

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
May 4, 2016**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, May 4, 2016 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 – Building Coordinator  
Richard Olson – Town Attorney

\*Excused

**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.

**OLD BUSINESS**

**Stephen Hansen – Ireland Road**

**Tax Acct# 041.02-1-30.1**

**Zoning: RS-20**

Regarding: Request for an Area Variance to construct a storage barn on vacant land.

Chairperson, C. Ziarniak stated that the Public Hearing for this application was held on April 20, 2016, in which it was tabled for today, May 4, 2016, to allow for Town Attorney, R. Olson to assist in proceeding forward. C. Ziarniak briefly outlined the above application for the Board Members:

- Construction of a proposed Pole Barn on vacant land (9.431 acres).
- Vacant land is adjacent to applicants parcel on 2203 Ireland Road.
- Vacant land is undeveloped.
- Dimensions of proposed barn approximately 30' x 50'.
- Proposed use of the pole barn is to store motor vehicles.
- Location of the proposed barn is 635' feet back from Ireland Road and 100' feet from the eastern property line.

C. Ziarniak stated that at the Public Hearing two conditions were given to the applicant for approval of the area variance:

1. The merging of the applicant's two parcels.
2. Proceeding with the Zoning Board of Appeals conditioned upon a site plan approval with the Planning Board.

S. Hansen stated "correct", understanding that this was stated at the Public Hearing.

Town Attorney, R. Olson stated another option may be to take a small portion of the 10 acre parcel and combine it with the adjacent parcel the applicant's home is currently on. He stated this could be accomplished with a simple site plan and an alteration of lot lines. This option would require a surveyor to plot out the new parcel lot lines. R. Olson stated the new survey map would be presented to the Planning Board and if approved then filed with Monroe County.

S. Hansen stated he understood the "hypothetical" problems that could occur with building a pole barn on undeveloped land but it is not his intention to sell the land. He stated he is not opposed to getting a site plan but financially he is

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concerned with the cost of doing so. He stated he would like to go forward with trying to achieve an area variance with conditions. He stated if he would potentially sell it in the future, it could not be sold until it is approved with a site plan as a building lot. R. Olson stated that would be difficult to do so and unnecessary.

R. Olson stated the original surveyor was Owen & Lisoski, Licensed Land Surveyors. The files are now with Licensed Surveyor, AJ Barea.

S. Hansen asked why the Town Code enforces that the land be developed to put a pole barn on it. S. Hansen stated he would invite the Zoning Board Members to visit the vacant land where he proposes to build the pole barn. R. Olson asked S. Hansen if he would propose building the pole barn behind his home on the adjacent parcel. S. Hansen stated no because his intention in initially buying the undeveloped land was to eventually build a home on the undeveloped parcel, for personal reasons it did not transpire. He stated financially at this time he can only afford to construct the pole barn and years down the road would like to construct a home.

Town Attorney, R. Olson stated constructing a driveway on the undeveloped parcel would require a site plan review because the driveway has to be able to accommodate emergency services.

S. Hansen stated there is no opposition from neighbors and constructing a pole barn would not change the character of the neighborhood. He stated he feels that he meets all the requirements in approval for receiving a variance. R. Olson read aloud the **N.Y.S. Town Law Section 267-b (3) (b)** criteria in making a determination for an area variance:

1. **What benefit will be derived by the applicant who is seeking this variance?** New storage barn
2. **What changes will be produced in the neighborhood by the granting of this application?** None
3. **What other methods does the applicant have to achieve the benefit other than the area variance?** The merging of the applicant's two parcels, proceeding with the area variance conditioned upon a site plan approval from the Planning Board or constructing the pole barn on the parcel where his current single family home is on.

S. Hansen agreed he has other options in going forward with constructing the pole barn but the most desirable is to construct a pole barn on his undeveloped land. He stated he understands he is paying taxes on two parcels but is willing to continue to do so to keep the parcels separate. S. Hansen asked if the Zoning Board Members next step in the area variance process is to vote on approval. C. Ziarniak stated yes but the Board has a right and responsibility to apply reasonable conditions which would include a site plan approval or a merger of the two parcels with the Planning Board before approval from the Zoning Board of Appeals can take place.

C. Ziarniak stated the Zoning Board of Appeals is under oath to follow the Town of Clarkson Zoning Codes and the procedures set forth in granting an area variance. He stated this application is unusual because this parcel is an undeveloped parcel without an approved site plan for a primary residence.

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S. Hansen stated he would like to table the application for the next Zoning Board Meeting on May 18, 2016 and speak with AJ Barea, Licensed Land Surveyor.

**NEW BUSINESS**

**Patrick & Susan Piano – 239 Pesh Homes Trail**

**Tax Acct# 039.01-1-26**

**Zoning: RS-20**

Regarding: Request for an Area Variance to construct a pole barn on a corner lot.

P. Piano presented a survey map of his parcel with the proposed structure.

- Corner lot (triangular shape)
- The proposed barn is 40' feet x 36' feet x 14'feet.
- Parcel has a pond and natural buffering.
- The use of the barn will be to store motor vehicles.
- Proposed pole barn 59' feet from front setback and 270' feet from front setback.

Motion by Leslie Zink

Seconded by Paul Dittman

To Schedule a Public Hearing on May 18, 2016 at 7 p.m.

Unanimously carried

**REVIEW OF MEETING MINUTES**

Motion by Leslie Zink

Seconded by Paul Dittman

To approve the April 20, 2016 minutes as amended.

Unanimously carried

**AJOURNMENT**

Motion by Conrad Ziarniak

Seconded by Tom Guarino

To adjourn the meeting at 8:20 pm.

Unanimously carried

**NEXT MEETING**

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, May 18, 2016 at 7:00 p.m.

Respectfully submitted

Kristen DiFilippo

Building Department Coordinator

Approved 05/18/2016