

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
January 21, 2015**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday January 21, 2015 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, New York at 7:00 p.m.

PRESENT –Board Members

Conrad Ziarniak – Chairperson
Paul Dittman
*Thomas Guarino
Joseph Perry
Leslie Zink

Support Board Members

Richard Olson, Town Attorney
Chad Fabry, Bldg. Inspector/Code Enf.
Kristen DiFilippo, Bldg. Dept. Coordinator

*Excused

CALL TO ORDER

Chairman Ziarniak 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

Jim Reichert – Area Variance Application for frontage of driveway, pursuant to Town Code §140-21E(2) with the minimum being 30 feet wide.

@ Redman Road, Tax Acct# 028.03-1-1

C. Ziarniak opened the Public Hearing by reading the legal notice aloud. C. Ziarniak asked James Glogowski, P.L.S. to briefly outline the application. J. Glogowski provided a stamped site plan rendering the proposed driveway and single family home.

* J. Reichert owns approximately 62 acres in the Town of Clarkson.

* Proposed driveway 22.5 feet frontage access.

* Parcel is a “flag lot” and pursuant to Town Code §140-3{23} states: *A parcel of land which does not abut a public street except for a strip of land on which an access drive is located.*

* Single family-three bedroom home to be built early summer.

* Parcel is adjacent to the Town of Hamlin town line.

* J. Reichert owns the property to the north of the parcel in the Town of Hamlin.

* J. Reichert owns 2 access driveways to his property, one is 22.5 feet and the other is 16.5 feet.

C. Ziarniak asked for comments from the public:

Nancy Dilcher, 2419 Redman Road, directly adjacent to the Applicant’s property.

1) She asked if the driveway could be extended into the Town of Hamlin and it was explained that the difficulty in doing so would be by creating 2 different parcels with 2 different tax accounts.

2) She stated her concern with the proposed driveway only being 3 feet from her lot line. J. Glogowski stated he could move the driveway further north, adjacent to the Town of Hamlin, making more distance between N. Dilcher’s lot line and proposed driveway.

3) She asked if the proposed driveway would eventually be an access driveway to further homes being built. J. Glogowski stated no, the intention of J. Reichert is to build a single family home.

David Burgess, 2559 Redman Road, stated he would like to see the right-of-way be constructed as close to the Hamlin Town Line as possible, to give the Dilcher’s room.

Thomas Carducci, 2441 Redman Road, asked where the placement of the well would be.

George Gaylor, 2515 Redman Road, asked where the 30 feet requirement comes from.

Town Attorney R. Olson stated the Clarkson Town Code requires the 30 feet for “flag-lots.” Attorney R. Olson read aloud NY State Town Law 280-A: *For the purposes of this section the word “access” shall mean that the plot on which such structure is proposed to be erected directly abuts on such street or highway and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and a frontage of fifteen feet shall presumptively be sufficient for that purpose.* Clarkson Town Code §140-21E(2) reads:

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The minimum right-of-way frontage on an existing state, town or county road shall be 15 feet; provided, however, that in no case will total width and the combined right-of-way of all flag lots in a subdivision be less than 30 feet or more than 60 feet wide.

Town Attorney, R. Olson suggested J. Reichert grant an easement to himself, from one parcel to the other with the purpose of snow removal being plowed on the north property located in the Town of Hamlin.

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

Motion by Conrad Ziarniak
Seconded by Leslie Zink
To determine that this is a Type II SEQR action and therefore, not subject to further environmental review.
Unanimously carried

Leslie Zink reviewed the NYS Town Law requirements regarding the ZBA granting an area variance: Answers given by J. Glogowski.

- 1) What benefit will be derived by the applicant who is seeking this variance?** Owner will be able to construct a house on his property.
- 2) What changes will be produced in the neighborhood by the granting of this application?** No change to the neighborhood.
- 3) What other methods does the applicant have to achieve the benefit other than the area variance?** The only other option would be to acquire land from the parcel to the north.
- 4) Will the proposed variance have an adverse affect or impact on the physical or environmental conditions of the neighborhood?** The project will not have any adverse affect on the surrounding properties.
- 5) How was the alleged difficulty created?** The situation was created prior to the purchase of the property.

Motion by Conrad Ziarniak
Seconded by Leslie Zink

To approve the area variance with the following conditions:

- * J. Reichert grant himself a 7.5 foot wide easement, the length of the driveway on the property to the north in the Town of Hamlin.
- * No future subdivision of the property will take place unless the access road is widened.
- * Location of the driveway will be located adjacent to the Hamlin Town line.

DISCUSSION

C. Ziarniak discussed the area variance application of Charles Beadle, C & B Subdivision located at 2575 Lake Road regarding an existing structure to be located within the front setback, pursuant to Town Code §140-E(3). After reviewing the site plans and consultation with Town Attorney Olson and Building Inspector Fabry, the parcel with the existing structure at 2575 Lake Road is classified as agricultural use, land intended for farming.

REVIEW OF MEETING MINUTES

Motion by Leslie Zink
Seconded by Joe Perry
To approve the January 7, 2015 minutes.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be February 4, 2015.

ADJOURNMENT

Motion to adjourn at 8:26 p.m. by Conrad Ziarniak
Seconded by Leslie Zink
Unanimously carried

Respectfully submitted,
Kristen DiFilippo
Building Department Coordinator

APPROVED 2/04/2015