

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday, December 14, 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	Vice-Chairman Daniel Michnik
Ryan Mills	David D'Amato
Robert Geiger	Patricia Burkard

Town Officials present:

Director of Community Development James Callahan
Planner Brad Packard
Town Attorney Steven Bengart
Councilman Bernard Kolber

Other interested parties present:

Bill Kenyon	Pradeep Simlode
Chris McCaffrey	Gary Buczkowski
Michael D. Grisko	Sam LaNasa
Pradeep Arora	Mark Braunscheidel
Jerry Shaffer	

Old Business

Appeal No. 4

Kenyon's Gas Station
Traditional Neighborhood District

Requests the Board of Appeals approve and grant a variance to allow for the operation of an LED sign display board at 5820 Goodrich Road. Applicant is proposing to utilize the display board for gas prices only; no other text or images of any type would be displayed.

Appeal No. 4 is in variance to § 181-3 (D)(5).

DISCUSSION:

Chairman Henning explained the appeal was tabled last month pending neighbor notification forms. Bill Kenyon and Chris McCaffrey are present. Three (3), of the four (4) neighbor notification forms sent, are signed and in the file. They are from 5795 Goodrich Road, 5815 Goodrich Road and 5830 Goodrich Road. Despite trying for fourteen days, they were unable to reach one of the neighbors who rent the property, they seem to be out of town.

Ryan Mills likes the design but has reservations about the LED sign, which is not permitted in this area. The closest LED sign is on Roll Rd. He asked if the applicant attempted to mitigate it with a different design other than an LED sign. The applicant stated that in all the other sign options the numbers blow away, have to be changed manually, and use more energy. Mr. Mills also asked about the brightness of the light due to the neighborhood location with homes across the street and asked if it could be changed manually. The applicant stated that the brightness can be adjusted. The sign is made by Datronix, a premiere U.S. LED sign company. It is an energy saving sign in which the LED lights change automatically due to the brightness/darkness of the area. The brightness is not changed manually. This is an improvement to the very bright inferior, overseas made LED sign.

Daniel Michnik asked if there will be lights on the top of this sign highlighting the Kenyon's sign. The "Kenyon's" portion of the sign is internally illuminated, but the roof element is not.

ACTION:

Motion by Daniel Michnik, seconded by Robert Geiger, to **approve** Appeal No. 4, under Old Business, as written.

Robert Geiger	Aye	David D'Amato	Aye
Ryan Mills	No	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

New Business

Appeal No. 1

Michael Grisko
Agricultural Rural Residential

Requests the Board of Appeals approve and grant a variance to allow for the construction of an accessory structure in the front yard space of a primary residence at 10357 Tillman Road.

Appeal No. 1 is in variance to § 229-44 (E).

DISCUSSION:

Michael Grisko is present and explained that he would like to construct a pole barn in his front yard. Mr. Grisko believes this makes sense because the house is located on the southern property line and adjacent to a private driveway that goes back, they elected to leave the trees in the front yard.

Mr. Michnik asked what kind of barn it is. Mr. Grisko explained that they are calling it a pole barn due to the basic construction type but it will look like a traditional barn with a gambrel style roof with T1-11 looking siding that is actually a masonry product that looks like T1-11. The house is a log style and the homeowners wanted the building to look nice. Mr. Michnik asked if the floor will be cement or stone. Mr. Grisko said that the floor will be cement so he can use it to park his current stock of six (6) classic cars that he restores, which has been a hobby of his for about twenty five years. He was asked if there will be a lift. Mr. Grisko said there will be no lift but there will be a loft on the second floor. He buys and sells the cars he restores to keep his hobby going.

Mr. Grisko is the general contractor for the project.

Mr. Mills asked if the applicant build a smaller structure. Mr. Grisko said no, he needs the room for the six (6) cars. The square footage of his house is 2832 and the proposed structure will be 2640 square feet. He does not have the room to put the structure behind the house, he has tried for 14 years to buy 40 feet from Rick Trippi, but Mr. Trippi has no interest in selling. Mr. Grisko races sail boats but he does not work on the boats so the structure will not be used for boat work. There will be no business run out of the pole barn.

Two (2) neighbor notification forms are on file.

Currently, Mr. Grisko stores his vehicles in three (3) different buildings, in which he leases. If this variance is approved he will not have to lease those buildings any longer.

The driveway that is adjacent to Mr. Grisko’s property leads to an Open Land Development in his neighborhood. He and his neighbors formed a Homeowner’s Association for the driveway due to liability reasons and maintenance.

Mr. Grisko explained he want a 10’ x 10’ door on the house side of the structure, raised panel and colonial type. On the opposite end of the building there will be a 12’ x 12’ door, he needs to get his motorhome into the north end of the building.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 1, as written.

ON THE QUESTION:

Mr. Mills pointed out that this is a very large accessory structure but the factors of the property have been considered. The factors include its dimensions and that it is heavily treed in front. Mr. Geiger agreed.

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

MOTION CARRIED.

Appeal No. 2

Pradeep Arora
Planned Unit Residential Development

Requests the Board of Appeals approve and grant a 20’ variance to allow for a 26’ front yard setback for the construction of an In-law secondary living unit at 5514 Pine Loch Lane.

Appeal No. 2 is in variance to § 229-52 (A)(1).

DISCUSSION:

Jerry Shaffer, architect, explained that the request is actually for an addition of a first floor master bedroom suite with a walk-in closet and a separate bathroom, it is not a separate living unit. It is simply an addition to the current home. The intent is to have a bedroom accessible from the first floor.

Pradeep Arora explained his parents and his in-laws cannot go upstairs, he does not have a bedroom for them downstairs, so they do not visit. His wife had Crohn's Disease and she has a knee problem and in the next 5-10 years she will probably not be able to climb stairs either.

Mr. Geiger noticed the gas meter is in the front of the house and asked if it will be relocated to the back. Mr. Shaffer said they have not reached that point in the planning yet. Mr. Geiger pointed out that there may be an issue if a generator were to be installed in the future.

Mr. Arora built the house in 2003. At this point, he does not have a contractor. Architecturally, the addition will blend in with the rest of the house. The front façade will be brick. There will be a window on the south side of the addition.

There are four (4) neighbor notification forms on file. There is no opposition to the variance.

Mr. Arora said construction would start as soon as possible.

There is no need to go to the Town Board for further approval. If approved, the applicant can then proceed to the Building Department.

ACTION:

Motion by Ryan Mills, seconded by David D'Amato, to **approve** Appeal No. 2, per the discussion as a first floor master bedroom suite addition including a walk-in closet and a bathroom with the condition that the east façade be all bricked to match the house.

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

MOTION CARRIED.

Appeal No. 3

Gary Buczkowski
Residential Single Family

Requests the Board of Appeals approve and grant:

- 1.) A variance to allow for both an attached and detached garage.
- 2.) A 340 square foot variance to allow for a 540 square foot secondary accessory structure.

Both requests apply to the construction of a detached accessory structure at 6335 Conner Road.

Appeal No. 3 is in variance to § 229-55 (H).

DISCUSSION:

Gary Buczkowski is present and explained he wants a storage structure for his snowmobiles, ATVs, trailers and other equipment.

There are two (2) neighbor notification forms on file.

Mr. Buczkowski said the building materials will be similar to his the house, he is modeling the structure after the garage. Rocko Buildings will do the work. The property at 6325 Conner Road has a similar structure.

Mr. Mills asked for details on the design of the structure. Mr. Buczkowski said it will be a steel structure and the colors will be ivory and brown to match the house, it will not be vinyl. It is a pole barn with two (2) doors on the ends, a service door and a steel roof. Mr. Mills asked if the applicant could accomplish his goal with less size. Mr. Buczkowski said not really due to the size of his equipment and the number of items he wants to store in it.

There will be two (2) overhead doors and one (1) man door. The man door will be near the driveway. He is unsure what type of floor he will use. He has lived in the house for ten (10) years. Mr. D'Amato asked if the applicant will outgrow this structure in a year. Mr. Buczkowski said no. The property is just short of two (2) acres.

ACTION:

Motion by Arthur Henning, seconded by Robert Geiger, to **approve** Appeal No. 3, as written.

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

MOTION FAILED.

Further discussion ensued and it was suggested the applicant look into vinyl siding, asphalt shingles, and perhaps a stick-built structure.

Appeal No. 4

Sam and Mary LaNasa
Residential Single Family

Requests the Board of Appeals approve and grant a 52 square foot variance to allow for a detached accessory structure 252 square feet in area at 9031 Hillview Drive.

Appeal No. 4 is in variance to § 229-52 (H).

DISCUSSION:

Sam LaNasa is present and explained that there was some confusion; he and his contractor thought the structure was within the 200 square foot requirement. However, they were unaware that the overhang needed to be included in the 200', it is deviant by 52', thus the variance request. The building itself is approximately 190'.

There is one (1) neighbor notification form on file.

The structure was constructed in late Fall of this year. Papp Construction did the work. There is only electric inside the structure.

It appeared to Mr. LaNasa that the contractor surprised because he never experienced this issue. The contractor paid the fine and submitted the paperwork for the variance as soon as he understood it was a problem. He does not think the contractor has worked in Clarence before.

Mr. D'Amato asked what the applicant would do if the variance was denied. Mr. LaNasa said he would want to know why it was denied and would rely on suggestions by the Board as to what is needed to have it approved.

The applicant was issued a building permit, there was a miscommunication and the issue came up when the inspection was performed. The pad was sized properly.

Mr. Geiger asked if the overhang could be cut back. Mr. LaNasa said it would not be simple, roof lines would need to be changed.

ACTION:

Motion by Daniel Michnik, seconded by Ryan Mills, to **approve** Appeal No. 4, as written.

ON THE QUESTION:

Mr. Michnik stated that this issue was simply miscommunication between the Building Department and the applicant.

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

MOTION CARRIED.

Appeal No. 5

Paul Skowron
Residential Single-Family

Requests the Board of Appeals approve and grant:

- 1) A variance to allow for two (2) detached garages at one primary residence.
- 2) A variance to allow for an accessory structure in the front yard space of a primary residence.
- 3) A 30 square foot variance to allow for an accessory structure 750 square feet in area.

All requests apply to the construction of a detached accessory structure at 4865 Meadowbrook Road.

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

DISCUSSION:

Appeal No. 5 is tabled until next month's January 2011 meeting, per the request of the applicant.

Appeal No. 6

Linda Nicholas
Residential Single Family

Requests the Board of Appeals approve and grant a 3' variance to allow a 7' side yard setback for the installation of a generator at 9101 Greiner Road.

Appeal No. 6 is in variance to § 229-55 (E)(1).

DISCUSSION:

Mark Braunscheidel is the contractor installing the generator. He explained that when the generator is placed five feet (5') from the home, it is only eight feet (8') from the lot line, instead of ten feet (10'). Although the request is for three feet (3'), Mr. Braunscheidel said a two foot (2') variance is the correct measurement.

There are two (2) neighbor notification forms on file.

The generator is approximately 2' by 4', this is the standard size.

Mr. Michnik asked if the applicant thought of mitigating the noise of the generator for the neighbors. Mr. Braunscheidel said she did not mention it; however the generator is quieter than a lawn mower. The generator will exercise itself once a week for 15 minutes, and that can be adjusted as to what day and time it will go off. Generac is the manufacturer of the generator. The 8000 watt generator will only power certain circuits, not the whole house.

Mr. Mills asked if the homeowner discussed landscaping with the contractor. Mr. Braunscheidel said the homeowner has stone there now, she will run lawn edging around the generator.

Mr. Braunscheidel has not installed many generators in Clarence.

Both utility lines are in the same area which is where the proposed generator will go. It gets costly if the lines have to be extended. Mr. Braunscheidel believes the proposed location is in the best spot on the property, behind the house is a pool and landscaping. He thinks shrubbery may absorb some noise from the generator; he thinks the homeowner would agree to install shrubbery.

ACTION:

Motion by David D'Amato, seconded by Ryan Mills, to **approve** Appeal No. 6, as written with the following condition: shrubbery is to be installed around the generator; the applicant should use boxwood shrubs or a similar type shrub. No less than four (4) shrubs are to be planted, two (2) on the east side, one (1) on the north side and one (1) on the south side. The shrubs are to be at least three (3) feet in height.

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

MOTION CARRIED.

Appeal No. 7

Brendan Biddlecom
Residential Single Family

- Requests the Board of Appeals approve and grant:
- 1.) A variance to allow for a detached accessory structure within the front yard space of a primary residence on a corner lot.
 - 2.) A 4' variance to allow for an 8' front yard setback to a detached accessory structure within the front yard space of a primary residence.

Both requests apply to 9550 Maple Street.

Appeal No. 7 is in variance to § 229-55 (H) & 229-52 (A)(3).

DISCUSSION:

The applicant is not present.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **table** Appeal No. 7 due to the absence of the applicant.

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

MOTION CARRIED.

Motion by Robert Geiger, seconded by David D'Amato, to **approve** the minutes of the meeting held on November 9, 2010, as written.

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

MOTION CARRIED.

Meeting adjourned at 8:00 p.m.

Carolyn A. Delgato
Senior Clerk Typist