

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

April 7, 2010

PRESENT – Board Members

Conrad Ziarniak - Chairperson
Paul Dittman *
Rick Sheffer
Jackie Smith
Scott Tantalo

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: None

NEW BUSINESS:

1. **Steven F. Haefner**, 7660 Ridge Road W., Tax Acct. #054.04-1-27.22, Zoned RS-20
Application for an Area Variance

S. Haefner introduced himself and explained that he made this application because he wishes to build a 36' x 48' barn for his horses on a portion of his backyard that would not meet the 100' setback per code from either side lot line. Discussion included, in part, as follows:

- That the house was built in 1991 and S. Haefner purchased it in October 2009.
- That a run-in was built shortly thereafter for two of his horses.
- That he plans to have four horses and does not have plans for more.
- That he does not plan to board horses.
- That the distance of the proposed barn from the house is approximately 250'.
- That the side setback from the proposed barn would be 80' from both lot lines, E and W.
- That the proposed barn would house his tractor, snow blower, hay, and horses.
- That the proposed barn would be approximately 10' S of the run-in structure; that there is no electricity at the run-in.

C. Ziarniak stated that without the area variance, S. Haefner could still build a barn approximately 100' further back. S. Haefner stated that the reason he wants to build it closer is that he wishes to incorporate the barn door opening on the S side into the existing fence line of the pasture; that presently, the pasture is completely fenced in. In addition, running water and electricity to the barn would be less expensive at its proposed location.

C. Ziarniak inquired about the remaining area of his parcel to the N. S. Haefner stated that it is flat and pitches to the N; that there is also a pond to the N that was probably dug for fill when the house was built.

C. Ziarniak explained the criteria that the Board needs to follow when considering an application; that what is more convenient to the Applicant is not a consideration.

C. Ziarniak inquired regarding the proximity of the neighboring houses and the Board reviewed the site map with the houses indicated thereon and the approximate distance from the subject parcel; that the barn would be approximately 300' from the closest neighbor.

C. Ziarniak asked how he intended to control, reduce or eliminate odors. S. Haefner stated that he intends to use a loader to spread the manure on the property, even in mid-winter when the ground is frozen; that he would look into having the manure removed from the property.

C. Ziarniak stated that Town Code exists to protect the neighbors; that the Board must consider how the livestock will affect the neighbors. Will it be objectionable to them? Will manure storage be objectionable to them? C. Ziarniak stated that S. Haefner must anticipate the typical questions that will be asked by neighbors at the Public Hearing, and he must be prepared to satisfy the neighbors with his answers.

S. Haefner stated that the horses will only be indoors when the weather is severe; that it is healthier for the horses to be outdoors. The barn would have individual stalls for each horse and they would only be in the barn for feeding; they would still have the run-in to get out of the weather.

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C. Ziarniak stated that if the area variance is granted, it would be permanent to the parcel; that the next owner may not be as conscientious about maintaining and caring for the livestock as the Applicant would.

The Board had no further questions. C. Ziarniak made a motion to schedule the Public Hearing on this application for May 5, 2010; second by J. Smith; unanimously carried. Discussion was had regarding the Board members visiting the site before the Public Hearing.

OLD BUSINESS: None

OPEN FORUM: None

OTHER: 7:45 – 8:15

At the request of this Board, C. Fabry arranged for an webinar (online presentation) of the multifaceted web-based program “WebQA”. The program was viewed by the Board in the Building Department’s Office. The Board was impressed with the ease of the program and its versatility to be able to be customized for each Boards’ use. C. Ziarniak will follow-up directly with the WebQA presenter to customize the program specific to the ZBA, and the program will be viewed again.

REVIEW OF MEETING MINUTES: March 3, 2010

C. Ziarniak made a motion to approve the minutes; second by S. Tantalo.

C. Ziarniak, J. Smith, S. Tantalo – aye; R. Sheffer – abstained. Motion carried.

NEXT MEETING: April 21, 2010 at 7:00 p.m.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:30 p.m.; second by J. Smith; unanimously carried.

Approved 4/21/10

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator