

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall and via Zoom
Wednesday, April 7, 2021 at 7:00 PM

Board Members

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

Support Staff

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

CALL TO ORDER:

Conrad Ziarniak called the Zoning Board meeting to order at 7:00 p.m. The Meeting was held at the Clarkson Town Hall and via Zoom. C. Ziarniak led all those present in the Pledge of Allegiance and read aloud the agenda for the night.

NEW BUSINESS:

Applicant: Tamara Gaita
Property Owner: Tamara Gaita
Property Address: 1 Woodstock Lane
Tax ID: 040.03-2-33
Zoning: RS-20
Acres: .38

The applicant is requesting an area variance for a fence extension and a 10x12 shed to be placed on the property that is not in compliance with Town Code, as the property is abutting streets on three sides. Please see map provided with the application for details.

C. Ziarniak read through the application for Tamara Gaita. And explained that she was requesting a fence extension and a shed to be placed on her property. He then read through the questions on the application regarding the area variances she is requesting. After he went through the application, he explained the map, and read off measurements on the property.

C. Ziarniak asked T. Gaita if she would be able to explain what she would like to achieve on her property. T. Gaita explained that she would like to move her boat that is sitting in her driveway behind her house. Currently she cannot place the boat back there because of the fence that is existing. She also would like to store some other outdoor equipment that she has in another shed. That way everything would be in storage and behind the fence and not out in the open for everyone to see.

C. Ziarniak asked if it was just a boat that they would need parked in the back.

T. Gaita stated that it was both a boat and a utility trailer.

C. Ziarniak asked Kevin to explain why an area variance is being requested?

K. Moore stated that there items that need to be addressed so things can move forward. He explained that the property at 1 Woodstock Lane where T. Gaita lives, is surrounded by roads on three sides, the roads are Lake Road, Woodstock Lane and Woodstock Lane. So to move forward, he needs the board to address which sides of this property would be considered front yards. He stated with that determination, a variance may be required for the fence and shed. But it will depend on the Zoning Board's Interpretation.

C. Ziarniak stated that the code doesn't always anticipate something unusual like this and it does not define a house being surrounded by three sides of a road.

K. Moore further explained that if the board considers the two roads that are Woodstock to be front yards, then the back is defined, and this application would no longer be relevant, because the side of the house that faces Lake Road would be the backyard, and it would be within code to put up the fence and shed. K. Moore also stated that the other properties that are on Woodstock and face Lake Road, consider the side that faces Lake Road their back yard. K. Moore further stated that 1 Woodstock Lane would not be sticking out, it would be conforming to the rest of the neighborhood.

C. Ziarniak stated that if we use common sense, Woodstock Lane would be the front yard. That is where the front entrance is and the driveway. He further explained if you drive north on Lake Road and drive past roads that come off of Lake Road, such as Woodstock, Gilmore, and Lawrence. The homes on the corner lots, in his observation treat Lake Road, as their backyard. He also stated, thinking about structures on these corner lots, there are sheds and fences, and you can see the sides and backs of the homes. He stated that with respect to the character of the neighborhood, it would be consistent to consider Lake Road, as this homes back yard. C. Ziarniak further stated that the Zoning Board has the discretion to make such code interpretation.

J. Perry asked what kind of fence they would be installing. T. Gaita stated it would be a stockade dog eared fencing.

J. Perry asked if they would be painting. T. Gaita stated they would be.

J. Perry asked if the existing fence would stay there. T. Gaita stated it would stay.

J. Perry asked how tall they fence would be. T. Gaita stated it would be 6 feet.

J. Perry asked how tall they shed would be. T. Gaita stated that it would be about 7 feet.

K. Moore stated the sheds are usually about 7 feet and 12 feet at the peak.

J. Perry asked about the location of the gate. T. Gaita stated that the gate entrance would be placed between the shed and the garage door, so that the boat and trailers could be pulled back in behind the fence.

J. Scheid stated that she feels that having the side that faces Lake Road as the backyard is consistent with what C. Ziarniak mentioned.

C. Ziarniak stated because the other homes on that street treat their backyards in the same manner.

C. Ziarniak asked Kevin that if they park the boat and trailer where they are proposing to, would that meet town codes.

K. Moore stated that currently they have been sent a violation letter for where they boat and trailer are currently being stored in their driveway, because they don't have a place to put the boat and trailer. So, the fence would fix that.

K. Moore also stated that he took in account for the site triangle and placed it on the map, so that everyone can see where it would be. And it shows that there is quite a distance in between.

J. Perry asked if there was anything in the code stating that you cannot have two sheds. K. Moore stated that there is not. He said the code states that you can only cover 25% of your rear yard or 30% of your total yard with buildings and accessories.

C. Ziarniak asked why they would leave the existing fence up.

K. Moore showed on the map to T. Gaita what C. Ziarniak was asking.

T. Gaita stated that part of the fence would be coming down. They would just be extending the fence out from old fence.

C. Ziarniak stated that it won't be two fenced in areas, it would be one large fenced in area.

T. Gaita stated, yes.

C. Ziarniak stated that what the board is left with is to make an interpretation, further explaining that if they decide that the road that faces Lake Road is the back yard, then a variance is not required, and the applicant can proceed without Zoning Board action.

C. Ziarniak made a motion that the board determine that a variance is not required based on our interpretation of the code and the specific parcel, because the Zoning board considers Lake Road and Woodstock Lane are the two roads that this house is a corner lot on.

J. Scheid seconded.

Unanimously carried.

C. Ziarniak explained to T. Gaita we have decided through interpretation of the Zoning Code, which is a function allowed by New York State Town Law that a variance will not be needed for the applicants to be able to do what they need to do.

J. Perry further stated that it was taken into account, the consistency of the neighborhood.

C. Ziarniak stated that the justification of the decision was the consistency of the neighborhood. C. Ziarniak stated that the applicant will just need to go see K. Moore for building permits for the fence and shed.

DISCUSSION:

C. Ziarniak stated that we can go on record for Mr. Conradt's Storage Buildings and asked K. Moore to speak about the application and his findings through the Planning Board or the Fire Department.

K. Moore explained that he spoke with the Brockport Fire Chief and he took a copy of the plans down to be reviewed by the rest of the fire department. He stated after review of the plans, the fire department determined that if another building was put in, they would have no way to access that facility properly. They did not agree with a building being put in that location. They will be sending an email out with that information so we have something in writing from them, but they have a great deal of concern if that building were to be approved.

C. Ziarniak asked that procedurally you would tell the applicant that? K. Moore stated that he would need to speak with the Town Attorney, because he thinks that the Zoning Board will have to officially deny the project. C. Ziarniak asked if the email could be forwarded to them. K. Moore stated as soon as he gets it. K. Moore also stated that he still needs to address the other variance that is still an issue. C. Ziarniak stated, I believe he will need to apply for a new variance for that. K. Moore stated that it needs to be documented that it was not built to where it was supposed to be built. C. Ziarniak stated that a condition could be made stating that no additional buildings could be added.

J. Scheid asked if a Public Hearing would need to be made on that.

C. Ziarniak stated that I believe it would need to have a Public Hearing on it.

J. Perry asked if he could withdraw his application.

K. Moore stated he could, and I will give him that option. But it would be best if he moved forward so that it is documented, so that it can't come up again.

MINUTES:

J. Gillette made a motion to approve the minutes.

J. Scheid seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 7:33 PM.

J. Perry seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, April 21, 2021 at 7:00 PM in person and via Zoom.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 4/21/2021