

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
August 3, 2016**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, August 3, 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.

**NEW BUSINESS**

**David Aquino – 7060 Ridge Road West**

**Tax acct# 055.040-1-15.1**

**Zoning: Industrial**

Regarding: An Application to comply with the Town of Clarkson Code

**§140-17 C Nonconforming uses: *Should any nonconforming structure or use be wholly or partially destroyed by any means to the extent of more than 75% of its replacement cost at the time of destruction, it shall not be reconstructed or used except in conformity with this chapter.***

Present for the meeting were Engineer, Kris Schultz from Schultz Associates and David Aquino’s family members.

C. Ziarniak asked K. Schultz to give a brief outline of the Aquino application. K. Schultz stated initially Town Building Inspector, C. Fabry issued a building permit for the repair of the structure. Town Attorney, R. Olson had concerns about the structure being in conformity with Clarkson Town Code §140-17 C. C. Fabry then issued a Stop Work Order and instructed the applicant to make application with the Zoning Board of Appeals for a code interpretation to comply.

- Applicant demolishing a portion of the existing building to renovate the structure. (replacing roof and front wall).
- Proposed auto sales and repair.
- Construction done by the owner.
- Existing structure is 1.8 feet in the state right of way.

K. Schultz presented an instrument survey of the parcel and a letter from Fenity Associates Architects estimating the repair costs, both submitted to the Building Department. He stated the new wood truss framed roof and the replacement of the masonry south wall of the existing structure will not even come close to the 75% replacement costs... He stated owner, David Aquino will do all the construction, keeping renovated costs around \$25,000. K. Schultz stated Building Inspector, C. Fabry is in agreement that the replacement costs were substantially below 75%.

**TOWN OF CLARKSON  
ZONING BOARD OF APPEALS  
August 3, 2016**

The Zoning Board Members determined that it was impractical to move the structure back 1.8 feet out of the state right of way. Board Members felt that the structure as is, was an eye sore and the best solution was for someone to improve the structure rather than continue to leave it abandoned. The Zoning Board Members requested that a site plan be developed for the Planning Board to allow for used car sales and restricted parking along the west of the structure or behind the structure. The Zoning Board stipulated no motor vehicles should be parked or sold along the state right-of-way and it needs to remain clear at all times.

Motion by Conrad Ziarniak  
Seconded by Tom Guarino

To make a motion for a code interpretation decision regarding Town of Clarkson §140-17 C on 7060 Ridge Road. The Zoning Board of Appeals found that the repair costs of the partially destroyed structure does not exceed 75% of its replacement cost.  
Unanimously carried

**REVIEW OF MEETING MINUTES**

Motion by Leslie Zink  
Seconded by Tom Guarino  
To approve the July 20, 2016 minutes as amended.  
Unanimously carried

**AJOURNMENT**

Motion by Conrad Ziarniak  
Seconded by Paul Dittman  
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, August 17, 2016 at 7:00 p.m.

Respectfully submitted  
Kristen DiFilippo  
Building Department Coordinator

Approved 9/7/2016