

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – January 7, 2009

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 Gurslin, Code Enforcement *

Excused *

CALL TO ORDER:

C. Ziarniak called the meeting to order at 7:00 pm, and led all present in the Pledge of Allegiance.

PUBLIC HEARING: None

NEW BUSINESS - continuation:

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

Applicant and his wife, Dorothy Coia, were present to discuss the status of the matter. C. Ziarniak summarized the matter to date, and asked the Applicant if he had contacted the owner of the adjacent parcel regarding the possibility of purchasing a portion of the parcel so that he could add on to his home.

Applicant stated that he had spoken with the owner of the property, Romano Pierleoni, and his son; that initially he was agreeable to selling a portion of the parcel, but has since changed his mind; that the owner doesn't care how close Applicant gets to the property line with his addition. Applicant questioned the Board regarding how close to the property line can he realistically go?

C. Ziarniak stated the following:

- that in order for this Board to grant an area variance, certain criteria needs to be met according to NYS Law and Town of Clarkson Code;
- that in his personal opinion based on Applicant's application, his property is not large enough for the proposed addition;
- that he would not be inclined to approve a variance for less than ten (10) feet;
- that it is not a 100% certainty that a house will never be built on the adjacent lot;
- that he feels it would change the character of the neighborhood.

G. Coia stated the following:

- that he based his application on the dialog that is documented in the Planning Board minutes dated 03/21/95, i.e. (added by U. Liotta for clarification):

“ ... V. Kimmel asked if the creek area will stay forever wild. R. LaDieu said that it would and it would be offered to the Town. B. Upson asked if he would split it between the neighboring parcels if the Town did not want it. R. LaDieu said yes. ...”

- that further, his basis is that he assumes nothing will be changed on the lot next door;
- that he would never consider an addition to the garage side of his house and compromise his neighbor's home;
- that he and others, including the Town Attorney, have researched the minute book in the hopes of finding a Notice of Decision to reflect the dialog, and none was found, and the Board explained that although there was dialog, there is no evidence of any Notices of Decision or comments on the final Mylar that would make that dialog binding;
- that he is not in a hurry to build the addition, but he would like to arrive at an answer as to whether he should pursue the matter further or look for a new home.

Further discussion was had between the Board members and the Applicant. P. Dittman stated that he does not understand why the owner would not want to sell the property to the Applicant. The Applicant stated that the owner is probably afraid of doing anything now, since circumstances may change ten (10) years from now.

Applicant stated his intentions to pursue legal methods (land claim). The Board agreed that these legal issues were out of their realm, and should be referred to the Town Attorney, R. Olson. Applicant and his wife will have their attorney contact R. Olson directly. U. Liotta provided the Applicant with copies of the

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Planning Board minutes regarding the last phase of the Burch Farms development, and the information from the filed Mylar. C. Ziarniak noted that as advised by R. Olson, there were numerous permits and other issues related to the flood plain designation that could pose potential obstacles to building the proposed addition, even if the variance were granted. The Board agreed to table this issue and requested that the Applicant contact the Town if he decides to proceed with a variance application. It was noted that at this time, no variance application fee has been received from the Applicant.

OLD BUSINESS: None

OPEN FORUM: None

OTHER:

1. The Board reviewed the proposed Public Hearing Checklist and made a minor change; all thought that it was a good idea to have the checklist to ensure that the meetings run smoothly.
2. The rotation of Chairperson responsibility was also discussed in the event C. Ziarniak was not present. The rotation is as follows: W. Radtke and P. Dittman will alternate the responsibility. W. Radtke is next up. J. Smith and R. Sheffer asked not to be included in the rotation at this time.
3. The Board members signed the Disclosure Statements required by the Town of Clarkson.
4. U. Liotta explained that the Board members may have their quarterly payments deposited directly into their bank accounts; that they need to provide the Town with a deposit ticket.
5. U. Liotta had prepared a Board Member Contact List, and all reviewed the same for accuracy.

REVIEW OF MEETING MINUTES:

P. Dittman made a motion to approve the December 3, 2008 minutes; seconded by J. Smith.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 8:05 p.m.; seconded by R. Sheffer; unanimously carried.

NEXT MEETING: January 21, 2009

Approved January 21, 2009

Respectfully Submitted,

Ursula M. Liotta
Deputy Town Clerk