

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, August 11, 2026

Vice-Chairman Patrick Krey called the meeting to order at 5:30 p.m.

Zoning Board of Appeals members present:

Patrick Krey Richard McNamara Steven Dale Forest Rung

Zoning Board of Appeals members absent:

Chairman Ryan Mills Gerald Drinkard

Town Officials present:

Senior Planner Andrew Schaefer
Deputy Town Attorney David Donohue

Other Interested Parties: *(transcription in progress)*

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on June 9, 2026.

Richard McNamara	Aye	Patrick Krey	Aye	Steven Dale	Aye
Forest Rung	Abstain				

MOTION CARRIED

OLD BUSINESS

Appeal No. 5 – From the June 2026 Meeting

Kenneth Weinstein
Residential Single-Family
Town Code Reference:

- 1) §229-55(H)
- 2) §229-55(H)
- 3) §229-55(E)(1)

Note: This request supersedes the June 2026 variance request, which was tabled.

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 3'9" to allow a 6'3" detached accessory structure (garage) side yard setback; located at 5870 Forest Creek Drive.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Richard McNamara, seconded by Patrick Krey, to **approve** Appeal No. 5 under Old Business as written, with the following condition:

1. roof pitch to mimic existing home, but roof ridge height shall not exceed 16'

ON THE QUESTION:

Mr. Krey stated that as the applicant has shown with the evidence that he has entered in to the record, there are several garages in the area of similar size and building materials.

Additionally, Mr. Krey stated that the condition imposed for the height of the roof peak will address the aesthetic concerns regarding the appearance of the garage.

Richard McNamara	Aye	Patrick Krey	Aye	Steven Dale	Nay
Forest Rung	Aye				

MOTION CARRIED

Appeal No. 6 – From the July 2026 Meeting

Christopher Caito

Residential Single-Family

Town Code Reference:

- 1) §229-55(D)
- 2) §229-55(H)
- 3) §229-55(E)(2)
- 4) §229-55(F)

Note: This request supersedes the July 2026 variance request, which was tabled.

Applicant requests variances:

- 1) to allow a secondary detached garage; and
- 2) of 1,080 sq.ft. to allow a 1,280 sq.ft. detached accessory structure (pole barn); and
- 3) of 5" to allow a 16'5" tall detached accessory structure (pole barn); and
- 4) 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.

Mr. McNamara recused himself from Appeal No. 6. The proper paperwork will be filed with the Town Clerk's Office.

DISCUSSION: (*transcription in progress*)

ACTION:

Motion by Forest Rung, seconded by Steven Dale, to **approve** Appeal No. 6 under Old Business as written, with the following conditions:

1. landscaping to be installed substantially similar to Exhibit A
2. siding and roof of the home shall color match with the pole barn
3. no business is to be conducted from the structure

ON THE QUESTION:

Mr. Krey stated that this request is different from others that they see because in terms of the neighborhood, there is a very similar pole barn across the street, it will not be out of character for the neighborhood.

Mr. Krey added that they do appreciate the applicant making the changes based on the comments of the board from the last meeting. As the rendering depicts, it will be an aesthetically pleasing pole barn, and the conditions imposed will mitigate any other concerns

Steven Dale Aye Forest Rung Aye Patrick Krey Aye

MOTION CARRIED

Appeal No. 5 – From the July 2026 Meeting

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.

DISCUSSION: (*transcription in progress*)

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara, to **approve** the second prong of the zoning request for Appeal No. 5 under Old Business, with the following conditions:

1. existing fencing on the east side of the property to be removed and replaced with 6' tall white vinyl fence
2. fence to be no greater than 14' from the house on the Long Street side

ON THE QUESTION:

Mr. Donohue confirmed that the applicant has withdrawn her request for variance number 1.

Mr. Krey responded yes.

Mr. Krey stated that based on the testimony and site visits, the proposed fence will not create any major change in the area. While he sympathizes with the neighbor and her concerns with the effect on the neighborhood, they are only looking at this request from the view of the side yard that is treated as the front yard, and is a small portion of the fence. He does not believe that the 2' variance that they are granting will have any impact on the view.

In terms of the applicant dealing with drifting snow, separating the dogs, and the issues stated with her children, he found those compelling reasons.

Richard McNamara Aye Steven Dale Aye Forest Rung Aye Patrick Krey Aye

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

7 Brew / Brewtopia, LLC.

Major Arterial

Town Code Reference:

- 1) §229-94(K)
- 2) §229-94(D)
- 3) §229-124(A)

Applicant requests variances:

- 1) of 490 sq.ft. to allow a 510 sq.ft. principal building; and
- 2) of ~~6'2"~~ 11'2" to allow a 123'10" front yard setback (from center line); and
- 3) of 25' to allow a 55' setback for a drive-through window (from right-of-way line); located at 4301 Transit Road.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Steven Dale, seconded by Forest Rung to **approve** Appeal No. 1 as written and amended.

ON THE QUESTION:

Nothing on the question.

Richard McNamara Aye
Patrick Krey Aye

Steven Dale Aye

Forest Rung Aye

MOTION CARRIED

Appeal No. 2

Shawn Pappas

Residential Single-Family &

Agricultural Rural Residential

Town Code Reference: §229-52(A)

Applicant requests a variance to allow a 125' principal structure front yard setback located at 8576 Stahley Road.

Mr. McNamara recused himself from Appeal No. 2. The proper paperwork will be filed with the Town Clerk's Office.

Mr. Krey explained that due to absences and a recusal, there are only 3 members of the board able to vote on this request. Mr. Pappas has the option to table his request for another meeting when there are more members present, or he can proceed tonight.

Mr. Pappas stated that he would like to table his request.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Steven Dale to **table** Appeal No. 2.

ON THE QUESTION:

Nothing on the question.

Steven Dale Aye Forest Rung Aye Patrick Krey Aye

MOTION CARRIED

Appeal No. 3

Joel Reber

Agricultural Flood Zone

Town Code Reference: §229-31

Applicant requests a variance to allow an 80' principal structure front yard setback located at 8100 Goodrich Road.

ACTION:

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

1. both sides of the property to be landscaped with 6' high, pine trees staggered approximately 15' apart from the front of the applicant's house to the back of the neighbor's homes
2. no business to be conducted from the garage

ON THE QUESTION:

Mr. Krey stated that what makes this request unique is that it is a large lot that backs up to wetlands, so the property behind it can not be developed.

Mr. Krey added that the issues with having to install a septic system and not being able to put it behind the house without having to move the house up so close to the street, are some of the issues that the neighbors have talked about.

What has been proposed is the best of the options for this lot. Mr. Krey noted that the renderings that show what the house and lot will look like are very aesthetically pleasing, and will improve the look of the neighborhood.

Mr. Krey stated that the conditions imposed on this approval will help to mitigate concerns raised by the neighbors, and will help it to fit in and not alter the character of the neighborhood.

Richard McNamara Aye Patrick Krey Aye Steven Dale Aye
Forest Rung Nay

MOTION CARRIED

Appeal No. 4

Winding Lane Farms, LLC.

Residential Single-Family

Town Code Reference:

- 1) §229-55(D)
- 2) §229-55(H)
- 3) §229-55(E)(2)
- 4) §229-55(I)

Applicant requests variances:

- 1) to allow a secondary detached garage; and
- 2) of 4,910 sq.ft. to allow a 5,110 sq.ft. detached accessory structure (pole barn); and
- 3) of 11'8" to allow a 27'8" tall detached accessory structure (pole barn); and
- 4) of 5' to allow a 14' tall overhead garage door;

located at 5004 Winding Lane Farms.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Richard McNamara, seconded by Steven Dale, to **approve** Appeal No. 4 as written, with the following condition:

1. no business is to be conducted from the structure

ON THE QUESTION:

Mr. Krey stated that what makes this request unique is that it is a very secluded area with an abundance of trees. It is not backing up to any other neighbors where it will be visible. There is a tree line that will obstruct the view of the proposed structure.

Mr. Krey also stated in terms of the application and the drawings that were submitted, it will be aesthetically pleasing.

Richard McNamara Aye
Forest Rung Aye

Patrick Krey Aye

Steven Dale Aye

MOTION CARRIED

Appeal No. 5

Dan & Elizabeth McAuliffe

Residential Single-Family

Town Code Reference: §229-55(H)

Applicant requests a variance of 196 sq.ft. to allow a 396 sq. ft. detached accessory structure (pavilion) located at 5558 Herons Glen.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Steven Dale, to **approve** Appeal No. 5 as written, with the following conditions:

1. building materials on the gazebo to match the existing home
2. Arborvitae or similar to be planted around all sides of the gazebo that are not facing the pool

ON THE QUESTION:

Mr. Krey stated that this is unique because the home is large, situated on a large lot, and backs up to a conservation area, therefore there will not be a neighbor behind them.

In regard to the neighbor to the east, Mr. Krey noted that the condition imposed with the Arborvitae should address any sight issues. Mr. Krey does not feel that the variance will have any impact on neighboring properties, or change the character of the neighborhood.

Additionally, Mr. Krey stated that the applicant pointed out that there are multiple large accessory structures with the homes in that area.

Richard McNamara Aye
Forest Rung Aye

Patrick Krey Aye

Steven Dale Aye

MOTION CARRIED

Appeal No. 6

The PDC Property Trust
Residential Single-Family
Town Code Reference:
1) §229-52(B)
2) §229-55(D)

Applicant requests variances:

- 1) of 4' to allow a principal structure side yard setback of 8'6"; and
- 2) of 265 sq.ft. to allow for a total garage square footage of 959 sq.ft.;

all to allow for an attached garage addition located at 4137 Susan Drive.

DISCUSSION: (*transcription in progress*)

ACTION:

Motion by Richard McNamara, seconded by Forest Rung, to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Mr. Krey explained that what makes this request unique is that there are other houses in the neighborhood that have expanded garages similar to what the applicant is requesting. This shows that it will not alter the character of the neighborhood, or be out of character with the neighborhood.

Richard McNamara Aye Patrick Krey Aye Steven Dale Aye Forest Rung Aye

MOTION CARRIED

Appeal No. 7

Michael & Maria Sanders

Residential Single-Family

Town Code Reference:

1) §229-52(B)

2) §229-55(D)

Applicant requests variances:

1) of 2'4" to allow a principal structure side yard setback of 10'2"; and

2) of 190 sq.ft. to allow for a total garage square footage of 1,150 sq.ft.;

all to allow for an attached garage addition located at 6242 Creekhaven Drive.

Mr. McNamara recused himself from Appeal No. 7. The proper paperwork will be filed with the Town Clerk's Office.

DISCUSSION: *(transcription in progress)*

ACTION:

Motion by Forest Rung, seconded by Patrick Krey, to **approve** Appeal No. 7 as written, with the following condition:

1. no business is to be conducted from the structure

ON THE QUESTION:

Nothing on the question.

Patrick Krey Aye

Steven Dale Aye

Forest Rung Aye

MOTION CARRIED

Meeting adjourned at 8:03 p.m. with a motion by Forest Rung.

MOTION CARRIED

Amy Major
Senior Clerk Typist