

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, June 9, 2026

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

The Zoning Board led the pledge to the flag.

Zoning Board of Appeals members present:

Chairman Ryan Mills	Patrick Krey	Richard McNamara
Gerald Drinkard	Steven Dale	

Town Officials present: Forest Rung

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

Other Interested Parties: *(transcription in progress)*

Motion by Gerald Drinkard, seconded by Patrick Krey, to **approve** the minutes of the meeting held on April 14, 2026.

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Daniel Thompson - CT & ST Family, LLC.

Residential Single-Family

Town Code Reference:

- 1) §229-49(A)
- 2) §229-50(C)

Applicant requests variances:

- 1) of 26' to allow for a lot frontage of 99' along Fairlane Drive; and
 - 2) of 200 sq. ft. to allow for a Fairlane Drive lot acreage of 19,800 sq. ft.;
- all to allow for a minor subdivision of land to create one new lot of record along Fairlane Drive, to be split from 6120 Herr Road.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Gerald Drinkard, seconded by Steven Dale, to **approve** Appeal No. 1 as written:

ON THE QUESTION:

Chairman Mills stated that after hearing testimony and viewing documentation by way of site plans and aerial views that show the adjacent lot widths, and appears that the frontage of this subject parcel along with the overall size, seems to conform with many others on Fairlane, High Street, Eastwood Rd., and Hilton Dr. It would not adversely impact the character of the neighborhood, or the environmental conditions of the neighborhood. The overall lot size seems to be uniform with the other parcels in that region.

Chairman Mills added that based on testimony provided by the applicant explaining that this was not a recent acquisition, but rather a parcel that has been held for quite a bit of time by the applicant and/or his family.

For those reasons, Chairman Mills does not believe there will be any overall adverse effects.

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

MOTION CARRIED

Appeal No. 2

Chris Louisos
Residential Single-Family
Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' fence to be within the front yard setback located at 9063 Orchid Ledge.

DISCUSSION: (*transcription in progress*)

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara, to **approve** Appeal No. 2 as written, with the following condition:

1. plant landscaping on the north side of the fence, similar to Exhibit A
2. plant evergreens or similar on the south side of the fence
3. landscaping to be installed and completed within 90 days

The applicant understands and agrees to the conditions

ON THE QUESTION:

Mr. Krey stated that this is a unique request in large part because it is only an 8' section that encroaches in to the side yard. While Mr. Krey was inspecting the property, it was difficult to see that it goes past the home.

Mr. Krey also noted that this fencing is to replace a bed of pines that was removed. Having an actual fence will be a nice addition to the property. He does not feel that there will be any detrimental effect on neighboring properties, or out of character with the neighborhood.

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

MOTION CARRIED

Appeal No. 3

Lynn McCarthy
Residential Single-Family
Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' fence to be within the front yard setback located at 4866 Kraus Road.

DISCUSSION: *(transcription in progress)*

ACTION:

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

1. all existing dead plants (evergreens) to be removed
2. fence to be the same color and style as 4875 Smiley Terrace portion that was recently approved and installed.

The applicant understands and agrees to the conditions.

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

MOTION CARRIED

Appeal No. 4

Peter Jackson Trust
Agricultural Rural Residential
Town Code Reference: §93-19(D)(1)

Applicant requests a variance to allow an existing pond to be closer than 100' to proposed property lines located at 7039 Salt Road.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Steven Dale, seconded by Patrick Krey, to **approve** Appeal No. 4 as written.

ON THE QUESTION:

Mr. Krey stated that if this property and pond was in an area with a subdivision and homes near the property, and a concern that there would be a lot of dense housing close to this pond, he would be concerned about it. Due to the fact that it is a very agricultural area, the 3 properties currently adjacent to each other at least 2 of them are operating as farms, possibly all 3.

Mr. Krey stated that he does not feel that this would alter the character of the neighborhood, nor is it out of place with the neighborhood. He also feels that Ducks Unlimited will take care to continue to keep this with the character of the neighborhood.

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

MOTION CARRIED

Appeal No. 5

Kenneth Weinstein
 Residential Single-Family
 Town Code Reference:
 1) §229-55(H)
 2) §229-55(H)
 3) §229-55(E)(1)

Applicant requests variances:
 1) to allow a secondary detached garage; and
 2) of 376 sq.ft. to allow a 576 sq.ft. detached accessory structure (garage); and
 3) of 4' to allow a 6' detached accessory structure (garage) side yard setback; located at 5870 Forest Creek Drive.

DISCUSSION: (transcription in progress)

Applicant requests to table Appeal No. 5

ACTION:

Motion by Ryan Mills, seconded by Gerald Drinkard, to **table** Appeal No. 5.

ON THE QUESTION:

Chairman Mills explained that the applicant has heard a variety of input from the board members that he may want to use and return with as far as information and data. Additionally, he has heard feedback from a variety of neighbors that he might also want to consider.

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

MOTION CARRIED

Appeal No. 6

Carolyn Vinci
Residential Single-Family
Town Code Reference: §229-52(B)

Applicant requests a variance of 6'6" to allow a principal structure side yard setback of 6' to allow for an attached garage addition located at 4445 Westwood Road.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Steven Dale, to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Chairman Mills stated that while this additional garage space does require a side yard setback, the architectural plans presented by the applicant appear to fit in with the character and environmental conditions of the neighborhood, and do not appear to add any adverse impact on the character or environmental conditions of the neighborhood. It will fit in with the overall aesthetic of the area.

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

MOTION CARRIED

Appeal No. 7

7631 Transit Road, LLC.
Restricted Business
Town Code Reference: §229-76

Applicant requests a use variance to operate a retail business located at 7631 Transit Road.

Richard McNamara recused himself from Appeal No. 7. The proper paperwork will be filed.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Gerald Drinkard, to **approve** Appeal No. 7 as written:

ON THE QUESTION:

Referring to Mr. Hopkins’s presentation Exhibit A, Mr. Krey stated that he agrees with the rationale that Mr. Hopkins stated.

Chairman Mills stated that as pointed out earlier in the presentation, this is a use variance, which does call for different criteria than the area variance. By way of both oral and written testimony and material documented evidence, the applicant has provided proof that these are unique circumstances associated with this parcel. It could be debated as far as reasonable rate of return for different project possibilities, but he believes that there is compelling evidence that this is a strong proposal for use at this particular parcel location.

Chairman Mills stated that he does not believe that based upon design and aesthetics, that it would in any way alter the essential character of the neighborhood.

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

MOTION CARRIED

Appeal No. 8

Chris & Denise Santora
 Residential Single-Family
 Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 4' to allow an 8' fence to be within the front yard setback located at 5735 Newhouse Road.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Ryan Mills, seconded by Richard McNamara, to **approve** Appeal No. 8 as written, with the following condition:

1. plant perennials of his choice along the inside of the north and south fence lines

ON THE QUESTION:

Mr. Krey stated that this is a very unique request in the sense that the applicant's property is setback very far from his neighbor's. As pointed out, although the fences will be in his front yard, they are fencing the neighboring property's backyard, so it is more of a variance request of 2' in terms of height increase.

Also, due to the grade of property as the applicant explained, Mr. Krey stated that if he did not receive the variance for the height of the fence, it would not satisfy as a privacy buffer for him or his neighbors.

Chairman Mills pointed out that this applicant has provided testimony that he did try a natural buffer for over 20 years. Because of the way Mr. Santora's house is situated back on the property, it will provide privacy for both them and the adjacent neighbors. He will attempt to mitigate the fence with the perennials along his interior, and the neighbors can do similar if they choose too as well.

In regard to the additional height, Chairman Mills explained that the architectural design detail lends to the overall height of the fence. It is more of a 6' fence with architectural spindles that provide the extra height.

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

MOTION CARRIED

Appeal No. 9

Natale Builders, Inc.
Commercial
Town Code Reference: §229-126(D)(1)(f)

Applicant requests a variance to allow a third story on six (6) multiple family housing buildings located at 8080 & 8112 Wehrle Drive.

DISCUSSION: (*transcription in progress*)

ACTION:

Motion by Steven Dale, seconded by Gerald Drinkard, to **approve** Appeal No. 9 as written.

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

MOTION CARRIED

Meeting adjourned at 7:47, with a motion by Patrick Krey.

MOTION CARRIED

Amy Major
Senior Clerk Typist