

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
May 6, 2015**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, May 6, 2015 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

Support Staff

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

CALL TO ORDER

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

PUBLIC HEARING

**Jeannine Waldow – 21 Chandon Place
Tax Acct# 069.02-1-56
Zoning: RS-10**

Regarding: Requesting an Area Variance for the rear setback of the proposed deck. The deck would be 22.9 feet from the rear setback instead of the required 30 feet as per Clarkson Town Code §140-22 D(1)(c)[3].

C. Ziarniak asked Jeannine Waldow and Rich Iuppa of Iuppa Homes to outline for the Board and Public the plans on the proposed deck. R. Iuppa stated an open 12' x 12' deck would be constructed in the northwest corner on the back of the home. C. Ziarniak opened up questions to the public:

James Schuler of 8 Wedgewood (tax acct# 069.02-1-52) stated he has issues with the instrument survey done on J. Waldow's property and the "correct" distance from her home to the rear property line. J. Schuler stated he measured the foundation of J. Waldow's home to her rear property line and measured 30 feet instead of the 34.9 feet measured by the licensed surveyor, The DDS Companies. J. Schuler disputes the 4.9 feet of the of the rear setback. C. Ziarniak stated the Board has to legally entrust in the licensed survey map presented and stamped officially by the state of New York.

Rich Iuppa of Iuppa Homes addressed the Board questioning why Mr. Schuler can have a deck and J. Waldow not have the same rights on her own property. J. Schuler stated his property is 160 feet deep and J. Waldow has a very small lot that does not accommodate for a deck. C. Ziarniak stated that Wedgewood Estates has several small lots and other homeowners have applied for variances in the past.

Jeannine Waldow stated she also measured her property in regards to the rear setback. She concluded that J. Schuler's berm is actually located on her property. J. Schuler stated he will hire a surveyor to measure his property and find out if his berm is in fact located on J. Waldow's property.

Steven Pawlak of 20 Chandon Place stated he has a 12' x 12' deck on the rear of his home and has no objections to J. Waldow constructing one.

Frank Dailey of 12 Wedgewood Court stated he has a direct line of site from the rear of his home onto J. Waldow's property and has no objections to her constructing a deck.

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

C. Ziarniak reviewed the N.Y.S. Town Law Section 267-b (3)(b) in making its determination for the area variance:

- 1. What benefit will be derived by the applicant who is seeking this variance?** To construct a 12' x 12' deck on the rear of J. Waldow's property.
- 2. What changes will be produced in the neighborhood by the granting of this application?** It will be consistent with the other homes in the neighborhood, no change.
- 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 affect or impact on the physical or environmental conditions in the neighborhood?** No.
- 5. How was the alleged difficulty created?** The house was constructed on the minimum size lot.

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

Motion by Paul Dittman
Seconded by Leslie Zink
To approve the area variance application of Jeannine Waldow with certain conditions: 1. No expansion of the 12' x 12' deck to a larger size. 2. No other rear setback area variances will be permitted by the ZBA in the future.

REVIEW OF MEETING MINUTES

Motion by Leslie Zink
Seconded by Paul Dittman
To approve the April 15, 2015 minutes with approved changes.
Unanimously carried

ADJOURNMENT

Motion by Conrad Ziarniak
Seconded by Tom Guarino
To adjourn the meeting at 8:10 pm.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, May 20, 2015 at 7:00 p.m.

Respectfully submitted
Kristen DiFilippo
Building Department Coordinator

Approved 05/20/2015