

TOWN OF CLARKSON - ZONING BOARD OF APPEALS

May 7, 2014

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, May 7, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 PM.

PRESENT-Board Members

- Conrad Ziarniak – Chairperson
- *Michael Beadling
- Paul Dittman
- Joseph Perry
- Leslie Zink
- *Excused

Support Board Members

- *Richard Olson, Town Attorney
- *Chad Fabry, Code Enforcement

CALL TO ORDER

C. Ziarniak called the meeting to order at 7:02 p.m. and led those present in the Pledge of Allegiance. He informed the group that in the absence of a recording secretary, the meeting will be recorded and minutes will be transcribed from that recording. The agenda was reviewed.

AT&T MOBILITY

C. Ziarniak read an email from Donna Love, representative for AT&T Mobility, informing the ZBA that she did not have the structural analysis yet. The ZBA had requested this document be received and reviewed by our Town Engineer before a Special Use Permit (Section §140-16.1) could be issued. A public hearing will not be rescheduled until we have received the structural analysis from the applicant and it has been reviewed as stated above. C. Ziarniak remarked that even though the public hearing was canceled, the applicant is still liable for the legal notice fees.

WAITE RESUBDIVISION: The application was reviewed. Three area variances are requested as follows: Front setbacks of 71.0 and 73.8 feet instead of the required 75 feet as per Section §140-21 D(3)(c)[1] of the Town Code; a side setback of 29.5 feet instead of the required 30 feet as per Section §140-21 E(6) of the Town Code; and area variances which would allow the continuation of housing farm animals in the existing frame buildings, ranging from 29.5 feet to 79.1 feet to property lines. Code requires a 100-foot separation from buildings to property line when farm animals are kept in a building, Section §140-17 G. The property is zoned RS-20 (Suburban Residential). ZBA members reviewed the site plan and discussed the initial subdivision.

C. Ziarniak read the legal notice to open the Public Hearing at 7:20 p.m. Kris Schultz of Schultz Associates represented the applicant. He described in detail the area variances being requested. This subdivision is occurring as part of an estate settlement and will basically become a family “compound.” Since this resubdivision involves family members who are and will be continuing to live on this property, there will be no issue regarding the housing of farm animals in buildings with less than the 100-foot separation as required by Code. K. Schultz remarked that he spoke with the Town Attorney earlier today who indicated that he is familiar with this resubdivision as part of an estate request.

Note: There was no one present besides the applicant’s engineer for this public hearing.

Motion by C. Ziarniak
Seconded by J. Perry
To close the public hearing.
Unanimously carried

J. Perry commented that there is an existing separation of over 200 feet from other adjacent buildings/neighbors so there shouldn’t be an issue. C. Ziarniak added that there is a 60-foot easement which can serve as an additional buffer for the property to the north. These are both pertinent mitigating factors why there should be no issue with the requested variance for the buildings housing farm animals.

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Motion by C. Ziarniak
Seconded by P. Dittman
Determined to be a SEQR, Type II action, and therefore not subject to further environmental review.
Unanimously carried

C. Ziarniak reviewed criteria and justification for approval of the above variances:

1. ***What benefit will be derived by the applicant who is seeking this variance?*** The area variance will allow the proposed property line to run parallel and adjacent to an existing fence line. The second area variance is a pre-existing and non-conforming. The last area variance will allow the continued keeping of horses at the property.
2. ***What changes will be produced in the neighborhood by the granting of this application?*** None. The applicant's family plans to retain ownership of this parcel and currently own the adjacent parcels.
3. ***What other methods does the applicant have to achieve the benefit other than the area variance?*** Move the proposed property line and existing fence; the building could be removed to eliminate the second requested area variance; selling horses or constructing a new barn on the rear portion of the Lot R2-A would be alternatives to the third area variance request.
4. ***Will the proposed variances have an adverse affect or impact on the physical or environmental conditions in the neighborhood?*** No.
5. ***How was the alleged difficulty created?*** Self-created.

Motion by P. Dittman
Seconded by J. Perry
To grant approval for the three area variances contained in the Waite Resubdivision application, as described above.
Unanimously carried

MINUTES

Motion by C. Ziarniak
Seconded by L. Zink
To approve the April 16, 2014 minutes.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, May 21, 2014.

ADJOURNMENT

Motion by C. Ziarniak
Seconded by P. Dittman
Motion to adjourn at 7:55 p.m.
Unanimously carried

Respectfully submitted,
Kathy Kemp
Deputy Town Clerk

Approved 5-21-2014