

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday June 14, 2011
6:30 p.m.

Chairman Arthur Henning called the meeting to order at 6:30 p.m.

Zoning Board of Appeals members present:

Chairman Arthur Henning	Vice-Chairman Daniel Michnik
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

Other interested parties present:

Noel Dill	Paul Stephen
Ken Pearl	Dan Singer
Rick Smith	Tim Smith
Paul Schulz	Kevin Petho
Sean Glenn	Sam Yi
Lily Gorski	Jim Rzyruowski
Joseph Reif	Jim Schlabach
Greg Hartwig	

Old Business

Appeal No. 1

Stephen Development/Noel Dill
Residential Single Family

Requests the Board of Appeals approve and grant four (4) variances consisting of an 18.2' variance each to allow for the creation of four (4) building lots having 106.8' of public road frontage spanning between 4905 and 4915 Kraus Road.

Appeal No. 1 is in variance to § 229-50 (A).

DISCUSSION:

Chairman Henning explained that Mr. Dill, representing Stephen Development, was present at last month's ZBA Meeting and presented this request. At the time of that meeting, the Board decided to table the discussion, pending more information regarding the type of homes Stephen Development was planning to build on the property. Mr. Dill explained that there were no plans to blast the area for construction. The plan for the property is to build four, three bedroom, two-story homes with a two-car garage with varying square footages (between 1850 – 2400 sq. ft.) He presented possible floor plans to the

Board. His plan is to raise the southernmost lot, then build two homes (one modular and one stick build) to decide which type of construction is superior and decide which type will be used to build the other two homes. Mr. Dill feels as though these homes would be consistent with the style of other homes in the neighborhood. Each of these homes would have approximately 106' of road frontage, which, Mr. Dill pointed out, is larger than many of the lots surrounding them. Paul Stephen expressed that his desire is to build homes that are affordable but still makes sense in that area.

Mr. Geiger asked how much the homes will cost. Mr. Stephen said between \$260,000-\$299,000. He explained that constructing basements in a rocky area is difficult work and would result in a higher cost to build. He believes this will help that area of Kraus Road. He has no intention of selling the lots to a builder. The homes will be sold; there will be no rentals. Mr. Stephen said he plans to build two homes at once. One home will be modular and one home will be stick built. He will see which type of build makes more sense for the construction of the remaining two homes. He explained that the modular-type home would be delivered and then constructed on-site, and would follow all local Building codes.

Mr. Dill explained that there would be approximately 65' in between each home. He believes that the construction of these homes will benefit the neighbors by increasing their property value. The homes will be landscaped and attractive. They will also be energy efficient.

Mr. D'Amato thinks that constructing four homes in that area is too much. Mr. Stephen explained that there is a cost to take down the existing homes and for them to construct any fewer than four homes would be too financially straining. There is a lot of cost to demolishing the homes that are currently on the property, on top of the cost to build the new homes. To build fewer than four is not a possibility for them. Mr. Dill said these lots would be the largest on the block and would have more open space than the lots surrounding them.

Mr. Mills shared the concerns of Mr. D'Amato. He agreed that the lot size would match well with the immediately surrounding properties. But, if the entirety of Kraus Road is considered, as well as nearby streets, the lots in question would be significantly smaller by comparison. He asked if the applicants are representatives of Champion Homes. They are.

Mr. Michnik asked if Mr. Stephen intends to hold the mortgages on the homes. Mr. Stephen responded that he expects the homes to sell very quickly to conventional mortgage holders. He plans to build the first two homes and own them until they sell. He does not intend to hold the mortgages on the homes, and plans for the future occupants of the homes to secure their own financing.

Mr. Michnik asked if there had been any concrete interest from any potential buyers of these proposed homes. Mr. Stephen said that he has heard from many people who are looking to buy their own home, who want new, reliable and economical options. He believes that this project fits their needs.

Mr. Michnik asked the applicants if they knew of any hazardous materials used in the homes that are to be demolished. They don't know of any currently, but understand that in following the legal demolition process that they may find some to be inexistence. They stated that they would then deal with these hazardous materials in the proper manner before demolition. It was asked if either of the homes proposed for demolition has historic importance. Mr. Dill does not believe them to be historic, but would be willing to go through the review process if necessary.

The applicants said they did have approval from both neighbors, and one of the neighbors even came to the last meeting to speak positively for the project. Mr. Stephen intends to build a fence at the adjoining property. The driveways will be blacktop.

There were concerns about drainage and water crossing over the street into other properties. The applicants stated that they fully intend to take care of any potential drainage issues, and follow all Town requirements when installing drainage. Mr. Dill believes that this project may actually improve the drainage in the area.

Mr. Michnik asked if Mr. Stephen had intention to ever rent these properties. To which Mr. Stephen responded that he does not intend them to be rentals. He does own rentals in other parts of Clarence, but that is certainly not his intention with this project.

Chairman Henning asked when the applicants intended to begin construction, should their variance be approved immediately. Mr. Stephen intends to demolish the home that is there and build the initial two homes within the next year. Mr. Dill pointed out that the rest of the process that they need to complete before proceeding would likely take a minimum of three months. It was asked what the applicants would do with the property if their variance was denied. Mr. Stephen responded that he would probably remodel one of the older homes that currently stands on the property and would turn it into a rental. He is unsure what he would do with the other home on the property, because it is in such disrepair.

Chairman Henning asked Mr. Stephen if he knew that the property was substandard lots when he bought it. Mr. Stephen said that he was not aware that he would run into a problem.

Mr. Michnik asked if the applicants would be comfortable with the Board placing a restriction on the square footage of the homes that will be built on the lots. Mr. Dill responded that he would be agreeable to a restriction on the initial build, but would like the future owners of the homes to not be restricted from adding any additional square footage to their home once purchased.

ACTION:

Motion by Daniel Michnik seconded by Arthur Henning, to **approve** Appeal No.1 under Old Business with the limitation that no home built would exceed 2250 square feet of living space. Also requiring that the two existing homes on the property be removed (the first home shall be removed within one year of this approval). Four (4) single-family homes are to be built on the property and will not be used as rental properties. Of the two homes built initially, one must be stick built and the other must be modular.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Nay	David D'Amato	Nay
Robert Geiger	Aye		

MOTION CARRIED.

New Business

Appeal No. 1

Clarence Properties/Ken Pearl
Commercial

Requests the Board of Appeals approve and grant four (4) variances to allow for the development of a Commercial Plaza at 6235 Goodrich Road:

- 1.) A 21.5' variance to allow for a 23.5' front yard setback for the construction of a new commercial building.
- 2.) A 15' variance to allow for a 10' side yard setback for the construction of a new commercial building.
- 3.) An 8' variance to allow for a 17' rear yard setback for the construction of a new commercial building.
- 4.) A 7% variance to allow for 77% total lot coverage for the construction of a new commercial development.

Appeal No. 1 is in variance to § 229-87 (C) (1), (2), (3) and § 229-90.

DISCUSSION:

Rick and Tim Smith, owners of the Clarence Pizza Company and Clarence Properties, Ken Pearl, from Architecture Unlimited, who is serving as the architect for the project, and Paul Shultz, council to the applicants, are present.

Ken Pearl explained that on the south side of the current structure of the Clarence Pizza Company, the applicants are hoping to build an addition to serve as a banquet room. On the front of the structure, there is currently awning framing that is usually covered with fabric. This fabric has been damaged multiple times in storms, and the applicants wish to replace it with a permanent roof. It will remain an open eating area, but will be permanently covered. In the grassy area to the north of the structure, the applicants are proposing to build a retail plaza, with second story residential above it, similar to the style of the current Clarence Pizza Company structure. Their intention is to build structures consistent with the other structures currently present in Clarence Center.

Mr. Michnik asked how important the front part of the commercial plaza was to the construction of the structure. He asked the applicants if they would be willing to remove it from the plans if asked. They responded by saying that they would have to consider it very thoroughly. Mr. Michnik asked if the applicants were intending to put apartments in the second story of the building. They do intend to do so. He then inquired as to whether or not the parking spots fit the requirement so of the town. The applicants were short by a couple of spots in their first application, but that they adjusted the parking to be in compliance. Mr. Michnik then asked if the applicants planned to construct a separate parking area for snowmobiles along the trail and would their parking in the area cause a disturbance to renters in the apartments. The applicants insisted that the trail is a marked trail, and any new renters would be aware of

the presence of the trail in advance. Mr. Michnik then asked if they had any idea who would be renting the commercial properties. The applicants have been approached by a lawyer looking for office space, as well as two retail establishments. They are not planning to allow any restaurant or dining renters, as it would compete with their business. He then asked how important covering the front area of the existing Clarence Pizza Company structure was to the applicants. The owners have been approached many times by clientele who want to dine outdoors, and are requesting an outside cover. The insurance company will not cover the replacement cost of the awning after it has been replaced twice (which it has). He then asked if the applicants were completely locked in to the size of the banquet addition. The applicants responded that they were. The addition is not worth doing if it isn't big enough to generate the income needed to pay for itself. The larger the addition is, the more income it can produce.

Mr. Mills finds the front yard and side yard setbacks to be problematic. He would like the applicants to show some flexibility with their proposal. He would like to see the applicants adjust the front module to be in line with the rest of the building, by removing the five (5) foot offset to the north. The applicants seemed to be in support of adjusting the plan to suit this change. It was suggested that they also remove the five (5) foot variance on the next section of the building as well. To this point, Mr. Pearl responded that they would have to revisit the business plan to see if such a change would affect the rentability of the units. He stated that to move the building further from the north property line towards the southern property line would encroach on parking space. He would like to see additional evaluation in order to attempt to reduce the variances.

Mr. D'Amato asked the applicants how many storefronts they intended to have at project completion. They are flexible with the amount, but would hope to have somewhere between 3 – 5 commercial rental spaces available. Starting at the front of the building and continuing throughout the first floor. They intend there to be four apartments on the second story of structure. All entrances to the commercial units will be facing the parking lot area. In order to avoid blocking the sign for Big Sings, the applicants intend to keep the landscaping low-profile, and instead of building a sign, will include more ornate brickwork into the front of the building. They intend to put the signage for the occupants of the units on each individual building, and would perhaps apply for more signage at a later time. Mr. D'Amato asked about what type of lighting they were planning to use in the parking lot. Mr. Pearl said that they were planning to use low-profile lighting, and focusing it towards to back of the parking lot. The remainder of the lighting would be come from the storefronts and would serve primarily as security lighting. The light from the town property next door also lights the area of the property in question. Mr. D'Amato inquired about the existing driveway to the south of the Clarence Pizza Company structure, which the applicants said would be removed. The applicants have approached the town about sharing the driveway that they currently have in place to serve the Building & Engineering Departments. Town officials are aware of this suggestion but the proposal is only in a very early stage. The applicants are interested in using this shared driveway as a way to streamline truck delivery, not to serve as a public entrance.

Mr. Geiger asked about the existence of the retention pond to the South of the Clarence Pizza Company structure. The applicants had decided to build a separate pond to use instead of using the same one that the town uses, although it lays partially on the applicants' property. Mr. Geiger asked if it would be fenced in, out of concern for the snowmobilers that frequent the area. The applicants plan to use a similar method that the town uses for their retention pond by placing large rocks around the edges of the pond, so that its location will be able to be determined even during the winter months. Mr. Geiger then asked if the DEC had been consulted concerning the implications of building housing so close to the town fuel station to the East, and if there was any underground tanks that would cause concern. The applicants believe the town fuel is stored above ground, and that they have a containment system in place. The applicants had

received a DEC review when purchasing the property as required by the IDA and their financial institution, all of which have come up negative. There is an abandoned tank in the ground, which has been determined to not cause environmental concern, only an engineering complication. Mr. Geiger inquired as to why the application stated that there were plans for eight (8) apartments, when the applicant had implied that only four (4) would be built. The applicants explained that the initial application included four (4) apartments for the first section of the building, and that they will likely be unable to fit an additional four (4) in the second part of the building, so that the total number of eight (8) apartments may not actually come in existence. They applicants haven't begun a design plan for the apartments, so they are not sure how many units they will be able to construct. Mr. Geiger asked about the seating capacity of the banquet addition to the Clarence Pizza Company building. Mr. Pearl was unsure about the final number, but estimated it to be around 60 people. The capacity would not be increased enough to even require an increase in restroom size. Mr. Geiger inquired about the anticipated cost for the project. The applicants responded with an estimation of around 2 million dollars.

Mr. Henning inquired as to how the applicants would proceed if they were to deny two out of the four variance requests. The applicants stated that they would have to reevaluate their plan, and changes may prove to be unfavorable to their margins. The applicants stated that the setback variances for the front and side yards are the priorities to their project.

Dan Singer, 6251 Goodrich Road, spoke to the character of Tim and Rick Smith. He voiced his general support of the project and what the applicants are planning to do, but he voiced concerns over sitting water in the area between his establishment and the current Clarence Pizza Company building. He also pointed out that the area where his patrons enjoy their ice cream would be very close to the new buildings, if built as requested. He said that he would be in acceptance of a 17' setback, but that 10' would not suit the operation of his establishment. He was also concerned with the visibility of his establishment from the road. He feels that the plan as proposed would reduce his visibility from the street, and that potential patrons would drive past his establishment before they get a chance to see it. He also believes that the snowmobilers would park their vehicles on the nearest open land, which would be his property. Although his operation is seasonal, he does not want the liability of people on his property.

Mr. Geiger asked about the construction of the bumped out area of the building on the eastern end. The applicants stated that this would be an enclosed bay window.

Mr. Michnik asked Mr. Shulz if there was anything that could be done to reduce the liability of Mr. Singer in reference to snowmobilers parking on his property. The applicants responded that they plan to work in cooperation with the association which operates the trail in order to produce appropriate signage to reduce the likelihood of snowmobilers parking on Mr. Singer's property. The applicants also plan to work with the town in order to make arrangements for the designated snowmobile parking location for the trail that is suitable for all parties involved.

The applicants then addressed the drainage issue brought up by Mr. Singer. They agreed that there is an influx of excess water which collects in the area. This water excess is caused by the open field behind the property and the fact that it is gently sloped. The applicants have already been in contact with the town engineer, Tim Lavocat, as well as their own civil engineering team, to remedy this problem. If a surface retention solution proves to be inadequate, they plan to install a large underground pipe system to deal with the water. They acknowledge that their plans must be approved both by the Town of Clarence and Erie County.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 1 as follows:

- the first request is granted with a 1.5' variance to allow for a 43.5' front yard setback for the construction of a new commercial building.
- the second request is granted with a 5' variance to allow for a 20' side yard setback for the construction of a new commercial building.
- the third and fourth requests are granted as is.

ON THE QUESTION:

Mr. Michnik does not have a problem with cutting the building front at an angle.

Mr. D'Amato suggested the applicant review the proposed location of the building, perhaps so many variances would not be needed if the building was moved.

Motion **amended** by Ryan Mills, second **amended** by Daniel Michnik, to **table** Appeal No. 1 in order to give the applicants time to reevaluate their design plan as it pertains to the discussion.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Aye	David D'Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Appeal No. 2

Krislyn Development Company/Rocco DelGrosso Restricted Business	Requests the Board of Appeals approve and grant a 5' variance to allow for a 20' side yard setback for the construction of an addition to an existing commercial building at 6221 Transit Road.
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Appeal No. 2 is in variance to § 229-79 (B) (2).

Appeal No. 2 has been withdrawn per request of the applicant. The request is in writing and the letter is on file.

Appeal No. 3

Sean Glenn
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A 280 square foot variance to allow for the construction of a 480 square foot detached accessory structure.
- 2.) A variance to allow for both an attached and detached garage.
- 3.) A 9' variance to allow for an accessory structure 25' in height.

All requests apply to the construction of a detached accessory garage at 6605 Yorktown Circle.

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

DISCUSSION:

Sean Glenn, property owner, is present. His intention is to build an extra garage on his property.

Mr. Geiger asked if any of the neighbors had an issue with the proposed garage. Mr. Glenn said that no one expressed any issue with it. Mr. Geiger noted that, in driving through the neighborhood, he noticed that there are no other structures of similar size nearby. Mr. Glenn pointed out that there is one neighbor with a similarly sized structure, which was approved by the board three years ago. This case was unique because the structure was built into a wooded area, backing to the highly trafficked County Road.

Mr. D'Amato asked if Mr. Glenn currently owned the vehicles that he was planning to store in this garage. Mr. Glenn does currently own two collectable vehicles that he desires to store away from other vehicles and storage items. Mr. D'Amato asked if the garage would be detached, and had the applicant considered having it attached to the existing structure. Mr. Glenn said that it would be detached, and in speaking with contractors it was decided that an attached garage wouldn't make sense. Mr. Glenn plans to have the new garage match the style of the existing house.

Mr. Mills asked about the exterior materials the applicant planned to use. Mr. Glenn plans to use materials to match the other structures on the property- with dormers, a brick base, and siding down the side. There will be a single overhead door. Mr. Mills asked if this structure could be completed with any less square footage, because what the applicant is requesting seems large. Mr. Mills is concerned with the property behind Mr. Glenn's and the proximity to their property. Mr. Glenn pointed out that there are several 15 ft. arborvitae between the two properties. Mr. Mills asked if Mr. Glenn would be opposed to adding landscaping. Mr. Glenn was not opposed to that.

Mr. Michnik asked Mr. Glenn his reasoning behind his height request. Mr. Glenn said that he wants to match the aesthetic of the existing home. He applied for a 25' variance, but will probably only pitch the roof at 23'. Mr. Michnik asked what his plans were for finishing off the interior second floor area. Mr. Glenn has not made those plans as of yet.

Mr. Glenn would like to start construction as soon as possible.

Mr. Geiger asked if there were any development restrictions enforced by a homeowners association in the community where Mr. Glenn lives. There are not.

ACTION:

Motion by Ryan Mills, seconded by Arthur Henning, to **approve** Appeal No. 3 with the following conditions: that the applicant strive to match the architectural characteristics of the existing structures on the property (two dormers, siding matching the existing house's siding, brick lower façade on the western side of the garage) and the addition of rear landscaping at the homeowners discretion.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Nay
Ryan Mills	Aye	David D'Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Appeal No. 4

Sam Yi
Residential Single Family

Requests the Board of Appeals approve and grant a 35.5' rear yard setback to a principal structure at 6425 Landstone Drive.

Appeal No. 4 is in variance to § 229-52 (C).

DISCUSSION:

Sam Yi, the homeowner, is present. Prior to the discussion beginning, the applicant decided to amend their request to ask for an additional five (5) ft. of variance. He said that after he staked the property, he realized that the original request would not be sufficient. Mr. Yi said that he would rather wait until the next meeting in order to request the additional five (5) ft, rather than have the board vote on the original request, which does not allow him the space that he desires.

ACTION:

Motion by Daniel Michnik seconded by Robert Geiger, to **table** Appeal No. 4 in order to allow the applicant to redraw his plans for his addition, stake the property, and republish the public notice at his own expense. He will also need to get the neighbor notifications resigned with the new numbers on them.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Aye	David D'Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Appeal No. 5

Lily Gorski
Agricultural Floodzone

Requests the Board of Appeals approve and grant a 3’ variance to allow for a detached accessory structure (shed) to be placed 2’ from a side property line wholly within the rear yard space of a residential lot at 9643 Tonawanda Creek Road.

Appeal No. 5 is in variance to § 229-34 (F) (2).

DISCUSSION:

Lily Gorski, the property owner, is present. Jim Rzyruowski, home occupant, is also present. Ms. Gorski would like to extend her current garden, and would like to maximize the space of the garden while providing sufficient room to access the shed.

Mr. Mills asked what material Mrs. Gorski intends to use for the shed. She intends to use wood primarily, but is shopping around different companies so hasn’t formally decided the material or design that she will use. Neighbor notifications were collected.

ACTION:

Motion by Daniel Michnik, seconded by Robert Geiger, to **approve** Appeal No. 5 as written.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Aye	David D’Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Appeal No. 6

Joseph Reif
Residential Single Family

Requests the Board of Appeals approve and grant a 25’ variance to allow for a 35’ front yard setback for the construction of a new residence at 10925 Stage Road.

Appeal No. 6 is in variance to § 229-52 (A) (3).

DISCUSSION:

Joseph Reif was present. He believes that the project may not go forward if he is not granted this variance. There is a 20 foot cliff at the rear of the property, and the plan for the house currently has it set back as far as possible. Mr. Reif presented neighbor notifications from 10949 and 10915 Stage Rd.

Mr. Michnik noted that he did not see stakes on the property. Mr. Reif insisted that the lot was staked, but because of the overgrowth of the lot, the stakes were not easily seen. Mr. Michnik asked what type of house Mr. Reif was planning to build. He plans for it to be a two-story.

Mr. Mills asked about the square footage. The applicant plans for the home to be around 2300 square feet. The applicant plans to either have the home built by CMK Builders or will contract it out himself. He has owned the property for five (5) months. Mr. Reif needs this variance because he is unable to move the

house back any further without serious excavation, which will be expensive. The denial of the variance would cause financial hardship.

Mr. D'Amato asked if the house would be angled. Mr. Reif said that it would be slightly angled, because all the lots are angled from the road.

Mr. Geiger notes that the proposal would line up with other houses on the street. The parcel is 7 acres and was bought by the applicant for \$54,000. Mr. Reif had a soil test done prior to purchasing the land.

ACTION:

Motion by Daniel Michnik, seconded by Robert Geiger, to **approve** Appeal No. 6 as written.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Aye	David D'Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Appeal No. 7

James Schlabach
Residential Single Family

Requests the Board of Appeals approve and grant a 524 square foot variance to allow for an attached garage totaling 1,484 square feet for the construction of an addition to an existing attached garage at 10721 Greiner Road.

Appeal No. 7 is in variance to § 229-55 (D).

DISCUSSION:

Jim Schlabach is seeking this variance in order to build a garage to protect his motor home. He intends for the roof and siding of the new structure to match the existing garage.

Mr. Geiger asked if Mr. Schlabach was planning to work with the existing concrete slab that is there. Mr. Schlabach said that he was.

Mr. D'Amato asked if Mr. Schlabach was planning to enclose the area with walls. He is not; it will be an open area similar to a car port.

Mr. Mills stated that if the applicant was planning to build walls enclosing the structure that he would be less inclined to support it. Due to the fact that this could be a multi-purpose area for any future owner, he is more in approval of it.

Mr. Michnik requested neighbor notification forms. Mr. Schlabach had gotten neighbor notification forms signed by the neighbors on either side of him (10731 and 10707 Greiner). The Town of Clarence is the neighbor across the street.

Mr. Schlabach wants to extend the existing pad 2.5 ft. to accommodate his motor home size.

Mr. Michnik asked if Mr. Schlabach would have any issue with the Board placing a stipulation on the variance which restricted him from enclosing the area in the future. Mr. Schlabach agreed, but asked if he could re-approach the Board in the future if his feelings change.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 7 with the condition that the structure not be enclosed.

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Aye	David D'Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Appeal No. 8

Greg Hartwig
Agricultural Floodzone

Requests the Board of Appeals approve and grant

- 1.) A 1.35' variance of the Base Flood Elevation Law to allow for a finished garage floor elevation of 589.45' for the construction of an attached garage addition.
- 2.) A .40' variance to the Base Flood Elevation Law to allow for a first floor entry level finished floor elevation of 590.40' for the construction of an addition to an existing primary residence.

Both requests apply to 8090 Goodrich Road.

Appeal No. 8 is in variance to § 107-5 (C)(1).

DISCUSSION:

Greg Hartwig, the owner of the property, is present. Mr. Hartwig has a current garage which is connected to a driveway that slopes towards it. This results in water flowing into his current garage. He is applying for this variance in order to build a new garage that will not be subject to the water intrusion.

Mr. Geiger asked if there were any drains planned for the garage floor. Mr. Hartwig responded that there weren't, but that the concrete would be sloped in case water presented a problem in the future. Mr. Geiger asked if there was a builder picked out. Mr. Hartwig intends to do much of the work himself, because he is a carpenter.

Mr. Henning asked if there was an existing shed on the property. Mr. Hartwig said that there was, but that he was in the process of tearing it down. He didn't want to tear it down immediately because he was still using it for some storage, but that it would be completely town down with the construction of the new garage.

ACTION:

Motion by Robert Geiger, seconded by David D'Amato, to **approve** Appeal No. 8

Chairman Arthur Henning	Aye	Vice-Chairman Daniel Michnik	Aye
Ryan Mills	Aye	David D'Amato	Aye
Robert Geiger	Aye		

MOTION CARRIED.

Motion by Arthur Henning seconded by Ryan Mills, to **approve** the minutes of the meeting held on May 10th, 2011, as written.

Robert Geiger	Aye	David D'Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Meeting adjourned at 9:00 p.m.

Carolyn Delgato
Kelly Klemann