

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, September 8, 2025

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
Steven Dale	Forest Rung	

Zoning Board of Appeals members absent: Gerald Drinkard

Town Officials present:

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

Other Interested Parties: *(transcription in progress)*

Motion by Steven Dale, seconded by Richard McNamara, to **approve** the minutes of the meeting held on July 14, 2026.

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

MOTION CARRIED

OLD BUSINESS

Appeal No. 2 – From the August 2026

Meeting

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.

Richard McNamara recused himself from this item. The proper paperwork will be filed in the Town Clerk's Office.

DISCUSSION: *(transcription in progress)*

ACTION:

Neighbor Notifications are on file, *(transcription in progress)*

In regard to Public Participation, the following resident spoke: *(transcription in progress)*

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

ON THE QUESTION:

Chairman Mills explained to Mr. Pappas that the sentiment of the Board, as well as neighbors is that there are concerns raised by the neighbors with regard as to how the setback will impact them. While not mandatory, it is encouraged that Mr. Pappas has conversations with the neighbors or their counsel, and try to figure out some compromise position.

Chairman Mills added that these are just suggestions, not required. Mr. Pappas can bring his request back to the Board as is, if that is what he chooses.

Discussion continued regarding potential discussion between Mr. Pappas, his neighbors, and their counsel.

Ryan Mills Aye Patrick Krey Aye Steven Dale Aye Forest Rung Aye

MOTION CARRIED

Appeal No. 3 – From the February 2026

Meeting

Matt Campana

Residential Single-Family

Town Code Reference: §229-52(A) & ZBA

Approval of 2/10/2026

Applicant requests an amendment to a previously approved variance allowing a 753' principal structure front yard setback, now to allow a 608'6" principal structure front yard setback located at 5695 Shimerville Road.

DISCUSSION: *(transcription in progress)*

Neighbor Notifications are on file, *(transcription in progress)*

In regard to Public Participation, *(transcription in progress)*

Public Participation was closed for this item.

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills, to **approve** Old Business Appeal No. 3 as written.

ON THE QUESTION:

Mr. Krey stated that this is a very unique lot, unlike other ones that have come before the Board that necessitate a setback such as this. As the applicant has explained, the benefit to them in

terms of having a house placed there and not having to have a sprinkler system installed in the home is very significant in terms of cost.

Mr. Krey appreciates the neighbors who all spoke, none voicing concerns or reservations, so that no conditions need to be placed on a potential approval. As this property is, there are houses of all different configurations in relation to the street, he does not think that it will be out of character at all for the area. It will preserve the existing blueberry area.

Chairman Mills asked if the previous condition regarding the fence is not imposed, will it dissolve.

Mr. Bleuer stated that with a statement on the question that the prior condition put in place on February 10, 2026 is not being carried over to this approval.

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

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Elina Sarcisyan

Agricultural Rural Residential

Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' tall fence to be within the front yard setback located at 10213 Shamus Lane.

DISCUSSION: *(transcription in progress)*

Neighbor Notifications are on file, *(transcription in progress)*

In regard to Public Participation *(transcription in progress)*

Public Participation was closed for this item.

ACTION:

Motion by Richard McNamara, seconded by Steven Dale, to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Krey stated that what makes this request unique and distinguishes it from other requests is that the home is very large, and set back very far from the street. It also curves toward the street, and is not perfectly straight, changing all of the different variables that are normally reviewed. The fence looks very nice, and will not have a negative impact on neighboring properties, or alter the character of the neighborhood.

Chairman Mills added that there is extensive landscaping on the parcel that helps to mitigate the effects of the fence, as well as it being a translucent fence that you can see through, it is a quality fence that is not stockade and does not obstruct views from neighbors. He does not think that it has any adverse impact on the character or the environmental conditions of the neighborhood.

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

MOTION CARRIED

Appeal No. 2

Joel E. Papke

Residential Single-Family

Town Code Reference:

- 1) §229-55(D) & ZBA Approval of 6/8/1993
- 2) §229-55(E)(1)

Applicant requests variances:

- 1) of 528 sq.ft. to allow a 1,408 sq.ft. detached accessory structure (garage); and
 - 2) of 7' to allow a 3' detached accessory structure (garage) side yard setback;
- all for the addition to an existing detached accessory structure (garage) located at 9380 Greiner Road.

DISCUSSION: (*transcription in progress*)

Neighbor Notifications are on file, (*transcription in progress*)

In regard to Public Participation (*transcription in progress*)

Public Participation was closed for this item.

ACTION:

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

1. addition siding and roof material to match existing garage.

ON THE QUESTION:

Mr. Krey stated that what makes this a unique request as opposed to other ones, is that the neighboring property to the east, that home is not in line with the house, and is much smaller and closer to the street so that encroaching on the setback in this regard is not having any detrimental impact on the neighboring property line.

Mr. Krey added that in that area of Greiner there are a lot of properties with an attached garage and garages that are a similar size, so it will not be a detriment to the neighborhood.

Mr. Bleuer asked for specificity for materials, and asked if there will be any walls associated with the proposed addition. Just enough detail so that the Building Department knows what to expect.

Chairman Mills confirmed with the applicant that this proposed structure will be a covered porch type of structure.

Mr. Papke responded yes.

Chairman Mills asked if there will be asphalt shingles.

Mr. Papke stated that there is currently a steel roof on it, he will do a steel roof and steel siding.

Chairman Mills asked about the columns.

Mr. Papke stated that the columns will be 6' by 6', pressure treated and a footer will be poured along the edge.

Mr. Bleuer confirmed that the proposed structure will have walls?

Mr. Papke responded yes; it will be totally enclosed.

Chairman Mills reiterated that it will be totally enclosed.

Mr. Papke responded yes.

Mr. Bleuer asked if all three new sides will have walls.

Mr. Papke responded yes.

Mr. Papke noted that in talking with Mr. Dale the other day when he was making a site visit, that Mr. Dale pointed out that the proposed structure is an addition to the garage, not a lean-to.

Chairman Mills stated that he was under the impression that it was an open structure, such as a lean-to, not a fully enclosed structure.

Chairman Mills stated that this is a full garage addition?

Mr. Papke responded yes.

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

MOTION DENIED

Appeal No. 3

Severyn Development, Inc.
Agricultural Rural Residential
Town Code Reference: §229-41(B)(1)

Applicant requests a variance to allow up to a
260' principal structure front yard setback located
at 8604 Lapp Road.

DISCUSSION: *(transcription in progress)*

In regard to Public Participation, *(transcription in progress)*

Neighbor Notifications are on file, *(transcription in progress)*

ACTION:

Motion by Steven Dale, seconded by Patrick Krey, to **approve** Appeal No. 3 as written.

ON THE QUESTION:

Chairman Mills stated that this is a somewhat undeveloped area on the corner of Lapp Road and Kenfield Road. There is a home currently under construction with a setback from Lapp Road of approximately 280'. The next established home on that side of the road on Lapp Road is 85' and there are several parcels in between them. This would somewhat conform with the setback of the home that is under construction on the corner of Lapp Road and Kenfield Road.

Chairman Mills added that there is a large parcel in between this proposed home and the other home that two more homes are going to be constructed on, because the applicant owns that parcel and has attested to that. He does not believe that this will have any adverse effect on the character or environmental conditions of the area. It will conform aesthetically with the home under construction at the corner of Lapp Road and Kenfield Road, and not be a detriment to the area.

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

MOTION CARRIED

Appeal No. 4

Severyn Development, Inc.
Agricultural Flood Zone
Town Code Reference: §229-31

Applicant requests a variance to allow up to a
330' principal structure front yard setback
located at 9639 Tonawanda Creek Road.

DISCUSSION: *(transcription in progress)*

In regard to Public Participation, *(transcription in progress)*

Neighbor Notifications are on file, *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to **approve** Appeal No. 4 as written.

ON THE QUESTION:

Chairman Mills noted that this is a unique parcel, it starts off narrower, then opens up. To be in compliance and not require a variance for a setback is going to put the house 75' off of Tonawanda Creek Road. This would be pretty close to the adjoining neighbors, and the narrowness of the lot does not allow for many building options with that setback. This is a large, dense parcel, and as proposed, set back far enough that it should not be able to be seen by the other parcels.

Regarding water concerns raised by at least one neighbor, Chairman Mills noted that this is a wet area, but by setting the proposed home farther back, it may help it more than being closer to Tonawanda Creek Road, where a variance is not required.

Chairman Mills stated that he believes that this variance makes sense, given the nature and size of the parcel. He does not believe it will have any adverse impacts on the character or environmental conditions of this area.

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

MOTION CARRIED

Appeal No. 5

Matthew & Karen Coia
Agricultural Flood Zone
Town Code Reference:

- 1) §229-30
- 2) §229-30
- 3) §93-19(D)(1)
- 4) §229-31

Applicant requests variances:

- 1) of 4'6" to allow a lot frontage of 145'6";
and
- 2) of 4'6" to allow a lot frontage of 145'6";
and
- 3) to allow an existing pond to be closer than
100' to proposed property lines; and
- 4) to allow 135' principal structure front yard
setbacks for two proposed single-family
homes;

all to allow for a minor subdivision of land, which
would result in one lot being split into two lots of
record located at 8660 Wolcott Road.

DISCUSSION: (transcription in progress)

In regard to Public Participation, *(transcription in progress)*

Neighbor Notifications are on file, *(transcription in progress)*

ACTION:

Motion by Richard McNamara, seconded by Patrick Krey, that pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Environmental Assessment Form as submitted and approve the Part 2 & 3 Environmental Assessment Form as prepared and to issue a Negative Declaration on the proposed Coia Minor Subdivision at 8660 Wolcott Road. This Unlisted Action involves a lot split to create two (2) new lots in the Agricultural Flood zone. After thorough review of the submitted plans, letters and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

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

1. minimum of 40' setback from the pond edges on all 3 sides of the cutout be established
2. Matthew and Karen Coia must purchase this property, or all prongs of this variance are null and void

ON THE QUESTION:

Mr. Krey stated on the question, that the applicant has produced evidence that there are other lots in close proximity to this with similar frontage. In terms of that variance, it is not out of character with the neighborhood.

In terms of the structure setback, Mr. Krey stated that it will not stand out, and it is reasonable considering the length of these two lots.

Mr. Krey stated that in terms of the pond being close to the property line, while not ideal, this is a unique situation, and the applicant has agreed to extending the property line further, to address safety and concerns. They have also acknowledged in the future if there are any children, access to the pond would be limited.

Chairman Mills reiterated that these variances only apply to the purchase of 8660 Wolcott Road by Matthew and Karen Coia, and would not apply to any other perspective purchasers. Should this deal not move forward, any other purchasers will have to come in front of the Zoning Board, should they desire the same variances.

Mr. Bleuer stated that once purchased by Matthew and Karen Coia, the variances are in place. They could choose to sell, or gift the property, but as long as the next transfer goes to Matthew and Karen Coia, the variances will be in place.

Mrs. Coia thanked the Planning and Zoning Department, Engineering Department, and the Zoning Board for their work on this variance, adding that they have all been an absolute joy to work with.

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

MOTION CARRIED

Appeal No. 6

Jacob Fox

Residential Single-Family

Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' tall fence to be within the front yard setback located at 4520 Shimerville Road.

Ryan Mills recused himself from Appeal No. 6. All of the necessary paperwork will be filed with the Town Clerk's Office.

DISCUSSION: (*transcription in progress*)

In regard to Public Participation, (*transcription in progress*)

Neighbor Notifications are on file, (*transcription in progress*)

ACTION:

Motion by Richard McNamara, seconded by Steven Dale, to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Mr. Rung stated that based on where the fencing is being installed in relation to the road, it does not appear that it will create any sight line issues for the public, creating any safety risks.

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

Chairman Mills returned to the meeting and the dais.

Appeal No. 7

Andrew Dupler

Residential Single-Family

Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 2' to allow a 6' tall fence to be within the front yard setback located at 4515 Christian Drive.

DISCUSSION: (*transcription in progress*)

In regard to Public Participation, (*transcription in progress*)

Neighbor Notifications are on file, *(transcription in progress)*

ACTION:

Motion by Steven Dale, seconded by Patrick Krey, to **approve** Appeal No. 7 as written.

ON THE QUESTION:

Chairman Mills stated that this fence does seem to conform well with the prior variance approval of Appeal No. 6; it is in line with that fence, and will be the same material. Chairman Mills does not feel that it will adversely affect the character or environmental conditions of the area.

Mr. Dale noted that it does not have any visual impact coming around the corner on Christian Drive.

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

MOTION CARRIED

Appeal No. 8

Ognian Pomakov
Residential Single-Family
Town Code Reference: §229-52(B)

Applicant requests a variance of 4'6" to allow for an 8' principal structure side yard setback located at 4955 Goodrich Road.

DISCUSSION: *(transcription in progress)*

In regard to Public Participation, *(transcription in progress)*

Neighbor Notifications are on file, *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills to **approve** Appeal No. 8 as written.

ON THE QUESTION:

Chairman Mills noted that they have heard testimony and have seen evidence that the applicant also owns the lot to the south, which is the one that would be the most impacted. Also, taking in to account the size of the parcel, and the fact that it is a new build home that will be very pleasing based upon the drawings, he does not believe that would have any adverse impact on the character or site conditions of the neighborhood. It will allow a little more driveway space based upon the applicant's testimony, and based upon how the house to the north is already situated, it will not adversely impact the character or environmental condition of the house. There will not be any overall detriment.

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

MOTION CARRIED

Appeal No. 9

Patrick Krey
Agricultural Flood Zone
Town Code Reference: §229-34(D)

Applicant requests a variance to allow an accessory structure (pole barn) to be constructed on a parcel that currently does not contain a principal structure located at 7700 Salt Road.

DISCUSSION: (*transcription in progress*)

In regard to Public Participation, (*transcription in progress*)

Neighbor Notifications are on file, (*transcription in progress*)

ACTION:

Motion by Richard McNamara to approve Appeal No. 9 as written.

With no second, the motion failed.

Motion by Ryan Mills, seconded by Steven Dale, to **table** Appeal No. 9.

ON THE QUESTION:

Chairman Mills stated that he would like to see some more detail in terms of the color and style of the pole barn, and precisely where it would be situated in relation to the proposed pond. The most that the proposed pole barn would be able to be viewed from Salt Road would be favorable.

Mr. Dale stated that he would like Mr. Bleuer to research previous cases where the Zoning Board has had this situation, and how they resolved it.

Mr. Krey asked about the view from Salt Road., stating that the further back from the road the proposed pole barn is, the better that would be in terms of views from the road.

Chairman Mills reviewed the homes located nearby on Salt Road, and pointed out that setting the proposed pole barn further back toward Delaware Road would be the ideal setting. Additional landscaping may help to mitigate the view of it as well.

Mr. Rung stated that he does not feel that it would be an eye sore, but rather more of a concern of the barn being by itself on the property. Tucking it up as close to the neighbor as allowable could make it seem as if it is the neighbor's barn.

Mr. Donohue stated that if the pond needs to be engineered it does not make much sense to discuss where the pond should be now.

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

MOTION CARRIED

Meeting adjourned (*transcription in progress*)

MOTION CARRIED

Amy Major
Senior Clerk Typist