

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall and via Zoom
Wednesday, May 5, 2021 at 7:00 PM

Board Members

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

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.

PUBLIC HEARING:

Applicant: Kristina Henderson

Property Owner: Kristina Henderson

Property Address: 3 Woodstock Lane

Tax ID: 040.03-2-60

Zoning: RS-20

Applicant requesting an area variance for a garage addition on her property.

C. Ziarniak read aloud the Legal Notice and asked K. Henderson to explain her request for the area variance.

K. Henderson spoke about building an addition to expand her garage forward to be able to fit two vehicles in her garage. She stated that the expansion of the garage does meet the setback requirements, however, it would be closer to the road. She further stated that the addition is 26 feet long and it will extend out towards the road 16 feet.

C. Ziarniak stated at the prior meeting she had mentioned that a prior owner had made alterations on the garage and asked her if she could speak about that.

K. Henderson stated that the prior owner had converted a portion of the garage for livable space in the house and that is why there is no room currently to put two cars in the garage.

C. Ziarniak stated that with the application a detailed architectural drawing had been submitted dated, April 10, 2021. He further explained that the drawing helps to see how the proposed addition will look and that it will tie in nicely with the existing home. C. Ziarniak asked if any other board members had any questions or comments.

L. Rivera-French asked K. Henderson if she had known about the garage before she bought the house.

K. Henderson stated yes, the prior owner stated that they would only need to get building permits to extend the garage.

L. Rivera-French asked if she had checked into the Zoning Ordinance.

K. Henderson stated, no.

C. Ziarniak stated that this particular portion was hard to find in the town code.

J. Gillette asked if anyone from the public had any correspondence for this Legal Notice.

A. Beardslee stated that someone had inquired about the public hearing, documents were sent over as well as the Zoom Call information. However, this person is not on the Zoom Meeting tonight.

C. Ziarniak made a motion to close the public hearing.

L. Rivera-French seconded.

Unanimously carried.

C. Ziarniak read through the area variance questions on the application submitted by K. Henderson.

C. Ziarniak made a motion to determine this was a type II SEQR with a negative declaration and no further environmental review will be needed.

J. Gillette seconded.

Unanimously carried.

J. Perry made a motion to approve the area variance for the garage addition to be built according to the submitted plans.

L. Rivera-French seconded.

Unanimously carried.

OLD BUSINESS:

Applicant: Darryl Moser

Property Owner: Darryl Moser

Property Address: 2637 Clarkson Parma Townline Road

Tax ID: 041.02-1-22

Zoning: RS-20

Applicant requesting an area variance to install a pool on their property 3 foot from property line, not in accordance with Town Code 140-21D(c)[2]

D. Dimensional requirements in the RS-20 District shall be as follows: (c) Minimum setback: [2] Side: 10 feet.

Darryl Moser present to represent his application requesting to install a pool on his property one foot from the property line.

C. Ziarniak read through the area variance questions provided in the application and spoke about the survey map also provided, pointing out dimensions and locations of where the pool will be.

C. Ziarniak made a statement that none of the maps provided show the leach fields or where the septic is located on the property.

D. Moser stated that he has a document from the county that he could submit.

C. Ziarniak asked how he would maintain the 1 foot strip of land. D. Moser stated that in the future he would be purchasing a portion of the land on that property. He stated that currently it is his Mother's property.

C. Ziarniak made a statement that if the strip of land was purchased and a lot line drawn, then a variance would not be needed.

K. Moore stated some concerns he had with installing the pool that close to the property line. He explained that the grounding loop of a pool reaches outward of 18-24 inches from the pool, which would fall into the next property. He also explained that there are other future potential safety concerns. He gave an example, that if the property next door is bought by someone else, and the owner decided to put up a fence up on the property line, it would create a scenario where a person could fall out of pool and become trapped between pool and fence.

J. Perry pulled up a satellite view of the property and asked how far the pool is from the garage.

D. Moser stated it was 12 feet away.

C. Ziarniak explained to D. Moser that safety concerns are more pressing and if there is an alternative to purchase or have a land transferal that could be a better situation. C. Ziarniak further stated that without being to see where the leach field and septic are on the property it is hard for the Zoning Board to make a decision.

K. Moore stated that if he could find and show where the leach field is, he may be able to move the pool a bit. K. Moore further stated that there is no code for the leach field, explaining, it is recommended to be 10 feet from the leach bed, but you could actually go right to the edge of the leach bed.

C. Ziarniak stated that an updated drawing will need to be submitted showing the septic, leach fields, and new location of pool to move forward with the application. He stated that this matter will be tabled until those documents are received.

PUBLIC HEARING:

Applicant: Henry and Carrie Conradt

Property Owner: Henry Conradt

Property Address: 3599 Lake Road

Tax ID: 54.13-001-002

Zoning: Highway Commercial

Acres: 2.299 Acres

Applicant requesting review of a variance that was granted on June 20, 2012 by the Zoning Board of Appeals for a side setback variance of the “future phase 2 building”. The variance that was granted was for 30’. However, after a survey map was done on March 5, 2021 and it was discovered that the “future phase 2 building” was constructed 23.8’ from side setback, which is not the variance that was granted by the Zoning Board of Appeals. Applicant is looking to correct this issue.

C. Ziarniak read through new application and a Zoning Board Notice of Decision from 2012 that was submitted. The Application is to correct a variance that was granted in 2012, where the building was constructed 23.8’ from the side setback instead of the 30’ that was granted.

C. Ziarniak read through the application questions. There was some concerns about how question number 1 was answered on the application. The question asks, “What benefit will be derived by the applicant seeking the variance.” The question was answered on the application with the statement, “More storage space.” Hank stated that he meant to answer the question by stating, he is trying to get into compliance for the incorrect variance. K. Moore stated that we can make note for the minutes that question number 1 on the application, was in regards to needing more storage space in 2012.

C. Ziarniak made a statement that when we go over the application questions, the minutes reflect the discussion in regards to the answers on the application. H. Conradt explained again his answer on question number 1 was, in 2012 he needed more storage space and he now needs to get into compliance to correct the variance that was granted in 2012.

J. Perry made a motion to place this for Public Hearing on May 19th.

L. Rivera-French seconded.

Unanimously carried.

DISCUSSION:

C. Ziarniak asked the status on the Speedway Application, since it was put on hold. K. Moore explained that the Town Attorney wanted to hold off on the Public Hearing until he was able to review the application further. The applicant was notified that the Public Hearing was put on hold until further notice.

C. Ziarniak asked the status on the Application for Michael Corrigan. K. Moore stated that a drainage map was sent over by Rich Maier to the Town Engineer to review on April 30, 2021. K. Moore further stated that we are waiting to hear back from the Town Engineer’s review and comments to be able to move forward.

MINUTES:

L. Rivera-French made a motion to approve the minutes as amended.

J. Gillette seconded.

Unanimously carried.

ADJOURNMENT:

L. Rivera-French made a motion to adjourn at 7:54 PM

C. Ziarniak seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, May 19, 2021 at 7:00 PM in person and via Zoom.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Approved on May 19, 2021