

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

October 17, 2012

PRESENT – Board Members

Conrad Ziarniak – Chairperson
Paul Dittman
Jackie Smith
Michael Beadling *
Joseph Perry

Support Board Members

Richard Olson, Town Attorney *
Chad Fabry, Code Enforcement *
Ursula M. Liotta, Administrative Assistant

Excused *

CALL TO ORDER

C. Ziarniak called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance.

PUBLIC HEARING cont'd.

1. **Clarkson Crosby Mart**, Applicant, 8389 Ridge Rd., Tax ID#054.13-2-16.1, Zoned: HC
Application for Area Variance
Present: Michael Mahar, RE Specialist

C. Ziarniak stated that this was a continuation of the Public Hearing that was started on 10-3-12. No public was present. M. Mahar stated that he had a brief meeting with Doug Galli today with regard to the ARB meeting that D. Galli attended last evening, 10-16-12. C. Ziarniak reviewed the ARB minutes from the 10-16-12 meeting and noted as follows:

- That the Applicant provided a sampling of fence style options to the ARB, however, the ARB did not specify which style it preferred.
- Although the ARB referred to it as an “addition”, it would be more accurate to characterize it as a freezer unit that will be assembled on site.
- The ARB had no further objection with the replacement of the mechanicals per the diagram provided.
- The Applicant had not considered siding or roofing for the “addition” as an additional compromise to the ARB.

The board members continued their conversation with M. Mahar, including:

- The rear of the existing building is vertical white vinyl siding.
- The freezer exterior is made of horizontal white powder coated galvanized steel siding.
- That the top of the freezer is rubberized membrane.
- The roof treatment and additional exterior housing that ARB suggests in order to be consistent with neighborhood properties was not an option to the Applicant.

C. Ziarniak stated that the summary received from ARB regarding its 10-16-12 meeting, was not what he anticipated receiving; he had expected a decision to have been made; that the area variance application was emailed to the ARB on 9-21-12.

Based on the ARB minutes, it appears to have two issues: 1) type of siding material and 2) roofing material to be added to the freezer unit. C. Ziarniak asked M. Mahar if it was feasible to side and roof the freezer. M. Mahar stated that it is excessive for ARB to require this; that a cost study was done regarding amending the freezer plans to include a larger concrete pad, a sided exterior, and a roof, and found that it would be at least a 50% increase. The freezer unit is not intended to be housed. The manufacturer designs this unit and it comes as a kit.

M. Mahar contacted Rick Ponzi, the installer with ABC Refrigeration & Air Conditioning, Inc. who will provide a letter stating that the freezer unit is made for exterior use only and the warranty will be compromised if any physical changes were made to the freezer unit; that ABC has made four similar installations to area stores, without being required to alter the freezer unit; that the manufacturer’s installation cannot be compromised.

Since Applicant will not be submitting any further plan changes, the ARB must now either approve or disapprove, or modify the application per Town Code. C. Ziarniak stated that if there is no decision by the ARB, either approving or disapproving the application after 35 days of notice, i.e. by 10-26-12, the application will be considered an automatic approval by ARB.

Board comments:

P. Dittman stated that the freezer unit will be low and unobtrusive, and he does not understand ARB’s perspective. With the new fence, the freezer unit will almost disappear.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
October 17, 2012

J. Perry stated that the type of panels on the freezer unit are not designed for siding and will void any warranty, and any type of structure around the freezer would be adverse. The freezer unit will be behind the building and fence. The request from ARB is needless and unreasonable.

M. Mahar spoke with Attorney Olson today. He suggested that the Applicant send a letter to the ARB that they do not wish to submit further amendments to the original application.

C. Ziarniak stated that if the ARB disapproves the application, the Applicant could appeal ARB's decision to the ZBA, which would require a separate application and a Public Hearing on the appeal. The ZBA agreed to keep the Public Hearing open with regard to the area variance application until the meeting on 11-7-12. C. Ziarniak made a motion that the ZBA adjourn this matter until 11-7-12; second by P. Dittman; unanimously carried.

New Business

2. **Michelle Hare**, Owner/Applicant, 2227 Ireland Rd., Tax ID#041.02-1-29, Zoned RS-20
Application for Area Variance

Applicant was not present. The Board reviewed the application for a four to six foot tall picket fence request for an area of 48' x 50' forward of the front setback, in the front yard between the house and the road. The Board determined that they required additional information from the Applicant, as follows:

1. The Board is concerned that the height and material of the proposed fence may pose a health risk to the children with special needs; and were interested in knowing what other alternatives have been considered.
2. What recommendations from any agencies or organizations has the Applicant received that indicate that a fence is advisable for autistic children?
3. The wooden picket fence will need to be maintained in like-new condition, and the Board is concerned that it may not be able to with-stand the wear and tear of the children with special needs as they grow older.

The Board also asked:

1. That as standard procedure, the matter be referred to Monroe County Planning and Development for its review.
2. That ADA requirements be reviewed by C. Fabry. (Note: ADA does not pertain to privately owned residential properties.)

C. Ziarniak made a motion to schedule the public hearing for 11-7-12; second by P. Dittman; unanimously carried.

REVIEW OF MEETING MINUTES: October 3, 2012

C. Ziarniak made a motion to approve the minutes; second by J. Perry; unanimously carried.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:37 p.m.; second by P. Dittman; unanimously carried.

NEXT MEETING: November 7, 2012

Approved 11-7-12

Respectfully Submitted,

Ursula M. Liotta
Administrative Assistant