

**TOWN OF CLARKSON – ZONING BOARD OF APPEALS**

**Minutes – November 5, 2008**

**PRESENT – Board Members**

Conrad Ziarniak - Chairperson  
Wade Radtke  
Paul Dittman  
Rick Sheffer  
Jackie Smith

**Support Board Members**

Ursula M. Liotta, Dep. Town Clerk  
Richard Olson, Town Attorney \*  
Larry Gurrslin, Code Enforcement \*  
  
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

**OPEN FORUM:**

- 1. Gary Coia**, 319 Chadlee Dr., Tax Acct. 054.01-2-34  
Request for Area Variance

C. Ziarniak reviewed the application aloud and questioned Applicant re: the property, and was provided with the following information:

That Chadlee Drive is off of Burch Farms Drive; • that the house is on a curve with no house to the E of Applicant’s property; • that the house was built in 1996; • that the Applicant and his wife have lived there for six (6) years; • that the lot is eighty-five feet (85’) wide and one hundred fifty feet (150’) deep; • that there is a wood deck shown on the map, but Applicant states that it has been turned into a three-season room; • that the hot tub and the patio are still there as shown on the map; • that no other improvements have been made by the Applicant; • that the landscaping at the property line was done by the previous homeowner; • that the adjacent property is in flood zone “c”, and flood zone “a” is behind it; • that the Applicant understands that one cannot build on flood zone “c” or “a”; • W. Radtke stated that flood zone “c” is the best, and “a” is the worst and would require flood insurance; • that the owner of adjacent property is hesitant to sell Applicant a piece of the property.

Further, that the Applicant’s plan is to extend his house thirteen feet (13’) to within one foot (1’) of the property line, and it will not meet setback requirements; • that the new addition will be thirteen feet (13’) by thirty two feet (32’) ft. or approximately three hundred ninety (390) sq. ft.; • that Applicant will make the new addition into the master bedroom and use the existing bedroom as a den; • that the house is approximately one thousand twenty four feet (1,024) sq. ft.

Further, that Applicant researched the Planning Board minute books, and found minutes that state that the vacant land is to be dedicated to the Town or split between the neighboring parcels if the Town did not want it; • that Applicant will research his file at home and will drop off a copy of those minutes to the Town Hall.

C. Ziarniak stated that the Board has enough information to set the matter down for a Public Hearing on November 19, 2008, and he explained the procedure to the Applicant. To be discussed: are there any other methods to increase the space of Applicant’s home? G. Coia stated that he and his wife considered all possible add-on options, and they do not want to compromise the sun room; that they have been looking for a new home as an alternative to adding on; Applicant stated that he would not have completed the ZBA application if a home could be built on the adjacent property. If it is determined that a home can be built there, he will withdraw his application. C. Ziarniak stated that the Board will review the “minute” information to be provided by Applicant, and will make a determination if the adjacent property can be built on by the next meeting; deferment of the \$150 application fee until such determination can be made.

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2. **Joe Scarfone**, Atlas Process Systems, LLC  
55 Clarkridge Drive, Tax Acct. 055.04-1-17-116  
Sign Permit Application

The Board took a few minutes to review the application received today, for a thirty-two (32) sq. ft. sign to be erected on the existing building in the frame used by the prior owner; the new sign will not be lit; that it will be professionally made of alum-o-lite material and will be maintained in like-new condition.

The Applicant stated that his company operates a metal fabrication business for food and beverage industries, and supplies their processing plants. They intend to build offices on the adjacent lots they purchased on Clarkridge Drive, and plan to move their Greece offices to that site; that they plan to construct a geo-thermal plant.

C. Ziarniak made a motion to schedule the matter for a Public Hearing on November 19, 2008; second by W. Radtke; unanimously carried.

**OLD BUSINESS:**

1. **Michael Scarpulla**, 8089 West Ridge Road  
Review revised instrument survey dated 10/21/08

The Board reviewed the revised map received from Avery Surveying. C. Ziarniak stated that this will close the requirements of the Notice of Decision, and no further action is required.

2. **Variance Questions** – building program info per Pam Dolliver’s email

Discussion was had regarding the existing building program. U. Liotta informed the Board that both L. Gursslin and A. Pfeffer have attended the program training in Chili and will work on getting the property files updated for 2007 and 2008, per Pam Dolliver.

**NEW BUSINESS:** None

**OTHER:**

Discussion was had re: the statement that Applicant’s sign as part of the ZBA application, agreeing to pay for “any fee incurred through professional services provided by the Town Engineer, Town Attorney, or Zoning consultant and Legal Publications ...”. U. Liotta stated that all disbursements are billed to the Applicants directly and are not considered part of the application fee.

**REVIEW OF MEETING MINUTES:**

Discussion was had re: Attorney Olson’s email dated October 17, 2008 stating that “...absence at a meeting does not mean ‘you had to abstain’... a member only needs to familiarize himself/herself with the minutes and then vote.” C. Ziarniak stated he was not comfortable approving minutes if he was not present at the meeting to know what was discussed. He indicated that members should decide for themselves if they will follow Attorney Olson’s advice. The Board was in agreement that unless it was a dire situation, they would continue to abstain in approving the minutes if they were not present at the meeting.

1. **October 1, 2008** (Amended October 15, 2008)

C. Ziarniak made a motion to approve the minutes; second by J. Smith.

Ayes: C. Ziarniak, J. Smith, R. Sheffer, P. Dittman

Abstain: W. Radtke

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**2. October 15, 2008**

C. Ziarniak made a motion to approve the minutes; second by P. Dittman.

Ayes: C. Ziarniak, P. Dittman, W. Radtke

Abstain: R. Sheffer, J. Smith

**ADJOURNMENT:**

C. Ziarniak made a motion to adjourn at 8:10 p.m.; seconded by P. Dittman; unanimously carried.

**NEXT MEETING:** November 19, 2008

**Approved 11/19/08**

Respectfully Submitted,

Ursula M. Liotta  
Deputy Town Clerk