

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday April 13, 2010
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:

Planner Brad Packard
Town Attorney Steven Bengart
Councilman Bernard Kolber

Other interested parties present:

Salvatore A. Salvo	Mary Lou Manocchio
David Kwiatkowski	Kevin McCadden
Mark Hanes	Christopher A. Morgan
Andrew Manocchio	

Old Business

Appeal No. 2

The Capozzi Corporation
Planned Unit Residential Development

Requests the Board of Appeals approve and grant a 12' variance to allow for a top of foundation wall elevation 60" above the mean elevation of the frontage street at 9762 Cobblestone Drive.

Appeal No. 2 is in variance to § 229-23.

DISCUSSION:

Chairman Henning explained that Appeal No. 2 under Old Business has been removed from the agenda at the request of the applicant.

New Business

Appeal No. 1

Mark Hanes
Agricultural Floodzone

Requests the Board of Appeals approve and grant a variance to allow for the installation of a generator in the front yard space of a principal structure at 8145 Northfield Road. The generator is currently installed.

Appeal No. 1 is in variance to § 229-34(E).

DISCUSSION:

Appeal No. 1 has been moved to the end of the agenda to allow time for the applicant to arrive for the meeting.

Appeal No. 2

Joseph Zwolenkiewicz
Residential Single-Family

Requests the Board of Appeals approve and grant:

- 1.) a 480 square foot variance to allow for a 1200 square foot detached accessory structure.
- 2.) a variance to allow for both a detached and attached garage.

Both requests apply to 5145 Old Goodrich Road.

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

DISCUSSION:

Mr. Zwolenkiewicz is present and explained he needs the proposed structure for storage of such items as his boat, a snowmobile trailer and a few vehicles.

In response to Ms. Burkard's question, Mr. Zwolenkiewicz said there will be a driveway leading to the proposed garage.

Neighbor notification forms are on file.

Mr. Zwolenkiewicz has owned the house for approximately eight (8) years. His plan is to paint the proposed garage the same color as the existing shed. The actual dimensions of the shed are 24' x 40'. The building will be aluminum clad and will have a lip and an overhang so it takes away from the pole barn style.

Mr. Mills asked if the applicant can reduce the size even more than 24' x 40'. Mr. Zwolenkiewicz said he needs this room for storage, if he reduced it any more he would not be able to utilize it the way he needs to. The driveway leading to the proposed garage will be round gravel. He may take the current turn-around out. He has drainage issues on the south portion of his property; he will need to take this into consideration when landscaping the area. He would like to proceed with his plans in two (2) or three (3) months.

Mr. Packard explained the maximum height for an accessory structure is 16'. Mr. Zwolenkiewicz said the height would be 12'.

ACTION:

Motion by Robert Geiger, seconded by Patricia Burkard, to **approve** Appeal No. 2, as written.

ON THE QUESTION:

Mr. Mills clarifies that the appeal is approved for a 240 square foot variance to allow for a 960 square foot detached structure; this reflects the 40' x 24' size. Robert Geiger and Patricia Burkard agree to this clarification.

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

MOTION CARRIED.

Appeal No. 3

Salvatore Salvo
Residential Single-Family

Requests the Board of Appeals approve and grant:
 1.) a 480 square foot variance to allow for a 1200 square foot detached garage.
 2.) a 3.5’ variance to allow for a 1.5’ side yard setback to an accessory structure wholly within the rear yard space.

Both requests apply to 4565 Harris Hill Road.

Appeal No. 3 is in variance to § 229-55(D) and (E)(1).

DISCUSSION:

Salvatore Salvo is present and explained that he needs to tear down the existing garage as it is falling apart. He needs more space for his cars. The existing house has a minimal basement and he needs more storage. Mr. Salvo clarifies that he will remove the existing garage which is 20’ x 40’ and replace it with a garage that is 20’ x 60’. The construction materials will match the existing home and will be white vinyl siding.

Neighbor notification forms are on file.

Richard Hood, neighbor to the south of Mr. Salvo, is present.

Mr. Salvo said the addition will have two (2) garage doors and two (2) service doors.

Mr. Packard explained that a fire-rated wall would be required if the side yard setback is less than (3’). The request is actually for a 2’ variance to allow for a 3’ side yard setback wholly within the rear yard space.

Mr. Salvo will have a driveway leading to the proposed addition. The current garage is used for vehicle storage. The height of the proposed garage is approximately 14’; it will be under 16’. There will be two (2) 16’ x 8’ doors with a service door 36” x 80”. The garage will be a wood frame construction. The primary residence is approximately 1600 square feet.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 3, as written with the condition that request no. 2 is amended to read “a 2’ variance to allow for a 3’ side yard setback.”

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

MOTION CARRIED.**Appeal No. 4**

Dario Manocchio
Residential Single-Family

Requests the Board of Appeals approve and grant a 340 square foot variance to allow for the construction of a 540 square foot garage at 4220 Clardon Drive

Appeal No. 4 is in variance to § 229-55(H).

DISCUSSION:

Mary Lou Manocchio (wife) and Andrew Manocchio (son) are present. Andrew Manocchio said the reason for the request is additional storage is needed for plows and snow blowers as the applicant owns property that needs to be maintained with this equipment. The current storage area is under some pine trees that are dying. Andrew Manocchio's sister's vehicle will be stored in the proposed shed, as well, as she is being deployed to Afghanistan.

Four (4) neighbor notification forms are on file.

Andrew Manocchio said the driveway will be re-done and will go straight into the garage. The pine trees will be removed. The proposed garage will line-up with the driveway. The front door of the garage will be parallel with the street; it will be a single overhead door. The construction material will be pine.

Mr. Mills asked if the applicant could reduce the size of the proposed garage. Andrew Manocchio said the size that is being requested is just enough to fit what was previously discussed. The existing shed will remain.

Chairman Henning asked how necessary it is to keep the old shed. Andrew Manocchio said there is equipment stored in the old shed. The neighbors are aware that the shed will remain. The existing shed is approximately 8' x 8'.

Mr. Mills asked if the applicant would agree to the condition being set on the motion, if granted, of taking the shed down. It is noted that there is an existing attached garage on the property. Mr. Mills's concern is having multiple accessory structures on a lot that is not that large.

ACTION:

Motion by David D'Amato, seconded by Ryan Mills, to **approve** Appeal No. 4 as written, with the condition that the existing shed be removed at the time the construction of the new structure is completed.

ON THE QUESTION:

Andrew Manocchio said construction would begin as soon as the variance is approved, within the next month or so. Mr. Geiger voices his concern as to whether there will be enough room in the proposed structure to store a vehicle as well as maintenance equipment.

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

MOTION CARRIED.

Appeal No. 5

David Kwiatkowski
Residential Single-Family

Requests the Board of Appeals approve and grant:
1.) a variance to allow for both an attached garage and detached garage.
2.) a 456 square foot variance to allow for a 1,176 square foot garage.
Both requests apply to the proposed construction of a detached garage at 5100 Elmcroft Court.

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

DISCUSSION:

David Kwiatkowski is present along with Kevin McCadden of KCM Custom Built Garages. Mr. Kwiatkowski explained he has a couple of custom cars he would like to store in the proposed garage. The construction materials will match the house. There will be no back door to the proposed garage. Mr. Kwiatkowski would like a 5’ side yard setback for the proposed garage; this way the structure will line up with his driveway. Mr. Packard said if the structure is wholly in the rear yard a 5’ side yard setback would be acceptable in the Residential Single-Family zone; this would not require a variance.

Mr. Mills asked for details on the construction materials of the structure. Mr. Kwiatkowski said it will be wood frame, vinyl siding and vinyl shake shingles. It will have two (2) garage doors and one (1) large service door to the rear side of the building. Mr. Kwiatkowski would not want to attach this structure to his primary residence as his sun room is in the rear of the house. There will be landscaping around the garage. Mr. Kwiatkowski has owned the house since September 2009. He has no intention of running a business out of the garage, it is strictly for storage.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 5 as written.

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

MOTION CARRIED.

Appeal No. 1

Mark Hanes
Agricultural Floodzone

Requests the Board of Appeals approve and grant a variance to allow for the installation of a generator in the front yard space of a principal structure at 8145 Northfield Road. The generator is currently installed.

Appeal No. 1 is in variance to § 229-34(E).

Ryan Mills recuses himself from all discussion and voting on Appeal No. 1 as he owns property with the applicant. Mr. Mills left the meeting room.

DISCUSSION:

Mark Hanes, builder for the project, is present. Mr. Hanes explained the reason for the location of the generator is because the gas meter and the electrical panel are in that area. To put the generator in another area would create the expense of a 60' gas line to be hooked up. The rear yard has a future deck/patio area. The area around the generator will be landscaped; the generator will be totally out of sight. Mr. Hanes said he made the mistake of assuming the generator placement was approved within the building plans/permit for the house. This is his first generator variance.

Mr. D'Amato asked the applicant what he would do if his request was denied. Mr. Hanes does not know what he would do; the applicant does not want the generator next to the master bedroom. He cannot run a gas line through the garage. He voices his concern saying there may be safety issues with an extended gas line.

ACTION:

Motion by David D'Amato, seconded by Robert Geiger, to **approve** Appeal No. 1 as written, with the condition that shrubbery be added to hide the generator. Landscaping to be completed within one (1) month from this meeting.

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

MOTION CARRIED.

Mr. Mills returned to the meeting room.

Appeal No. 6

Christopher Morgan
Traditional Neighborhood

Requests the Board of Appeals approve and grant:

- 1.) a 9.5' variance to allow for a .5' side yard setback to a sign.
- 2.) a 9.5' variance to allow for a .5' front yard setback to a sign.
- 3.) a 12 square foot variance to allow for a 32 square foot sign.

All requests apply to the proposed installation of a new sign at 10165 Main Street.

Appeal No. 6 is in variance to § 181-3(D) (2).

DISCUSSION:

Christopher Morgan is present and explained that his house sits in front of the building; he wants to direct people to the business by putting this sign up. The sign will be the same size as the businesses to the west of his property.

Neighbor notification forms are on file.

Mr. Geiger asked why the drawing of the sign shows rocks at the base of the sign. Mr. Morgan likes the way that looks. Mr. Packard explained the rock design has been an ongoing recommendation of the Clarence Hollow Character Protection Board, Mr. Morgan said he would be willing to accommodate their request.

Mr. Mills asked for details on the nature of Mr. Morgan's business. Mr. Morgan said he provides truck snowplows and equipment (accessories). He also does landscaping, lawn mowing and snowplowing. 3G is doing the sign work. Mr. Morgan does not know if he can find green vinyl posts as depicted in the sign drawing, he may have to paint/stain pressure treated wood posts. The actual sign will be vinyl over aluminum. He would like to have two (2) lights, one on either side hidden in the rock wall. Mr. Mills asked if it is acceptable to the applicant if the stone base was made a condition of the approval. Mr. Morgan agreed to this condition.

There are two (2) signs currently at the location. The proposed sign will replace these two (2) signs.

ACTION:

Motion by Robert Geiger, seconded by Ryan Mills, to **approve** Appeal No. 6, as written, with the condition that the base of the sign be stone as shown in the drawing presented.

ON THE QUESTION:

Patricia Burkard adds a condition to the motion: the two (2) existing signs are to be removed. Robert Geiger and Ryan Mills agree to this condition.

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

MOTION CARRIED.

Motion by Arthur Henning, seconded by Robert Geiger, to **approve** the minutes of the meeting held on March 9, 2010, as written.

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

MOTION CARRIED.

Meeting adjourned at 8:08 p.m.

Carolyn Delgato
Senior Clerk Typist