

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

July 15, 2009

PRESENT – Board Members

Conrad Ziarniak - Chairperson
 Wade Radtke *
 Paul Dittman
 Rick Sheffer *
 Jackie Smith

Support Board Members

Richard Olson, Town Attorney
 Chad Fabry, Code Enforcement *
 Ursula M. Liotta, Building Dept. Coordinator

 Excused *

CALL TO ORDER:

C. Ziarniak called the meeting to order at 7:00 pm, led all present in the Pledge of Allegiance, and reviewed the agenda.

PUBLIC HEARING:

- Mavis Kenyon**, Resubdivision Plan of Hidden Plains, Section 1
 2586 Lake Road, Tax Acct. #029.03-1-45.2 (2.0 a.) & 029.03-1-45.121 (108.5 a.)
 Presented by: Darryl Moser, LS, Schultz Associates, PC

Mavis Kenyon

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR SCHULTZ ASSOCIATES, PC; ATTN: DARRYL MOSER, LS	2. PROJECT NAME RESUBDIVISION PLANS OF HIDDEN PLAINS, SECTION 1
3. PROJECT LOCATION: Municipality <u>TOWN OF CLARKSON</u> County <u>MONROE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 2586 LAKE ROAD, TAX ACCT #: 029.030-01-045.2 & 029.030-01-045.121; LOCATED ON THE WEST SIDE OF LAKE ROAD, SOUTH OF THE INTERSECTION OF LAKE ROAD AND LAWRENCE ROAD.	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: TO ADJUST PROPERTY LINE ON HIDDEN PLAINS SUBDIVISION TO PROVIDE FRONTAGE TO REMAINING FARM LAND.	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.268</u> acres Ultimately <u>1.268</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <p style="text-align: center;"><i>area variance required</i></p>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <p style="text-align: center;"><i>Zoning Board of Appeals</i></p>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>SCHULTZ ASSOCIATES, P.C.</u> Date: <u>3/20/09</u> Signature: <i>[Signature]</i> for SCHULTZ ASSOCIATES, P.C.	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
 July 15, 2009

Mavis Kenyon

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.
Town of Clarkson Zoning Board of Appeals 3/20/09 Name of Lead Agency Date
Conrad Ziamrak Conservation Board Chairperson Printer Type Name of Responsible Officer in Lead Agency Title of Responsible Officer
x Conrad Ziamrak x Brian Lemon Signature of Responsible Officer in Lead Agency Signature of Preparer (If different from responsible officer)
Conrad Ziamrak Date 7/15/09 Date 4/8/9

Reset

RESOLUTION ADOPTING NEGATIVE DECLARATION

029.03-1-45.2 (2.0 a.)

& 029.03-1-45.121 (108.5 a.)

Tax Account Numbers

Mavis Kenyon

Name of Applicant

2586 Lake Road

Address of Property

Area Variance/Hidden Plains, Sec. 1

Name of Project

WHEREAS, the Applicant requests an area variance of the Resubdivision Plan of Hidden Plains, Section 1, at 2586 Lake Road, Town of Clarkson, County of Monroe, State of New York; and

WHEREAS, this Board, by motion dated July 15, 2009 declared itself to be the Lead Agency for Purposes of SEQRA; and

WHEREAS, in accordance with law and local practice, this Board referred this matter to the Town Conservation Board; and

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

July 15, 2009

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, the developer has prepared and submitted Appendix C SEQR Short Environmental Assessment Form; and

WHEREAS, the Conservation Board has reviewed the documents submitted and recommended a negative declaration be issued; and

WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form, the recommendation from the Conservation Board, the Resubdivision Plan of Hidden Plains, Section 1, dated April 25, 2008 prepared by Schultz Associates, Engineers & Land Surveyors, P.C. and all of the items in the application, and having considered each and every impact in accordance with SEQRA

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of C. Ziarniak, seconded by J. Smith,

BE IT RESOLVED

1. That the Zoning Board of Appeals hereby adopts a Negative Declaration and that the SEQR Determination of Significance is attached hereto and made a part hereof as if the same were set forth a length herein.

2. That this resolution shall take effect immediately. Upon a roll call vote, the votes were cast as follows:

**Aye: C. Ziarniak, P. Dittman, J. Smith; W. Radtke (absent), Rick Sheffer (absent)
Zoning Board of Appeal Members of the Town of Clarkson, Monroe County, New York**

Whereupon the resolution was declared adopted.

C. Ziarniak reviewed the Short Environmental Assessment Form (SEQR), made appropriate changes thereto after conferring with the Board members and the engineer, and named the ZBA as Lead Agency. Further, C. Ziarniak read aloud the Resolution Adopting Negative Declaration. Both are attached above.

C. Ziarniak opened the Public Hearing by reading aloud the legal notice, and asked D. Moser to briefly explain the application.

D. Moser stated as follows:

- that the Applicant is in a position to sell the house and the farmland to a farmer;
- that the Applicant has access to the farmland from Lake Road north of the subject property, but that portion of land is densely wooded with a creek, and does not allow for reasonable access;
- that the proposal is to change the current frontage of 125.08' to 45.07' and 80.01' by adjusting the lot line, as requested in the application;
- that the 80.01' portion would become part of the farmland;
- that the requested variance would provide reasonable access to the farmland and a flag lot would be created.

No one was present for the Public Hearing; C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

Board discussion:

C. Ziarniak reviewed the facts, as follows:

- according to the proposed site plan, Lot R-4 will be created.
- the original subdivision was created in 1979.
- the Applicant's daughter, Becky, has since sold her portion of the land.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
July 15, 2009

- the balance of 108 acres is being leased and farmed by a farmer, who accesses the land from Lawrence Road; it is unknown if there is a lease agreement.

J. Smith questioned: if the ZBA allowed the Applicant's request, what will be done with the land if not used for farming? D. Moser stated that it will probably be a subdivision in the future; that the sewer line runs across the front of the Lake Road properties and would create an easy tie-in.

C. Ziarniak questioned: it is likely that the land will be developed in the future even without a variance from this Board? D. Moser stated yes.

R. Olson stated that it would be less suspicious if the current frontage of 125.08 feet were split in half, i.e. 65.08' and 60', because 60' is the normal distance for a right-of-way.

C. Ziarniak stated that if this variance were granted, it would create a narrow strip which would change the character of the neighborhood. In addition, C. Ziarniak had concerns that the 80' wide parcel could become a building lot. The Board's view is to act on what is best for the Town. After further discussion, the Board asked D. Moser to contact his client and ask her to consider a lot line change that would result in a 60.01 lot width for the farm access, which would be labeled as "future right-of-way" on the new map, and a 65.07' lot width for the existing parcel; that an easement would be given to the Applicant for the driveway to the residence.

This matter was tabled to August 5, 2009.

NEW BUSINESS:

1. **Diane M. Gerow**, Applicant – Application for a Sign Permit for business "Tru Colours Salon" @ 2176 Lake Road, Tax Acct. #029.03-3-1-31

Karen Buck, Applicant's mother, appeared on her behalf. She presented a color copy of the proposed signs for the business, i.e. one (1) 12 sq. ft. sign (business name) to be attached next to the door entrance, and (1) less than 1 sq. ft. sign (business hours) to be attached to the door. K. Buck stated as follows:

- that the Applicant is renting the front space at 2176 Lake Road for a new salon business;
- that the signs will be professionally made from aluminite material;
- that the Applicant does not plan to light the signs.

C. Ziarniak made a motion to schedule a Public Hearing to be held on August 5, 2009; second by J. Smith; unanimously carried.

K. Buck stated that the business intends to open on August 1, 2009, and the signs will be temporarily in place for the opening.

OLD BUSINESS: None

REVIEW OF MEETING MINUTES: June 17, 2009

P. Dittman made a motion to accept the minutes; second by J. Smith; unanimously carried.

NEXT MEETING: The next regularly scheduled meeting will be held on August 5, 2009 at 7:00 p.m.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:00 p.m.; seconded by J. Smith; unanimously carried.

Approved 8-5-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator