

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, July 14, 2015
7:00 p.m.

Chairman Daniel Michnik called the meeting to order at 7:00 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik	Vice-Chairman Ryan Mills
David D'Amato	Patricia Burkard
Gregory Thrun	Richard McNamara

Town Officials present:

Director of Community Development James Callahan
Deputy Town Attorney Steven Bengart

Motion by Gregory Thrun, seconded by Patricia Burkard, to **approve** the minutes of the meeting held on June 9, 2015, as written.

Gregory Thrun	Aye	Patricia Burkard	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Other interested parties present:

Scott Snyder	Martin Tornabene	Chris Ignatowski
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New Business

Appeal No. 1

Scott Snyder
Residential Single Family Zone

Requests the Board of Appeals approve and grant:

- 1.) A 136 square foot variance to allow for a 336 square foot detached accessory structure.
- 2.) A 2' variance to allow for an 18' tall detached accessory structure.

Both requests apply to 8100 Miles Road.

Appeal No. 1 is in variance to §229-55(H) and §229-55(E)(2).

DISCUSSION:

Scott Snyder is present and submitted two (2) neighbor notification forms, they are on file. He explained that the existing structure is falling apart and he would like to replace it. The proposed structure will provide storage area and there will be a loft on the second floor for his wife to do her arts and crafts. His wife will not be selling anything out of the structure, it is just a place for her to leave her craft items out and not have to take it apart every day because they have a small house. The existing garden will be removed. With the pitch of the roof it will be just under 18' high. The siding on the structure will be vinyl and will be light gray. Mr. Snyder submits copies of his plan, they are labeled exhibits 1, 2 and 3. He will build the structure himself. He will put landscaping on the side of the structure.

Mrs. Burkard asked if there will be electricity in the structure. Mr. Snyder said yes. The garage door will face the road.

Mr. D'Amato said the height is significant and the numbers don't match up. Mr. Snyder explained that the first floor will be eight (8) feet. There will be 2' x 10's for the rafters, so that is nine (9) inches. The second floor is going to be seven (7) feet and with the pitch of the roof it is going to be an additional two (2) feet four (4) inches. Mr. D'Amato said the numbers that were presented to him are as follows: 8' or 96 inches, the floor joists at 10", 7.5' or 87" for the second floor, the rafters at 4" and then 2.5' roof rise, this adds up to 18.75'. Mr. Snyder said he tried to make plans to meet the 16' height requirement by lower the first floor but he can't do that because he would have to custom order garage man-doors and that would be pricey. He does not want the second floor ceiling to be too low or he will hit his head, especially if there are overhanging lights. The floor and the dry wall will reduce the height a couple inches as well. This is the best Mr. Snyder could do with regards to the height.

Mr. Snyder said it will be a slab foundation. Mr. Mills asked if there will be other utilities in the structure. Mr. Snyder said no, just electricity; he will do electric heat for the winter. Mr. Mills asked if the square footage could be any less. Mr. Snyder said he tried but the 14' x 24' was the smallest he could do. He explained that the existing structure is about 400 square feet, the proposed structure is smaller and has a smaller footprint.

Chairman Michnik asked for an explanation on how the dimensions are effected by things like the dry wall and joists. Mr. McNamara said if you go with Mr. Snyder's numbers it will be about 18.5', he suggested going 19' to be on the safe side. Chairman Michnik said he does not have a problem with the height. He asked Mr. Snyder if he is ok if a condition of the approval was that no business will be operated out of the structure. Mr. Snyder said he is fine with that, no retail will ever be operated out of the structure.

Mr. Mills asked if the applicant is going to build the structure like what is depicted in Exhibit #3. Mr. Snyder said yes except the door will be a single door, not a double door as depicted in the Exhibit. It will be vinyl sided and asphalt shingle roof, but the pitch of the roof may decide whether it will be a rolled roof or a shingle roof. If the height is approved at 19', that will help with the pitch of the roof. His existing home is a shingled roof.

Mr. D'Amato asked if Mr. Snyder explored other design options. Mr. Snyder said yes, this is the option he liked best.

ACTION:

Motion by Daniel Michnik, seconded by Patricia Burkard, to **approve** Appeal No. 1 with the following conditions:

- The second request will read: "A 3' variance to allow for a 19' tall detached accessory structure."
- No retail or wholesale business will be operated out of the building.

ON THE QUESTION:

Mr. Mills noted that the applicant has provided evidence and testimony that the structure is going to be architecturally significant and different from a normal shed as Exhibit #3 depicts.

Gregory Thrun	Aye	Patricia Burkard	Aye
David D'Amato	Nay	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 2

Martin Tornabene
Residential Single Family Zone

Requests the Board of Appeals approve and grant a 5' variance to allow for the addition to an existing deck within the side yard setback at 8268 Hirschwood Drive.

Appeal No. 2 is in variance to §229-52(A)(4)(b) *Pre-existing side yard setback of 10.41'.

DISCUSSION:

Martin Tornabene is present.

There are two (2) neighbor notification forms on file.

Mr. Tornabene explained he is asking for this variance because if he tried to build on the east side the septic system is there. He does not have a big backyard and he would like to make his deck bigger so if they have visitors there will be room for them on the deck.

Mr. Mills asked if the decking material will match the existing deck. Mr. Tornabene said yes. Decks Unlimited will be constructing the deck.

Chairman Michnik asked if the neighbor's Evergreen tree will be hanging over or touching the deck. Mr. Tornabene said no. His neighbors are aware of the size of the addition.

ACTION:

Motion by Gregory Thrun, seconded by Ryan Mills, to **approve** Appeal No. 2 as written.

Gregory Thrun	Aye	Patricia Burkard	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 3

Christopher Ignatowski
Traditional Neighborhood District

Requests the Board of Appeals approve and grant a 1,968 square foot variance to allow for a 2,688 square foot detached accessory structure located at 8354 County Road.

Appeal No. 3 is in variance to §229-66.

DISCUSSION:

Christopher Ignatowski is present.

Chairman Michnik provided the history on the property noting that it was a lot split and the applicant received approval to build a house back on the property. He asked the applicant if there have been any further splits since the last one. Mr. Ignatowski said no.

Mr. Ignatowski said he is looking to build a pole barn in order to consolidate his things into one area. He wants to store his recreational vehicles, the trailers they are stored in and tractors with attachments.

There are three (3) neighbor notification forms on file.

Mrs. Burkard asked if the buildings to the north of the property are larger than what the applicant is proposing. Mr. Snyder said yes. The color of the structure will match the house, it will be tan with burgundy trim and flower boxes under the windows. Mrs. Ignatowski said she will put flower beds around the pole barn with flowers and Hostas.

Mr. Thrun asked if there will be power in the barn. Mr. Snyder said there will be lighting in there but no other utilities right now. Mr. Thrun asked if the applicant looked into a smaller size barn. Mr. Ignatowski said he looked at what he wanted to store and chose the standard sized pole barn package that best fit his needs. They have not decided on a construction company yet, they were talking to Finger Lakes and Kelkenberg.

Mr. Mills asked if the applicant had any plans to operate a business out of the barn. Mr. Ignatowski said no. Mr. Mills referred to Exhibit A and noted there are similar sized structures to the north of the applicant's property. Mr. Ignatowski said that property is owned by Vanderbilt Homes. He sent paperwork to them regarding his request but they did not reply. He has no reason to think they would object to his request; he received an e-mail saying Vanderbilt Homes received his paperwork. It is noted that there are larger structures on 8346 County Road.

The measurements of the proposed building are 42' x 64'.

Mr. Thrun asked where the items are being stored now. Mr. and Mrs. Ignatowski said some items are at his parent's house, some are at their grandparent's house, and those people would like their space back.

ACTION:

Motion by David D'Amato, seconded by Patricia Burkard, to **approve** Appeal No. 3, as written.

ON THE QUESTION:

Mr. Mills noted that there has been evidence and testimony presented that due to the nature of this parcel and where it is located is surrounded by many structures equal to or greater in size than this proposed structure, for this reason this request can be distinguished from similar requests.

Gregory Thrun	Aye	Patricia Burkard	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Motion by Daniel Michnik, seconded by David D'Amato, to enter into Executive Session at 7:40 p.m. regarding Attorney Client and proposed pending or current litigation.

Gregory Thrun	Aye	Patricia Burkard	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Motion by David D'Amato, seconded by Ryan Mills, to close the Executive Session at 7:50 p.m.

Gregory Thrun	Aye	Patricia Burkard	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Meeting adjourned at 8:02 p.m.

Carolyn Delgato
Senior Clerk Typist