

One neighbor indicated ongoing issues with the noise level while two neighbors indicated the owner is a considerate neighbor.

Chairperson Hicks stated this is a mixed used area and the owner has returned to the Zoning Board many times over the past year and four months. The live music is an ongoing neighbor dispute, and opinions have been heard from parties against the live music and Mr. Shaw; Chairperson Hicks does not want to rehash what is already recorded in previous meeting minutes.

Mr. Shaw stated Mandy's does have live music. The live music at Buffalo Creek Bar has not changed and continues to be the same acoustic musicians. Mr. Shaw stated he does not understand why live music is intermittently a problem and it is very subjective. Mr. Shaw believes he has been a good neighbor and has video footage that he believes shows cars and patrons are louder than the music.

Chairperson Hicks stated the variance is currently Fridays and Saturdays from 7-10 P.M. and Sundays from 1-4 P.M. and questioned if the bands have been finished by 10 P.M. Mr. Shaw confirmed this and commented that there is not live music every Friday, Saturday, and Sunday. Chairperson Hicks stated the variance is for live music outside or inside and questioned Mr. Shaw's plans now that the weather is changing. Mr. Shaw requested the variance for live music for inside and outside for October through April. Chairperson Hicks stated the last variance expired. Ms. Greenan requested Mr. Shaw clarify his request. Mr. Shaw stated he would like the option for live music outside through October and then inside through April. Ms. Greenan confirmed Mr. Shaw's request is November 1st through April the variance would be inside only and for the same days and times. Chairperson Hicks questioned if the weather between now and November 1st were to be bad, would they move inside. Mr. Shaw stated the music would be cancelled.

The following public comments were received:

David Bystrak, 4721 Clinton Street, made the following comments:

- ✓ Closest house to applicant
- ✓ Sound check and acceptable decibel limit established in May
- ✓ Only makes complaints when the agreed upon level is greatly exceeded
- ✓ Expressed confusion over the fluctuating noise levels

Chairperson Hicks questioned if Mr. Bystrak would be amenable to live music outdoors through October. Mr. Bystrak stated that would be excessive and four months in the summer is reasonable. He would not be opposed to the live music indoors.

Ms. Greenan questioned what decibel limit Mr. Shaw is referring to, for example, the town code. Mr. Shaw stated the level during the sound check performed with Mr. Busse. Mr. Shaw and Mr. Bystrak disagreed that there was a decibel reading. Mr. Bystrak stated he believes the reading was 60.

Chairperson Hicks confirmed there were two incidents between June and the present that the live music was disturbing to Mr. Bystrak. Mr. Bystrak confirmed this. Chairperson Hicks requested Mr. Busse speak on this. Mr. Busse stated email complaints were forwarded to Town Clerk Newton and confirmed the police received a call on July 27th for a disturbance of loud music. Further, on August 23rd police officers spoke to the applicant about the complaint they received. Ms. Greenan questioned if the music exceeded the town code's limit on the dates of the complaints. Mr. Busse stated the decibel limit for commercial properties in the town code is 95 before 11 P.M. and the limit that was agreed upon was significantly lower. Mr. Bystrak stated that the applicant established

the volume level of around 60 on that day in May. Mr. Lang stated the meter on his watch is indicating the volume of the meeting is 72.

Dale Kling, 4760 Clinton Street made the following comments:

- ✓ The sound from loud cars driving down the road last a very short amount of time, the music lasts for a few hours
- ✓ The acoustics were to be addressed but continue to negatively impact the quality of life for neighbors

Ms. Greenan requested confirmation that the complaints made were about the noise level and not that the music continued outside of the time limits. Mr. Busse confirmed this.

Chairperson Hicks stated the applicant previously demonstrated there is a financial hardship and there is an increase in revenue when live music is scheduled, and the Zoning Board has conducted the balancing test multiple times.

Ms. Greenan stated she would support extending the variance for live music outdoors through September and indoors from October through April.

Chairperson Hicks added the applicant will comply with the decibel level established by the town code.

Ms. Tronolone stated she agrees with this.

Mr. Bedient questioned if the applicant has bands scheduled through September. Mr. Shaw stated he has no Friday occasions, two on Saturday, and two on Sunday. Mr. Bedient stated he would limit the variance to only the occasions Mr. Shaw has booked and no Fridays.

Mr. Lang stated he supports Ms. Greenan's suggestion.

Deputy Town Attorney Stachowski advised the Zoning Board to extend the variance through September for the four occasions only and grant the indoor music.

Ms. Tronolone questioned the dates Mr. Shaw has live music scheduled. Mr. Shaw stated he does not have the dates with him but can provide them later.

Motion by Greenan, seconded by Tronolone, to close the public hearing and grant a variance for live music at 4717 Clinton Street effective August 28 – December 4, 2024, from 7 P.M.–10 P.M. on Fridays and Saturdays, and 1 P.M.-4 P.M. on Sundays with the following stipulation that outdoor music is permitted through September 30th and only indoor music from October 1 – December 4, 2024.

Ayes: All

Noes: None

Motion Carried

2024-34

Request of Angelica & Nate Springer for property located at 4348 Seneca Street to allow live music on property (live music not permitted).

Angelica and Nathan Springer were present at the meeting. Mr. Springer stated he has not received any complaints and uses a decibel meter to measure the level, noting ambient noise is generally around 65 decibels and during a show in the parking lot 75 decibels at most.

Chairperson Hicks questioned if Mr. Busses is aware of any new complaints. Mr. Busses stated there have been no complaints. Chairperson Hicks stated the applicant's variance is from 8 P.M. – 10 P.M. on Fridays. Mr. Springer stated he believes the time limit is 10:45 P.M. or 11 P.M. Town Clerk Newton stated the variance states 8 P.M. – 10:30 P.M. through August 28, 2024.

Chairperson Hicks questioned the applicants' plans. Mr. Springer stated the last show is scheduled for October 4, 2024. Chairperson Hicks confirmed the applicant would like the current variance extended to October 4th. Mr. Springer confirmed this. Ms. Greenan stated the motion was 8 P.M. – 10 P.M. and questioned what the applicant is requesting. Mrs. Springer stated they would like 10:30 P.M.

David and Shirley Hornyak, 840 Main Street, made the following comments:

- ✓ Property owners up the hill from the applicants' business
- ✓ Provided printed copies of definitions of acoustic music and acoustic to the Zoning Board and stated acoustic means non-amplified
- ✓ Noted two instances since the June meeting where sound levels were too high, but the other days were fine
- ✓ Phone apps do not register the bass levels

Chairperson Hicks stated the definition for the word acoustic is not included in the town code and will not include this word in the discussion. Mr. Stachowski stated any live music cannot exceed 95 decibels. Ms. Greenan stated she agrees with Chairperson Hicks and the Zoning Board's responsibility is to approve or deny live music.

Chairperson Hicks stated out of the three occasions in June, five in July, and four in August, Mr. and Mrs. Hyland have identified two days out of twelve that the music was unacceptable. Mrs. Hyland confirmed this. Chairperson Hicks requested the two parties exchange phone numbers and encouraged the Hylands to communicate to the owners when they feel the music is disturbing noting there are six more occasions through October 4th.

Ms. Hyland stated in her opinion, 95 decibels is too high for bars in residential locations and the town code should be reviewed. The neighbors must live with the decisions the Zoning Board makes.

Ms. Greenan stated the Zoning Board takes all parties into consideration when making decisions and referred to the previous application. Ms. Hyland stated the applicant needed to add a wall and stated there are other businesses that should probably do this also.

Mr. Hyland stated he wanted to demonstrate heavy bass levels to the Zoning Board, but the limitations of the phone app would not register the decibels. Ms. Greenan stated the Town Board has the ability to change the town codes. Mr. Hyland stated his point is that it is possible that the bass exceeds the limit, but it cannot be measured accurately. Mr. Stachowski stated the decimeter used by the Code Enforcement Office is likely more sophisticated than a watch or phone app. Mr. Busse stated this is correct but the occasions occur after work hours but the Police Department does have some decimeters for their patrols.

Chairperson Hicks stated she would recommend the Hylands communicate with the Springers when they feel the music is too loud. Mr. Hyland agreed to this suggestion.

Mr. Springer stated the last musician angled his speaker in a way that may have caused the sound to carry up the gully by the Rusty Nickel and will be certain the speakers are positioned to bounce off the building.

Chairperson Hicks questioned Mr. Stachowski if the variance were extended through October 4, 2024, would the applicant need to reapply and pay another application fee, or could there be a continuation if they wanted to return in the spring. Mr. Stachowski stated there could be a continuation and the variance could note there is a pause with the applicant returning on a particular date.

Chairperson Hicks questioned if the applicant had any plans for the winter. Mrs. Springer stated nothing is scheduled but were considering something inside for the holiday season. Mr. Busse stated the applicant could contact the Code Enforcement Office to discuss an occasion. Mr. Stachowski stated he would recommend the Zoning Board pause the variance and the applicant can return to the December 4th meeting. The Springers stated that was acceptable.

Motion by Chairperson Hicks, seconded by Greenan, to close the public hearing and grant the variance as requested to allow live music on the property 4348 Seneca Street on Fridays between 8 P.M. – 10:30 P.M. effective August 28 – October 4, 2024, with the applicant returning to the December 4, 2024, to discuss any indoor music during the holidays.

On the question, Ms. Greenan stated the variance is being granted based on the use variance balancing test that was applied when the variance was first granted.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

2024-40

Request of Ryan Koster for property located at 57 Borden Road for a variance to erect a 6' fence in the front/side yard (maximum 4' height allowed in front/side yard)

Ryan Koster stated the request for a 6' fence along the south side of his property to minimize interaction with the neighbor, minimize light trespass, and to protect vegetation from damage by deer.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 61, 67, 50, 60, 37, and 36 Borden Road. The applicant confirmed the signatures are from all adjacent and across the street neighbors except for the neighbor to the south who did not respond to his request for a signature.

No public comments were received.

Ms. Tronolone questioned the type of fence the Kosters would like to install. Mr. Koster stated it will be a 6' wooden fence along the south side of the property to the front corner.

Ms. Greenan referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, it is very common that these types of fences are approved; 2) Is there an alternative –yes, a 4' fence could be installed; 3) Is the request substantial – no, an additional 2' is not substantial; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Greenan, seconded by Lang, to close the public hearing and grant a variance for property located at 57 Borden Road to erect a 6' fence in the front/side yard.

Ayes: All

Noes: None

Motion Carried

2024-41

Request of Sarah Janiga for the property located at 19 Crownland Circle to erect a shed within the side/front yard (no accessory building, structure or other improvement shall be erected in front/side yard).

Sarah Janiga stated she would like to install a shed on the side of her property, noting she has a corner lot, and this is considered a front lawn. Additionally, she would like to install a 6' privacy fence off the shed and around the rear of her property.

Chairperson Hicks stated two variances are being requested: 1) install a shed with a 10' front setback where a 30' setback is required; 2) to install a 6' privacy fence in the front and side yard. Chairperson Hicks stated the application indicating both variance requests is available online and questioned Mr. Stachowski if there were any reasons not to proceed. Mr. Stachowski stated there was not.

Chairperson Hicks stated the survey indicates the fence will be 3' from the sidewalk and the 10' x 14' shed will be outside of the fence. Ms. Janiga confirmed this and the shed is pre-built.

Ms. Greenan questioned why the fence is placed outside the fence. Ms. Janiga stated that was done for aesthetics. Chairperson Hicks questioned if there will be a gate on the fence to allow access to the shed. Mr. Busse explained that the shed will open inside the fence.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 25, 44, 13, 14, 26, and 32 Crownland Circle. Ms. Janiga confirmed the signatures are from all adjacent and across the street neighbors except for one neighbor who has been out of town. Ms. Greenan questioned if the neighbors were aware of both requests. Chairperson Hicks confirmed the two variances were listed. Ms. Janiga stated she also showed the neighbors the survey.

No public comments were received.

Chairperson Hicks referred to the area variance balancing test for the shed, requesting a 10' setback where 30' is required: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – yes, but the proposal fits the needs of the homeowner; 3) Is the request substantial – no, this affects the applicant's property only and does not impeded any sight lines for safety; 4) Does the variance have an impact on the environment – there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Lang, to close the public hearing and grant the variance for a shed with a 10' front setback where a 30' setback is required.

Ayes: All

Noes: None

Motion Carried

Chairperson Hicks referred to the area variance balancing test for the fence: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – yes, but the 6’ fence provides better safety and privacy for the property owner; 3) Is the request substantial – no, the neighbors do not have any objections ; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Lang, to close the public hearing and grant the variance for a 6’ privacy fence in the front and side yards with the condition that the fence will be a minimum of 3’ away from the sidewalk.

Ayes: All

Noes: None

Motion Carried

2024-42

Request of Brian Wachowiak for the property located at 15 Century Drive to erect a pool and deck within the side/front yard (no accessory building, structure or other improvement shall be erected in front/side yard).

Brian Wachowiak stated his property is a corner lot and he would like to install an 18’ above ground pool and deck in the area considered a front yard. The pool’s diameter is 18’ with a height of 3’ from Pool Mart. Chairperson Hicks requested additional information about the deck. Mr. Wachowiak stated he has not decided if they will build or purchase the deck. Chairperson Hicks stated there is 5’ between the garage and proposed pool deck.

Ms. Greenan questioned Mr. Stachowski if the variance is a use or area variance to conduct the appropriate balancing test. Mr. Stachowski stated in his opinion the proposal is an area variance. Mr. Busse agreed with Mr. Stachowski and noted the application did have the incorrect box marked. Chairperson Hicks acknowledged the correction and added that they are requesting a 20’ setback where 30’ is required.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 31, 12, and 11 Century Drive, 105 and 120 Westcliff Drive. Mr. Wachowski confirmed they are adjacent and across the street neighbors and there is no sidewalk.

No public comments were received.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, there is no other location on the property for the pool and the property is a corner lot; 3) Is the request substantial – no, the area is enclosed and the pool is for personal use; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Greenan, to close the public hearing and grant a variance for the property located at 15 Century Drive to erect a pool and deck within the side/front yard setback.

2024-43

Request of Dave Sutton of Sutton Architecture for property located at 555 Orchard Park Road for a variance to allow live music on the property (live music not permitted).

Dave Sutton of Sutton Architecture and property owner of 555 Orchard Park Road stated he is requesting two variances; one is the renewal for outdoor seating and the second is live music on the premises. Mr. Busse stated

his understanding is that only the variance for live music is being considered at this meeting. Mr. Sutton stated he understood the business is required to renew the variance for outdoor seating and he wishes to remain compliant with the town's requirements. Mr. Busse explained the renewal of outdoor seating was overlooked and requested Mr. Stachowski's opinion on how to rectify this. Chairperson Hicks stated she would like to review the Planning Board's recommendations on the outdoor seating and have the applicant return at a future meeting at their convenience and no additional charge to address the outdoor seating with the possibility of permanent approval.

Mr. Sutton stated he would like to have live music on various weekday and weekend evenings and Sunday afternoons. The property has no adjacent residential neighbors. Mr. Sutton stated there has been live music over the past few months and apologized for not being aware of the need for a variance. The live music was successful for the business and there were no reported concerns from neighboring properties. Live music has been and would be scheduled outdoors and indoors depending on weather conditions. Mr. Sutton commented that the live music in the back room cannot be heard in the restaurant portion.

Mr. Sutton stated a use variance requires a financial hardship and noted there is a substantial revenue increase when live music is offered. Additionally, live music allows The Ridge to remain competitive with other restaurants and breweries in the area.

Chairperson Hicks requested verification of the financial impact of having live music. Mr. Sutton stated there are many variables and is difficult to track but there has been between a 5% - 30% increase in revenue when live music is offered. Ms. Greenan stated the Zoning Board is required to see documentation. Chairperson Hicks stated she will expect empirical evidence when Mr. Sutton returns. Mr. Sutton stated he will provide this to Mr. Busse very soon. Mr. Stachowski stated this will be acceptable at this time and set a time frame for any variance issued during the meeting with the understanding documentation is required before a renewal is granted.

Ms. Greenan referred to the applicant's letter and questioned if live music from 12 P.M.–6 P.M. will be on Sundays. Mr. Sutton confirmed this.

Ms. Greenan stated she would support a variance for six months or one year because there are no residential neighbors. Mr. Bedient agreed with this recommendation. Mr. Busse stated there has only been positive feedback about the business. Ms. Greenan stated she would recommend a one-year variance. Ms. Tronolone agreed. Chairperson Hicks stated she prefers six months and cited past practice with other first-time applications.

Chairperson Hicks stated the Zoning Board received a letter of no objection from Erie County Department of Environment and Planning.

Mr. Lang stated the Zoning Board should be consistent and issue a six-month variance.

Mr. Sutton stated in his opinion the business has proven the live music has not been a problem and requested the Zoning Board consider a one-year variance.

Chairperson Hicks referred to the use variance balancing test: 1) Can a reasonable return be achieved by another method – no, the applicant has indicated in order to be competitive they need to have live music; 2) Is this a unique circumstance – yes, the business is on a very busy corner that remained vacant for many years, the applicant has significant investment in changes; 3) Does the variance change the character of the neighborhood – yes, there is an improvement; 4) Is this a self-created hardship - yes, but this is not the determining factor.

No public comments were received.

Motion by Lang, seconded by Chairperson Hicks, to close the public hearing and grant a variance for the property located at 555 Orchard Park Road to allow live music on the property Monday - Saturday between 6 P.M. – 11 P.M. and Sunday 12 P.M. – 6 P.M. for six months when the applicant is required to return to the Zoning Board.

Ayes: All

Noes: None

Motion Carried

Mr. Sutton stated the town has been very easy to work with through the process.

2024-44

Request of Colleen Shea for property located at 165 Tudor Boulevard for a variance to allow a generator within 3' 5" side yard setback (units shall be 5' off the side property line).

Colleen Shea stated she would like to install a generator 3.5' from the property line due to the limited space on her property.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 171 and 170 Tudor Boulevard. Ms. Shea confirmed that the neighbor at 171 Tudor Boulevard is closest to the generator.

No public comments were received.

Ms. Greenan referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, the applicant has demonstrated there is no room; 3) Is the request substantial – no, a 1.5' difference is not substantial; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – no, based on the layout of the home.

Motion by Tronolone, seconded by Greenan, to close the public hearing and grant a variance for property located at 165 Tudor Boulevard for a variance to allow a generator with less than the required 5' setback.

Ayes: All

Noes: None

Motion Carried

2024-45

Request of Ed and Sara Bedient for property located at 315 Barnsdale Avenue for a variance to erect a 6' fence in the front/side (maximum 4' height allowed in front/side yard).

Zoning Board member Ed Bedient recused himself and left the meeting room.

Sara Bedient stated they would like to replace the existing 4' chain-link fence with a 6' privacy fence in the driveway which will match the neighbor's existing fence. Additionally, she would like to install a 6' privacy fence along the opposite side of the property from the front of the house to the back for privacy and security reasons.

Chairperson Hicks stated the Zoning Board received a letter of no recommendation from Erie County Department of Environment and Planning. Additionally, neighbor signatures with no objection to the variance were received

from residents at 843 Mineral Springs Road, and 316, 306, and 311 Barnsdale Avenue. Ms. Bedient confirmed they are adjacent and across the street neighbors.

No public comments were received.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, the applicant has indicated they need the 6’ fence for privacy and security; 3) Is the request substantial – no, the fence will match the neighbor’s existing fence; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Greenan, seconded by Lang, to close the public hearing and grant a variance for property located at 315 Barnsdale Avenue for a variance to erect a 6’ fence in the front/side yard.

Ayes: All

Noes: None

Motion Carried

Mr. Bedient returned to the meeting.

2024-46

Request of John Franke for property located at 2288 Transit Road for a variance to erect a detached garage/structure 15’ in height (maximum 12’ height allowed).

John Franke stated he and his wife have future plans to purchase a motorhome he would like to park under the proposed covered parking structure as well as a tractor and small dump trailer to protect them from sun and inclement weather.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 2250 and 2300 Transit Road. Mr. Franke stated he owns the adjacent property of 2276 Transit Road, and the signatures are from the neighbor to the north and the owner of Seneca Greenhouse.

Chairperson Hicks referred to the survey and questioned if the property is 100’ wide by 527’ deep. Mr. Franke stated the property is almost 1,000’ deep and offered to show a full survey to Chairperson Hicks. Chairperson Hicks questioned if the location of the proposed pavilion will be located behind the existing pole barn. Mr. Franke confirmed this and explained he would like to cover the existing stone pad.

No public comments were received.

Chairperson Hicks referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, the property is narrow and deep and the proposed pavilion will sit behind the living space of the property owner and neighbors noting there is a commercial business on one side; 2) Is there an alternative – no, the applicant wishes to cover his property and protect it from the elements; 3) Is the request substantial – no, the request is not substantial; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Tronolone, seconded by Greenan, to close the public hearing and grant a variance for property located at 2288 Transit Road for a variance to erect a detached garage/structure 15’ in height.

Ayes: All

Noes: None

Motion Carried

2024-47

Request of Jonathan Ruggiero and Jordan Russo for property located at 76 Greenspring Court for a variance to erect a 6' fence in the front/side (maximum 4' height allowed in front/side yard).

Jonathan Ruggiero stated he would like to construct a 6' white vinyl fence and extend the fence from both sides of the rear of the house 16'. The fence will provide privacy, coverage of an egress wind and air conditioning unit, and provide a space for their dog.

Chairperson Hicks confirmed with Mr. Busse that the two sections of the proposed fence abut to what is permitted. Mr. Busse confirmed that the area beyond what is indicated in the drawing is where a 6' is permitted around the entire backyard and will match the fencing in the yard.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 72, 80, 99, 103, and 107 Greenspring Court.

No public comments were received.

Ms. Greenan referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – yes, a 4' fence is an option ; 3) Is the request substantial – no, the 2' difference is not substantial and this is a very common request; 4) Does the variance have an impact on the environment – no, there is no impact on the environment; 5) Is this a self-created difficulty – yes, but this is not the determining factor.

Motion by Chairperson Hicks, seconded by Bedient, to close the public hearing and grant a variance for property located at for property located at 76 Greenspring Court for a variance to erect a 6' fence in the side yard.

Ayes: All

Noes: None

Motion Carried

2024-48

Request of Vincenzo S. Grassia for the property located at 46 Osgood Avenue for variance to allow a generator within 4'6" side yard setback (units shall be 5' off the side property line).

Vincenzo Grassia stated he would like to install a generator on the side of his home. Chairperson Hicks stated his letter indicates the location on the south side away from windows for safety from carbon monoxide poisoning, his children play in the backyard, and the proximity to his gas meter will reduce costs.

Chairperson Hicks stated neighbor signatures with no objection to the variance were received from residents at 38 and 58 Osgood Avenue. Mr. Grassia confirmed they are his adjacent neighbors.

No public comments were received.

Ms. Greenan referred to the area variance balancing test: 1) Is there an undesirable change to the neighborhood - no, there are neighbor letters in support; 2) Is there an alternative – no, because of a safety concern ; 3) Is the request substantial – no, the request is not substantial; 4) Does the variance have an impact on the

