

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday, October 9, 2007
7:00 PM

Chairman Raymond Skaine called the meeting to order at 7:00 p.m.

Board of Appeals members present were:

Chairman Raymond Skaine
Arthur Henning
Ryan Mills

Vice-Chairman Daniel Michnik
Hans Mobius
David D'Amato

Other Town officials present were:

Assistant Director of Community Development James Hartz
Town Attorney Steven Bengart
Councilman Bernie Kolber
Planning Board member Richard Bigler

Other Interested Parties Present:

Cletus Leising
Dawn Knoblauch
Thomas McGinley

Glen Knoblauch
Chris McCaffrey

Motion by Arthur Henning, seconded by Daniel Michnik, to **approve** the minutes of the meeting held on September 11, 2007, as written.

Raymond Skaine Aye
Arthur Henning Aye
Ryan Mills Aye

Daniel Michnik Aye
Hans Mobius Abstain

MOTION CARRIED.

New Business

Appeal No. 1

Cletus F. Leising
Agricultural Floodzone

Requests the Board of Appeals approve and grant a 2' variance to create an addition to a detached garage that is 1' below base flood elevation at 8770 Wolcott Road.

Appeal No. 1 is in variance to Section 107-5 (D), Flood Damage Prevention.

DISCUSSION:

Mr. Leising explains that he moved into the house in 1975, it was part of the old farm. He is building a 20' x 24' structure that will be attached to the existing 20' x 24' structure, he is asking for the variance because he needs to keep the roof lines and the drainage even.

Jim Hartz clarifies that the variance request is correct at 2'.

Mr. Leising said if the variance request was not approved he would not go ahead with his plans.

Mr. Leising said the future plan is to upgrade the old building with the look of the new building, which will include new windows, siding and a roof.

Raymond Skaine reads a letter from Assistant Town Engineer Timothy Lavocat dated October 2, 2007, the letter is on file: The property located at 8770 Wolcott Road is within the density floodway for Black Creek. The applicant proposes to construct an addition to an existing detached garage with a proposed floor elevation 1.0' below the base flood elevation (BFE). The proposed floor elevation will match the existing floor elevation. The proposed detached garage addition floor elevation is not in compliance with development standards set forth in Town of Clarence Local Law 03-2000 – Flood Damage Prevention. The Town of Clarence Local Law 03-2000 – Flood Damage Prevention states that all non-residential structures must have the lowest floor (garage floor) elevated to one foot above the base flood elevation. Due to the existing floor elevation of the detached garage we recommend approval of the variance to construct the garage addition with a floor elevation 1.0' below the base flood elevation with the following conditions:

- Property owner submit a letter of understanding to the Engineering Department accepting the increased flood risk associated with constructing the garage addition with a floor elevation 2.0' lower than the requirements set forth in Local Law 03-2000 and 1.0' lower than the base flood elevation.
- All other proposed construction and/or filling operations on the subject property must be in conformance with all requirements set forth in Local Law 03-2000 – Flood Damage Prevention.
- Property owner submit a certified as-built elevation survey of the structure showing the finished floor elevation. This will be required prior to issuance of Certificate of Compliance.

ACTION:

Motion by Raymond Skaine, seconded by Daniel Michnik, to **approve** Appeal #1 with the following stipulations:

- The applicant must meet the requirements set forth in the Town Engineer's letter dated October 2, 2007.

Raymond Skaine Aye
 Arthur Henning Aye
 Ryan Mills Aye

Daniel Michnik Aye
 Hans Mobius Aye

MOTION CARRIED.

Appeal No. 2

Glenn Knoblauch
 Residential Single-Family

Requests the Board of Appeals approve and grant a 23' variance to allow 12' x 12' storage shed to be placed in the front yard at 5245 Brookfield Lane.

Appeal No. 2 is in variance to Section 229-55, Accessory Structures.

DISCUSSION:

Mr. Knoblauch explains that the areas on the side and back of his house are subject to flooding.

Neighbor notifications are on file.

Mr. Knoblauch said the shed would be made of ply wood and 2' x 4''s; it will have vinyl siding and will be the same color as the other structures on the property.

ACTION:

Motion by Daniel Michnik, seconded by Arthur Henning, to **approve** Appeal #2, as written.

Raymond Skaine Aye
 Arthur Henning Aye
 Ryan Mills Aye

Daniel Michnik Aye
 Hans Mobius Aye

MOTION CARRIED.

Appeal No. 3

Chris McCaffrey
 Major Arterial

Requests the Board of Appeals approve and grant a 7.5' variance to allow a sign setback of 32.5' at 5751 Transit Road.

Appeal No. 3 is in variance to Section 181-4 (A) (3) Sign District Specifications.

DISCUSSION:

Mr. McCaffrey explains that the applicant would like to relocate and change the existing sign. Currently there is a ground sign at Lakeshore Savings, they would like to utilize the existing column that is closest to Transit Road and install one new; the sign would be 10' closer to the street but would still be 32.5' back from the sidewalk.

Jim Hartz states, for the record, that there is a drafted proposed Sign Law that will be in front of the Town Board for a Public Hearing on October 10, 2007; the proposal would reduce the setback on Transit Road to 10'. The 40' setback requirement has been in existence since 1972.

Mr. McCaffrey said the digital banner will be one color; amber. The sign will not flash or scroll; it will be consistent with what the code requires.

ACTION:

Motion by Hans Mobius, seconded by Arthur Henning, to **approve** Appeal #3, as written.

Raymond Skaine	Aye	Daniel Michnik	Aye
Arthur Henning	Aye	Hans Mobius	Aye
Ryan Mills	Aye		

MOTION CARRIED.

Appeal No. 4

Thomas J. McGinley
Residential Single-Family

Requests the Board of Appeals approve and grant two variances:

- 1.) a 184 square foot variance to allow the construction of a 384 square foot shed
- 2.) a 1' height variance to allow the construction of a 17' high shed.

Both variances apply to 5201 Brookhaven Drive.

Appeal No. 4 is in variance to Section 229-55 Accessory Structures.

DISCUSSION:

Mr. McGinley explains that currently he has a smaller shed on the property that will be coming down; he also has a greenhouse on the property. He has a tractor and a couple of lawnmowers in the shed now; he has to clean out the shed for any project that he needs to complete. The basement is not conducive for storage of larger items. He has power machines, weed eaters, cultivators, blowers and other lawn maintenance equipment he would like to store inside. Mr. McGinley said there are several oversized sheds in this area; he provides photos of these oversized structures. The proposed shed would be placed in the backyard and would camouflage some of the uncared-for property that butts up to Mr. McGinley's property. Mr. McGinley provides a photo of what the proposed shed will look like and indicates that he will build the shed similar to the photo.

The current shed is 10' x 12'. Mr. McGinley likes the "kitty corner" look of the shed.

Mr. Mills asked if the applicant could decrease the size of the structure since he will be building it himself. Mr. McGinley said, "No," and indicates that there is plenty of room on the property. The proposed shed would have vinyl siding, same style roof and a garage door. Mr. McGinley does not know if it would be worth building the shed if he could not be granted the measurements he is asking for.

Mr. Henning voices his concern with the size of the proposed structure; it does not appear that Mr. McGinley has any large-sized equipment to be stored in this size structure. Mr. Henning asked why the height variance is needed. Mr. McGinley said he likes the dimensions; he needs a work area and a loft. He does a huge Christmas display outside his home every year and he has run out of room when storing these items. Mr. Henning asked if the applicant would be willing to compromise on either the size of the height. Mr. McGinley said if this variance was not granted he would probably abandon the project.

Mr. Michnik is also concerned with the proposed height; he knows that the property drops down but he thinks it will be out of character in the area. Mr. Michnik asked the applicant if he would be in agreement to a suggestion such as decreasing the height but keeping the square footage. Mr. McGinley said he could probably work with that.

Mr. Skaine voices his concern with the height of the proposed structure.

Town Attorney Steve Bengart suggests one of the Board members ask the applicant what he does for a living to ensure that, if this request is ever granted, there will be no business operating from the structure. Mr. McGinley is a retired airline pilot.

ACTION:

Motion by Hans Mobius to **approve** Appeal #4, as written. There is no second.

MOTION FAILED.

ACTION:

Motion by Ryan Mills, seconded by Arthur Henning, to **approve** Appeal #4, segment number 1 and **deny** segment number 2 with the following conditions:

- The accessory structure is not for any business use.
- One of the two other accessory structures at the site will be removed within 60 days of the completion of the new shed.

Raymond Skaine	Aye	Daniel Michnik	Aye
Arthur Henning	Aye	Hans Mobius	Aye
Ryan Mills	Aye		

MOTION CARRIED.

Meeting adjourned at 7:40 p.m.

Carolyn Delgato
Senior Clerk Typist