

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday February 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
Robert Geiger

Vice-Chairman Daniel Michnik
David D'Amato
Patricia Burkard

Town Officials present:

Planner Brad Packard

Other interested parties present:

David A. Webster II
James Allen

Appeal No. 1

David Webster
Agricultural Rural Residential

Requests the Board of Appeals approve and grant a 2' variance to allow for a 6' tall fence in the front yard space of a corner lot at 5935 Strickler Road.

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

DISCUSSION:

David Webster is present and explained that he would like more privacy and would like to distract his three young children from playing in the ditch and the road.

Mr. Michnik asked why the applicant is asking for a 6' high fence. Mr. Webster said it would provide more privacy than a 4' high fence. He will be doing the work and it will be a dog ear style on the outside of the fence. He chose the location of the fence because it wraps around the property and provides a nook for him to put his wood stacks in and the stacks would not be visible from the road. If the request was denied Mr. Webster said he would have to come up with another solution. Evergreens can't be grown in the area and it would not be an immediate fix if he landscaped the area because it would take time for the landscaping to grow in. The existing tree is approximately 10'-12' away from the proposed fence. Mr. Michnik asked if a portion of the fence could be 4' high. Mr. Webster said he really wants the 6' for privacy reasons; 4' would not give him the results he is looking for. Mr. Michnik pointed out that there is a visual problem for motorists at the corner of this street; he is concerned about the height of the fence and would like to see it 4' at this intersection.

Mr. Mills said a 4' high fence would achieve the objective of keeping the children away from the road. He is also concerned about the visual angles at that intersection. Mr. Mills suggested putting in a 4' fence

and then planting some larger shrubs for privacy. Mr. Webster pointed out that the shrubs would eventually obstruct the view as well.

Mr. Webster has lived at this location just under one (1) year. Putting up a fence was discussed and has been planned since they purchased the home. Mr. D'Amato is also concerned with the visual angles.

Mr. Geiger referred to the northeast corner (backside) of the house and asked if the applicant could start the fence there, perpendicular to Strickler Road, then the entire fence could be 6' high. Mr. Webster understands what the Board is suggesting but said if he started the fence in this area he is not maximizing his yard space, he losing some of it.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 1 with the condition that the fence runs from the northeast corner of the house and extends to the right-of-way of Clarence Center Road, perpendicular to Strickler Road.

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

MOTION CARRIED.

Appeal No. 2

Northtown Automotive Group
Commercial Zoning District

Requests the Board of Appeals approve and grant a 48 square foot variance to allow for a pylon sign 80 square feet in area at 8150 Main Street.

Appeal No. 2 is in variance to § 181-3 (B) (1)

DISCUSSION:

James Allen, representing Signs Unlimited, is present. Signs Unlimited is contracted for the sign by Northtown Automotive Group. Mr. Allen explained that Northtown Automotive Group is subletting from Casilio Companies. A ground sign would cost approximately \$20,000-\$25,000; they would have to remove the one that is there and install a new sign. They have only a one (1) year contract on the property. At this point they do not want to invest in the property; this request is for a sign face change only. Northtown Automotive Group is hoping it will work out where they can buy the property but at this point it has not worked that way. The representatives from Northtown are not present because they are at a tradeshow meeting.

Mr. D'Amato has an issue with the owner of the Northtown Automotive Group not being present at this meeting to tell the Board why he needs the variance and what he is actually looking for.

Mr. Mills agreed with Mr. D'Amato. Mr. Mills also has a concern that if the request is granted this sign will be up for a long period of time. The aesthetics and how it integrates with the community and other signs in the area is a concern. Mr. Mills understands that the client does not want to make a large investment if they are just renting the property. He suggested granting the variance with a one (1) year life span. It will cost \$3,000 to reface the sign. If Northtown buys the property the sign would be up for

the next twenty (20) years. Mr. Allen asked if the sign could be approved with a one (1) year life span and at the end of that year the owners would re-evaluate the situation and proceed from there. Mr. Allen explained that Northtown was under the impression that if they leased the property they could change the face of the sign.

Mr. Michnik agreed with Mr. Mills' idea of possibly granting the variance for a one (1) year period. At the end of that year the situation would be re-evaluated. He thinks this is the way to protect the Town and to be fair to the applicant.

Mr. Mills said it is probably best to table the request because there is a question as to whether the representative can bind the company to a one (1) year period or not. This would also allow the Board to consult with the Town Attorney.

There is a truck on the property with signage on it. Mr. Allen said the truck was only put there to get them through the first few weeks. The truck will not stay there.

ACTION:

Motion by Robert Geiger, seconded by Ryan Mills, to **table** Appeal No. 2.

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

MOTION CARRIED.

ACTION:

Motion by David D'Amato, seconded by Robert Geiger, to **approve** the minutes of the meeting held on January 11, 2011, as written.

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

MOTION CARRIED.

Mr. Michnik congratulates Mr. Geiger on receiving the Clarence Lifetime Achievement Award; he will be honored at a dinner held by the Clarence Chamber of Commerce.

Meeting adjourned at 7:40 p.m.

Carolyn Delgato
Senior Clerk Typist