

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday November 8, 2011
7:00 p.m.

Chairman Arthur Henning called the meeting to order at 7:00 p.m.

Zoning Board of Appeals members present:

Chairman Arthur Henning	Ryan Mills
David D'Amato	Robert Geiger
Patricia Burkard	

Town Officials present:

Director of Community Development James Callahan
Town Attorney Steven Bengart
Councilman Bernard Kolber arrived late

Zoning Board of Appeals members absent:

Vice Chairman Daniel Michnik

Other interested parties present:

Julie Rohan	Dan Rohan
Richard D. Perry	Dan Dietricifehm
Luke Fletcher	Tim Hammer
Frank Dec	Rajesh Chopra
Joseph Corigliano	Nancy Corigliano
Paul Cambria	Steven Grimaldi

Old Business

Appeal No. 3 (from September 2011 meeting)

Dan Rohan
Residential Single Family

- Requests the Board of Appeals approve and grant:
- 1.) a 2.21 acre variance to allow for a customary agricultural use on a property consisting of 2.79 acres.
 - 2.) A 160 square foot variance to allow for the construction of an accessory structure 360 square feet in size.

Both requests apply for the operation of a horse farm and construction of an associated accessory structure at 10680 Stage Road.

Appeal No. 3 is in variance to §229-47 (B) & 229-55 (H).

DISCUSSION:

Dan and Julie Rohan are in attendance for the third time, last two requests were tabled due to the interest in the longevity of the lease. Mr. Rohan said there is no change to the lease agreement since the last meeting. Town Attorney Steve Bengart said the request was tabled at the last meeting to allow the applicant to obtain a legal opinion. Attorney Bengart has not received any information regarding a legal opinion on this matter.

Mr. Rohan pointed out that he has the support of his neighbors.

Patricia Burkard viewed the property and found it in good condition but has a concern with setting a precedence if this variance is granted. There may be other residents in the Residential Single-Family Zone who have 2.5 or 3 acres and want to have horses as well. Mrs. Burkard understands that the current neighbors don't have a problem with the request but she is thinking of future neighbors and people in the neighborhood who are trying to sell their homes, potential buyers may be limited if they don't care for horses or if they have allergies. The horses could be boarded elsewhere. The variance is substantial since it is doubled. In response to Mrs. Burkard's question regarding the storage of the horse waste, Mr. Rohan said it will be put in the lower portion of his property, which is part of an old quarry. Mrs. Burkard said she would think the applicants would have checked to see if horses were permitted on the property before they purchased it.

The Board could set a condition limiting the granting of the variance to be extended only for the life of the two (2) horses. Mrs. Rohan said they would agree to reducing the structure to 200 square feet, this would allow 2 stalls; they would use the balance of the garage for tack and feed.

The horses would be roaming in the lower portion of the property which is about two (2) acres. The riding arena would be in the backyard and be about 80' x 120' in size. Generally, the horses are trailered to other facilities to show them. The gully area will be used for exercising the horses.

The horses are currently kept at the 23 acre family farm. Employment opportunities brought the Rohan's to this area a year ago. The thoroughbred's lip is tattooed; the thoroughbred and the other horse can be identified by the Coggins report. A Coggins report has photos of the horse and other information provided by the veterinarian. The thoroughbred is 23 years old; the other horse is 7 years old. The daughter of the owners is the primary rider and is 14 years old. Town Attorney Bengart said he thinks a condition can be set to include the life of the animals, however, he questions who will enforce this condition.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 3, request number 1, under Old Business, as written with the following condition:

- The variance would only apply for the life of the two (2) horses whose Coggins information is to be provided to the Town. Once the two (2) said horses are deceased the variance will expire.
- Proof must be provided to the Town within the next 30 days of a lease with the adjoining neighbor Mr. John Valby. This brings the acreage to over 5 acres; the lease will be in effect while the horses are alive.

ON THE QUESTION:

Mrs. Burkard asked if the condition prevents other residents from coming before the Board and asking for a similar variance. Town Attorney Bengart said he cannot confirm that.

Town Attorney Bengart said the reason the Board is considering this request is because of extraordinary circumstances that do not allow them to board their two (2) horses elsewhere based on the flooding in the Cobleskill area. Mr. Mills noted that the Board is entertaining the request because the lease provides for additional acreage; one of the horses is elderly and the fact that there will be no more horses on this property once these two are deceased.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 4 (from September 2011 meeting)

Innovision LED Displays/Frank Lazarus
Major Arterial

Requests the Board of Appeals approve and grant:

- 1.) a variance to allow for constant animation within an LED display board sign.
- 2.) a 43 square foot variance to allow for an LED display board 64 square feet in size.

Both requests apply to the installation of an LED display board at 4545 Transit Road (Eastern Hills Mall).

Appeal No. 4 is in variance to §181-2 (C) (5) & §181-3 (A) (2).

DISCUSSION:

Dan Dietrich works for the Eastern Hills Mall and is present. Also present is Richard Perry who has worked with Frank Lazarus on the installation, production and maintenance of the sign.

Chairman Henning explained that the request was tabled at last month's meeting because there was no representative from the Eastern Hills Mall in attendance.

Mr. Dietrich said he wants to have a screen at the entrances of the mall to promote the mall and provide advertising for the tenants of the mall.

Mr. Mills voiced his concern regarding the location of the sign. Mr. Perry said you will not see the proposed sign from Transit Road. Mr. Mills said it is the traffic within the mall parking lot in that area interacting with pedestrian traffic that concerns him.

The sign is fixed and the messaging can be stationery or play videos. It will be an advertising tool to display sales to incoming customers. Mr. D'Amato feels this is wasted signage as it appears to be a duplication of the signage that is out at Transit Road. The sign at Transit Road is clearly marked with the big stores names that are within the mall. Now the applicant wants to add a smaller version of what is

already on Transit Road. The applicant said this sign will advertise more than what is on Transit Road; it is for people walking to and through the mall.

The sign on Transit Road is of old technology and not up-to-date. The inside sign would display sales so customers could go directly to the store(s) that have special incentives. This sign would make the mall more competitive.

Mr. Geiger asked how many signs the applicant was looking to have approved. The applicant said originally two (2) signs were: one near Dave and Buster's and the other near Northwest Savings Bank. The sign would be set between two pillars and setback. The applicant said approval for one sign, at this point, would be great.

Mr. Geiger asked how long the display will hold for. The applicant said the format of the Lamar Digital Board signs are on an 8-10 second switch; this is probably how long the mall's sign would hold for. After 9:30 pm the sign could show only time and temperature or it could be a blank screen.

Town Attorney Steven Bengart clarified that the request is for one (1) sign.

The coloring of the sign can be any variation. The sign can be set to change and various times or it can be set to hold a message. The sign would blend into the facility.

The Eastern Hills Mall is paying for the sign.

Chairman Henning asked if the mall is currently profitable. The applicant said yes the mall is profitable and has been the past few years.

The proposed sign will probably not have the same advertising as those screens on the inside of the mall.

The applicant said there will be no strobing or flashing on the sign; it will be a professional sign.

It is clarified that the proposed sign location is near the Northwest Savings Bank, on the Transit Road side of the mall.

ACTION:

Motion by Robert Geiger, seconded by Arthur Henning, to **approve** Appeal No. 4, under Old Business, as written.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Nay
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 1 (from October 2011 meeting)

Verizon Wireless
Major Arterial

Requests the Board of Appeals approve and grant:

- 1.) a 43 square foot variance (3%) to allow a primary wall sign 253 square feet in size.
- 2.) a 30 square foot variance (4%) to allow a secondary wall sign 150 square feet in size.

Both requests apply to the installation of two (2) new building signs at a new commercial building at 6051 Transit Road.

Appeal No. 1 is in variance to § 181-5(F)(4).

DISCUSSION:

Chairman Henning noted that this variance was tabled from last month's meeting due to the Zoning Board's concern with the size of the signs. The Board asked the applicant to consider a smaller sign; the applicant would look into this request.

Luke Fletcher is representing the applicant. He stated that Verizon has invested a half million dollars in this location and the sign will help pull traffic into the location.

There was some confusion as to whether the sign was approved by a representative of the Town of Clarence. It was not. The applicant thought it was approved and sent the sign for production. It would be difficult to find another location for this size sign if the variance is denied.

Mr. Fletcher does not feel the sign would create a traffic issue. Verizon leases the property, they do not own it. If the request was denied Mr. Fletcher does not know what would happen.

Mrs. Burkard asked for clarification on the size of the sign. With the checkmark logo, which is mandatory for the Verizon sign, it is 253 square feet on the front and 150 square feet on the side.

Mr. Callahan noted that the Sign Review Board approved the 32 square foot monument sign.

Mrs. Burkard said if there is a sign out front on the property she does not understand why the letters on the building have to be so large. Mr. Fletcher said they have signs across the country and the larger letters bring in more business because it catches the eye.

Mr. D'Amato noted that at the last meeting the Board asked the applicant to be prepared to state what the smallest acceptable size sign would be. Mr. Fletcher said if they are not approved for this variance request it will be a whole different story. His main issue is the fact that the sign is already built. In response to Mr. D'Amato's question on how many stores Mr. Fletcher has opened, Mr. Fletcher said he opened sixteen (16) stores. Mr. D'Amato asked if it is protocol or smart business to order things before they are approved. Mr. Fletcher said no. The smallest size sign that Mr. Fletcher could live with is the size he submitted.

Mr. Mills suggested preserving most of the sign and just reduce the size of the checkmark. Mr. Fletcher said per his agreement with Verizon it is proportionate; he cannot change the size of the checkmark.

Mr. Fletcher said the smallest acceptable size is 170' on the front and 80'-85' on the side if they are unable to get this size approved.

ACTION:

Motion by Ryan Mills, seconded by David D'Amato, to **deny** Appeal No. 1, under Old Business, as written for the following reasons:

-when reviewing a request the Zoning Board of Appeals members are asked to look at New York Town Law §267 which consists of five (5) criteria as follows:

- There would be an undesirable change to the character of area if this variance was granted due to the excessive large signage.
- There are other methods the applicant could pursue to achieve the additional signage or marketing.
- The request is substantial based on what the Town Law requires.
- The request will have an adverse affect or impact on the physical environment in the area base on what is surrounding the area.
- The difficulty is self-created. The applicant leased the building, knew what the Sign Law was and chose to purchase/build the sign prior to obtaining the proper approvals.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

ACTION:

Motion by Ryan Mills, seconded by Arthur Henning, to **amend** Appeal No. 1, under Old Business, to allow for a 170 square foot primary wall sign and an 85 square foot secondary wall sign.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

New Business

Appeal No. 1

Dana Hammer
Residential Single Family

Requests the Board of Appeals approve and grant a 2' variance to allow for the construction of a 6' tall fence in the front yard space of a vacant lot at the southwest corner of Wehrle Drive and Connection Drive. Conditions would be the same material and color as the existing.

Appeal No. 1 is in variance to § 101-3(C) (2).

DISCUSSION:

Dana Hammer's brother Tim Hammer is present. Mr. Hammer explained that the property is low at the fence line and a 4' fence would not provide any privacy. There is a photo on file depicting this. The applicant wants a 6' fence to block more of Wehrle Drive and the traffic there. It would be a stockade fence and will match the existing fence.

Neighbor notification forms are on file.

Dana Hammer has owned the house for approximately 10 years.

Mr. Mills asked if the proposed fence will follow in alignment with the existing fence. Mr. Hammer said it drops down about a foot and a half due to the grade change, but will follow the same fence line. The fence will go 150' along the property line to provide more privacy for the applicant.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 1, as written, with the condition that the fence be the same material and color as the existing fence running along the southern property line of the applicant's residence on Connection Drive.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 2

Frank Dec
Residential Single Family

Requests the Board of Appeals approve and grant a 28' variance to allow a 19' front yard setback to the construction of a new addition to an existing garage at 5745 Martha's Vineyard.

Appeal No. 2 is in variance to § 229-52(A) (1).

DISCUSSION:

Frank Dec is present and explained he currently has a side load garage on his house. It is a small garage and he cannot park his vehicles in it. He needs more garage space so he can get at least one (1) car in a garage. His plan is to eliminate one (1) of the two (2) existing bays and put a two and a half car garage at the end of the driveway, it would be a 25' x 25' footprint. The total would be a 3 car garage on the property. The single bay that is being eliminated would expand the mudroom/laundry room from inside the home. Mr. Dec thinks it is actually a 25' variance not a 28' variance.

The siding and roof shingles will match the house. The northern elevation will have two (2) or three (3) windows. John Miosi will do the construction. Mr. Dec does not want to impact the chimney or the cathedral ceiling in the family room. The project is estimated to cost approximately \$38,000-\$40,000. There will be a slab foundation and nothing above the addition.

Neighbor notification forms are on file.

ACTION:

Motion by David D'Amato, seconded by Robert Geiger, to **approve** Appeal No. 2 as written.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

A representative for Appeal No. 3 is not present; the request will be put on hold at this time.

Chairman Henning noted that Appeal No. 4 in the name of Tim Graves has been withdrawn from the agenda at the request of the applicant.

Appeal No. 5

Rajesh Chopra
Planned Unit Residential Development (PURD)

Requests the Board of Appeals approve and grant a variance to allow for the installation of a sign on a mailbox measuring 3 square feet in area at 8241 Oakway Lane (Loch Lea Subdivision).

Appeal No. 5 is in variance to § 181-6 (F).

DISCUSSION:

Rajesh Chopra is present and explained that his wife is a clinical psychologist and until she is able to find an office for her practice she sees patients at their home office on Mondays and Saturdays. When the clients come for their appointments it is difficult to find the home office because it is in a residential area, a sign would help identify the property.

Mr. Chopra purchased the house in January 2011. He did not know that a mailbox sign would require a variance. When he bought the home he and his wife were not even sure if she would be practicing on her own. Mr. Mills asked if there were other similar signs in the neighborhood. Mr. Chopra has not seen any like it; however he has seen small signs stuck in the ground. The sign would be black with golden font. The address of the home is on the mailbox.

Neighbor notification forms are on file.

Mr. D'Amato asked if this is a temporary situation or is Mrs. Chopra going to be permanently practicing out of the house. Mr. Chopra said they intend to buy an office building, but there are financial issues they need to take care of first. He is hoping that next year he will be able to buy an office building.

Mr. D'Amato asked what type of patients Mrs. Chopra sees. Mr. Chopra said she does assessments for children with different types of mental illnesses such as depression or anxiety. Mr. D'Amato is concerned with what type of patients will be going into the neighborhood. He would feel more comfortable if this business was in a commercial setting rather than in a residential neighborhood. Mrs. Chopra does not take any criminal patients at her home.

It is clarified that a one and a half square foot sign is allowed in this area.

Mrs. Burkard does not understand why this request is necessary. Anyone coming to the applicant's home will be given a street address. A small sign could be hung under the mailbox as an identifier; it will not be difficult to find. Mr. Chopra said the name of his wife's business is too big to fit on a small sign. Mrs. Burkard said it doesn't fit in the character of the neighborhood.

Chairman Henning voiced his concern regarding the size of the sign and that it would be a commercial sign in a residential neighborhood; he feels it would detract from the quality of the neighborhood. He does not want to set a precedent.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **deny** Appeal No. 5 as written based on the following:

-when reviewing a request the Zoning Board of Appeals members are asked to look at New York Town Law §267 which consists of five (5) criteria as follows:

- There would be an undesirable change in the character of the neighborhood. There are approximately 400 homes in this neighborhood and none of them have commercial signage.
- The notice to potential patients can be achieved by some other method through normal address signage on the house or GPS or providing better directions.
- The request is substantial as the sign is in excess of what is permitted.
- The request will have an adverse affect or impact on the physical environment in the area because there are no other signs in the surrounding area. It is a commercial sign in a residential neighborhood.
- The difficulty is self-created. The applicant acknowledged that he bought the home a year ago and did not look into the Sign Law requirements.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 6

Nancy and Joseph Corigliano
Agricultural Rural Residential

Requests the Board of Appeals approve and grant a 520' variance to allow a 575' front yard setback for the construction of a new primary residence at 6155 Salt Road.

Appeal No. 6 is in variance to § 229-41 (A).

DISCUSSION:

Joseph and Nancy Corigliano are present. Sean Hopkins of Hopkins & Sorgi PLLC is also present and representing the applicants. Mr. Hopkins distributed a packet of information to the Board members and referred to them during his presentation. A copy of the packet is on file. The parcel is 8.7 acres and the Corigliano's want to build a single family home on it in which they will reside. The zoning code because of the existing setbacks of the homes on the east side of Salt Road would only allow a 55' front yard setback. There is only one place on the parcel that a home could be built without relief from the Zoning Code, and it would be a small house. The Corigliano's want to build a 3500-4000 square foot house with a two (2) or three (3) car attached garage. Mr. Hopkins noted that the minimum lot size for a non-sewered lot in the Agricultural Rural Residential Zone is 1.33 acres, this parcel is 8.47 acres. The proposed home will only occupy seven-tenths of one percent of the entire project site; it is a very low intensity use given the size of the parcel. The home will comply with all other setback requirements. Mr. Hopkins said there are substantial benefits to granting this variance: 1. The applicant can move forward with their plans, 2. The home will be in a much better location than if it was forced into the small area to the north of the existing driveway, 3. It will allow the rural character of that parcel and the surrounding area to be maintained.

Mr. Hopkins referred to the five (5) criteria that the Zoning Board refers to when reviewing a request. Granting the variance will not produce an undesirable change in the character of the neighborhood nor will it be a detriment to the nearby property owners. There are homes in the neighborhood that are in similar situations. This parcel could be developed as a 4 lot open development area but that would be inconsistent with the Corigliano's objective of building a single family home on this lot. The Corigliano's plan on leaving most of the vegetation in place. This project is a Type II Action and is not subject to review pursuant to the State Environmental Quality Review Act. The alleged difficulty was not self-created as the parcel is an irregular shape and has not been changed since the purchase in 2009. Mr. Hopkins also asked the Board to consider the barn which existed at the time the Corigliano's acquired the parcel.

Mr. Hopkins explained that in 2010 the Zoning Board of Appeals granted a variance to allow a 16' x 16' shed to be built on the property.

There are six (6) neighbor notification forms are on file.

The driveway will be alongside the barn.

Mr. Mills said the amount in terms of feet of the variance is substantial. He asked if the applicant thought of any other locations other than the one depicted on the aerial photograph. Mr. Corigliano said they did consider other locations however one location would be in direct view of the barn. Another location would negatively impact the neighbors who are avid bow hunters. Mr. Mills suggested bringing the location closer to Salt Road as that would bring the house closer to conformity with the average setback in the area. Mr. Hopkins agreed but noted that location would cause more impacts. Mr. Hopkins said the applicant would be open to significant screening in terms of landscaping the west side of the property. Mr. Corigliano said he has already planted twelve (12) Norway Spruces there. This will shield the view shed of 6135 Salt Road.

Mr. Mills asked the applicant what would be the next step if this variance is denied. Mr. Corigliano said they would probably sell the property. They are speaking with a builder; plans would be to start building in the Spring of 2012.

There is a letter in the file from the owners of 6161 Salt Road in which concerns regarding view shed and privacy were noted. Mr. Hopkins said there is much vegetation between the proposed home's location and 6161 Salt Road, the house will not be visible.

Chairman Henning asked for clarification on a pond. Mr. Corigliano said they may want to install a pond in the future; however it is not a part of this request.

The applicant is willing to put more landscaping in if the Board makes it a condition.

ACTION:

Motion by Arthur Henning, seconded by Patricia Burkard, to **approve** Appeal No. 6 as written, with the following condition:

-twelve (12) more spruce trees are to be installed near the 6135 Salt Road property line prior to receiving the Certificate of Occupancy.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 7

Gianni Mazia's Restaurant/Paul Cambria
Traditional Neighborhood District

Requests the Board of Appeals approve and grant:

- 1.) a variance to allow for an LED sign board in the Traditional Neighborhood Sign District.
- 2.) a 29.5 square foot variance to allow a 49.5 square foot sign in the Traditional Neighborhood Sign District.

Both requests apply to the installation of a new LED sign at 10325 Main Street.

Appeal No. 7 is in variance to § 181-3(D) (5) and § 181-3 (D) (2).

DISCUSSION:

Paul Cambria is present, he is owner of the property. He explained that if the variance is granted there will be less square footage on the new sign than there was on the old one. Mr. Cambria referred to pictures of the neighborhood and provided copies to all Board members. The pictures are on file. Mr. Cambria said the part of Clarence in which he is referring to is all commercial and has a mish mash of signage on the various parcels. He bought the building three (3) years ago and spent a lot of money rehabbing the building. He is proud of the building and wants to make it nice. Everyone considers the Hollow to start at the park on Main Street. His building is really in a commercial area. Dash's and Passport Liquors applied for an LED sign and it was granted, they are in the Harris Hill Traditional

Neighborhood District. Kenyon's and Orazio's each have LED sign as well. Mr. Cambria wants his business to remain competitive. He does not want a rapidly changing sign; he wants the message to stay the same for a significant period of time so people can see what he is offering. There will be no scrolling or flashing. His sign will cost \$20,000. He is proposing bricks and stone to replace the pipe that is there. He is not changing the character of the neighborhood.

Mrs. Burkard clarified that the neighborhood only appears to be commercial; it is not zoned commercial, if it was Mr. Cambria would not need a variance. She voiced her concern with regards to setting a precedent in the Traditional Neighborhood district, if this variance is granted.

Mr. Cambria would advertise Clarence Hollow activities on his sign.

The sign would hold for at least 30 seconds; this is a requirement in the Sign Code. There will be no message on the sign once the business is closed for the night. The base of the sign would be a dry stacked stone. Mr. Cambria does not have a problem if the variance has a condition set to include the stacked stone base.

Mr. Mills asked if the applicant would consider a smaller LED sign. Mr. Cambria said the proposed sign is the smallest available.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 7 as written with the condition that the base of the sign structure be a stacked stone that runs from the base elevation of the ground up to the LED sign with whatever flashing/cladding is necessary on the threshold between the LED sign and the stone.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 8

Steven Grimaldi
Agricultural Rural Residential

Requests the Board of Appeals approve and grant a 5' variance to allow a 5' side yard setback for the construction of a detached accessory structure (shed) at 6435 Landstone Drive.

Appeal No. 8 is in variance to § 229-44 (F) (2).

DISCUSSION:

Steve Grimaldi is present and explained that there is a set of indigenous trees that he would like to save. If the shed was setback 10' he would have to cut some of those trees down, he does not want to do that.

Neighbor notifications are on file. Mr. Grimaldi spoke with both neighbors and neither have a problem with the request.

The shed material would be wood, T-111 and would be a barn style shed. There would be a total of six (6) windows. The door to the shed will be six feet (6'). The shed would be used for storage of lawn maintenance equipment, hockey equipment and bicycles.

ACTION:

Motion by Ryan Mills, seconded by Arthur Henning, to **approve** Appeal No. 8 as written.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 3

Lawrence Duff Jr.
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) a 4' variance to allow for a detached accessory structure 20' in height.
- 2.) a variance to allow for the construction of a detached accessory structure exceeding 400 square feet in size that is constructed with materials and features not similar to the principal structure.

Both requests apply to the construction of a new detached garage at 9201 Roll Road.

Appeal No. 3 is in variance to § 229-55(E) (2) and § 229-55 (F).

DISCUSSION:

There is no representative present for this appeal.

ACTION:

Motion by Arthur Henning, seconded by David D'Amato, to **table** Appeal No. 3 as written until the applicant can be made available to attend a Zoning Board of Appeals meeting.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Motion by Arthur Henning, seconded by David D'Amato, to **approve** the minutes of the meeting held on October 11, 2011, as written.

Patricia Burkard	Aye	Robert Geiger	Aye
David D'Amato	Aye	Ryan Mills	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Meeting adjourned at 9:33 p.m.

Carolyn Delgato
Senior Clerk Typist