

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
August 20, 2014**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, August 20, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

**PRESENT-Board Members**

Conrad Ziarniak – Chairperson  
Paul Dittman  
Joseph Perry  
Leslie Zink

**Support Staff**

Kristen DiFilippo, Bldg. Dept. Coordinator

**CALL TO ORDER**

Conrad Ziarniak-Chairperson called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance. The agenda was reviewed by the Board Members.

**PUBLIC HEARING**

**Dale and Virginia Critchley**

Dale Critchley of 7 Craig Hill Drive is requesting a 2 foot area variance to the required 40 foot front setback requirement as per Town of Clarkson Code Section §140-21-2(c) and a second area variance (Town Code Section §140-7 E) to allow him to build a two-car garage in front of the dwelling. C. Ziarniak opened the Public Hearing by reading the legal notice aloud. C. Ziarniak noted that the legal notice as published may not have clearly conveyed that there are two different sections of Town Code involved.

After Board Members visited the site and consulted with Building Inspector C. Fabry and Town Attorney, Dick Olson, the determination was made that the front of Dale Critchley’s home faces Craig Hill Drive. Critchley explained that because of the unusual shape of his 3-acre property, the location of his septic system, other utilities, elevation of land and the creek that goes through his property, the driveway area in front of his home is the only feasible area to build. The garage will be used only for storage, and the vinyl siding and architecture will match the existing home.

Motion by Conrad Ziarniak  
Seconded by Paul Dittman  
To close the Public Hearing  
Unanimously carried

Conrad Ziarniak re-opened the Public Hearing for further discussion: Scott Gerken of 11 Craig Hill Drive, whose property is directly across the street from the Critchley property, came in support of Mr. Critchley. Mr. Gerken stated that there are only three homes in this 9-acre subdivision and each property is approximately 3 acres. He feels that Mr. Critchley’s new structure will enhance the neighborhood.

Board Members reviewed the criteria for granting an area variance as follows:

1. *Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties.* Answer: No.
2. *Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.* Answer: No, due to location of utilities and topography of the property.
3. *Whether the requested variance is substantial.* Answer: No.
4. *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* Answer: No.
5. *Whether the alleged difficulty was self-created.* Answer: No.

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
August 20, 2014**

Motion by Conrad Ziarniak  
Seconded by Paul Dittman  
To close the Public Hearing  
Unanimously carried

Motion by Conrad Ziarniak  
Seconded by Paul Dittman  
Determining that this area variance application is a Type II SEQR action and therefore, not subject to further environmental review.  
Unanimously carried

Motion by Paul Dittman  
Seconded by Leslie Zink  
To approve the area variance application for Dale Critchley as submitted.  
Unanimously carried

**NEW BUSINESS**

**Louis Palmerini**

Louis Palmerini of 3042 Sweden Walker Road and neighbor Karen Collichio were present for the meeting. Mr. Palmerini is requesting a use variance to install a stockade fence along the side and front lot line of his home. The Town of Clarkson Code, Section §140-14, identifies closed fences shall not be permitted along any front property line. Mr. Palmerini stated due to ongoing disputes with his neighbor located at 3026 Lake Road he feels a fence is necessary. The neighbor is storing a boat and debris behind his garage, infringing on Mr. Palmerini's property. C. Ziarniak stated the application for a use variance is incorrect and Mr. Palmerini needs to submit an application for an area variance. Adjustment of the application fee will be made at that time. C. Ziarniak also stated an instrument survey will be required to correctly identify property lines before the application returns to the Zoning Board.

**Tim O'Connell**

Tim O'Connell of 50 St. Katherine Way was present for the meeting. Mr. O'Connell is requesting a 6 foot area variance for the 30 foot rear setback required per Town Code Section §140-21 D(2)(c)[3]. The area variance would allow for a master bedroom to be built to provide more accessibility for Mr. O'Connell's handicapped parents. The new addition would be approximately 600 square feet and would be added to the back of his existing 1970 square foot home. C. Ziarniak added that a property survey will be needed at the Public Hearing with the new addition drawn on the survey to show the distance for the rear setback. C. Ziarniak stated he is Mr. O'Connell's neighbor, but feels he can remain fair and impartial in hearing the application.

Motion by Conrad Ziarniak  
Seconded by Joe Perry  
To schedule a Public Hearing on September 3, 2014 regarding the above-described area variance for 50 St. Katherine Way.  
Unanimously carried

Motion by Leslie Zink  
Seconded by Paul Dittman  
To approve the July 17, 2014 minutes.  
Unanimously carried

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
August 20, 2014**

**ADJOURNMENT**

Motion by Conrad Ziarniak  
Seconded by Joseph Perry  
To adjourn the meeting at 8:35 pm.  
Unanimously carried

Respectfully submitted  
*Kristen DiFilippo*  
Building Department Coordinator

Approved 9/3/2014