

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall and via Zoom
Wednesday, July 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.

PUBLIC HEARING:

Applicant: Atlas Enterprises, LLC.

Property Owner: Joe Scarfone

Property Address: 55 Clarkridge Drive

Tax ID: 55.040-01-014

Zoning: Industrial

Applicant requesting an 18 foot variance on the front setback to build an addition onto the existing building for office space. Not in accordance with Town Code:

§ 140-36 C **Regulations applicable to all commercial and industrial districts.**

C. Setbacks. For all buildings, structures and parking areas not abutting a major road, the minimum front setback shall be 70 feet, and the minimum rear and side setbacks shall be 30 feet, except that, where a lot in any commercial or industrial district abuts a lot in a residential district, the side and rear setback for any business, commercial or industrial district on said abutting line shall be at least 40 feet from the property line. A buffer area consisting of embankments, trees, shrubs, plantings or fences shall be erected along said property line as a condition of site plan approval by the Planning Board.

[Amended 4-9-1985 by L.L. No. 2-1985]

C. Ziarniak read aloud the Legal Notice for Atlas Enterprises.

C. Ziarniak asked A. Beardslee if anyone had sent in correspondence for the Legal Notice.

A. Beardslee stated, no.

C. Ziarniak asked if there was anyone present on Zoom in regards to the Public Hearing. A. Beardslee, stated no.

C. Ziarniak asked for a representative for Atlas Enterprises to explain the project.

Joe O'Donnell is present and introduced himself as the architect for the proposed office space at Atlas Automation. He stated that they are requesting a variance for the front of the building to add on office space. J. O'Donnell read through the application questions and read the responses that were written from the submitted application.

J. O'Donnell stated that the Zoning Board requested at the last meeting, he speak with Kevin Moore, the Building Inspector and Code Enforcement Officer to review the project.

J. O'Donnell stated that he did get a chance to speak with Kevin in regards to the project and parking requirements. He explained that Kevin told him that he needed to have enough parking spots for current employees and enough handicap accessible parking spots. He also stated that Kevin told him that the parking concerns would be a Planning Board item, and would need to go in front of the Planning Board for an administrative review of the project.

J. O'Donnell handed out a new site plan which included the parking spots for the Board Members to review and explained that the site plan shows 27 parking spots in total, 18 of them would be used by the employees.

C. Ziarniak stated he wanted to explain to any public that may be present, that the code requires a 70 foot setback and that the project is proposing to have an 18 foot variance to build the addition. He further explained that several renderings of the addition had been provided for the board members and after review of the renderings, in his opinion the addition matches the characteristics of the existing building.

C. Ziarniak asked about the new sign in front of the building.

J. Scarfone stated that it would be the same sign they currently use, but it will just be relocated.

K. Moore read Town code 140-36 (1)(e) which speaks about the parking issue, it states:

The following regulations shall apply to all commercial and industrial districts:

(e) Any uses not falling into any of the above categories shall still provide sufficient off-street parking to cover their peak requirements. The exact figure will be established by the Planning Board in its site plan review and will be based upon maximum employment and visitation. In general, this will require one space for each two employees, plus enough space for visitors. In the case of commercial activities, one space for each 1.5 customers is adequate.

C. Ziarniak asked K. Moore if he had any issues with the parking. K. Moore stated, no.

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

No board members responded.

C. Ziarniak asked if there was anyone present from the public that wished to speak. No one present on Zoom or in person.

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

J. Scheid seconded.

Unanimously carried.

J. Perry stated that he drove by Atlas Automation and he had no issues.

L. Rivera-French stated that she drove by as well, and she also has no issues or concerns with the proposed addition, since the building is out of the way.

C. Ziarniak stated that there would not be a site obstruction if the building was built closer to the road.

K. Moore stated that he spoke with the Town Attorney in regards to this project and the Planning Board will be able to do an administrative review since the office space addition is small and it will not affect the SWPPP.

C. Ziarniak made a motion to determine 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 approve the 18 foot variance for the front setback to build office space at the front of the existing building, with the following conditions:

- The current signage for the building will need to be relocated from where it is currently placed to the front of the new addition.
- No further additions will be made to the front of the building.

L. Rivera-French seconded.

Unanimously carried.

NEW BUSINESS:

Applicant: Stephen DeLong

Property Owner: Stephen DeLong

Property Address: 23 Berry Grove Lane

Tax ID: 069.02-1-33

Zoning: RS-10

Applicant requesting to place a 6 foot privacy fence up on a corner lot property 11 feet from the property line, which is not within Town Code §140-22D(c)[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.

And town code §140-14A:

Closed fences shall not be permitted along any front lot line or alongside lot lines between the front setback line and the highway right-of-way. Open fences along these lot lines shall not be higher than three feet above the adjacent ground level. Open fences allowed herein shall be encouraged to be decorative, such as picket, split rail or board fences. In determining the height of a split rail fence, the distance to the

top of the horizontal rail shall govern and posts shall be no more than one foot higher.

Wire fences including chain link fences, shall be prohibited between the front setback line and the highway right-of-way.

C. Ziarniak read aloud the agenda item for Stephen Delong and described the items on the survey map that was provided with the application.

Stephen Delong was present at the meeting to represent and explained that he would like to place a fence up, and that it would not be within town code since he is on a corner lot. He explained that that he would like a 6 foot privacy fence put up on the side of the house that faces Lindera Lane, which would extend across the back side of his property line. On the side of his house that neighbors 21 Berry Grove Lane, he would like to put up a 4 foot chain link fence. He also stated that the variance he is requesting is for the 6 foot fence on the side where Lindera Lane is on. He further explained that the house was already granted a variance before it was built, for the house itself of 32 feet, since the Town Code requires a setback of 40 feet.

C. Ziarniak asked what style privacy fence would be used.

S. Delong stated that it would be a dog eared style fence

K. Moore gave a brief history of Lindera Lane explaining that it was built as a cut through for Berry Grove and Summer Hill Drive to join the streets. He further stated Lindera Lane does not have any houses built on it.

C. Ziarniak asked K. Moore if it was just an access road. K. Moore stated, yes.

C. Ziarniak read through the area variance application questions that were submitted.

C. Ziarniak asked what the purpose of the privacy fence was.

S. Delong stated that the purpose of the privacy fence is for safety of his children and pets, and privacy of his pool.

C. Ziarniak stated that in terms of the variance being requested, it is the location of the fence that is the issue. K. Moore stated, yes because the house is on a corner lot, the placement of the fence would not meet the town code set back requirements.

C. Ziarniak asked K. Moore if there was a town code that requires an open fence to allow people to see movement through the fence.

K. Moore stated that it is complicated because Lindera Lane is not an active street. He further explained that the town code does not allow a 6 foot fence or a privacy fence in your front yard.

K. Moore then read aloud town code §140-14A which states:

Closed fences shall not be permitted along any front lot line or alongside lot lines between the front setback line and the highway right-of-way. Open fences along these lot lines shall not be higher than three feet above the adjacent ground level. Open fences allowed herein shall be encouraged to be decorative, such as picket, split rail or board fences. In determining the height of a split rail fence, the distance to the top of the horizontal rail shall govern and posts shall be no more than one foot higher.

Wire fences including chain link fences, shall be prohibited between the front setback line and the highway right-of-way.

C. Ziarniak stated that there are two codes to consider for variance, Town Code §140-22D(c)[4] in reference to the corner lot setback requirements and town code §140-14A in reference to the height and type of the fence that is allowed.

C. Ziarniak asked why S. Delong was putting up a 4 foot chain link on the one side.

S. Delong stated that there are sand cherry shrubs that are growing along that side, and by having the chain link fence he could maintain them better and not hinder their natural growth.

J. Gillette asked what the distance is between Lindera Lane and the fence.

S. Delong stated it would be about 11 feet to 12 feet from the sidewalk. He stated that he just closed on the house and that he would be able to give a more accurate measurement for the next meeting.

L. Rivera-French suggested to S. Delong that he may want to revise his survey map before the Public Hearing.

C. Ziarniak stated that as L. Rivera-French said, it would be useful and necessary for the application to have a survey map indicating where the fence will be placed, and labeling where the privacy fence and chainlink fence would be, along with the measurements, so the application is complete if someone were to review the application in the future.

C. Ziarniak asked board members if they had any questions. No one answered.

L. Rivera-French made a motion to place this on for a Public Hearing on Wednesday, July 21, 2021 at 7:00 PM.

J. Gillette seconded.

Unanimously carried.

DISCUSSION:

C. Ziarniak asked if Speedway had gotten back to anyone about coming back in to finish their Public Hearing.

K. Moore stated that he would like to contact Speedway to come back in at the next meeting. He asked that board members to take a look at other Speedway's around the area that already have the digital signage in place to reference.

C. Ziarniak asked K. Moore if he was asking the board members to reconsider their opinions on the interrupted lighting.

K. Moore stated, yes.

Both J. Gillette and L. Rivera French stated that they would like to have a chance to look at the signage. J. Scheid stated that she will not be at the next meeting in July.

K. Moore stated that he would take a video of the digital signs from another Speedway to show the board members.

MINUTES:

J. Scheid made a motion to approve the minutes from 6/16/2021 as amended.

J. Gillette seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 7:53 PM.

J. Perry seconded.

Unanimously carried.

NEXT MEETING:

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

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 7/21/2021