

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, November 17, 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 and led all those present in the Pledge of Allegiance with a moment of silence for first responders. He then read aloud the agenda for the night.

PUBLIC HEARING:

Applicant: Wellington Clarkson, LLC.

Property Owner: Wellington Clarkson, LLC.

Property Address: 70 West Avenue

Tax ID: 068.02-1-4

Zoning: RS-10

Acres: 10.998

Applicant requesting a special use permit for signage.

PUBLIC HEARING:

Applicant: Wellington North

Property Owner: Wellington Woods

Property Address: 1100 Wellington Woods Drive East

Tax ID: 62.08-1-3.1

Zoning: RS-10

Acres: 4.987

Applicant requesting a special use permit for signage.

C. Ziarniak read off legal notices for both of the sign applications being proposed for Wellington Woods. C. Ziarniak stated at the last meeting, the board members were looking for the height of the signs and also had a concern about an entrance sign that was currently being built. He then asked Joe Ardieta if he could give us an update on the concern and to summarize both of the sign proposals beginning with Wellington Clarkson, LLC.

J. Ardieta began with explaining that he checked into the sign that was currently being built. He stated that it was an existing sign for Wellington Woods, located at the entrance way near Lake Road, and it was being redone because the old sign was fading and had begun to fall apart. He further stated, it was just sign maintenance and had nothing to do with the sign proposals that were being addressed at tonight's meeting.

J. Ardieta stated that the sign application for Wellington Clarkson, LLC, will have a height of 7.5 feet tall from the top of the post to the bottom of the post. He then went over the location of where the sign will be placed with the submitted maps.

C. Ziarniak asked board members if they had any questions or concerns.

K. Moore stated that David Behnke of 4063 Lake Road had received a Legal Notice and came to speak with him at the Building Department Office, as he had concerns about the signage. He further stated that after showing him a map of the placement of the signs, he was okay with the proposals.

Miriam Burstein was present for the meeting and lives at 4079 Lake Road and explained she came to the meeting tonight because she wanted to see where the signs would be located as well.

J. Ardieta showed her both of the sign locations on the map submitted.

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

C. Ziarniak then asked J. Ardieta to speak about the sign application for Wellington North.

J. Ardieta stated that the signage for Wellington North has the same height and dimensions, as the other sign proposal. He then stated that the only difference is the wording. J. Ardieta further stated that the signs are being placed to give information in regards to the complex being handicapped accessible and that they are an equal opportunity apartment facility. He said that the signage is a requirement for Wellington Woods to receive their funding.

M. Burstein asked J. Ardieta if they were planning on widening the road. J. Ardieta stated that currently the roadway varies in size and they are standardizing the road so that it is 24 feet wide evenly throughout.

C. Ziarniak made a motion to close the Public Hearing.
J. Gillette seconded.
Unanimously carried.

C. Ziarniak made a motion in regards to SEQR that the sign applications are a Type II action with a negative declaration.
L. Rivera-French seconded.
Unanimously carried.

J. Gillette made a motion to approve the special use permit for the sign application for Wellington Clarkson, LLC with the condition that the signs be maintained in like new condition.
L. Rivera-French seconded.
Unanimously carried.

J. Gillette made a motion to approve the special use permit for the sign application for Wellington North with the condition that the sign be maintained in like new condition.
J. Perry seconded.
Unanimously carried.

C. Ziarniak asked if either of the signs were illuminated.
J. Ardieta stated, no.

PUBLIC HEARING:

Applicant: Phil Ciufu

Property Owner: Phil Ciufu

Property Address: 3980 Lake Road

Tax ID: 069.05-1-25

Zoning: RS-10

Acres: 2.73

Applicant requesting to build a pole barn within the front setback of his property not in accordance with Town Code 140-7E(1) which states, Any required yard shall be entirely open and unoccupied by buildings other than:

(1) Entrance porch or steps not over seven feet deep in a front yard.

C. Ziarniak read the legal notice for Phil Ciufu proposing to build a pole barn within the front setback of his house. He then stated at the last meeting, the Zoning Board became aware of a situation where Phil Ciufo's house was built on two separate lots. It was then stated that the lots would need to be combined before proceeding with the application for the area variance. C. Ziarniak then asked P. Ciufu to give some background on the house and how was he able to buy it as it was built on two separate lots.

P. Ciufu stated that when he was in the process of buying the home he was told that in order to close on the house, he would need to buy both lots as well, since the house was built on both. He stated that nothing was ever further discussed about it.

C. Ziarniak then asked where in the process he was with combining the lots.

K. Moore stated that P. Ciufu had a surveyor submit a map at the Planning Board Meeting last night, November 17, 2021. He was granted approval from the Planning Board to combine the lots. The surveyor is submitting a new map to the county to be filed.

C. Ziarniak asked if there would be any implications on waiting to build the pole barn until everything is finalized with the lots being combined.

P. Ciufu stated that the builders were paid and received the materials and they are ready to build the first week of December.

C. Ziarniak stated that he will need a new survey map with updated drawings and measurements of the placement of the pole barn for the next Zoning Board Meeting.

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. Scheid seconded.

Unanimously carried.

C. Ziarniak then read through the application questions for the variance that were submitted by the applicant.

1) What benefit would be derived by the applicant seeking a variance? Applicant stated that it would provide personal storage, cars, motorcycles, and lawn equipment.

2) What desirable changes will be produced in the character of the neighborhood by the granting of the area variance? Applicant stated, none it is in a wooded area.

3) What other methods does the applicant have to achieve the benefit other than the area variance? Applicant stated, none. The house backs up to the pond and not enough room to the south.

4) Is the requested area variance substantial? Applicant stated, yes.

5) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Applicant stated, no.

6) Was the alleged difficulty self-created? The Applicant stated, no.

K. Moore asked P. Ciufu if there was a natural screening in front of Lake Road and would it be possible to see the pole barn from the road.

P. Ciufu stated, yes there are trees that line across the property. He also stated that there are a lot of dead ash trees on his property that he is having removed.

K. Moore stated that this application should be reviewed by the Conservation Board Members to get their thoughts on the application.

C. Ziarniak made a motion for the application to be reviewed by Conservation Board.

J. Scheid seconded.

Unanimously carried.

C, Ziarniak stated that he would table this application for the next meeting on December 1st.

NEW BUSINESS:

Applicant: David Kandler

Property Owner: David Kandler

Property Address: 21 Berry Grove Lane

Tax ID: 069.02-01-032

Zoning: RS-10

Acres: .234

Applicant requesting to have a 16x12 foot shed placed in his back yard 4 feet from the property line, not in accordance with Town Code § 140-22D 1c3. *D. In the absence of a public sanitary sewer system, development regulations shall be identical to those for RS-20 Districts. For houses on integral subdivision roads, if a public sanitary sewer system is provided, development regulations are as follows: (1) Single-family dwellings on integral subdivision roads:(c) Minimum setback:[3] Rear: 30 feet to dwelling or attached garage; 10 feet to other structures.*

Applicant not present at the meeting tonight. C. Ziarniak reviewed the application proposal aloud. He stated that the applicant is looking to install a 16x12 foot shed in his back yard 4 feet from the rear and side setback of his property. C. Ziarniak then reviewed aloud the measurements that were submitted on the map.

J. Perry stated that he looked up the property on google maps and it looks as though his shed would back up to another shed.

C. Ziarniak made a motion to schedule this item for a Public Hearing on December 1st.

J. Gillette seconded.

Unanimously carried.

DISCUSSION:

C. Ziarniak stated that when we are going through the application questions moving forward, to make sure that when the board members are discussing their opinions on the application questions, that we document it in the notes. He stated that this will allow for people to easily understand how the board members came to their decision for an application.

J. Perry stated that the Zoning Board should clarify their responses to the application questions after the Public Hearing is closed.

MINUTES:

C. Ziarniak made a motion to approve the minutes from November 3, 2021.

L. Rivera-French seconded.

J. Gillette stated, aye.

J. Scheid stated, aye.

J. Perry asked to abstain from approving the minutes as he was not at the last meeting.

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, December 1, 2021 at 7:00 held at the Town Hall.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 12/1/2021