

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
September 19, 2012

PRESENT – Board Members

Conrad Ziarniak – Chairperson
Paul Dittman
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

C. Ziarniak called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance.

NEW BUSINESS

1. **Clarkson Crosby Mart**, Applicant, 8389 Ridge Rd., Tax ID#054.13-2-16.1, Zoned: HC
Application for Area Variance

Michael Mahar, a representative of Hawley Development, owner, was authorized by the company to present the application. M. Mahar stated that the application was signed by the President of the company. Prior to the name change to “Crosby’s” two years ago, the mini mart was known as “K&K”.

C. Ziarniak reviewed the NYS Town Law criteria for an area variance request. The Board reviewed the application with M. Mahar. Discussion included, in part, as follows:

- An 8’ high x 12’ long freezer addition, similar to a shed, is proposed to be added to the rear of the building. An instrument survey was provided with the freezer drawn on the survey. A photo also was provided and the exact location was drawn in on the photo by M. Mahar.
- The building itself is on the 40’ setback line, and the freezer is 12’ long, so a 12’ area variance is required.
- The new freezer is needed in order for Crosby’s to expand its product line, food program, and grocery choices for customers. The food program is doing very well, and this will allow it to expand.
- The new freezer will replace three (3) interior units, which will reduce energy costs and increase interior store space; the external freezer will allow for the reconfiguration of in store prepared food products.
- There will be no exterior access to the new freezer; only from the interior of the store. A photo provided showed an accurate representation of what the cooler will look like.
- The compressor for the new freezer will be typical of what is already there; an existing compressor for the interior freezer units will be removed to make room for the new freezer and compressor; any noise generated by the new compressor will be less because it is newer equipment
- Privacy fencing is already in place at the property line with the neighbor to the South, and on the East side extending West from the corner of the building.
- Because the mini mart is in the Historical Overlay District, the Architectural Review Board is required to review the application and make a recommendation to the ZBA.

C. Ziarniak made a motion to refer this application to the ARB for its review. Second by P. Dittman; unanimously carried.

C. Ziarniak made a motion to schedule the Public Hearing for 10-3-12, on the condition that the ARB has submitted their recommendation of the matter to the ZBA. Second by J. Smith; unanimously carried.

Further Board discussion included the fact that the existing privacy stockade fencing on the property is worn and unsightly. Because the Applicant is asking for additional equipment to be placed at the rear of the property, the Board suggests that the Applicant replace the existing fencing in both areas with a new privacy fence that is architecturally and aesthetically appropriate for the Historical Overlay District, whether it be wood or vinyl, but not a stockade fence. If the ARB suggests the type of fence preferred, the ZBA could include it as a condition of the final approval.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
September 19, 2012

OTHER

1. Continued Code Review – Hamlet Mixed Use

C. Ziarniak stated that at the last meeting, the permitted uses for HMU were reviewed, and the Board brainstormed other appropriate uses and listed features for this zoning; that the Board needs to come up with an outline of the HMU zoning district in terms of the code, that would be typical of other zoning districts.

C. Ziarniak stated that he found Hamlet code for the Town of Wilton, NY, which was extensive with specifics and special features. Copies will be provided to the other members to review prior to the next meeting when the Board will start to come up with an outline for Clarkson.

REVIEW OF MEETING MINUTES: September 5, 2012

P. Dittman made a motion to approve the minutes; second by M. Beadling; unanimously carried.

ADJOURNMENT: M. Beadling made a motion to adjourn at 8:15 p.m.; second by J. Smith; unanimously carried.

NEXT MEETING: October 3, 2012

Approved 10-3-12

Respectfully Submitted,

Ursula M. Liotta
Administrative Assistant