

**TOWN OF CLARKSON ZONING BOARD OF APPEALS**  
**Wednesday, December 4, 2019**

The Zoning Board of Appeals of the Town of Clarkson held their regularly scheduled meeting on Wednesday, December 4, 2019 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

**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.

**PUBLIC HEARING:**

**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.

Paul began reading the legal notice. Phil Morgan here to represent Monroe County. He noted that an error on the variances was found in the drawing that was sent over. He handed out new drawings with the correction. Phil gave a brief overview of the project.

Paul opened up the Public Hearing.

Robert Humphreys from 479 East Avenue was present and asked if the house would be Wedgewood Court or Barry Grove. Phil let him know it would be Wedgewood Court address. He then stated that the property would be too close to his house.

P. Dittman stated that it is a corner lot property and that is the reasoning.

Robert asked what the assessment of the house would be. Phil stated that he is unsure because they don't figure out the assessment of the house, they just build it and it is the town's job to make the assessment.

Paul made a motion to close the Public Hearing.

L. Rivera-French seconded.

Unanimously carried.

Paul read through the Factors for variances:

- He asked Phil if the variance would cause an undesirable change in the neighborhood. Phil stated that it would be positive, because it will be placing a house on a neglected area of property.
- Paul asked if there were other options in order to not have the variance. Phil stated that according to the Building codes the town has, a variance is required for the practical development for the placement of a residential dwelling.
- Paul asked if the variances are substantial. Phil stated, no, because as a corner lot which is two fronts by definition for the setbacks. The variance for the North Side and the West side of the house do not have substantial requests. The variance for the South side will be substantial.
- Paul asked about the impact on the environment. Phil said that the requests are minimal and will not have any negative effect or impact on the neighborhood or streetscapes.
- Paul asked if this was a self-created difficulty. Phil said no, the property was abandoned by previous owner and acquired through real property tax fore-closure proceedings.

Kevin made a statement to ensure the board members and public understood that the reason that a variance is needed on the house, is because the town requested a front porch and garage be included to mimic the rest of the neighborhood.

Paul asked Phil to sign and date the drawing that was submitted with the corrected variances, and to label it Site Map 1.

J. Perry asked Phil what the time frame was on this. Phil stated that the foundation of the house will be done in the winter, but will also be weather permitting. He said the entire project will be done 6 months from the beginning.

Paul made a motion to grant the variances reflected on the drawing labeled Site Map 1, which includes a variance of 8 feet for the North side of the house, a variance of 2 feet for the West side of the house, and an area variance of 20 feet for the South Side of the house. And the house to reflect the drawing of Site Map 1.

L. Rivera-French seconded.

Unanimously carried.

Paul made a motion that this was a type II SEQR.

J. Perry seconded.

Unanimously carried.

**NEW BUSINESS:**

**Applicant:** Indus QSR III, Inc. (Matt Bucci)

**Property Owner:** Speedway LLC.

**Property Address:** 7535 West Ridge Road, Brockport NY

**Tax ID #:** 070.01-1-18.11

**Zoning:** Highway Commercial

Applicant requesting a special permit for a permanent sign for the Dunkin Donuts going into the Speedway. Town code § 140-13 Signs. States:

- A.** No advertising sign or billboard of any description shall be erected at any place in the Town of Clarkson without a special permit by the Zoning Board of Appeals.

Matt Bucci here to represent Dunkin Donuts that will be located at the Speedway in Clarkson. Matt began by giving a brief overview of the signs that they are requesting to put up. Including one pylon sign, one sign on the frontage of the store, and sign that will be overhead the drive thru showing where to go.

Kevin suggested that board members look back at the files from GovQA when Speedway came in for approval of the signs, because the drive thru signage was addressed in those plans. After reviewing previous information, Paul stated that the signage for Speedway included the drive thru and it was already approved, so a Public Hearing was waived.

Paul made a motion to approve the special use permit, as the project had been previously approved in December 2018 and the size of the signs do meet code and standards.

L. Rivera-French seconded.

Unanimously carried.

**MINUTES:**

L. Rivera-French made a motion to approve minutes from November 20, 2019.

J. Gillette seconded.

Unanimously carried.

**ADJOURNMENT:**

P. Dittman made a made a motion to adjourn at 8:10 PM.

L. Rivera-French seconded.

Unanimously carried.

**NEXT MEETING:**

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, December 17, 2019 at 7:00 PM, in which Paul Dittman stated if there is nothing on the agenda it will be cancelled.

Respectfully submitted,

*Anna Beardslee, Building Department Clerk*

*Minutes approved on 1/15/2020*