

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, July 14, 2026

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

Zoning Board of Appeals members present:

Chairman Ryan Mills	Patrick Krey	Richard McNamara
Gerald Drinkard	Steven Dale	Forest Rung

Town Officials present:

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

Other Interested Parties:

Anna Linder	Karthigan Thavanesan	Ray Hoover	Melissa Roshong
Benjamin Hartman	Katalin Mechtler	Stephen Mechtler	Chris Caito
Gary Andrees			

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on May 12, 2026.

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Karthigan Thavanesan
Agricultural Rural Residential
Town Code Reference: §229-43(A)(1)

Applicant requests a variance of 4' to allow a 39' tall principal structure located at 6571 Conner Road.

DISCUSSION: *(transcription in progress)*

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation **,

Public Participation was closed for this item.

ACTION:

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

1. no living space on the 3rd floor

The applicant understands and agrees to the condition.

ON THE QUESTION:

Mr. Krey explained that what distinguishes this from other similar requests, is that due to the placement of the proposed house on the lot, being set back so far from the street, as well as the large size of the home, the height of the proposed home will not stand out. A smaller home that was closer to the street would have an adverse effect on the neighborhood, but this proposed home will fit in just fine.

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

MOTION CARRIED

Appeal No. 2

Anna Lindner

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 4274 Shimerville Road.

DISCUSSION: (*transcription in progress*)

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation **,

Public Participation was closed for this item.

ACTION:

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

ON THE QUESTION:

Mr. Drinkard stated that although the code states that this because this property is on a corner lot, the side yard is technically also the front yard, and 6' fences are not allowed, there will be no obstruction of view for walkers or drivers entering or exiting Howard Drive.

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

MOTION CARRIED

Appeal No. 3

Katalin Mechtler
Residential Single-Family
Town Code Reference: §229-55(E)(1)

Applicant requests a variance of 7' to allow a 3' detached accessory structure (shed) side yard setback located at 5182 Kandefers Trail.

DISCUSSION: (*transcription in progress*)

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation **,

Public Participation was closed for this item.

ACTION:

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

1. siding to match the house
2. north side of the shed to have 3' bushes
3. no business is to be conducted from the structure
4. window on the north side of the shed

The applicant understands and agrees to the conditions.

ON THE QUESTION:

Mr. Krey acknowledged that this request is distinguished from others by the neighboring property being wetland and greenspace, it makes it different from a neighboring property that has a home on it. Also, there is a pond located in the backyard, and as the applicant explained, a shed in the backyard would obstruct their view of the pond.

Along with the conditions imposed, this will help with any visual issues from Greiner Road. The shed will blend in with the neighborhood, and will look just fine.

Mr. Donohue stated that although the applicant is receiving approval from the Town of Clarence, she should check her deed restrictions. Because there is a Homeowner's Association, there may be deed restrictions when they took title of the property that may restrict if or where certain outbuildings are placed.

The applicants stated that they will look in to it, but to their knowledge there are no restrictions.

Mr. Krey explained that with the Town approving it, they would not have any issues from the town, but the town's attorney is saying they may have issues from the deed.

Noting that they purchased the lot from Marrano Homes, Mr. Drinkard asked Mrs. Mechtler if they received permission to put the shed up.

Mrs. Mechtler stated that she talked to Marrano, and the homeowner's association basically had nothing to say. This homeowner's association is not like a condo homeowner's association. They were told at time of purchase that there are no restrictions, they are able to do whatever they want.

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

MOTION CARRIED

Appeal No. 4

Benjamin Hartman
Traditional Neighborhood
Town Code Reference:
1) §229-58
2) §229-62(B)

Applicant requests variances:
1) to allow one additional living unit on the property; and
2) of 135 sq.ft. to allow a 465 sq.ft. one-bedroom family unit;
located at 10864 Main Street.

DISCUSSION: *(transcription in progress)*

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation **,

Public Participation was closed for this item.

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills, to **deny** Appeal No. 4.

ON THE QUESTION:

Mr. Krey stated that while he appreciates what Mr. Harman put forth for the Board tonight, and the rendering of what the proposed apartment would look like does look nice. In terms of the character of the neighborhood, he does not feel that it fits in with the character of the neighborhood at this point.

Mr. Hartman asked how it does not fit in with the character of the neighborhood if there are no external changes to the structure.

Mr. Krey stated that it is more so that another living unit is being added to the property.

Chairman Mills added that as the applicant knows, the Zoning Board is forced to look at the five statutory criteria, which the applicant did a nice job outlining. When they are all viewed in a comprehensive manner, they are asked to look at preservation of neighborhood character, it is not just the aesthetics of the interior. While Mr. Hartman is not changing the exterior aesthetics, ultimately the applicant is requesting the Board to allow four units on a parcel that already has 3 units, and is not that large of a parcel.

Additionally, Chairman Mills noted that they are forced to look at the character of the surrounding properties, and weigh how many are four units versus three or two units versus one unit. The applicant has not provided any evidence of other four units nearby that are similar to this proposal in the area.

Chairman Mills stated that in terms of his view of it, he looked around, and it would impact the area to have four units on that small parcel. They are asked to look at whether the benefit sought by the applicant can be achieved by some other method. The applicant is not requesting a contingency to purchase the property, it has already been acquired. It is not something that would adversely impact Mr. Hartman at this point and time. There are additional paths to this variance, they could change the design, he could present to the Town Board to try to achieve this.

Looking at the fifth criteria, Chairman Mills explained that while this was not completely non-self-created, it was self-created when Mr. Hartman acquired this property prior to seeking this variance. Adding 4 units to this parcel would have a physical and environmental impact due to the parcel size.

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

MOTION CARRIED

Appeal No. 5

Andrea Ruzzine
Traditional Neighborhood
Town Code Reference:
1) §196-3
2) §101-3(C)(2)

Applicant requests variances:

- 1) to allow a swimming pool to be within the front yard setback; and
 - 2) of 2' to allow a 6' tall fence to be within the front yard setback;
- located at 9430 Clarence Center Road.

The applicant requested to table this item.

Appeal No. 6

Christopher Caito
Residential Single-Family
Town Code Reference:

Applicant requests variances:

- 1) to allow a secondary detached garage; and

- 1) §229-55(D)
- 2) §229-55(H)
- 3) §229-55(E)(2)
- 4) §229-55(I)
- 5) §229-55(F)
- 2) of 1,336 sq.ft. to allow a 1,536 sq.ft. detached accessory structure (pole barn); and
- 3) of 1'4" to allow a 17'4" tall detached accessory structure (pole barn); and
- 4) of 1' to allow 10' tall overhead garage doors; and
- 5) to allow an accessory structure (pole barn) greater than 400 sq.ft. to use materials different from the principal structure; located at 9668 Keller Road.

DISCUSSION: (*transcription in progress*)

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation **,

Public Participation was closed for this item.

ACTION:

Motion by Steven Dale, seconded by Patrick Krey, to **table** Appeal No. 4.

This will give the applicant the opportunity to return with a re-designed proposal, incorporating some of the suggestions that the Zoning Board has made.

Chairman Mills noted that a smaller garage door, smaller overall height, showing where the windows are, perhaps a smaller footprint. Work with a designer, and come up with a minimum size that they would like to present to the Board before they vote on it. Chairman Mills noted that once the Board votes, then it is finished unless the applicant returns with a new proposal.

Mr. Caito stated that the garage door is not a problem, nor is the drainage, but had questions about the height of the total building.

Discussion continued.

Chairman Mills reiterated that Mr. Caito will have the opportunity to confirm the size with the builder, and come up with a new proposal.

ON THE QUESTION:

Mr. Krey explained that because this is a very large variance request in the Residential Single-Family zone, it would help the Board if the applicant was able to provide more clarity with a proposed structure that is scaled down, and representation of what that would look like.

Chairman Mills noted that if this adjournment motion is approved, Mr. Caito can return to the Zoning Board. Consideration of input from Board members includes:

- size of the proposed structure
- height
- overhead door
- windows
- materials

Gerald Drinkard Aye
Patrick Krey Aye

Richard McNamara Aye
Steven Dale Aye

Ryan Mills Aye

MOTION CARRIED

Meeting adjourned at 6:58. with a motion by Gerald Drinkard.

MOTION CARRIED

Amy Major
Senior Clerk Typist