

## BOARD OF APPEALS MINUTES

November 12, 2002

On Tuesday November 12, 2002, at 7 p.m. the Clarence Zoning Board of Appeals heard the following requests for variances:

APPEAL NO I Lakeshore Savings Bank Major Arterial	Requests the Board of Appeals approve and grant a seventy foot (70') variance creating a sixty five foot (65') front yard setback from the centerline of Highland Farms Drive for the construction of a 5500 square foot band branch at 5741 Transit Road.
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APPEAL NO I is in variance to Article VIII-A, section 30-49.4 A, size of yards.

APPEAL NO II Harold K Frey Agricultural	Requests the Board of Appeals approve and grant a twelve hundred foot (1200') variance creating a thirteen hundred foot (1300') front yard setback for the construction of a new single family home located at 6550 Goodrich Road.
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APPEAL NO II is in variance to Article V, section 30-27 C, size of yards.

APPEAL NO III Roy Jordan  Agricultural	Requests the Board of Appeals approve and grant a four foot six inch (4'6") height variance for a portion of the roof creating a thirty nine foot six inch (39'6") portion of the roof for construction of a new single family home at 6530 Belle Way off Stahley Road. See attached map.
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APPEAL NO III is in variance to Article V, section 30-26, size of buildings.



APPEAL NO IV  
Lisa Wright  
Residential B

Requests the Board of Appeals approve and grant a two foot variance (2') creating an eight foot (8') side lot line setback for an addition at 8665 Sunset Drive

APPEAL NO IV is in variance to Article II, section 30-12 D, size of yards.

ATTENDING: John P. Brady  
John Gatti  
Ron Newton  
Ray Skaine  
Arthur Henning  
Eric Heuser

INTERESTED  
PERSONS: Robert Warner  
Pat Spoth  
Shane Khanjani  
Rich LeMaster  
Ralph Lorigo  
Roy Jordan  
Lisa Wright  
Harold Frey

MINUTES

Motion by John Gatti, seconded by Eric Heuser to approve the minutes of the meeting held on October 8, 2002 as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO I  
Lakeshore Savings Bank  
Major Arterial

Requests the Board of Appeals approve and grant a seventy foot (70') variance creating a sixty five foot (65') front yard setback from the centerline of Highland Farms Drive for the construction of a 5500 square foot bank branch at 5741 Transit Road.

DISCUSSION:

Jeff Zariczny representing Harrington Sandberg Architects introduced the project. The Planning Board has reviewed a series of alternative designs. The final design was agreed upon by the Planning Board and the adjoining impacted neighbors. There is insufficient depth to the parcel to meet the required front yard setback from Highland Farms Drive. Mr Zariczny showed a survey depicting the usable space. When meeting the setbacks, it renders the parcel unusable. Rich LeMaster represented the neighbors of Highland Farms Drive, and stated he fully supports the project. He lives immediately adjoining the parcel, and feels that the final design will be an asset to the neighborhood. Ralph Larigo, an attorney representing the neighbor to the south, Shane Khanjani, stated that his client supports the setback as designed with the condition that an ingress/egress connection be provided to his clients property. They would ask that the condition of this easement connection be made as a condition of the setback approval. Arthur Henning asked what alternative the applicant has to the variance. Mr. Zariczny said that if the setback variance is denied, the project cannot and will not be built. Ron Newton stated that the proposed setback is much too close to Highland Farms Drive. There are no other setbacks off side streets along Transit Road that are this close to the street. For line of sight and consistency with other developments in Clarence, the variance should not be granted. Rich LeMaster reiterated that the neighbors feel this is a great use, much more acceptable than many alternatives. The neighbors do not feel that this setback will create a line of sight or character problem. In fact Highland Farms Drive curves away and the line of sight is not an issue at all. In addition, the bank will provide landscaping that will match the existing character. Eric Heuser asked about the line of stakes on the property. Jeff Zariczny stated this line indicates the proposed setback line of 65' from the center line of Highland Farms Drive. Mr. Heuser asked the attorney for Shane Khanjani if he had any plans for this

property. Mr. Lorigo stated there are no plans at this time - in general they are considering a commercial use in front, and residential uses to the rear. Eric Heuser asked about landscaping. Jeff Zariczny said that the existing berm along Highland Farms Drive will be retained. Cuts will be made in the berm for the access roads. Additional landscaping will further buffer the adjoining residential uses. John Gatti asked the applicant if they owned the property. Jeff Zariczny reported that the bank has a three month purchase offer conditioned upon Town approvals for the proposed use. He further stated the design has been reviewed by the Planning Board. The final design will be considered at concept plan review, and approval at the November 13, 22002 meeting. Pat Spoth, as a representative of the seller, stated that they filtered out several offers on this property. They chose the bank as a preferred use at this location. He further stated that his family had created this lot as a concession to the Town of Clarence to provide a second access road to the Highland Farms Subdivision. This lot was created as a marketable commercial parcel as approved by the Town.

**ACTION:**

Motion by John Gatti, seconded by Arthur Henning to approve Appeal No I as written with the condition that an egress/ingress access be provided to service the property to the south.

Ron Newton	NAY
John Gatti	AYE
Eric Heuser	AYE
Arthur Henning	AYE
John Brady	AYE

**MOTION CARRIED.**

**APPEAL NO II**  
Harold K Frey  
Agricultural

Requests the Board of appeals approve and grant a twelve hundred foot (1200') variance creating a thirteen hundred foot (1300') front yard setback for the construction of a new single family home located at 6550 Goodrich Road.

**DISCUSSION:**

Harold Frey was present as the owner of the property at 6550 Goodrich Road. He is intending to sell his 27 acres for construction of one single family home. He has recently re-purchased this property and razed the former horse barn.

He has received approval from the Town Board for construction of a pond on the parcel. The future home owner would like the home built back in the middle of the property to take full advantage of all natural features of the site. All of the adjoining neighbors have been notified and have submitted a letter documenting such notification. Ron Newton asked about staking the property as there was no indication of the proposed home. Harold Frey stated that stakes were not placed, but that the woods line is clearly evident and an approximate location is discernable.

Mr. Newton stated there would appear to be an interruption to the backyard privacy to the home to the north. Mr. Frey stated that Mr. Hernandez lives at this home and has been informed. He does not have any issue with the construction of a large home at this location. There is a significant natural vegetative buffer that will buffer his home. Mr. Frey agreed to stipulate that his entire 27 acre parcel of property will be utilized for one single home. The future home will have a footprint of approximately 100' x 100' and will be about 4500 square feet in size.

**ACTION:**

Motion by Ron Newton, seconded by John Gatti to approve Appeal No II as written with the condition that there will only be one home on this property.

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO III**  
Roy Jordan  
Agricultural

Requests the Board of Appeals approve and grant a four foot six inch (4'6") height variance for a portion of the roof creating a thirty nine foot six inch (39'6") portion of the roof for construction of a new single family home at 6530 Belle Way.

**DISCUSSION:**

Roy Jordan was present to apply for a 4.5' height variance for the construction of a new home. He stated that the NYS Building Code would allow this height as proposed because it utilizes an average of the overall height of the roof. Mr. Jordan introduced alternative designs that are not preferred. Should the variance not be granted, a flat roof alternative would have to be considered and this would provide a long term hardship considering the Western New York winters. Roy Jordan reported that they had to raise the level of the

basement to match the grades across the private drive as well as to get above the flood zone. The neighbors were all notified and none have addressed any concerns. The home will set back far enough so as not to have any impact upon adjoining property owners. A total of four homes will be built in this open development. All the homes will have a minimum of 4500 square feet.

**ACTION:** Motion by John Gatti, seconded by Arthur Henning to approve Appeal No III as written.

ALL VOTING AYE. MOTION CARRIED.

**APPEAL NO IV**  
Lisa Wright  
Residential B

Requests the Board of Appeals approve and grant a two foot variance (2') creating an eight foot (8') side lot line set back for an addition to 8665 Sunset Drive.

**DISCUSSION:** Lisa Wright was present to discuss a proposed addition to her home. It will match the architectural style of the existing home. An elevation was reviewed indicating the architectural style. The character of the area will not be impacted by the proposed construction. The neighbors have all been notified, and all are in favor of granting the variance as requested. The proposed addition will provide an access to the backyard through a new back door to better utilize the property. Construction will start in the spring.

**ACTION:** Motion by Arthur Henning, seconded by Ron Newton to approve Appeal No IV as written.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 8:30 p.m.  
John P. Brady, Chairman