

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
June 1, 2016**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, June 1, 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

*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.

PUBLIC HEARING

Wayne Ward – 3267 Sweden Walker Road

Tax Acct# 055.01-1-21

Zoning: RS-20

Regarding: Request for an Area Variance to construct a fence along the front setback pursuant to Section §140-14 A of the Clarkson Town Code.

Chairperson C. Ziarniak read aloud the Legal Notice. C. Ziarniak stated W. Ward submitted a hand drawn diagram on a tax map with a rough representation of the proposed fence highlighted on the map.

C. Ziarniak asked W. Ward to describe the area, location and style of the proposed fence:

- Six foot high fence
- Chain-link
- Fields surrounding parcel with natural buffering.
- Home not visible from Sweden Walker Road.
- Approximately 1,000 feet of fencing in front setback.

C. Ziarniak asked W. Ward to state in general terms the reason for the proposed fencing. W. Ward stated for security and privacy reasons.

W. Ward stated he purchased the land and built his home in 1986.

C. Ziarniak opened the Public Hearing for comments from the public. There was no formal request to speak on the record.

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

C. Ziarniak opened up comments for the Zoning Board Members. L. Zink 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?** To Keep hunters and animals off property.

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- 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 an Area Variance?** None
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood?** None
- 5. How is the alleged difficulty created?** Circumstance of the property location in reference to hunters.

Motion by Conrad Ziarniak

Seconded by Leslie Zink

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

Unanimously carried

Motion by Joe Perry

Seconded by Leslie Zink

To approve the above application on the condition that:

- The fence be maintained in like new condition.
- The natural buffering be maintained to obstruct the view of the fence from Sweden Walker Road.

Unanimously carried

Jeremiah Thomas (The River @ Rochester Church) – 3723 Sweden Walker Rd

Tax Acct# 071.01-1-4

Zoning: Highway Commercial

Regarding: Request for Special Permit for a 24 square foot permanent sign.

J. Thomas briefly outlined the application:

- Proposed sign will be constructed of weather proof wood with a metal frame elevated on a black metal post.
- Sign approximately 24 sq. feet.
- Rendering of the sign in application.
- Laser cut lettering (Stainless steel).
- Approximate dimensions of the face of the sign are 6' x 4'.
- Height of the sign is 12'.
- Two-sided sign.
- Sign will be located to replace the old Methodist sign.
- Sign location is 30 feet from Sweden Walker Rd.
- (2) goose-neck lamps will be erected toward the sign, attached on the sign. Indirect down-lighting directed at the sign.

C. Ziarniak opened the Public Hearing for comments from the public. There was no formal request to speak on the record.

Motion by Conrad Ziarniak

Seconded by Joe Perry

To Close the Public Hearing

Unanimously carried

C. Ziarniak asked Board Members if they had comments. P. Dittman asked for the hours of illumination. J. Thomas stated when occupied until church is closed and unoccupied until 12 midnight.

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Motion by Conrad Ziarniak

Seconded by Leslie Zink

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

Unanimously carried

Motion by Joe Perry

Seconded by Leslie Zink

To approve the above application on the conditions that:

- The sign be maintained in like new condition.
- Illumination be indirect down lighting.
- Illumination will be on a timer and will shut off at 12:00 am. During special events, illumination past 12:00 am will be allowed while the building is occupied.

Unanimously carried

Bridget Jurkowski – 4 Summer Hill

Tax Acct# 069.02-1-11

Zoning: RS-10

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

C. Ziarniak briefly outlined the application:

- Proposed 6' white vinyl fence in 8' sections.
- Proposed to add approximately 165' of fencing (to safeguard her children and privacy along the busy East Avenue.
- Driveway on Summer Hill but frontage also on East Avenue (Corner lot)
- Parcel just east of Sara's Farm Market.
- Speed limit by the residential home is 40mph.
- Proposed fence will be constructed 42' from East Avenue.
- Proposed fence poses no site obstructions.

C. Ziarniak opened the Public Hearing for comments from the public. There was no formal request to speak on the record.

Motion by Leslie Zink

Seconded by Joe Perry

To Close the Public Hearing

Unanimously carried

L. Zink 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?** Privacy and safety for children.
- 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 an area variance?** None
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood?** None
- 5. How was the alleged difficulty created?** Parcel is on a corner 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 environmental review.

Unanimously carried

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Motion by Joe Perry

Seconded by Tom Guarino

To approve the above application for an Area Variance to construct a fence on a corner lot with the following conditions:

- The fence shall be maintained in like new condition.
- The face side of the fence shall be oriented toward East Avenue and the nearest abutting properties, and the post supports shall be inside of said fence.

Unanimously carried

REVIEW OF MEETING MINUTES

Motion by Conrad Ziarniak

Seconded by Tom Guarino

To approve the May 18, 2016 as amended.

Unanimously carried

AJOURNMENT

Motion by Conrad Ziarniak

Seconded by Tom Guarino

To adjourn the meeting at 8:30 pm.

Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, June 15, 2016 at 7:00 p.m.

Respectfully submitted

Kristen DiFilippo

Building Department Coordinator

Approved 