

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday January 11, 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	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

Other interested parties present:

Brendan Biddlecom	Paul R. J. Skowron
Joe See	Gary Baczkowski
Jerry Shaffer	

Motion by Robert Geiger, seconded by Daniel Michnik, to enter into Executive Session pending litigation.

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

MOTION CARRIED.

Motion by Robert Geiger, seconded by Arthur Henning, to exit from Executive Session.

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

MOTION CARRIED.

Old Business

Appeal No. 7

Brendan Biddlecom
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A variance to allow for a detached accessory structure within the front yard space of a primary residence on a corner lot.
- 2.) A 4' variance to allow for an 8' front yard setback to a detached accessory structure within the front yard space of a primary residence.

Both requests apply to 9550 Maple Street.

Appeal No. 7 is in variance to § 229-55 (H) & 229-52 (A)(3).

DISCUSSION:

Brendan Biddlecom is present and explained he would like to put a carport on his property but due to the location of the house and that it is on a corner lot, a variance is needed.

Two (2) neighbor notification forms are on file.

Mr. Geiger asked what the height of the structure would be. Mr. Biddlecom is unsure of the height but said it will be a gable roof. The structure will be of a pole barn type construction so the foundation will be the supports themselves and will be up to code. There will be a storage area on the north side of the structure and it will be sided to match the house. There will be a double door on the interior of the structure near the storage area. There will also be a window that faces towards the street. The structure is not a full garage; it will not be completely enclosed. There will be a man-door and windows. There will not be a garage door, it will be open. The portion of the structure that will be fully enclosed is the storage area; this area is 6' x 16' and will be on the north side of the structure. It will store pool equipment, lawn maintenance equipment and children's toys. It is a one story structure.

ACTION:

Motion by Ryan Mills, seconded by Arthur Henning, to **approve** Appeal No. 7, under Old Business, as written.

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

MOTION CARRIED.

Appeal No. 5

Paul Skowron
Residential Single-Family

Requests the Board of Appeals approve and grant:

- 1) A variance to allow for two (2) detached garages at one primary residence.
- 2) A variance to allow for an accessory structure in the front yard space of a primary residence.
- 3) A 30 square foot variance to allow for an accessory structure 750 square feet in area.

All requests apply to the construction of a detached accessory structure at 4865 Meadowbrook Road.

Appeal No. 5 is in variance to § 229-55 (H) and 229-55 (D).

DISCUSSION:

Joe See, architect for the project, and Paul Skowron are present. Mr. Skowron purchased the property in 1996 and has made many costly improvements to it. The current garage was constructed 70 years ago at a time when the average automobile was much narrower and shorter, rendering the current structure useless for parking.

Mr. See is proposing a 25' x 30' detached garage to Mr. Skowron's existing property. The structure will be positioned 6' away from the existing garage so the existing foundation is not undermined. The structure will be conventional wood frame construction with asphalt shingles, this will replicate the era of the buildings currently on the site. Mr. Skowron is in the process of having his property historically designated through the Historical Preservation Commission; he will comply with whatever requirements are placed on his property by this designation.

Mr. Michnik asked if the proposed location is the best place for the garage. Mr. Skowron said it is approximately 50'-75' from the front door of the house, it is close to the current building so that when construction is under way and it comes time to hook up electric they would only have to go 10' from the current building, which already has electricity. The proposed location is a good use for where the driveway is now. Mr. Skowron said the proposed location is more aesthetically pleasing than in any other location on the property. Mr. Michnik asked if the applicant thought of locating the structure on the east side of the property. Mr. Skowron explained that he lives next to Brookfield Country Club and he thought it would be more aesthetically pleasing for the golfers to see the front of the new garage rather than the back end of it. People who drive up Meadowbrook will not see the structure as Mr. Skowron has planted over 100 trees on his property. The existing buildings are used to house his equipment for his carpentry hobby, one building is used as a wood shop and one is the mechanical building. The current garages are not used for cars; the two cars that Mr. Skowron and his wife own are kept outside.

There are no prepared drawings of the proposed garage. It will be a wood frame construction with a brick veneer. There will be two (2) garage doors, both 9' x 7'. There will also be a loft. The proposed structure will look like the building that is already there. Mr. Skowron said there will be no business operated out of the proposed structure. There will be some type of architectural window put in that mimics the eyebrow windows in the house. The height of the proposed building will not exceed 16'.

They would like to start construction in the Spring. There will be no heat in the proposed building, just electric.

There are no neighbor notification forms on file.

ACTION:

Motion by Arthur Henning, seconded by Ryan Mills, to **approve** Appeal No. 5, under Old Business, as written.

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

MOTION CARRIED.

Appeal No. 3

Gary Buczkowski
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A variance to allow for both an attached and detached garage.
- 2.) A 340 square foot variance to allow for a 540 square foot secondary accessory structure.

Both requests apply to the construction of a detached accessory structure at 6335 Conner Road.

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

DISCUSSION:

Chairman Henning noted that this request was denied at the previous Zoning Board of Appeals meeting because the Board was not happy with the architectural design. Mr. Buczkowski said he will make the changes the Board suggested. He will add vinyl siding, OSB sheathing, 25 year shingle group with a vent ridge. It will look like a regular barn. The siding and shingles will match the house.

Mr. Mills asked if the applicant could get away with any less size of the proposed structure. The applicant is trying to match the garage that is on the house and has already decreased the size. If he decreases the size any more, the equipment he wants to store in the structure will not fit.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 3, under Old Business, based on the Parco proposal submitted by the applicant dated December 15, 2010 and signed by Thomas Bradley, with the following conditions:

- the structure is to be vinyl sided.
- the roof of the structure is to be an architectural shingle.

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

MOTION CARRIED.

New Business

Appeal No. 1

Cort and Denise Williams
Planned Unit Residential

Requests the Board of Appeals approve and grant a 612 square foot variance to allow for an attached accessory structure (garage / cabana patio) 1,572 square feet in size at 8188 Pinestone Court.

Appeal No. 1 is in variance to § 229-55 (D)

DISCUSSION:

Jerry Shaffer, architect, is representing the applicant. The current residence has a tight three (3) car garage of 708 square feet. The applicants have four (4) children. There is an in-ground pool at the northeast corner of the site, which is still under construction. The applicants would appreciate more mudroom area. The plan is to extend the house nine (9) feet to the east and provide an independent laundry room outside of the mudroom, and lengthen the mudroom. The oldest daughter is driving so they are looking to add two (2) additional bays to the garage space and couple that with the cabana area to serve the new pool. The request has been changed to reflect the addition as 22' wide. A revised elevation is submitted and placed in the file. The applicant wants to continue the use of the brick on the front of the garage and the mudroom to match the existing residence, windows with shutters would match as well. The two overhead doors on the existing garage would be replaced with carriage house style doors so they all match.

Two (2) neighbor notification forms are on file.

The sides and the rear of the addition will be vinyl. There rear would include roll-up counter shutters and another column similar to the column on the front of the mudroom. The second floor of the garage will be used for storage. Between the new laundry room and the garage will be a type of breezeway area. The only connecting part will be the roof of the breezeway. The existing residence is 4350 square feet; the proposal is to add 140 square feet. The current garage is for three (3) cars, there is a nine (9) foot door closest to the road, and there is a 16' double door adjacent to that.

Mr. Michnik asked what the next step would be, if the request is denied. Mr. Shaffer does not know. Mr. Michnik voices his concern about the area being cluttered with buildings. Mr. Shaffer pointed out that the proposed garage is setback 36' from the existing garage; it is also setback quite a distance from the adjacent neighbor's house.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 1, as written.

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

MOTION CARRIED.

Motion by David D'Amato, seconded by Robert Geiger, to **approve** the minutes of the meeting held on December 14, 2010, as written.

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

MOTION CARRIED.

Motion by Daniel Michnik, seconded by Ryan Mills, to **remove** the variance request for 8815 Stahley Road from the table.

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

MOTION CARRIED.

Meeting adjourned at 8:06 p.m.

Carolyn Delgato
Senior Clerk Typist