

TOWN OF CLARKSON ZONING BOARD OF APPEALS
Wednesday, November 20, 2019

The Zoning Board of Appeals of the Town of Clarkson held their regularly scheduled meeting on Wednesday, November 20, 2019 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT- Board Members

Paul Dittman, Chairperson
Jim Gillette
Harold Mundy
Lisa Rivera-French
Joseph Perry

Support Staff

Richard Olson, Town Attorney Excused *
Kevin Moore, Code Enforcement
Anna Beardslee, Building Department Clerk

CALL TO ORDER:

P. Dittman opened the meeting at 7:00 PM with the Pledge of Allegiance.

NEW BUSINESS:

Applicant: Monroe County – Phil Morgan

Property Owner: Monroe County

Property Address: 3 Wedgewood Court Brockport, NY 14420

Tax ID #: 069.02.1-65

Zoning: RS-10

Applicant requesting area variances, on a corner property lot to build a house. The 2 front lots as defined by the corner lot, would need an area variance of 8 feet. The variance requested for the rear will be 20 feet. The area variance is not in accordance with Town Code §140-22D 1c[1-4].

§140-22D 1c[1-4]

D. In the absence of a public sanitary sewer system, development regulations shall be identical to those for RS-20 Districts. For houses on integral subdivision roads, if a public sanitary sewer system is provided, development regulations are as follows:

(1) Single-family dwellings on integral subdivision roads:

(c) Minimum setback:

[1] Front: 40 feet; 75 feet on a major road.

[2] Side: 10 feet.

[3] Rear: 30 feet to dwelling or attached garage; 10 feet to other structures.

[4] Corner lots: Both sides abutting a street, road or highway shall be considered front yards and shall be subject to the front setback requirement. Both sides not abutting a street, road or highway shall be considered to be rear yards and shall be subject to the rear setback requirement.

Phil Morgan is at the meeting to represent Monroe County. He explained the application stating that they are working with high school students from BOCES who

have built a house and will be placing on the property of 3 Wedgewood Court in Clarkson. He stated it is a single story, single family home with a 2 car garage that will fit the neighborhood on Wedgewood Court. Once they get the variance they are requesting they will be able to dig the foundation for the basement and the house will be placed on the site by the students and general contractors so the BOCES students get real life experience. The county will be the lead in this project and will be issuing the Building Permits.

The variance is needed as this house is being located on a corner lot. The town code has specific setbacks that currently will not work. They are asking for an 8 foot variance for the north side of the house and a 20 foot variance for the south side of the house.

The board members reviewed the application and the maps given.

Joseph Perry asked why the house would have a 2 car garage instead of a 1 car garage. Phil answered that it was to mimic the houses in the neighborhood. Joseph Perry explained the Public Hearing process and the questions that are on the application will be reviewed to make the decision of the variances.

Paul made a motion to place 3 Wedgewood Court on the agenda for Public Hearing for the next scheduled Zoning Board of Appeals Meeting being held on December 4th.

Lisa seconded.

Unanimously carried.

DISCUSSION:

Richard Olsen, Town Attorney was present at tonight's meeting to give some background on the Zoning Board of Appeals, the importance and responsibilities of the board members, as well as some information on the different types of variances and a clarification on easements.

He began with explaining that the Zoning Board of Appeals is not a board every town has. Towns that have Zoning codes, must have a Zoning Board of Appeals. The Zoning Board of Appeals gets involved if the Building Inspector makes a wrong interpretation, if there is question on a variance of the town code, and when there is a question on if certain residences are allowed in different zoned areas.

Area variance is used when an applicant would like to build or place something that is not within the town code setbacks. The board members are to be the judge if something should be allowed within the setback.

A use variance is when someone wants to build or place something that is not within the town code requirements of the specific zoning area. It is harder to grant a use variance as there are 4 requirements that all must be met. 1) Appraisals 2) It must be unique 3) It doesn't alter the neighborhood 4) It is not self-created. Dick stated that only 10-20% of use variances are granted because of the specificities.

Other advice Dick gave is that it is important to be specific with applicants in regards to time frames for variances granted.

Dick spoke about easements. He explained that easements are contracts with either the town or with utility companies to be able to go on the property for maintenance or emergency reasons in which the easement is there. Dick stated that the Zoning Board does not have Authority to tell someone to build on an easement. If it is a town easement, the town board has the authority to change the easement. Utility easements are the only ones that can change terms or agreements of their easement with property owner.

Joe Perry asked how they know if there is an easement on a property.

Dick stated that it is a requirement for the application to show the Instrument survey map of the property. The instrument map would show if there is an easement. If the property owner does not have a copy of the instrument map, they are able to get one from the County Clerk's office.

MINUTES:

P. Dittman made a motion to accept the minutes.
Harold seconded.
Unanimously carried.

ADJOURNMENT:

P. Dittman made a motion to adjourn at 8:35 PM.
Lisa seconded.
Unanimously carried.

NEXT MEETING:

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, December 4, 2019 at 7:00 PM.

Respectfully submitted,
Anna Beardslee, Building Department Clerk

Minutes approved on 12/4/2019