

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
May 18, 2016**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, May 18, 2016 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 – Building Coordinator
Richard Olson – Town Attorney

*Excused

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.

PUBLIC HEARING

**Patrick & Susan Piano – 239 Pesh Homes trail
Tax Acct# 039.01-1-26
Zoning: RS-20**

Regarding: Request for an Area Variance to construct a storage barn on a corner lot.

Chairperson C. Ziarniak read aloud the Legal Notice. P. Piano gave a brief description of his proposed barn:

- Proposed barn is 40' x 36'.
- To be constructed on the right side of the existing driveway.
- The use of the storage barn will be to store motor vehicles and a boat.

C. Ziarniak asked the Public if they would like to see a rendering of the instrument survey. There was no formal request to see the instrument survey.

C. Ziarniak outlined the perimeters of the application for the Public:

- Corner lot.
- Approximate parcel size is 5+ acres.
- Location of the proposed barn will be 270' from the left side of the front setback and 59' from the front set back by the existing driveway.
- A diagram of the proposed structure was supplied to the Building Department.

C. Ziarniak opened the Public Hearing for comments from the public. There was no formal request to speak on the record.

Motion by Conrad Ziarniak
Seconded by Paul Dittman
To Close the Public Hearing
Unanimously carried

C. Ziarniak opened up comments for the Zoning Board Members. L. Zink read aloud the **N.Y.S. Town Law Section 267-b (3) (b)** criteria in making a determination for an Area Variance:

- 1. What benefit will be derived by the applicant who is seeking this variance?** To house vehicles and storage.

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
May 18, 2016**

- 2. What changes will be produced in the neighborhood by the granting of this application?** None
- 3. What other methods does the applicant have to achieve the benefit other than an Area Variance?** None
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood?** None
- 5. How is the alleged difficulty created?** The nature of the existing parcel on a corner lot.

C. Ziarniak stated the applicants parcel is in a rural neighborhood, not a typical subdivision. All the parcels in the subdivision are spread out with large lots.

Motion by Conrad Ziarniak
Seconded by Leslie Zink

To determine that this Area Variance is a Type II SEQR action and therefore, not subject to further review.

Unanimously carried

Motion by Conrad Ziarniak
Seconded by Leslie Zink

To approve the above application on the condition that the structure not be used for commercial, industrial or manufacturing use, only residential use.

Unanimously carried

OLD BUSINESS

Stephen Hansen – Ireland Road

Tax Acct# 041.02-1-30.1

Zoning: RS-20

Regarding: Request for an Area Variance to construct a storage barn on vacant land.

C. Ziarniak stated that this is a pending application with several approaches that were discussed extensively with Town Attorney, R. Olson at the Public Hearing on May 4, 2016. Town Attorney, R. Olson outlined a few approaches for the applicant:

1. The merging of the applicant's two parcels.
2. Proceeding with the Zoning Board of Appeals conditioned upon a site plan approval with the Planning Board.

C. Ziarniak asked S. Hansen how he would like to proceed with his application. S. Hansen stated he would like the Zoning Board of Appeals to make a decision on his application. C. Ziarniak stated with substantial discussion with Town Attorney, Board members and the applicant, The Board Members felt strongly that a site plan review would need to be acquired from the Planning Board for the Zoning Board to grant approval. C. Ziarniak asked S. Hansen if he would agree to this condition. S. Hansen stated no, he would like the variance voted on. He stated is application is unique because he owns the 10 acre vacant land parcel and the adjacent 1 acre parcel where his residential home is currently on. S. Hansen stated the 10 acre parcel is in his "backyard" and the only thing that exists is a "virtual line tax line." C. Ziarniak stated the parcels legally are separate parcels and the Town has to make sure that the Zoning can be applied to the parcels separately.

S. Hansen stated he does not wish to combine the parcels for expense reasons. He asked the Zoning Board to consider the 10 acre parcel as his "backyard." P.

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
May 18, 2016**

Dittman asked S. Hansen if the expense was considerable once he contacted the surveyor to inquire about changing lot lines. S. Hansen stated he spoke to the surveyor once via phone and left several messages but he is still waiting for a response.

C. Ziarniak stated the Board Members have to make decisions based on long term and applying the Zoning Code equally. He stated if S. Hansen had come before the Zoning Board with a site plan approval first, the Board has a record of approving Pole barn structures of this type.

C. Ziarniak stated there are steps and procedures in developing land and if S. Hansen will not get a site plan, it leaves the Board with no other options.

S. Hansen asked if he withdraws his application will he get a refund. C. Ziarniak stated no.

C. Ziarniak asked Board Members if they had questions. J. Perry asked S. Hansen how long he has owned the 10 acre vacant land. S. Hansen stated seven years. P. Dittman stated a solution was given by the Town Attorney with minimal expense from a surveyor, in which would make the Zoning Board non-existent in this process but S. Hansen refused to investigate this option. S. Hansen stated he agreed but was still at a loss for the one hundred and fifty dollars for the Zoning Board application. L. Zink asked S. Hansen what condition he felt the Zoning Board could do that would safeguard the Town from in the future if he sold the 10 acre parcel with the pole barn on it. S. Hansen stated he would invest in getting a site plan if he were to eventually sell the parcel. T. Guarino stated it was the responsibility of the Zoning Board Members to make decisions based on the future of the parcel. S. Hansen stated he would remove the barn if he sold the barn in the future. P. Dittman stated the Area Variance follows the parcel NOT the applicant.

C. Ziarniak stated he wanted to commend S. Hansen for his tenacity in this approach but he believes there are other methods available to S. Hansen to achieve what he is seeking other than an Area Variance. He stated the alleged difficulty is self-created.

Motion by Conrad Ziarniak
Seconded by Tom Guarino

To DENY Stephen Hansen's application for an Area Variance because he has other methods in achieving the construction of a storage barn on vacant land such as:

1. The merging of the applicant's two parcels.
2. A site plan approval from the Planning Board.

Conrad Ziarniak denied
Paul Dittman denied
Leslie Zink denied
Tom Guarino denied
Joe Perry abstained

NEW BUSINESS

**Wayne Ward – 3267 Sweden Walker Road
Tax Acct# 055.01-1-21
Zoning: RS-20**

Regarding: Request for an Area Variance to construct a fence in front of residence.

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
May 18, 2016**

W. Ward gave a brief description of his application with a hand drawn diagram of the fence.

- Proposed fence for security reasons.
- 6' chain link fence.
- Approximately 500+/- sq. feet of fencing along the front setback
- Plenty of natural buffering which will not make the proposed fence visible.

C. Ziarniak stated the Zoning Board is required to do the least invasive approach. He asked W. Ward what he could do to reduce the size of the fence. W. Ward stated he wanted to construct a 6' chain link fence. He stated this is his last resort to keep out hunters and animals. He stated the fence would be totally enclosed with gates.

C. Ziarniak asked W. Ward to stake where the proposed fence would go for the Zoning Board Members to do a site visit. W. Ward stated he would have the area marked for the Zoning Board.

C. Ziarniak stated he would like W. Ward to include an instrument survey with his application.

Motion by Conrad Ziarniak
Seconded by Joe Perry
To Schedule a Public Hearing on June 1, 2016
Unanimously carried

Jeremiah Thomas (The River @ Rochester Church) – 3723 Sweden Walker Rd.

**Tax Acct: 070.01-1-4
Zoning: Highway Commercial**

Regarding: Request for a Permanent Sign

C. Ziarniak briefly read the application aloud:

- Proposed sign will be constructed of weather proof wood with a metal frame elevated on a black metal post.
- Sign approximately 24 sq. feet.
- Rendering of the sign in application.
- Laser cut lettering (Professionally done).
- Approximate dimensions of the face of the sign are 6' x 4'.
- Height of the sign is 12'.
- Two-sided sign.
- Sign will be located to replace the old sign.

C. Ziarniak stated an instrument survey be provided with the application.

Motion by Conrad Ziarniak
Seconded by Tom Guarino
To Schedule a Public Hearing on June 1, 2016
Unanimously carried

Bridget Jurkowski – 4 Summer Hill

**Tax Acct# 069.02-1-11
Zoning: RS-10**

Regarding: Request for an Area Variance to construct a fence on a corner lot.

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
May 18, 2016**

B. Jurkowski gave a brief description of her application:

- Proposed 6' white vinyl fence in 8' sections.
- Proposed to add 56' and 48' of fencing to safeguard her children and privacy along the busy East Avenue.

L. Zink read aloud **Clarkson Town Code §140-14, Fences**.

Motion by Conrad Ziarniak
Seconded by Leslie Zink
To Schedule a Public Hearing on June 1, 2016
Unanimously carried

REVIEW OF MEETING MINUTES

Motion by Conrad Ziarniak
Seconded by Paul Dittman
To approve the May 4, 2016
Unanimously carried

AJOURNMENT

Motion by Conrad Ziarniak
Seconded by Tom Guarino
To adjourn the meeting at 9:00 pm.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, June 1, 2016 at 7:00 p.m.

Respectfully submitted
Kristen DiFilippo
Building Department Coordinator

Approved 06/01/2016