

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, October 13, 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

Steven Dale

Forest Rung

Zoning Board of Appeals members absent: Richard McNamara

Town Officials present:

Director of Community Development Jonathan Bleuer
Councilman Paul Shear

Other Interested Parties: *(transcription in progress)*

Motion by Patrick Krey, seconded by Steven Dale, to **approve** the minutes of the meeting held on August 11, 2026.

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

MOTION CARRIED

OLD BUSINESS

Appeal No. 8 – From the November 2025

Meeting

Ann E. Davis

Agricultural Rural Residential

Town Code Reference: §229-40(A)

Applicant requests a variance of 1'8" to allow a lot frontage of 148'4" along Salt Road located at 10725 Keller Road.

DISCUSSION: *(transcription in progress)*

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

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

With no one wishing to speak, Public Participation was closed for this item *(transcription in progress)*

ACTION:

Motion by Patrick Krey, seconded by Steven Dale, to **approve** Appeal No. 8 under Old Business as written.

ON THE QUESTION:

Mr. Krey noted that this item has previously been reviewed, and this 1' 8" change is very small, and will most likely not have any noticeable impact on the layout of the lots.

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

MOTION CARRIED

NEW BUSINESS**Appeal No. 1**

Sean & Alison Martin

Residential Single-Family

Town Code Reference: §101-3(C)(2)

Applicant requests a variance of 6" to allow a 4'6" tall fence to be within the front yard setback located at 8931 Country Club Drive.

DISCUSSION: *(transcription in progress)*

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

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

With no one wishing to speak, Public Participation was closed for this item *(transcription in progress)*

ACTION:

Motion by Steven Dale, seconded by Ryan Mills, to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Chairman Mills noted that this ornamental fence as depicted in the application will fit in with the character and aesthetic of the neighborhood. The nearby adjacent parcel has an existing similar type of fence that this fence will connect to. It will not have any adverse impact on the character or environmental conditions of the neighborhood.

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

MOTION CARRIED

Appeal No. 2

Kamil Al Dilaymi
Residential Single-Family
Town Code Reference: Map Cover 3882

Applicant request a variance of 6' to allow a principal structure addition resulting in a side yard setback of 6'6" located at 9722 Longleaf Trail.

DISCUSSION: (*transcription in progress*)

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

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

With no one wishing to speak, Public Participation was closed for this item (*transcription in progress*)

After consulting with his client, Mr. Sutton stated that out of respect of their relationship with their neighbor, they would like to table this request. Their hope is that they can come to a resolve with the neighbor, and return to the Zoning Board with a solution that represents all of the conditions that they would be willing to do in order to make both parties agreeable.

ACTION:

Motion by Ryan Mills, seconded by Patrick Krey to **table** Appeal No. 2.

ON THE QUESTION:

Chairman Mills noted that the applicant and Mr. Sutton have received feedback from some of the board members regarding setbacks. The applicant will possibly explore further dialogue with the neighbor in regard to positioning of the new garage, and where the neighbor input is in terms of it being setback as well as the applicants in terms of what will work well architecturally.

Mr. Krey mentioned that Mr. Sutton via the applicant has mentioned reducing the size of the variance request of 4' 6" which would result in an 8' setback. That should be discussed with the neighbor to see if it would address his issues, that would be good. Also, some confirmation on potential landscaping would also be helpful.

Mr. Sutton stated that everything that was discussed today will be brought up with the neighbor. They hope to return with a very solid, no open-ended request that is the best offer that they can do.

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

MOTION CARRIED

Appeal No. 3

Becky Turner

Residential Single-Family

Town Code Reference:

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

Applicant request variances:

- 1) to allow a secondary detached garage; and
- 2) of 232 sq.ft. to allow a 432 sq.ft. detached accessory structure (garage); and
- 3) to allow an accessory structure (garage) greater than 400 sq.ft. to use materials different from the principal structure; located at 9075 Clarence Center Road.

DISCUSSION: *(transcription in progress)*Neighbor Notifications are on file, *(transcription in progress)*In regard to Public Participation *(transcription in progress)*With no one wishing to speak, Public Participation was closed for this item *(transcription in progress)***ACTION:**Motion by Steven Dale, seconded by Patrick Krey, to **approve** Appeal No. 3 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 from other requests, is that the neighbor has a pole barn in their backyard, within close proximity to where this proposed structure will go. For that reason, Mr. Krey does not feel that this structure will be out of character for the neighborhood.

Also, Mr. Krey added that because the lot is very long and deep, and the proposed location for the proposed structure on the lot, he does not feel that it will be visible from the street.

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

MOTION CARRIED**Appeal No. 4**

Joseph & Christina Mills

Residential Single-Family

Town Code Reference: §196-3(C)

Applicant request a variance of 3'10" to allow a swimming pool to be 6'2" from a principal structure addition located at 8340 Royal Ascot Circle.

Ryan Mills recused himself from Appeal No. 4. The proper paperwork will be filed with the Town Clerk's Office.

DISCUSSION: (transcription in progress)

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

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

With no one wishing to speak, Public Participation was closed for this item *(transcription in progress)*

ACTION:

Motion by Forest Rung, seconded by Steven Dale, to **approve** Appeal No. 4 as written.

ON THE QUESTION:

Mr. Rung noted that this is a unique request due in part to the shape of the pool being oblong. The shallow end and steps are the end closer to the house, leading people to assume nobody will be enticed to jump in to the pool from the house.

Mr. Krey added that in terms of any undesirable change in the neighborhood, or a detrimental impact to neighboring properties, he does not think that there is an awning in place that this will replace. Aesthetically, this will look much better and be an improvement.

Patrick Krey Aye Steven Dale Aye Forest Rung Aye

MOTION CARRIED

Ryan Mills returned to the dais.

Appeal No. 5

Dennis & Deb Waziak
Residential Single-Family

Town Code Reference:

- 1) Map Cover 3693
- 2) Map Cover 3693

Applicant requests variances:

- 1) of 10' to allow a principal structure front yard setback of 20' fronting Marguerites Way; and
 - 2) of 12' to allow a principal structure rear yard setback of 8';
- located at 5425 Briannas Nook.

DISCUSSION: (transcription in progress)

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

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

With no one wishing to speak, Public Participation was closed for this item *(transcription in progress)*

ACTION:

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

1. applicant utilize the foundation footprint of the home as submitted in Exhibit A- SP1.

ON THE QUESTION:

Mr. Krey stated that what makes this request unique, and distinguishes it from other requests, is that the lot is irregularly shaped with unique circumstances. In terms of encroaching on the setback to the north, that is permanent greenspace, there is no neighbor at that property. Mr. Krey does not feel that encroaching on the open property for their covered patio will not have any detrimental impact on any neighboring properties, or alter the character of the neighborhood.

Mr. Bleuer stated that based on conversation here, he understands that the floor plan's foundation lines are to be followed. There could be substantial modifications to the floor plan even if it fell within the 20', you are looking at the interior floor plan as submitted.

Mr. Bleuer added that to his understanding, the elevations have no conditions associated with them.

Chairman Mills responded that is correct, also his understanding.

The applicant has heard, understands, and agrees to the condition.

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

MOTION CARRIED

Meeting adjourned at 6:54 with a motion by Mr. Krey.

MOTION CARRIED

Amy Major
Senior Clerk Typist