

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
June 3, 2015**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, June 3, 2015 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

**PRESENT-Board Members**

Conrad Ziarniak – Chairperson  
Paul Dittman  
Leslie Zink  
Tom Guarino  
Joe Perry

**Support Staff**

Kristen DiFilippo, Bldg. Dept. Coordinator

**CALL TO ORDER**

Conrad Ziarniak-Chairperson called the meeting to order at 7:00 p.m. and led all those present in the Pledge of Allegiance. The agenda was reviewed by the Board Members.

**NEW BUSINESS**

**Mary Mantegna – 3380 Sweden Walker Road  
Tax acct# 055.01-1-29.1  
Zoning: RS-20**

Regarding: Area Variance to construct a pool closer than the 10 feet side setback required per Clarkson Town Code §119-2: **The building line of a pool shall be the inside fence of the pool wall at the normal level of the water surface. Such building line shall be not less than 10 feet from the rear lot line, not less than 10 feet from each side lot line and behind the front setback of the dwelling.**

C. Ziarniak and Board members took a moment to review the application on WebQA and then C. Ziarniak read aloud the details of the application, including the applicant's responses to criteria for granting an area variance per N.Y.S. Town Law §267-b(3)(b):

- 1. What benefit will be derived by the applicant who is seeking the variance?** It will allow the applicant to install a pool in their yard that will avoid the leach field, tree removal, underground electrical line and any possible damage to the pre-existing asphalt driveway.
- 2. What changes will be produced in the neighborhood by the granting of the application?** The continued maintenance of the 30' x 206' area, that the applicant has made improvements on and maintained for the past 24 years without complaint or objection by past and current owners.
- 3. What other methods does the applicant have to achieve the benefit other than the area variance?** There is no other possible area to install the pool as per question #1.
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?** None that the applicant is aware of.
- 5. How was the alleged difficulty created?** Applicant made an offer to purchase the 30' x 206' parcel of land for installation of the pool in order to be within the property line compliance. This included applicant's offer to cover any expenses including closing costs, survey costs and title search. The property owner declined.

**(ABOVE ANSWERS GIVEN BY APPLICANT)**

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C. Ziarniak asked for clarification of question #2 from the applicant. M. Mantegna stated that the strip of land (30' x 206') north of her property is NOT owned by her and is an empty field maintained by her for the past 24 years. M. Mantegna's husband approached the Board members with an instrument survey to visually convey the strip of land in question.

C. Ziarniak stated details of the pool need to be submitted along with the exact location. C. Ziarniak stated the Board needs to see the correct distance the pool will be to the side lot line. Mantegna stated he would be erecting a 24 foot round pool 6 feet on the neighbor's property. C. Ziarniak stated the Zoning Board of Appeals cannot grant an area variance to erect a pool on someone else's property. C. Ziarniak read aloud briefly the Clarkson Town Code §119-2 and made the applicant aware that an area variance can only be allowed within the property line of their parcel. Mantegna stated he would redo the drawing rendering the pool in relation to the side lot line and supply details of the pool such as, construction of, height of the walls and the diameter/size of the pool.

**DISCUSSION**

C. Ziarniak made an outline of procedures for WebQA to share with Zoning Board members. C. Ziarniak discussed the email Paul Dittman encouraged him to send to the Town Board members on behalf of the continued progress the Zoning Board of Appeals has made on WebQA to go paperless. Town Board members, Jackie Smith and Christa Filipowicz replied with enthusiastic approval.

Continued discussion on Dropbox and the procedures to help facilitate a more efficient run Zoning Board.

**REVIEW OF MEETING MINUTES**

Motion by Conrad Ziarniak

Seconded by Joe Perry

To approve the May 20, 2015 minutes with approved changes.

Unanimously carried

**ADJOURNMENT**

Motion by Conrad Ziarniak

Seconded by Tom Guarino

To adjourn the meeting at 8:36 pm.

Unanimously carried

**NEXT MEETING**

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, June 17, 2015 at 7:00 p.m.

Respectfully submitted,  
Kristen DiFilippo  
Building Department Coordinator

Approved 06/17/2015