

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – March 5, 2008

PRESENT

Conrad Ziarniak - Chairperson	Ursula M. Liotta - Deputy Town Clerk
Wade Radtke - Member	* Richard Olson - Town Attorney
Paul Dittman - Member	Larry Gurslin – Code Enforcement
Rick Sheffer - Member	
Jackie Smith - Member	* Excused

CALL TO ORDER

C. Ziarniak called the meeting to order at 7:00 pm., followed by the Pledge of Allegiance.

OPEN FORUM None

NEW BUSINESS None

OLD BUSINESS None

PUBLIC HEARING

Dr. Garg – Special Use Permit

Property Location: 34 West Ave., Brockport, New York

Tax ID #068.02-1-6

The Public Notice was read for the record. C. Ziarniak introduced L. Gurslin, code enforcement, who was present on behalf of the Town, and on behalf of Dr. Garg. L. Gurslin presented letters from the file, as well as a copy of the pertinent fence code (Section 140-14E), to support the purpose of the public hearing.

L. Gurslin explained the background to the situation, and how he assisted in helping to resolve the Trento/Garg neighbor issue re: the barrier between the commercial and residential properties. L. Gurslin provided the following information:

- Dr. Garg will erect a wood stockade fence approximately eight to twelve inches (8-12”) within his property line: 50’ @ 6 ft. high and 60’ @ 7 ft. high, front to rear. The 7 ft. portion requires the special permit.

- A contractor will construct the fence with the finished side facing Trento’s property. Dr. Garg will maintain the same.

- The Planning Board site plan approval did not include for any additional plantings as an alternative to the fence. C. Ziarniak stated that he still wanted to explore the natural barrier; that the Board could recommend it, but that it would not carry any weight.

- Discussion was had re: the moisture barrier that would have been created by the 8’ fence originally asked for by the Trento’s. L. Gurslin tested the fence by parking the town truck on the property and shining its lights on it, and found that the 7 ft. height was sufficient. He was able to meet a compromise w/both parties.

- C. Ziarniak thanked L. Gurslin for all of his work on this issue.

C. Ziarniak made a motion regarding the environment aspect of this matter; that this is a Type II; no need for any other action per the SEQR. Motion seconded by W. Radtke; unanimously carried.

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C. Ziarniak made a motion to approve the special permit for the seven-foot (7') portion of the fence, with the following conditions:

- That the fence shall be maintained according to NYS Property Code specifications.
- That the fence shall be suitable for exterior use.
- That the fence will be installed according to the indicated markings on the instrument survey dated 10/27/06 on file with the Town, which denotes the six-foot (6') and seven-foot (7') sections.
- That the fence panels shall be removable from the posts to allow for maintenance and to prevent encroachment on the neighbor's property.

W. Radtke seconds the motion; unanimously carried. A Notice of Decision will be prepared.

REVIEW OF MEETING MINUTES

W. Radtke made a motion to approve the minutes dated February 6, 2008; seconded by J. Smith; unanimously carried. P. Dittman and C. Ziarniak abstained.

J. Smith made a motion to approve the minutes dated February 20, 2008; seconded by C. Ziarniak; unanimously carried. W. Radtke, P. Dittman and R. Sheffer abstained.

ADJOURNMENT

C. Ziarniak made a motion to adjourn at 8:00 p.m.; seconded by P. Dittman; unanimously carried.

Respectfully Submitted,

Ursula M. Liotta
Deputy Town Clerk

APPROVED 4/2/08