

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
October 15, 2014**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, October 15, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT-Board Members

Conrad Ziarniak – Chairperson
Paul Dittman
Leslie Zink
Tom Guarino
Joseph Perry

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

Jerry and Anna Donigian – Lot 210 of Deer Creek Estates

C. Ziarniak opened the Public Hearing by reading aloud the Legal Notice. Kris Schultz presented the application to all those present. K. Schultz stated his firm is representing the clients for Lot 210 of Deer Creek Estates. He proposed one new lot at the end of Stag Creek Drive would be added with a single family home on the south side. He is asking for relief of Clarkson Town Code §140-10: *No building shall be erected upon any lot unless such lot is located upon a public street or highway, except that, under §280-a of the Town Law, the Board of Appeals may make such variance or exception as may seem advisable under the circumstances in accordance with the provisions of that section.* The proposed construction would be the only home built in what was considered to be Section 2 of the original plans with 49 sections total. The original owner is deceased and ownership of the subdivision is owned by his wife, Mrs. Pavlovych. Mrs. Pavlovych does not wish to develop the land and agreed to sell this one lot. The proposed home will be at the end of Stag Creek with a turn-around, leach system, septic system, gas and electric, and a short extension to the water main with a new hydrant. K. Schultz met with the Town Engineer and Highway Superintendent to make the turn-around a formal “T” and to ensure that it meets Town standards. No other lots in this development are proposed to be sold. K. Schultz stated relief of the Town Code is needed for the future right-away, guaranteeing that the 60 foot width is available for a dedicated road. K. Schultz is proposing an easement the same width as a dedicated road, to allow for Town maintenance, for Monroe County Water Authority access, and for home owners to access their property, limiting easement to this single lot.

C. Ziarniak read the above application out loud to the public. Currently Lot 210 of Deer Creek Estates does not have a public road accessing the property and therefore a variance is requested to allow for an easement which would provide access. K. Schultz will work with the current owner, Mrs. Pavlovych, to grant access of the new lot through this easement along with the Town of Clarkson and the Monroe County Water Authority. Pending approval by the Zoning Board of Appeals and the Planning Board, documentation describing the easement will be recorded and put in the final plans. The Town requires that the turn-around or hammer-head be paved and meet to standards to allow for highway vehicles, school buses and emergency vehicles.

In the future when the balance of Section 2 is built, the right-away to the cross-easement will have to be incorporated in approval for RG&E.

C. Ziarniak opened the discussion to the public:

Tony Pleten of 13 Stag Creek Trail wanted to confirm that the turn-around will be the same width as the road and will be paved. K. Schultz answered yes.

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Motion by Conrad Ziarniak
Seconded by Leslie Zink
To close the Public Hearing.
Unanimously carried

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

Board Members reviewed the criteria for granting an Area Variance as follows:

1. ***What benefit will be derived by the applicant who is seeking this variance?***
The area variance will allow the development of Lot 210 of Deer Creek Estates.
2. ***What changes will be produced in the neighborhood by the granting of this application?*** None, the development of Lot 210 was part of the original approved residential build-out of Deer Creek Estates consisting of 49 lots.
3. ***What other methods does the applicant have to achieve the benefit other than the area variance?*** None.
4. ***Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?*** No.
5. ***How was the alleged difficulty created?*** By the original developer, Barden Homes, self-created.

(Above answers given by K. Schultz)

Motion by Conrad Ziarniak
Seconded by Leslie Zink
To approve the Area Variance application of Lot 210 of Deer Creek Estates on Stag Creek Trail with two conditions: (1) an easement to RG&E be allowed; and (2) that no further development will occur until a dedicated road is put in.
Unanimously approved

Old Business

Joseph and Amy Buchel of 2961 Redman Road
Regarding: Re-approval of an original area variance that was approved in 2012 which has expired. The applicant is requesting an area variance to allow for the construction of a pole barn that will encroach by 90 feet forward of the front setback of the proposed single family residence, pursuant to Clarkson Town Code §140-7E. John Clarke of The DDS Company represented the applicants. A single family home is a proposed with a pole barn which will be in front of the home. The proposed barn will be 650 feet off Redman Road with the home 165 feet behind the barn.

Motion by Conrad Ziarniak
Seconded by Tom Guarino
To schedule a Public Hearing on November 5, 2014
Unanimously carried

Motion by Leslie Zink
Seconded by Joe Perry
To approve the October 1, 2014 minutes
Unanimously carried

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ADJOURNMENT

Motion by Conrad Ziarniak
Seconded by Paul Dittman
To adjourn the meeting at 8:15 pm.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, November 5, 2014 at 7:00 p.m.

Respectfully submitted
Kristen DiFilippo
Building Department Coordinator

Approved 11/5/2014

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