

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.

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	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 Lindner	Christian Lindner	Karthigan Thavanesan	Ray Hoover
Melissa Roshong	Benjamin Hartman	Katalin Mechtler	Stephen Mechtler
Chris Caito	Gary Andrees	Penelope Yoder	

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:

Karthigan Thavanesan was present to represent his request, stating that he needs the additional height for his new-build house. The design from his architect and builder has this height in their design. He has already received two previous variances for setback and for the road.

Mr. Drinkard noted that this property went before the Town Board on June 24, 2026 to receive approval for a secondary living unit, which has been built in to the designs for the proposed house.

Secondly, Mr. Drinkard noted that a variance from the Zoning Board was granted for a setback of 175' for the principal structure.

Mr. Thavanesan responded yes to both.

Mr. Drinkard reviewed and confirmed the lot splits and sizes, previously approved by the Planning Board.

Mr. Thavanesan summed up the lot split stating that it was a total of 10 acres, split in to 3 parcels.

Mr. Drinkard noted that amongst the applicant's submittal for this variance request, it shows the proposed house design from an elevation standpoint.

Mr. Drinkard noted that based on Mr. Thavanesan's design plans, because the architect designed the house based on Mr. Thavanesan's criteria with 9' ceilings, an additional 4' in height.

Mr. Thavanesan responded yes.

Mr. Drinkard stated that he would be concerned for Mr. Thavanesan's neighbors being able to see a much bigger home.

Mr. Drinkard asked Mr. Thavanesan how much of the wooded area currently on the lot will be removed.

Mr. Thavanesan responded that he is not removing much, he would like to keep as much as possible. His previous variance also indicates that he plans to use the trees on both sides of his house as a buffer for the neighbors.

Mr. Drinkard explained that he could not access Mr. Thavanesan's lot due to the density of trees, so he accessed it from a different direction. He does not think 4' in height will make any difference, and will not disturb the neighbors.

Mr. Drinkard stated that he feels Mr. Thavanesan is putting a beautiful house up that will improve the neighborhood.

Mr. McNamara noted that he understands construction and the depth of the house with the proposed pitch. With a lower pitched roof, it would not look as elevated as it should.

Chairman Mills asked if the third floor will have any finished space.

Mr. Thavanesan stated that it is only a two-story house, the rest on top will be attic space.

Chairman Mills confirmed that it will be attic space only; there will not be any living space on the third floor.

Mr. Thavanesan responded no; just the first floor and second floor.

Mr. Krey asked Mr. Thavanesan to review for the record the plans for his proposed house.

Mr. Thavanesan explained that he has a 4 ½ - 5-acre lot, and plans to place his house almost 200' from the road.

Mr. Krey asked about an in-law suite.

Mr. Thavanesan noted that was what the last request was for.

Mr. Krey asked if the in-law suite is the reason for the 39' height of the proposed house.

Mr. Thavanesan responded no.

Mr. Krey is questioning what the impact would be to the home if it had to conform to code.

Mr. Thavanesan responded that his builder said it would add additional cost because there would need to be custom cuts to the standard wood used to construct the home.

Mr. Dale asked how the third floor will be accessed from the second floor.

Mr. Thavanesan responded that there are steps going up there from the second floor.

Mr. Dale confirmed that there will be a stairway to the third floor.

Mr. Thavanesan responded yes.

Mr. Dale asked what the ceiling height is on the third floor.

Mr. Thavanesan responded he is unsure of the exact height.

Mr. Dale asked if you are able to stand up on the third floor.

Mr. Thavanesan responded yes, fully.

Mr. Dale asked if it is more than 6'.

Mr. Thavanesan responded yes.

Mr. Dale confirmed that Mr. Thavanesan does not intend to use the third floor as livable space.

Mr. Thavanesan responded that is correct. He does not want the third floor as livable space; it will be too hot.

Referring to the front elevation, Chairman Mills stated that it looks like the overall front elevation height is 39'. Twelve feet on the first floor, 1' framing, and then another 10'. It looks like the height is 16' on the third-floor.

Chairman Mills asked if they made a condition that the 3rd floor is not to have any livable space, would Mr. Thavanesan agree to that.

Mr. Thavanesan responded yes.

Mr. Krey asked what the total footage of the home is.

Mr. Thavanesan responded that right now it is 4,700 sq. ft., closer to 5,000 sq. ft.

Mr. Drinkard confirmed with Mr. Thavanesan that he will not be running his landscape business, or any part of the business from his home.

Mr. Thavanesan responded no; he has plenty of space at his 5-acres of land on County Road where his business is.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, the following resident spoke:

1. Gary Andrees of 6531 Conner Road:
 - would like to see the site plan for the proposed house

Chairman Mills stated that the only variance request for this appeal is for a height variance.

Mr. Andrees stated that he is concerned with the 4' when the house is 200' back from the road.

Chairman Mills clarified that the house is going to be set back 175'.

Mr. Andrees said okay, and asked what the actual 39' item is for this request.

Chairman Mills stated that it is the house, from the finished grade to the top of the roof.

Mr. Andrees stated that the applicant will need 4' of his property in order to build the proposed house.

Chairman Mills responded no; he is requesting 4' additional height. This is only a height variance; the roof will be 4' higher than what the code allows. With no one else wishing to speak, 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:

Anna and Christian Lindner were present to represent her request, adding that she is requesting a 6' fence on their side lot of their property between Shimerville Road and Howard Drive.

Chairman Mills confirmed that it is just along the Howard Drive side that they are going to replace.

Mrs. Lindner responded yes.

Chairman Mills asked what type of material is the proposed fence.

Mrs. Lindner responded that it is a vinyl fence.

Chairman Mills asked if it is a white vinyl fence, and if Ms. Lindner has any photos or documentation depicting what the fence looks like, and where they are getting it from.

Mrs. Lindner stated that she does not, she has the company that is installing it, but she does not have any photos.

Chairman Mills asked who the company is.

Mr. Lindner responded that it is on their application.

Mr. Krey stated that it is his understanding of the code that the applicant could put up their desired 6' fence if they went straight back from their house.

Mr. Krey asked Ms. Lindner to explain why they need to extend the fence out from the house, towards the street.

Mrs. Lindner responded that it would be for more privacy, and safety due to the rising cases of theft in the area.

Mr. Krey asked if they have looked at any other fences in the neighborhood.

Mr. Lindner stated that there are quite a few, there is a fence two-doors down that is 6', also a corner lot.

Chairman Mills asked for clarification as to the proposed placement of the fence, noting that the applicant is adding more of their backyard space in to the fenced in area.

Mrs. Lindner stated that there is an existing fence there now, but it is higher, and that is why they thought they needed a variance.

Mr. Lindner explained that there is an existing chain-link fence, their proposed fence would be higher.

Chairman Mills asked the applicants to approach the dais, to review their landmark survey which was entered in to the record as Exhibit A.

Chairman Mills explained that if the fence went back from the corner of the house straight back, a variance would not be needed. Because they are following the existing fence line, they would be going out 9.7' and back. This is why a variance is needed.

Mr. Krey asked Mrs. Lindner if they plan to add any landscaping to the outside of the proposed fence.

Mrs. Lindner responded no; just grass.

Mr. Dale asked if other than for privacy, are there any other reasons for wanting this fence.

Mr. Lindner interjected, explaining that a couple of weeks ago, they had an issue with their dog jumping over their existing 4' chain link fence and ran away. It could have been a bad situation. That is another main reason why they want this fence.

Mr. Rung asked if the plastic boulder near the corner of the house is covering up a utility of some kind.

Mrs. Lindner responded no.

Mr. Rung noted that from what he can see, if the fence was brought in the suggested 10' it looks like it could interfere with the roots of the tree that is back there.

Mr. McNamara has no problem with the request, aside from the color of the proposed fence, especially on a corner lot. A white fence is so bright and noticeable, whereas an earth tone color is more muted, and blends in more.

Mr. Drinkard agrees with Mr. McNamara on the color of the fence. He can clearly understand the desire for privacy, and the intimacy of the lots nearby as well as Howard Drive, which is not very wide.

Mr. Drinkard has no issue with the fence at all.

Mrs. Lindner responded that they are happy to ask the fence company if they have muted colors.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation no one spoke.

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. 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 Kandefer's Trail.

DISCUSSION:

Stephen and Katalin Mechtler were present to represent their request, explaining that the northern side of their lot is common area. They would like to build a shed next to the house, approximately 21' from the house to the end of the lot.

Mr. Mechtler added that it is their understanding that due to fire code the accessory structure has to be 10' from the home, which would give them only 1' from the side of the lot. There is no neighbor on that side of the property, it is the common green area.

Mrs. Mechtler stated that she does not understand why it is a 7' variance if the setback is 5' from the side property line, an area of designated green space with no neighbor.

Mrs. Mechtler added that she originally requested a 1' setback, and does not understand where a variance of 7' is coming from.

Mr. Bleuer explained to Mrs. Mechtler that the proposed shed is 7' from the house, the shed is 10' wide, and 3' from the property line. The Building Department had issues with the 1' that Mrs. Mechtler originally requested.

Chairman Mills confirmed that to the north of the house is preserved greenspace, nothing will be built there.

Mr. and Mrs. Mechtler responded that is correct.

Regarding locations, Mr. McNamara asked if there is a reason why they do not want to move the proposed shed farther back in to the backyard.

Mr. Mechtler responded that they have a pond in their backyard, and do not want to put a shed in the back, it would cover the view. Moving it closer to the street obstructs the entrance to the garage and air conditioning unit. Where they would like to place the shed, there are no windows on that side of the house, so it would not be blocking any views.

Mrs. Mechtler added that with the shed in this proposed location, their house will block the view of the proposed shed to their neighbors. If they were to move the shed forward or back, they would lose their views, but the neighbors would have the view of the shed.

Mr. McNamara asked what type of materials will be used on the shed, will the roof and siding match the house.

Mrs. Mechtler responded yes; they are using Sturdi-Sheds, the color will be an almost perfect match, vinyl siding, and a metal roof.

Mr. McNamara asked if the siding is vinyl or metal.

Mrs. Mechtler stated that it is vinyl siding.

Mr. McNamara asked if they would be willing to plant some shrubbery in the 3' space to mitigate the view from Greiner Road.

Mrs. Mechtler responded yes.

Mr. McNamara asked if there will be a driveway going to the shed.

Mrs. Mechtler responded no.

Mr. Drinkard noted that the lot slopes from the house, easily 4' down to the common area. What requirements have been placed on the builder or developer to build up the area and assure that the shed will be level with their house.

Mrs. Mechtler stated that after a meeting with a Sturdi-Shed representative, that it is her understanding that they will use cinderblocks to level it up. It is not a permanent foundation, but rather cinderblocks.

Mr. Drinkard stated that the soil still needs to be brought up to grade.

Discussion continued regarding the level of the shed.

Mr. Drinkard asked if to the best of their knowledge, is the common area planned to remain fields and wetland.

Mrs. Mechtler responded that it appears to be mostly wetland.

Mrs. Mechtler explained that the west side of their property has the pond, the north side has common area.

Mr. Krey asked for clarification on the shrubs on the north side of the property, and asked what kind they will be.

Mrs. Mechtler stated that she is unsure at this time.

Mr. Mechtler explained that they just put the grass in, they have not planned the landscaping at this point.

Mrs. Mechtler noted that they will not be high shrubs, not trees.

Mr. Krey asked if they made it a condition that they need to plant shrubs approximately 3' in height along the entire northern side, species to be determined by the applicant, would that be acceptable.

Mrs. Mechtler responded yes.

Mr. Krey asked if they have any intention to operate a business out of the shed.

Mr. Mechtler responded no.

Mr. Dale noted that the applicant may want to discuss with Sturdi-Shed about running the cinderblocks along the entire length, in order to keep animals from getting under the shed.

Mr. Dale asked which way the entrance to the shed will be facing.

Mrs. Mechtler responded either the house or the pond; not toward the street.

Mr. Dale stated that he does not think the door to the shed should be facing the pond.

Mrs. Mechtler stated that they have not decided yet, but most likely the house if there is room.

Mr. Dale asked if they would consider putting a window in on the shed.

Mr. Mechtler stated that he had previously suggested that, but Mrs. Mechtler did not like that idea. They have not decided yet.

Discussion continued regarding adding a window to the north side of the shed.

Mr. Rung asked if it is the applicants understanding that the common area to the north will remain wild as it is, with no plans for sidewalks or a park.

Mrs. Mechtler stated that the greenspace is owned by Cimato Enterprises, to her knowledge it is being left as is.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

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

Mr. Dale asked Mr. Bleuer if Mr. Cimato still owns what is currently not identified as a lot to the north of the applicant's property, does he own that in perpetuity, or can it ever be passed to a Homeowner's Association.

Mr. Bleuer responded that it will be deeded to a Homeowner's Association once they are in control of the subdivision.

Addressing the applicants, Mr. Drinkard stated that the Homeowner's Association guidelines will be a very important document. It will mention handling of the stormwater retention pond behind them, as well as the properties that are not in someone's deed.

Mr. and Mrs. Mechtler thanked Mr. Drinkard.

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:

Benjamin Hartman was present to represent his request, explaining that he would like to add an additional unit to the residential multi-family dwelling. He would also like to add a unit that is less than 600 sq. ft.

Mr. Hartman added that there would be no modifications to the outside of the building, therefore the character of the neighborhood would not be affected. It is an existing 2-car garage with an unfinished loft above it of approximately 465 sq. ft., that is what he is seeking to finish.

Mr. Hartman stated that there is no other method to do this without building an additional structure, which would change the character of the neighborhood. There will not be any changes to the lot or drainage, so no impact to the environment from that perspective. All internal electrical, fire codes, and plumbing will be up to specifications, he has spoken with the Building Department.

Mr. Hartman continued to review his reasoning for requesting this variance. He plans to live in the proposed unit while fixing up the property, this is a long-term project for him.

Chairman Mills confirmed with Mr. Hartman that there are two units in the front structure.

Mr. Hartman responded yes; they are both rented out.

Chairman Mills asked how long Mr. Hartman has owned this property.

Mr. Hartman responded since May, 2026.

Chairman Mills asked what work Mr. Hartman has done to the property so far.

Mr. Hartman responded that so far it has been landscaping, but that this summer he intends to do a full upkeep on the outside. The cedar-shake shingles will be stripped and painted, more landscaping, a couple of trees to be removed that are encroaching on a neighbor's property, and some general upkeep.

Chairman Mills confirmed that in addition to the two units in the front, there is an additional unit in the back that is also rented out.

Mr. Hartman responded yes.

Chairman Mills asked if any work has been done to the third unit.

Mr. Hartman responded no; nothing yet.

Chairman Mills confirmed that the fourth unit that Mr. Hartman is proposing to add, will be occupied by him.

Mr. Hartman responded yes; until he gets married and he and his wife move.

Chairman Mills asked about parking on the property.

Mr. Hartman stated that there are currently 6 parking spots; 4-5 on the property, then 2 garage spaces. There will be no impact to public parking in any capacity.

Mr. McNamara noted that in order to have the requested living space above the garage, the entire building needs to be brought up to code; the foundation, fire code, the garage. Mr. McNamara asked Mr. Hartman if he is aware of that.

Mr. Hartman responded yes.

Mr. McNamara asked Mr. Bleuer if that many units on that size lot is acceptable for the zoning district.

Mr. Bleuer responded no; not as proposed. The property is zoned to allow multi-family housing; however, the Town of Clarence multi-family housing law has requirements that are not proposed to be met here. There is a commercial component requirement, a recreation component, a lot coverage component. The request here is not to meet the Town's multi-family law.

Mr. Drinkard stated that he is torn between two things: make an adaptive use out of the building with a usable second floor, will the building remain a garage.

Mr. Hartman stated that there is already a second floor there, it is unfinished. The bottom will remain a garage.

Mr. Drinkard noted that the neighborhood district is almost directly mentioned as the Clarence Hollow, which is a fine place for an adaptive reuse of a property. On the other hand, when Mr. Drinkard made a site visit and went down in to the property, it was almost claustrophobic.

Mr. Drinkard explained that the garage is approximately only 8' from the building in the front where people live, which is a major safety issue. This needs to be reviewed very closely by the fire inspector.

Mr. Bleuer explained that if approved, the applicant would be required to submit compliant building plans that meet all state and fire code. No permits would be issued until all of the requirements were satisfied.

Mr. Krey asked for clarification in terms of there needed to also be a mixed-use component to this property, would the garage need to be converted in to commercial space.

Mr. Bleuer explained that the Traditional Neighborhood District requires 25% of the total floor area to be committed to commercial uses, should there be multi-family proposed. The numbers would need to be run, and a multi-family project would need to go through the Town Board Special Exception Use Permit review process.

Mr. Bleuer added that the standard, generally speaking is 8 units per acre with a 25% floor area requirement for commercial. The code does state that the commercial component is to be orientated towards the street.

Chairman Mills noted that even if the Zoning Board approved this request, it would still need to go through the review with the Town Board.

Mr. Bleuer stated that if this was approved without condition, no it would not.

Mr. Dale stated that it is his understanding that a Special Exception Use Permit has never been issued for this multiple-family project, he cannot approve the conversion of yet another living unit.

Mr. Dale advised Mr. Hartman to get the Special Exception Use Permit through the town.

Chairman Mills confirmed with Mr. Bleuer that Mr. Hartman could start by going through the Town Board review process first, then come back to the Zoning Board for the variances.

Mr. Bleuer responded yes; he thinks that it would be very challenging to bring forward a compliant project for what is a non-compliant lot. But the pursuit could be made.

Mr. Hartman asked for clarification on this, as he was told he needed to start with the Zoning Board.

Mr. Bleuer stated that specific to this request, Mr. Hartman is at the right place. If he is not successful tonight, there are other avenues to pursue, but he does not believe that the multi-family law would suit Mr. Hartman's intent for this property. It is something he could explore if he is not successful tonight.

Chairman Mills asked Mr. Hartman if he understands what is being said regarding the commercial component which is typically required with this number of units.

Mr. Hartman responded yes; he was under the understanding that it pertained to new construction, not for existing structures.

Chairman Mills noted that would still apply.

Mr. Bleuer explained that as it exists, they are not looking to take units away from Mr. Hartman. The property is considered pre-existing, non-conforming, and is grandfathered in to the code.

Chairman Mills noted that the 3 units are grandfathered in. Mr. Hartman circumvented this by coming to the Zoning Board as opposed to following the process for the Special Exception Use Permit.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation no one spoke.

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

Mr. Drinkard stated that knowing they talked about a Special Exception Use Permit, and needing to go through the Town Board review process, is there a requirement that this Zoning Board denies this request in order to go to the Town Board.

Mr. Bleuer responded no, there is no requirement for denial to seek a compliant project through the Town Board.

Chairman Mills noted that it would be an alternative path, as he understands it.

Mr. Donohue noted that the Special Exception Use Permit through the Town Board is the more difficult to obtain based on all of the criteria for the usage.

Chairman Mills confirmed with Mr. Hartman that he acquired this property in May, 2026 and asked if it was contingent on receiving this 4th unit.

Mr. Hartman responded no; it was not.

Chairman Mills noted that Mr. Hartman could have made the purchase contingent on receiving approval for the 4th unit. If not, why did he not do it that way.

Mr. Hartman stated that he could have if he had wanted to. His intention was to move in to one of the existing units, and then once he took over possession of the property, he realized that there was the opportunity to increase the livable space without having to evict someone.

Referring to Mr. Hartman's variance request application, Chairman Mills confirmed that if the variance was approved for the 4th living unit, a current tenant would not need to be evicted.

Mr. Hartman responded that is correct.

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:
1) §229-55(D)
2) §229-55(H)
3) §229-55(E)(2)
4) §229-55(I)
5) §229-55(F)

Applicant requests variances:

- 1) to allow a secondary detached garage; and
- 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:

Christopher Caito was present to represent his request, explaining that he would like to put up a garage of this size because he lost his mom this past year, and now has his 94 yr. old dad living with them. Both he and his father have several cars, and keeping them all outside is a disarray for the neighborhood itself.

Mr. Caito stated that he would like to build a structure to store things in, so that everything is not scattered around his property.

Mr. Dale asked how big Mr. Caito's house is.

Mr. Caito responded that it is between 2,100 sq. ft. to 2,200 sq. ft.

Mr. Dale confirmed that the proposed garage is 2,536 sq. ft.

Mr. Caito responded yes; it is 32x48.

Mr. Dale confirmed that the existing garage has been removed.

Mr. Caito responded yes.

Mr. Dale asked Mr. Caito why the proposed structure needs the tall doors.

Mr. Caito stated that those are what the builder presented with the building. A 9' door would be fine; he has no plans to have an RV or anything similar.

Mr. Dale stated that if the plan is to store cars in the barn, a 10' door is not necessary.

Mr. Caito agreed with Mr. Dale.

Mr. Dale stated that it is a very large, tall building, and asked Mr. Caito if he needs that large of a building.

Mr. Caito responded that he has multiple cars and motorcycles, his daughter still lives at home, and he likes to keep everything nice.

Mr. Dale stated that he is not happy using metal for the siding. He would like the material to match the house, so that it looks more like it is part of the house.

Mr. Caito responded that he understands.

Mr. Dale noted that metal can be used for the roof, but he would like for it to be the same color as the roof of the house.

Mr. Caito said okay.

Mr. Dale asked Mr. Caito if he would be willing to add windows to the proposed structure.

Mr. Caito stated that he believes the plans show windows at the top of the building, or should show the windows. They are 1' by 8' long at the top of the wall of the proposed barn.

Mr. Dale asked what the plan is to control the runoff from this large roof in to the neighbor's property.

Mr. Caito stated that his lot has a swale in his backyard that includes drains, there will be gutters on the proposed shed directed to the backyard.

Mr. Dale asked if the water will be piped to the swale in the backyard.

Mr. Caito responded that if it needs to be piped, then yes.

Mr. Dale stated that there could be a lot of water from the roof.

Mr. Caito noted that water running off of the roof of his previous barn was never an issue. If he needs to pipe it to the swale in the back, he will do that.

Mr. Dale continued discussing the potential for water running off of the proposed barn.

Mr. Rung asked if the reason Mr. Caito is requesting the height variances is due to the size of the building. Would he be able to make the building shorter.

Mr. Caito stated that a shorter building would not work for his vehicles. He currently rents storage around town in order to store his cars.

Discussion continued regarding the height of the proposed barn.

Mr. Rung asked if Mr. Caito has any plans for landscaping along the side of the proposed barn.

Mr. Caito stated that he will add landscaping if he needs to.

Mr. Krey asked Mr. Caito if he is aware of any houses in close proximity to his that have a pole barn similar in size.

Mr. Caito stated that across the street at 9625 Keller Road, there is a 30' by 40' pole barn.

Noting that there is a pole barn a few houses down the street, Mr. Drinkard stated that it is complimentary to the house. One of the requirements of approval for that pole barn, was that the pole barn matches the house.

Mr. Drinkard stated to Mr. Caito that what he has presented for his proposed pole barn, is not similar to the other pole barn, in terms of complimenting and matching the house.

Noting that Mr. Caito is requesting a total of 5 variances in order to put up his pole barn, in an area where the residents living there have never had to experience pole barns around them. A Residential Single-Family environment, is in his opinion, sacred.

Mr. Drinkard acknowledged that he is not in support of Mr. Caito's pole barn, and for the Zoning Board to work through the 5 variances that Mr. Caito is requesting, they are basically redesigning the pole barn so that it fits in his area.

Chairman Mills stated that he is struggling with the size of this proposed pole barn, and the number of variance requests. Chairman Mills is aware of the other pole barn in the neighborhood also, and the effects they have on the character of the neighborhood.

Chairman Mills noted that he does not have an objection to the pole barn style construction, or that it is larger than his garage was, and questioned if it needs to be as large as what Mr. Caito is proposing.

Chairman Mills stated that he would like the Zoning Board to work with Mr. Caito to reduce some of the variance requests, starting with the garage door. Mr. Caito is requesting a 10' garage door, would he be willing to reduce that to a 9' garage door.

In terms of the overall height, Chairman Mills asked Mr. Caito if he is planning to have a vehicle lift in the pole barn.

Mr. Caito responded yes.

Chairman Mills asked what height is needed for a lift.

Mr. Caito responded that most lifts reach their height at 12', although he rarely would need to have it at the maximum height of 12'.

Chairman Mills asked if they can eliminate the third variance request and replace it with 16' instead of 17' 4".

Mr. Caito stated that he does not understand why there are 5 variance requests, aside from just one for the size of the building itself.

In terms of the overall size of the proposed pole barn, Chairman Mills asked Mr. Caito if he would be willing to reduce that, while still accomplishing his goals.

Mr. Caito asked what size Chairman Mills is suggesting.

Chairman Mills suggested perhaps 36' by 24' or something in that range.

Mr. Caito responded that he would not be able to accomplish what he is looking to do with that size, and would request a larger size, maybe a 30' by 40'.

Chairman Mills confirmed with Mr. Caito that he has no intentions of running any type of business out of the structure.

Mr. Caito responded no; he is not.

Chairman Mills asked if that is made a condition of the variance, would Mr. Caito have any objection to that.

Mr. Caito responded not at all.

Neighbor Notifications are on file, we have received many inquiries, and concerns related to the potential for business activity.

In regard to Public Participation the following resident spoke:

1. Penelope Yoder of 9682 Keller Road:
 - concerned with encroachment on to her property

Chairman Mills stated that it would be 5' off of the property line.

Ms. Yoder referred to a photo showing the proposed structure on a map.

Chairman Mills entered this in to the record as Exhibit A.

Ms. Yoder stated that she would like to hire a surveyor to determine exactly where the property line is.

Chairman Mills stated that the applicant has submitted a property survey from 1987.

Ms. Yoder stated that this is her property, from 1947 and there was only farmland around it.

Chairman Mills asked Ms. Yoder if overall, whether she is in favor or not of the proposed request.

Ms. Yoder stated that she does not want anything encroaching on her property.

Mr. Bleuer stated that 5' is the minimum setback for an accessory structure in the rear yard in a Residential Single-Family zone. As part of the building permit process, should the applicant be approved, the Building Department would most certainly require a full plan.

Ms. Yoder continued to explain that she does not want the proposed building to encroach on to her property. That will not work for her.

Mr. Bleuer stated that the applicant is not seeking a variance to get closer to the property line than what is allowed. If the Building Department determines that there is not enough room there, the applicant would be sent back to the Zoning Board.

Mr. Donohue stated to Ms. Yoder that if she chooses to, she can have her own surveyor stake the property line if she chooses to.

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

Mr. McNamara confirmed with Mr. Caito that he absolutely will not be running a business out of the proposed structure.

Mr. Caito stated that he will only be working on his own cars. He occasionally helps his little neighbor with his go-cart, or a lawnmower, but that is all.

Mr. McNamara confirmed with Mr. Caito that he would agree to a condition that he can not work on other people's cars, only his own.

Mr. Caito responded yes; he would agree.

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

MOTION CARRIED

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

MOTION CARRIED

Amy Major
Senior Clerk Typist