborhood.

Mr. Bleuer stated that prongs 1 and 3 of the variance request do remain approved per the 2021 meeting.

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

MOTION CARRIED

Appeal No. 3

Richard A. DiVita
Agricultural Rural Residential
Town Code Reference: §229-44(E)

Applicant requests a variance to allow a detached accessory structure (pole barn) to be located within the front yard setback located at 10560 Keller Road.

This item was withdrawn by the applicant.

Meeting adjourned at 6:26 p.m. with a motion by Richard McNamara.

MOTION CARRIED

Amy Major
Senior Clerk Typist