

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

June 6, 2012

PRESENT – Board Members

Conrad Ziarniak – Chairperson (arrived @ 7:20)
Paul Dittman – Acting Chair (until 7:20)
Jackie Smith
Michael Beadling
Joseph Perry

Support Board Members

Richard Olson, Town Attorney *
Chad Fabry, Code Enforcement *
Ursula M. Liotta, Administrative Assistant
Excused *

CALL TO ORDER

P. Dittman, as Acting Chair, called the meeting to order at 7:00 p.m., led in the Pledge of Allegiance, and reviewed the agenda.

PUBLIC HEARINGS

1. **Patrick McGinnity** – Area Variance
Re: 40 Leanna Crescent, Tax ID #054.02-2-54, Zoned: RS-10 / N-RES

P. Dittman read the legal notice aloud to open the Public Hearing, and asked the Applicant to briefly explain the application. P. McGinnity stated that he is building an addition to his house comprised of a basement, living room, bedroom, and bathroom; that when the architect drew the plans, the vertical wall was 10'7" from the property line; that they had not taken into consideration the eave and the gutter which added an additional 14", causing the NW corner to be 9.2" out of conformance with Town code until it reaches 39' to the rear of the house; that the issue is not at ground level but in the air.

P. Dittman asked for comments from the public.

Walter Kowal, 30 Leanna Crescent, directly adjacent to the Applicant's property, requested that the building plans be followed accurately. He further asked what was planned for the dirt that was being excavated for the basement; that he was concerned about flooding. Applicant stated that he will use some of the dirt to fill low spots in his backyard, but that grade will remain the same, and that most of the dirt will be taken off site by the contractor.

Board discussion: M. Beadling asked why the Applicant chose to apply for an area variance rather than change the drawings. Applicant stated that he could have taken 4" off of the eave but it would not be aesthetically appropriate to the house or to the neighborhood.

J. Perry made a motion to close the Public Hearing; second by J. Smith; unanimously carried. P. Dittman made a motion determining that this is a Type II SEQR action and therefore, not subject to further environmental review. Second by J. Smith; unanimously carried.

J. Smith made a motion as follows: that the Zoning Board of Appeals grant Applicant's request for an area variance at the above address; and more specifically, that the encroachment of the eave overhang by 9.2" on the roofline at the NW corner of the addition be approved. Second by M. Beadling; unanimously carried.

2. **Joseph & Amy Buchel** – Area Variance
Re: 2961 Redman Rd., 40.2 a., Tax ID#039.01-1-7.2, Zoned: RS-20 / S-RES

C. Ziarniak opened the Public Hearing by reading the legal notice aloud, and asked the Applicants to briefly explain the application. John Clarke, of DDS Engineers, on behalf of the Applicants, outlined the proposed build of a single-family residence and a pole barn; that the site plan has not yet been presented to the Planning Board; that the Applicants are seeking an area variance to allow the pole barn to be built forward of the front set-back of the house. The Applicants wish to build the barn first in order to store materials for the build of the new house; the barn will be built 650' off of the road

C. Ziarniak reviewed the NYS Town Law requirements regarding the ZBA granting an area variance, and J. Clarke addressed all of the questions and stated in part, as follows:

- the benefit derived – it would enhance visual screening of the neighbor's property, and a reduction in the financial burden of initial construction costs (driveway, utilities).
- there will be no significant change to the neighborhood; the property cannot be seen from the road.
- as an option to building the barn as planned, the Applicants could plant mature trees in the front area which would add significant costs; and the back of the property is wet and would require fill.
- this will have no adverse impact on the physical or environmental characteristics of the neighborhood.
- this is not a self-created situation, since the neighboring property to the E had the existing dwellings; that Applicants wish to screen the dwellings with the barn.

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C. Ziarniak asked for comments from the public.

Donald J. Moyer, 2977 Redman Road, the adjacent owner to the East, commented as follows:

- he stated that he was concerned about the new pond that was recently dug and the topsoil pile, and that he believes it is causing his property to be wet. J. Clarke stated that a swale was created to help drain standing water to the pond. C. Ziarniak stated that the Town Engineer will address all issues regarding drainage during Planning Board site plan approval.
- he stated that he is concerned about the anticipated noise level from the barn to the rental unit on his property because of its proximity. The Applicants stated that the barn will not be a “work shop” creating excess noise; they intend to store equipment in the barn, the same as any typical homeowner.
- he asked if the proposed house could be located in a different area, and it was explained that Monroe County dictates where the septic system can be placed, which dictates the placement of the house.

Jim Metcalf, a Hamlin resident and owner of the 60 a. of land on the S side of the Applicants’ parcel, stated that he was present to meet his new neighbors.

With regard to drainage and noise, C. Ziarniak stated that this Board has a limited scope of authority; that the only issue this Board is to address is whether the barn should go in front of the house. C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

Board discussion: M. Beadling thanked the Applicants for their due diligence. C. Ziarniak stated that the property is in a very rural area and the barn and house will be 650’ feet from the road and therefore will not be seen from the road; that it will not produce a change to the neighborhood; that the barn is not to be used for any type of commercial, retail, or industrial use. J. Perry stated that given the property shape, it is reasonable for the Applicants to ask that the barn and house be reversed.

C. Ziarniak made a motion determining that this is a Type II SEQR action and therefore, not subject to further environmental review. Second by P. Dittman; unanimously carried.

J. Smith made a motion as follows: That the Zoning Board of Appeals grant Applicants’ request for an area variance to allow for the construction of a pole barn that will encroach by ninety feet (90’) forward of the front setback of the proposed single-family residence at the above address, pursuant to Clarkson Town code §140-7E. Second by M. Beadling; unanimously carried.

3. **Charles Ioannone** – Area Variance
Re: 645 CHTL Rd., Tax ID # 029.03-1-2.12, Zoned: RS-20 / N-RES

C. Ziarniak opened the Public Hearing by reading the legal notice aloud, and asked the Applicant to briefly outline his application. C. Ioannone provided a photo of the existing barn, and stated that the E-W portion of the barn will be dismantled. He also provided an instrument survey from 2007 showing the distance from the road to where the house is to be built; and indicated that he wishes to have the house built behind the front setback of the existing barn.

C. Ziarniak reviewed the NYS Town Law requirements regarding the ZBA granting an area variance, and reviewed the criteria with the Applicant, including:

- the barn is already existing
- there will be no changes to the neighborhood
- the barn is for residential use only
- the Applicant wishes to make the visual appearance of the house and barn the same

C. Ziarniak asked for public comments, and none were offered. He then made a motion to close the Public Hearing; second by J. Smith; unanimously carried. C. Ziarniak read a memo from the Planning Board dated June 6, 2012 which recommended to the ZBA that the area variance be granted. C. Ziarniak mentioned the possible historical significance of the barn and noted the Applicant’s efforts to preserve it, and to reuse materials from the dismantled portion in the construction of the new house.

C. Ziarniak made a motion determining that this is a Type II SEQR action and therefore, not subject to further environmental review. Second by M. Beadling; unanimously carried.

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J. Smith made a motion as follows: that the Zoning Board of Appeals grant Applicant's request for an area variance to allow for the construction of a single-family residence, at an estimated 30'- 50' behind the existing barn at the above address, pursuant to Clarkson Town code §140-7E. Second by J. Perry; unanimously carried.

NEW BUSINESS

4. **Henry Conradt**, Clarkson Self-Storage, Applicant – Area Variance
Re: 3599 Lake Rd., Tax ID #054.13-1-2, Zoned HC / HMU

David Matt, Engineer, Schultz Associates, representing the Applicant, stated that a site plan was approved in 1990 for a total of 4 storage buildings and a "future" building at the front of the parcel. The site plan has been revised to incorporate 6 storage buildings and the "future" building. Storage building #6 and the "future" building at the front do not meet side setback requirements, therefore, an area variance is required for those two buildings, where the minimum side setback of a commercially zoned parcel abutting a residentially zoned parcel is 40' per Town code.

C. Ziarniak made a motion to schedule the Public Hearing for June 20, 2012 at 6:00 p.m.; second by J. Smith; unanimously carried.

REVIEW OF MEETING MINUTES: May 16, 2012

J. Smith made a motion to approve the minutes; second by M. Beadling; unanimously carried.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:40 p.m.; second by P. Dittman; unanimously carried.

NEXT MEETING: June 20, 2012 at 6:00 p.m.

Approved 6-20-12

Respectfully Submitted,

Ursula M. Liotta
Administrative Assistant