

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
November 5, 2014**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, November 5, 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
Joe Perry
*Excused

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

Joseph and Amy Buchel of 2961 Redman Road

C. Ziarniak opened the Public Hearing by reading aloud the Legal Notice. Nick Smith of DDS Companies represented the Buchels and summarized the application for Board Members and the public. He stated originally the Buchels received an area variance in 2012 from the Zoning Board of Appeals for the proposed pole barn, but because of financial reasons they were unable to build and the area variance expired. The Buchels are now seeking re-approval for the same area variance. The applicant would like to construct a pole barn that will encroach by 90 feet forward of the front setback of the proposed single family home, pursuant to Clarkson Town Code §140-7E. The proposed barn will be 650 feet off Redman Road with the home 165 feet behind the barn.

N. Smith reviewed the application for the public. He stated the applicant is proposing to build on their 40 acre lot, bringing utilities all the way up to their home. N. Smith reiterated the applicant is requesting to build a pole barn in front of their home which is against Town Code §140-7E. N. Smith stated that the original plans have remained the same except for the residential home being moved slightly. C. Ziarniak summarized the original application from June 2012 for Board Members and the public. He stated the applicant wished to build a single family residence with a pole barn in front of the home. He stated the applicants wanted to build the pole barn to block the view of the two family dwelling on the neighboring parcel in front of them. The property was described as being very rural and surrounded by significant vegetation. The proposed home and barn would not be visible from the road. He stated it would be too costly to construct the barn behind the home because they would have to extend the driveway and electricity. He stated the applicants are in the construction business and will build the house and barn themselves. They need the barn for storage and equipment and will not house livestock. This property is zoned residential and cannot be a construction site. C. Ziarniak asked if any of the above stated criteria or circumstances have changed from the original application in 2012. N. Smith stated no, except for the residential home being moved back 30 feet, towards the west/rear of the property.

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?***
Enhanced visual screening of neighboring properties, reduction in financial burden of initial construction costs.
2. ***What changes will be produced in the neighborhood by the granting of this application?*** Changes to the neighborhood will be minimal as the proposed structure will be nearly 650 feet off the road. In addition, the proposed location of the accessory structure will be behind trees.

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3. ***Does the applicant have to achieve the benefit other than the area variance?*** The only other option would be to plant mature trees in the area which would add significant cost to the project. This option is not plausible as the barn will still need to be constructed during the initial portion of construction making the financial burden exorbitant.
4. ***Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?*** There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood as a result of granting this area variance.
5. ***How was the alleged difficulty created?*** This was not a self-created situation as the neighboring property to the east previously had dwellings which we are trying to screen.

(The above answers were given by Nick Smith, DDS Companies.)

C. Ziarniak summarized the original concerns from the neighbor Don Moyer, as documented in 2012. D. Moyer was concerned about the pond and drainage. N. Smith stated that the pond is fully developed now. The swale has been created to drain all of the water that would pool in the back. It now drains naturally into the pond. In conclusion, the drainage has been modified to cause the water to flow in the direction of the pond. The drainage has been engineered to stay on 2961 Redman Road and will not encroach on neighboring properties. C. Ziarniak addressed the noise level concern D. Moyer had in 2012 from the barn. J. Buchel stated that the barn would only be used to house equipment and not be used for construction use. J. Buchel stated he is in the business of rough framing homes and he works on job sites.

C. Ziarniak opened the floor to the public; no comments were made. C. Ziarniak stated that the criteria for granting the area variance from the prior approval all still apply and nothing has changed in regards to the original application. C. Ziarniak noted that there was a similar area variance granted on the neighboring property in which a barn was constructed in front of the home in May of 2013.

Motion by Conrad Ziarniak
Seconded by Joe Perry
To close the Public Hearing
Unanimously carried

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

Motion by Joe Perry
Seconded by Tom Guarino
To approve the Area Variance application of 2961 Redman Road with the condition that the structure not be used for any commercial, industrial or manufacturing use, ONLY residential use.
Unanimously approved

NEW BUSINESS

Carl Grasta – 122 West Avenue

Kris Schultz of Schultz Associates is representing Carl Grasta. He stated that the property located at 122 West Avenue was originally a nursing home adjacent to the hospital. K. Schultz stated the parcel has been in limbo for a while and because of C. Grasta's success with Autumn Woods, he was approached about this renovation opportunity.

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Proposed plans are to create professional and/or medical office spaces in the building. K. Schultz has not been before the Planning Board yet because of a few issues that have to be addressed, namely the parking. K. Schultz described the original layout of the building with a center courtyard and two entrances off West Avenue. Along the west side of building there was a drive-through to drop people off and along the east side there was a long parking lot. The front portion was not designed for parking and the building was constructed in two phases, 10 years apart.

K. Schultz stated that at the beginning of this project, they knew parking would be a major issue. The idea was to take the parking along the west side and clean it up, redefining it, not changing it as far as distance from the line, just repave and stripe. The old over-hang has been removed, which will provide more parking. Additional parking will be available on either side of the aisle and along the back of the building.

K. Schultz stated that C. Grasta is opening up the building to create space for an atrium. Asbestos will be removed to make the property safe. The tenants are YET to be determined so the plan is to accommodate them with as much parking as possible. The original building was built two feet lower than it should have been so the grade in front is high and all the water drains toward the building. C. Grasta plans to use the parking lot to lower the grade and intercept all the water into the storm system and around back into the pond that is north of the site. K. Schultz stated that this is a true redevelopment site by fixing everything and making it work the best they can, but it will have a brand new site plan. K. Schultz stated there are currently 64 spaces with the Town Code stating there should be approximately 150 spaces with the size of the building. This original building was constructed prior to the Town Code §140-36(1)(b). This parcel is a true pre-existing non-conforming property. K. Schultz will also need variances for 3 setbacks-front and sides. K. Schultz stated many people are excited and ready to see this parcel become part of the Town again. A total of 4 variances are needed to move forward before the site plan is submitted to the Planning Board.

K. Schultz summarized that Zoning Board approval is requested for area variances, as follows (1) front setback, (2) east setback, (3) west setback, and (4) off-street parking spaces. C. Grasta stated the intended role of the building is to provide medical office space. He stated that he has two potential clients, referring to them as "anchor tenants," meaning, once the two tenants have rented spaces in the building the rest of the spaces will fill in BUT renting the spaces is contingent on the parking situation. K. Schultz stated the building will be cleaned up, there will be a sidewalk around the perimeter of the building and there will be entrances every 100 feet on the exterior of the building. The inside of the building is "flex" space, comparing it to a strip mall. C. Ziarniak requested Town Engineer, JP Schepp be present at the Public Hearing on November, 19, 2014.

Motion by Conrad Ziarniak
Seconded by Joe Perry
To schedule a Public Hearing on November 19, 2014.
Unanimously carried

MINUTES

Motion by Conrad Ziarniak
Seconded by Paul Dittman
To approve the October 15, 2014 minutes.
Unanimously carried

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NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, November 19, 2014 at 7:00 p.m.

ADJOURNMENT

Motion by Conrad Ziarniak

Seconded by Paul Dittman

To adjourn the meeting at 8:20 pm.

Unanimously carried

Respectfully submitted,

Kristen DiFilippo

Building Department Coordinator

Approved 11/19/2014