

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

June 17, 2009

PRESENT – Board Members

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

Support Board Members

Richard Olson, Town Attorney *
Chad Fabry, Code Enforcement
Ursula M. Liotta, Building Dept. Coordinator

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:

1. **John & Kim Eldridge** – Request for Area Variance
70 Leanna Crescent, Tax Acct. #054.02-2-51

C. Ziarniak opened the Public Hearing by reading the legal notice. He asked J. Eldridge to briefly describe the addition to his home, and the area variance request. J. Eldridge stated he is having a 20' x 30' addition built onto the existing house structure. The front eave is 11'4" from the property line; the rear eave is 9'2" from the property line, causing the eave to overhang by 8" at approximately 15' back on the structure and crossing the setback line; that this addition is living space, i.e. a new living room and a master bedroom.

C. Ziarniak stated that the Applicant provided a diagram that shows in detail the encroachment of the 10' setback line, which was useful in visualizing the issue.

C. Ziarniak asked for comments from the public. None were offered.

C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

Board discussion:

P. Dittman stated that he visited the site three times; that he found the distance between the Applicants' addition and that of his neighbor's home to be significant; that other houses in the neighborhood are on lots that appear to be closer.

C. Ziarniak added that it is fair to state that the area variance request will not have an adverse affect on the neighborhood; that it is an 8% variance, which is very insignificant based on the criteria that must be examined when considering such a request.

C. Ziarniak made a motion that this is a Type II SEQR action and therefore not subject to further environmental review; second by J. Smith; unanimously carried.

C. Fabry verified that the foundation is 10 feet from the existing property line, and that the overhang encroaches by 13" at the NE corner of the roof line, including the drip edge on the horizontal projection.

J. Smith made a motion that this Board grant the area variance to the Applicants, and more specifically, that the encroachment of the eave overhang by 13" (thirteen inches) on the roofline at the NE corner of the addition be approved. Second by R. Sheffer; unanimously carried.

NEW BUSINESS: None

OLD BUSINESS: None

OPEN FORUM: None

OTHER:

1. The Board discussed changing the time of the July and August meetings to 6:00 p.m. The Board members decided that unless it was ordered by the Town Board, they continue to meet at 7:00 p.m.

2. U. Liotta explained the meeting she had with the real estate appraiser working on behalf of First Niagara Bank to assess the damages they will incur due to the construction of the round-about @ East/West Avenue & Route 19; further, that the bank will eventually need a new sign. C. Ziarniak stated

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that this Board would require a survey map of the new lot configuration together with a sign permit application in order to consider the new sign.

3. Further discussion was had regarding the town code re: signs and the need to clarify the code.

REVIEW OF MEETING MINUTES: June 3, 2009

P. Dittman made a motion to accept the minutes; second by C. Ziarniak; unanimously carried.

NEXT MEETING: The Board agreed not to meet on July 1, 2009. The next regularly scheduled meeting will be held on July 15, 2009 at 7:00 p.m.

ADJOURNMENT: P. Dittman made a motion to adjourn at 8:00 p.m.; seconded by R. Sheffer; unanimously carried.

Approved 7-15-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator