

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday, December 11, 2007
7:00 p.m.

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

Board of Appeals members present were:

Chairperson Raymond Skaine
Arthur Henning
Hans Mobius

Vice-Chairperson Daniel Michnik
Ryan Mills
David D'Amato

Other Town officials present were:

Director of Community Development James Callahan
Town Attorney Steve Bengart
Councilman Bernie Kolber

Other Interested Parties Present:

Joseph M. Davis
Tom McGinley
Richard Bigler

John Gerstner
Kathie McGinley

Motion by Daniel Michnik, seconded by Arthur Henning, to **approve** the minutes of the meeting held on November 13, 2007, as written.

Raymond Skaine	Abstain	Daniel Michnik	Aye
Arthur Henning	Aye	Ryan Mills	Aye
Hans Mobius	Aye	David D'Amato	Aye

MOTION CARRIED.

Appeal No. 1

Joseph Davis
Residential Single-Family

Requests the Board of Appeals approve and grant a 3' 4" variance to allow a 6'6" side yard setback for the placement of a standby generator at 6404 Woodberry Court.

DISCUSSION:

Neighbor notifications are on file.

Joseph Davis explains the area is near his gas meter and the area to the right of the property line is State Wetlands, the generator would be far away from both neighbor's property. He has a lot of concrete

behind his house. John Gerstner is a representative from Anderson Water Systems. On behalf of Mr. Davis, Mr. Gerstner said the main reason for the variance is for Mr. Davis' peace of mind.

ACTION:

Motion by Hans Mobius, seconded by Ryan Mills, to **approve** Appeal No. 1, as written.

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

MOTION CARRIED.

Appeal No. 2

Olga Millitello
Residential Single-Family

Request the Board of Appeals approve and grant an 8' variance to allow a 2' side yard setback for The placement of a standby generator at 8416 Lakemont Drive.

ACTION:

Motion by Raymond Skaine, seconded by Ryan Mills, to **strike** Appeal No. 2 from the record at the request of the applicant. There will be no further action taken on this item.

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

MOTION CARRIED.

MISCELLANEOUS:

Mr. Skaine explains that Mr. McGinley has asked the Zoning Board of Appeals to reconsider his appeal located at 5201 Brookhaven Drive. Mr. McGinley is present and explains that he would like the Board to reconsider the maximum height requirement of 16' for a shed that he is interested in building. He originally requested a height of 17', which will look much better on his property. He is asking for a variance of 1'. Town Attorney Steve Bengart explains that, at this meeting, Mr. McGinley is only asking for the Board to reconsider the variance request. Mr. McGinley restates his explanation for attending this meeting; he is requesting review of the denial of his request which was made at the October 9, 2007 Zoning Board of Appeals meeting.

Mr. Mills asked the applicant to state the reasons for reopening the request; is there new information. Mr. McGinley said there is no new information; when he was denied he revisited the site and saw that a 17' structure works better for his situation.

Mr. Henning asked for clarification on the applicant's prior request. A size variance was granted at the October 9, 2007 meeting, the height variance was denied. Mr. Henning asked how the denial of the height request created a hardship for the applicant. Mr. McGinley said he is investing a lot of money; it is hard to explain unless you walk through the structure itself.

Mr. Michnik asked the applicant if he would be willing to lower the first floor ceiling to 7' or 7 1/2', Mr. McGinley has considered this.

Kathie McGinley explains that the property dips down at the site. The proposed shed would be built on elevated land. Mr. Mobius asked if some dirt can be taken out to make the elevation and the placement of the shed lower. Mr. McGinley said it is a moisture problem.

ACTION:

Motion by Arthur Henning, seconded by Daniel Michnik, to **reconsider** Appeal No. 4 from the October 9, 2007 Zoning Board of Appeals meeting regarding the second request of the variance, which was a 1' height variance to allow the construction of a 17' high shed at 5201 Brookhaven Drive.

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

MOTION CARRIED.

The applicant will be placed on the January 8, 2008 agenda.

Mr. Skaine states the Board will now return to the attorney-client privilege session.

Meeting adjourned 7:15 p.m.

Carolyn Delgato
Senior Clerk Typist