

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
November 4, 2015**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, November 4, 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

Kristen DiFilippo, Bldg. Dept. Coordinator

*Excused

CALL TO ORDER

Chairperson Ziarniak 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 Board Members.

PUBLIC HEARING

**Clayton & Sara Christ – 8089 Ridge Road
Tax Account #054.04-1-45.11
Zoning: Highway/Commercial**

Regarding an area variance to construct a greenhouse closer than the 40 feet side setback required per Clarkson Town Code §140-36 C: **Setbacks. For all buildings, structures and parking areas not abutting a major road, the minimum front setback shall be 70 feet, and the minimum rear and side setbacks shall be 30 feet, EXCEPT THAT, WHERE A LOT IN ANY COMMERCIAL OR INDUSTRIAL DISTRICT ABUTS A LOT IN A RESIDENTIAL DISTRICT, THE SIDE AND REAR SETBACK FOR ANY BUSINESS, COMMERCIAL OR INDUSTRIAL DISTRICT ON SAID ABUTTING LINE SHALL BE AT LEAST 40 FEET FROM THE PROPERTY LINE. A buffer area consisting of embankments, trees, shrubs, plantings or fences shall be erected along said property line as a condition of site plan approval by the Planning Board. [Amended 4-9-1985 by L.L. No. 2-1985]**

C. Ziarniak opened the Public Hearing by reading the Legal Notice aloud. No residents appeared for the Public Hearing. He asked the Christs if the 8089 Ridge Road property was purchased or contingent upon the Area Variance. C. Christ stated that they purchased the property and are the current owners.

C. Christ handed out the newest rendering of the site plan to the Zoning Board members and gave a brief outline of their application:

- Purchased property from Keith and Judy Perry.
- Parcel 8089 Ridge Road will be used to operate a farm market with the addition of greenhouses.
- The main two-story structure obstructs direct sunlight to greenhouse #1, forcing it to be moved closer to the property line to receive the proper amount of sunlight.
- Greenhouse #1 will be 40' wide x 60' long.
- Proposed greenhouse #1 will be 25 feet from the east property line and 95 feet from the front, facing the north on Ridge Road.
- Greenhouses #1 and #2 will be constructed this year and the proposed greenhouses #3 and #4 will be constructed within the year.
- The single story front structure will be a retail farm market.
- The operation will have fresh cut flowers, produce, u-pick strawberries, raspberries, blueberries, Christmas trees and ice-cream.

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C. Ziarniak asked C. Christ to initial and date the revised site plan map being submitted for the property file.

C. Ziarniak asked about the buffering between the east property lines. C. Christ stated there are pine trees and bushes along the entire perimeter of his parcel. T. Guarino stated that there is a natural berm along the property line. C. Christ stated that the berm is actually top soil with gravel underneath from the parking lot.

P. Dittman asked if it was possible to move greenhouse #1 back further south on the property. C. Christ stated the existing loading docks will be removed and fresh gravel will be put down. He stated moving greenhouse #1 would be too far for customers to walk when shopping. He stated that the greenhouse is placed in the front also for the display and sale of Christmas trees.

Motion by Conrad Ziarniak
Seconded by Paul Dittman

To determine that this is a Type II SEQR action and therefore, not subject to further environmental review.

Unanimously carried

According to N.Y.S. Town Law §267-b(3)(b) the Zoning Board of Appeals reviewed the requirements regarding granting an area variance:

- 1. What benefit will be derived by the applicant who is seeking this variance?** It will allow us to grow flowers, vegetable plants and product for the surrounding areas.
- 2. What changes will be produced in the neighborhood by the granting of this application?** Nothing negative would result from the variance.
- 3. What other methods does the applicant have to achieve the benefit other than the area variance?** There is no other option because of the constraints of the small lot and existing buildings that block the sun.
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?** None that the applicant is aware of.
- 5. How was the alleged difficulty created?** The purchase of the property with existing tall buildings.

(Answers supplied by applicant)

The Zoning Board of Appeals concurs with applicant's criteria justification for granting variance.

C. Ziarniak stated that because of the uniqueness of this area variance, it is important the greenhouse structure to have sunlight to grow plants, vegetables and fruit to allow the operation to run successfully.

C. Ziarniak asked if there would be any odor created from the greenhouse. C. Christ stated no, only the smell of the plants and produce. C. Ziarniak asked if the greenhouse would be heated. C. Christ stated yes.

Motion by Conrad Ziarniak
Seconded by Tom Guarino
To close the Public Hearing.
Unanimously carried

Motion by Joe Perry
Seconded by Leslie Zink
To approve the Area Variance application for 8089 Ridge Road.
Unanimously carried

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WORK SESSION

WebQA work session.

REVIEW OF MEETING MINUTES

Motion by Leslie Zink

Seconded by Tom Guarino

To approve the October 21, 2015 minutes.

Unanimously carried

ADJOURNMENT

Motion by Conrad Ziarniak

Seconded by Leslie Zink

To adjourn the meeting at 8:25 pm.

Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, November 18, 2015 at 7:00 p.m.

Respectfully submitted,

Kristen DiFilippo

Building Department Coordinator

Approved 11/18/2015