

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall and via Zoom
Wednesday, May 19, 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 explained briefly the mask issue stating, that the CDC and the Governor has stated that if you are fully vaccinated you do not need to wear a mask, if you are not fully vaccinated than you do need to wear the mask. C. Ziarniak led all those present in the Pledge of Allegiance and read aloud the agenda for the night.

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 the legal notice for Henry Conradt. C. Ziarniak asked if any comments were received from anyone. A. Beardslee stated that no one had any comments.

C. Ziarniak asked H. Conradt to give a brief presentation of the application.

H. Conradt stated that he would like to correct a variance that was granted back in 2012. The variance granted in 2012 was a 30 foot side setback. An error was found when a survey map was done in March by Rich Maier. The measurement of the side setback is actually 23.8 feet. So he would like to have this corrected to indicate the actual measurement of the side setback.

J. Gillette asked if there was any correspondence from the Church.

A. Beardslee stated, no.

C. Ziarniak asked if there was anyone present for the Public Hearing. No one answered.

C. Ziarniak made a motion to close the Public Hearing.

J. Gillette seconded.

Unanimously carried.

C. Ziarniak asked if any board members had any questions.

L. Rivera-French asked if he was applying for a variance to correct the original variance.

H. Conradt stated, yes, that he wanted to correct the variance.

C. Ziarniak stated, it is a modification to the variance granted in 2012.

L. Rivera-French asked if emergency vehicles would be able to get through the parking lot.

H. Conradt stated, yes.

C. Ziarniak asked K. Moore if the Fire Department had reviewed the survey map showing the error in the variance.

K. Moore stated, yes and they have no issues with the current buildings. He further explained that the Fire Department would be concerned if future buildings were constructed.

K. Moore explained that typically before construction begins on a building, the property is staked out, and measured by the Building Inspector. Then a final inspection is done with a final survey map showing the measurements. He stated that in this case, he is not sure what happened, but it did not happen and it was not caught, until now.

Discussion was had between board members questioning what the measurement should be to correct the variance.

C. Ziarniak stated that the variance would be granted for 23.8 feet from the side setback, since that is what the measurement actually is based off of the Survey Map that was done on March 5, 2021.

C. Ziarniak made a motion to determine that SEQR be a Type II action with a negative declaration and would not need further environmental review.

L. Rivera-French seconded.

Unanimously carried.

J. Perry made a motion to grant area variance of 23.8 feet to bring the existing building into conformity, as per the survey map (Exhibit A) done by Rich Maier, licensed surveyor done on March 5, 2021.

J. Gillette 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.

C. Ziarniak reviewed the last meetings discussion in regards to the application for Darryl Moser stating that the board would need an updated instrument survey that would show the leach field and septic, and it was also discussed that there was a possibility of moving the pool location. C. Ziarniak further stated, it seems now the pool will be 3 feet from the property line instead of the initial application which was asking for a 1 foot area variance from the side setback.

D. Moser stated that is correct.

C. Ziarniak stated that we did receive an updated map.

K. Moore explained that the pool would be to the edge of the leach field. He stated that D. Moser dug a hole where the leach field is and he went out to his property to verify the location. He stated, that the property was staked it where the pool would be and where the property line is. He further explained that it is exactly 3 feet from the property line and it would not be over the leach field.

C. Ziarniak asked if it could be sketched out on the instrument survey map where the location of the leach field is, so that there is a document in the file.

D. Moser came up and sketched out on the map where the leach field is and initialed and dated.

C. Ziarniak asked if any board members had any questions before they scheduled for a Public Hearing.

J. Gillette asked K. Moore about the measurement of the grounding loop for a pool.

K. Moore stated that a grounding loop is 12-18 inches from the pool. He further explained that since the location of pool was changed so that it will be 3 feet from the property line, there is enough room for the grounding loop.

C. Ziarniak asked K. Moore if the pool being 3 feet from the property line would impose a trap hazard.

K. Moore stated it is 36 inches, it is not a great area but it is up to the Zoning Board to decide if there is a safety hazard if a fence were to be put up.

C. Ziarniak asked if there is a building code where there has to be more than 3 feet.

K. Moore stated that there is not a code, and it would be up to the Zoning Board.

K. Moore stated that he looked at the whole property and there is nowhere else for a pool to be placed.

L. Rivera-French asked if D. Moser planned on putting up a fence in between the property line and the pool.

D. Moser stated, no.

C. Ziarniak asked about draining the pool.
D. Moser stated that he would drain the pool out to the back.
K. Moore stated that the back of the property drops down and draining the pool would not affect other neighbors.

C. Ziarniak made a motion to place D. Moser on for a Public Hearing for June 2, 2021.
L. Rivera-French seconded.
Unanimously carried.

OLD BUSINESS:

Applicant: Mike Corrigan
Property Owner: Mike Corrigan
Property Address: 1033 Lawrence Road
Tax ID: 030.03-01-16
Zoning: RS-20

Applicant requesting an area variance to build a barn/garage on the side of his property, not within Town Code.

Mike Corrigan present at the meeting with Builder Jim Guion. J. Guion stated that they were present at a meeting about a month ago in which the board stated to proceed with the application a drainage map would be needed and reviewed by the Town Engineer. Rich Maier had a drainage map done and it was reviewed by the Town Engineer who has sent over a comment letter on his findings, and it has been submitted for the Zoning Board.

C. Ziarniak read aloud the comment letter from the Town Engineer, JP Schepp. The letter stated that the barn/garage being built would not create issues with drainage.

C. Ziarniak stated that the only issue is that the barn/garage would be built in front of the front setback of the house. The measurement of the barn would be 28.1 feet closer to the road, than the existing home.

C. Ziarniak asked what M. Corrigan would be storing in the barn.

M. Corrigan stated it would be tractors and yard equipment.

C. Ziarniak asked if a drawing of the proposed building was submitted.

J. Guion stated no. C. Ziarniak asked if a rendering could be submitted for the file. J. Guion stated, yes.

J. Gillette asked if the floor would be concrete and if there would be electric.

J. Guion stated there will be concrete and electric.

C. Ziarniak asked if there would be any other utilities in the garage.

J. Guion stated that there will be water and gas.

C. Ziarniak asked if there would be a bathroom.

J. Guion stated, no.

L. Rivera-French asked if there would be a heater. J. Guion stated, yes.

K. Moore asked if there is going to be water in the building, will there be a drain. J. Guion stated there will be a hydrant situation coming in from the house so it will drain into the ground.

C. Ziarniak asked for clarification on what that meant. K. Moore stated that it would not be your perceived drain with a crock that would feed into a septic, so it will surface drain. J. Guion explained further that the floor would be sloped and it would drain out the front door.

J. Gillette made a motion to schedule this on for a Public Hearing on June 2, 2021.

Mutual second by L. Rivera-French and J. Perry

Unanimously carried.

J. Guion stated that he will provide large maps from Rich Maier and a drawing of proposed barn/garage for file.

MINUTES:

C. Ziarniak made a motion to approve the minutes as amended.

J. Scheid seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 7:51 PM

J. Gillette seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, June 2, 2021 at 7:00 PM in person and via Zoom.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on June 2, 2021