

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, August 4, 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.

OLD BUSINESS:

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 an area variance that is not in compliance with Town Code § 140-36 Regulations applicable to all commercial and industrial districts.

The following regulations shall apply 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 details of Henry Conradt's application.

Rich Maier present to represent for Henry Conradt. R. Maier explained that since the variance issue of Building 7 had been corrected, Henry Conradt has come up with a new proposal for an additional storage building to be built. Comments from the Zoning Board were taken into consideration from the first application that was submitted a few months ago. His new proposal is to build an 80x20 storage building. He stated that having a smaller building will allow more room for a fire truck to get in and out of the entrance. He further explained that this building has storage units only on the north side of the building.

C. Ziarniak read aloud the measurements from the new map that was provided and stated the Town Code requirements for the setbacks.

C. Ziarniak asked K. Moore if there were concerns with the new proposed storage building.

K. Moore stated that he still had concerns. He explained that the variance that is being asked is very large and he is still worried about a fire truck being able to get around the buildings.

K. Moore asked R. Maier if the area could be staked out because he would like to schedule a time for the Fire Chief to come out with a large fire truck to see if it would be able to get through the area.

R. Maier stated he could have the area staked out tomorrow.

L. Rivera-French stated that she could coordinate the Fire Chief coming out with a truck to see if it would be able to get through the parking area and where the stakes will be placed.

K. Moore also stated that he spoke with Richard Olson, the Town Attorney in regards to this application, and he suggested that the Deputy Town Attorney, Keith O'Toole review the matter and be at the Public Hearing for this.

K. Moore recommended that the Public Hearing be held on September 1st to give time for Keith O'Toole to review.

C. Ziarniak asked R. Maier why the building couldn't be moved more towards the west.

R. Maier stated, there would not be enough room, because of the location of the entrance.

K. Moore stated that Henry Conradt is almost at capacity for being able to have structures on the property. If this storage building is granted, he will be at 23%, and the Town Code allows for 25% to be utilized.

C. Ziarniak made a motion to schedule Public Hearing on for September 1, 2021.

L. Rivera-French seconded.

Unanimously carried.

PUBLIC HEARING:

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 gave a brief summary of the last meeting, stating that a Public Hearing was held and closed in regards to this application. He further explained that a decision had not been made by the Zoning Board as there were a few items that needed to be addressed still. He stated that the Zoning Board requested information from the utility company to ensure that the fence placement would not interfere with a transformer box that was located close to the proposed fence. He also stated that there was also a concern that a drainage easement may be located in the area where the fence is being placed.

Stephen DeLong is present at the meeting and stated that he had heard back from National Grid today via email.

C. Ziarniak read aloud the email that was sent from National Grid. The email stated that National Grid had no objection to the fence placement as long as it is 5 feet from the transformer box. C. Ziarniak stated to make sure that a copy of the email was placed in the property folder.

S. DeLong brought in updated maps showing the placement of the fence and his requests. C. Ziarniak read aloud the measurements, explaining that the fence will be 16.5 feet from the property line, which faces Lindera Lane. The fence will also be 5 feet from the transformer box, as National Grid approved of. The privacy fence will begin at the back corner of the house and will extend towards the north 15.3 feet. From there it will run towards the back western property line and then extend down the western property line towards the back eastern property line. The chain-link fence will then begin and extend down the southern property line where it will meet up with the garage.

C. Ziarniak asked if there is an easement where the storm drain is.

K. Moore spoke and stated that there is a drainage ditch, but an easement was not documented. He explained that if the owner digs in that area and damage is done to a pipe, he will be liable and need to repair it. The owner also needs to understand that in the event that the Town needs to do work on that storm drainage area that they will remove the fence and the Town would not be liable to replace it.

S. DeLong asked what the footage for an easement typically is.

K. Moore stated 10 feet.

K. Moore stated that he wanted the Zoning Board to keep in mind that he has had two other people currently requesting to place privacy fences up in their front yards, whom also live on corner lots. He further stated, that this request is starting to become more frequent, so the more they are granted, the more requests will be received and will also expect to be granted as well.

J. Scheid asked if a chain-link fence could go up instead.

K. Moore stated that the code requires a decorative open fence.

C. Ziarniak stated that a compromise could be made and asked if arborvitaes could be planted as a border instead of fencing.

S. DeLong stated that they have dogs, so that the fence is being requested to keep the dogs on their property.

Courtney DeLong, S. DeLong's wife, was also present and stated, that they are willing to get a chain-link fence all the way around the property or even a 4 foot privacy fence.

S. DeLong stated that they had talked about getting an electric fence but worried that children in the neighborhood may get scared seeing a Great Dane running towards them.

J. Perry made a suggestion stating that shrubs could be planted and placed on the outside of the fence to look more decorative.

K. Moore suggested a berm with a 3 foot fence.

Board members and the DeLong's discussed different compromises.

After much discussion C. Ziarniak stated that under certain circumstances the Zoning Board takes into consideration why someone is requesting a variance. Reasons were then listed by Board Members as to why the property owner should be considered to have a variance granted.

- The Property sits on a corner lot and has two front setbacks.
- The one front setback is facing Lindera Lane. Lindera Lane does not have any houses on it and acts as a connection to other roads in the track. It is important to note that it will always be a connection road, meaning that no houses or anything else will be built on it in the future.
- Applicants are dog owners who have Great Danes.
- The property lot has a large pool and a fence will provide additional safety for the pool.
- The applicants received approval from National Grid on the transformer box being a possible issue.
- Applicants are willing to compromise and are being reasonable and have looked into other options.

C. Ziarniak asked Board Members if there were any reasons to not grant approval for the fencing. No one said anything.

C. Ziarniak stated that the owners are more than willing to make compromises for the fencing and asked owners would style fencing that they would prefer.

C. DeLong stated that they would prefer a dog eared style fencing.

Board members and owners discussed different options of fencing and heights.

C. Ziarniak made a motion determine this as a Type II SEQR action with a negative declaration and does not require further environmental review.

J. Gillette seconded.

Unanimously carried.

J. Perry made a motion to approve the application for Stephen DeLong's fence per the submitted map on August 4, 2021; which details the privacy fence that extends 15.3 feet towards the north from the back corner of the house which will extend down the northern side of the property, towards and down the western property line, where the privacy fence will end. The chain-link fence will begin at the back corner of the southern property line and extend towards the house to meet up with the garage. Along with the approval of the application, the following conditions apply:

- The privacy fence must be a dog eared styled wooden fence and is not to exceed 6 feet on the northern and western side of the property lines. The southern side of the property must have a 4 foot chain-link fence.

- The fence must be maintained in like new condition and professionally installed.
- A mix of medium shrubs and trees are to be planted outside of the fence, on the side that faces Linder Lane.
- The property owner will be held responsible to repair any damages done to pipes on the western property line during the installation of fencing, where the storm drain is present.
- The Town of Clarkson will not be held responsible to repair the fence if any work needs to be done on the storm drain.

L. Rivera French seconded.

Unanimously carried.

MINUTES:

J. Gillette made a motion to approve the minutes from July 21, 2021.

J. Perry seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 8:15 PM.

L. Rivera-French seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, August 18, 2021 at 7:00 PM in person.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on September 1, 2021