

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
June 21, 2017**

The Zoning Board of Appeals of the Town of Clarkson held their regularly scheduled meeting on Wednesday, June 21, 2017 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT-Board Members

Paul Dittman, Chairperson
Harold Mundy
Lisa Rivera-French
Tom Guarino
Joe Perry

Support Staff

*Chad Fabry, Building Department
Susan Kelly, Building Department

*Excused

CALL TO ORDER

Paul Dittman, Chairperson, called the meeting to order at 7:00 p.m. and led all those present in the Pledge of Allegiance. P. Dittman read the agenda.

PUBLIC HEARING

Donald Moyer

**2977 Redman Road
Tax acct# 039.01-1-7.1
Zoning: RS-20**

Regarding: Two area variances for accessory building

- 1) Side setback variance of four feet to build within six feet of side property line (Clarkson Town Code § 140-21 D(2)[2]). *D. Dimensional requirements in the RS-20 District shall be as follows: Single-family dwellings in nonintegral subdivisions with public sanitary sewers: (a) Minimum lot area: 15,000 square feet, except that the minimum lot area for corner lots shall be 16,500 square feet. (b) Minimum lot width: 100 feet. (c) Minimum setback for lots other than corner lots: [1] Front: 40 feet; 75 feet on a major road. [2] Side: 10 feet.*
- 2) Variance to build an accessory structure in front of dwelling (Clarkson Town Code § 140-7 E). *Any required yard shall be entirely open and unoccupied by buildings.*

Chairperson, P. Dittman, opened the Public Hearing by reading the legal notice aloud.

D. Moyer distributed a hand-drawn map to Board members showing the addition to the barn and the relocation of the door from the east to the south to improve accessibility to the barn. P. Dittman stated that he viewed the property and noted the perspective from the neighbor's driveway; in particular, the car that is parked in the neighbor's view. He stated that a stockade fence would need to be installed for screening purposes as a condition of the variance, if it were to be granted.

P. Dittman referenced the Pictometry photos of the property showing that the barn is currently 7'4" from the property line instead of the required 10'. D. Moyer stated that according to a survey performed by request of the neighbor, the barn is 12' from the property line. P. Dittman stated that a survey would need to be done to verify the distance between the barn and the north property

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line. He also stated that any new addition might need to be offset to provide the 10' setback that is required.

P. Dittman opened the Public Hearing for comments. Amy Buchel, neighbor, stated that she is okay with the 6' front (east) setback and expansion but would like the items currently stored around the barn placed inside the barn and out of view. She has no issues as long as D. Moyer doesn't build over the property line and keeps the clutter inside the barn.

P. Dittman stated that the side setback on the north property line needs to be determined before a decision can be made regarding the variance. A survey needs to be done to prove that the barn is not closer than 10' to the north property line. Also, a stockade fence would have to be a condition of approval.

Motion by Paul Dittman
Seconded by Tom Guarino
To close the Public Hearing.
Unanimously carried

D. Moyer suggested having the Building Inspector take measurements based on survey stakes (metal pins in corners) that were left from the survey done last year for the neighbor. J. Perry confirmed that there is no line of sight between the pins. D. Moyer stated he used the corner pin for reference when building the barn.

P. Dittman reiterated the need for more concrete information before a decision can be made. He suggested D. Moyer contact C. Fabry (Building Inspector) about how to proceed.

Motion by Paul Dittman
Seconded by Lisa Rivera-French
To postpone decision contingent on establishing a verifiable conclusion as to actual location of barn.
Unanimously carried

J. Perry questioned the discrepancy between the survey pin measurement and the Pictometry measurement and how to determine what is correct.

NEW BUSINESS

Clarkson Commons-Phase II / DDS Companies / Basset Group
Property Address: 3638 Lake Road
Tax ID #054.14-1-08.2
Zoning: Highway Commercial and RS-10

Jamie Pentland, DDS Companies, stated Basset Group is seeking an area variance for side setback on parking garage to be 12' instead of the required 30'. Plans currently show parking garage 2' from property line; they would like to shift it an additional 10' to the north which would make it 12' from the property line, requiring an 18' variance.

H. Mundy expressed concern about the distance between the front of the garage and the traffic lane for visibility issues. He suggested DDS determine the appropriate clearance for traffic and then determine what variance is needed. P. Dittman stated that the Planning Board has already determined that moving the garage 10' back would be adequate. P. Dittman would like to hear from the Planning Board. T. Guarino called for a Public Hearing as long as the Planning Board already agreed to move the garage 10' back.

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Motion by Paul Dittman

Seconded by Tom Guarino

To schedule a Public Hearing for the July 5th Zoning Board Meeting.

Unanimously carried

L. Rivera-French noted that the Zoning Board info on the website is incorrect.

H. Mundy is unable to attend the July 5th Zoning Board Meeting. J. Perry may not be able to attend the July 19th Zoning Board Meeting.

MINUTES

Motion by Paul Dittman

Seconded by Harold Mundy

To approve the June 7, 2017 minutes.

Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, July 5, 2017 at 7:00 p.m.

ADJOURNMENT

Motion by Paul Dittman

Seconded by Lisa Rivera-French

To adjourn the meeting at 8:20 p.m.

Unanimously carried

Respectfully submitted,

Susan Kelly

Building Department

Approved 7/5/2017