

TOWN OF CLARKSON ZONING BOARD OF APPEALS
Wednesday, February 5, 2020

The Zoning Board of Appeals of the Town of Clarkson held their regularly scheduled meeting on Wednesday, February 5, 2020 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

Board Members

Conrad Ziarniak, Chairperson
Jim Gillette
Joseph Perry
Lisa Rivera-French
Joanne Scheid

Support Staff

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

Excused *

CALL TO ORDER:

Conrad Ziarniak called the meeting to order at 7:00 p.m. and led all those present in the Pledge of Allegiance with a moment of silence honoring Veterans, military service members and first responders.

Conrad began the meeting by reading the agenda.

NEW BUSINESS:

Applicant: Patricia Bianchi/Circle B Subdivision

Property Owner: Patricia Bianchi

Property Address: 8046 Ridge Road

Zoning District: Highway Commercial

Tax ID: 54.04-001-005

Acres: 276x427

Applicant would like to subdivide property creating two lots, one being 3.0 acres and used for a retail business and the other being 77.50 acres containing a pre-existing single family dwelling. The zoning for the property is Highway Commercial and according to Town Code § 140-33B1 A-E and § 140-33C, a residential home on Commercial property is prohibited. Applicant is seeking a use variance.

§ 140-33 Highway Commercial District -- HC

A. Intent. Highway Commercial Districts are intended to provide a controlled environment in which more intensive uses which deal in bulk retail merchandise, or businesses or trades which are dependent upon a high volume of traffic for their trade, can locate. Such uses will be encouraged in the vicinity of the busier highways and intersections within the Town. However, they shall not be permitted to develop in such concentrations or in such a manner as to impede traffic or become a nuisance or hazard to the public welfare and safety.

B. Permitted uses.

(1) Permitted uses shall be as follows:

(a) Motor vehicle service stations, subject to the provisions of § 140-32A(1)(h).

(b) Farm implement dealers.

(c) Rapid car washes, provided that no entrance or exit drive shall be located within 100 feet of any street intersection, and provided that there are at least 50 reservoir spaces, as defined herein, for the first wash rack or wash lane and 35 additional reservoir spaces for each additional wash rack or wash lane.

(d) Nurseries and garden stores.

(e) Monument sales, provided that all cutting and engraving processes are conducted within an enclosed building.

§ 140-33 C. Prohibited uses. All uses not expressly or conditionally permitted are prohibited.

After reading the agenda, Conrad explained this item was asked to be put on the agenda for tonight to determine if it is a Use Variance.

Conrad asked Rich Maier, the Surveyor representing the Circle B Subdivision to summarize what the Planning Board stated at their Meeting. Rich explained what the subdivision entailed. And he stated that at the Planning Board Meeting, Richard Olsen, the Town Attorney brought up the question of Use Variance for the Subdivision property. And stated that it would need to go in front of the Zoning Board for clarification before a decision could be made on creating the subdivision.

Conrad stated that since the property is zoned as Commercial property and the house was built in 1860, before the property was zoned that way. The house was pre-existing before the store was even built in 1984. Therefore, he read the Town Code 140-17 on Non-Conforming Uses.

Joe Perry stated that the code is saying that by limiting the amount of frontage on the house front, it is actually making the property more conforming.

Conrad explained that the Planning Board Meeting and the Town Attorney needed the Zoning Board to review this item for interpretation of the Town Code after some discussion with the Zoning Board Members, Kevin, and Rich Maier, the Zoning Board made a decision on the Use Variance.

Conrad made a motion for interpretation that the Circle B Subdivision does not need a use variance per Town Code 140-17 for Nonconforming uses. By allowing the Circle B subdivision, the amount of road frontage for highway commercial would be increased, fitting the code for highway and reducing the degree of nonconformity to this chapter.

Lisa seconded.

Unanimously carried.

OPEN FORUM:

Jim Straub from 4033 Lake Road was wondering what he would need to do if he wanted to extend his garage by building towards the front of his house. It would not be within the front variance.

Conrad explained he would need to come to the Zoning Board after an application was filed and paid for to get a front setback variance for the extension of the garage. Kevin got him an application to fill out and it would be put on for the next Zoning Board Meeting.

OPEN FORUM:

Conrad asked the members if there was anything else that they wanted to address for the night.

Kevin brought up that the Town board members will be updating the Town Code Book. And if there are any Zoning Board Codes that the members felt needed to be changed to let him know.

Conrad brought up that unapproved minutes should be sent out to members prior to the meeting so they can be reviewed before the next meeting. Approved minutes will be saved to the Town website as well as E-code to refer back to.

Conrad will add Joanne on to GovQA.

MINUTES:

Jim made a motion to approve the minutes.

Lisa seconded.

Unanimously carried

ADJOURNMENT:

Conrad made a motion to adjourn the meeting at 8:00 PM

Lisa seconded.

Unanimously carried.

NEXT MEETING:

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, February 19, 2020 at 7:00 PM.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 2/19/2020