

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, December 1, 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.

**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.*

C. Ziarniak read aloud the Legal Notice for David Kandler. C. Ziarniak stated that the application was reviewed at the last meeting and then asked D. Kandler to give a brief summary of what he was proposing.

D. Kandler stated that he is requesting to build a shed to store lawn equipment and possibly two 4 wheelers. He stated he would like to place the shed 4 feet from the rear and side property lines. He further stated that he chose the location because it would be the best area that would not disturb any vegetation or trees.

C. Ziarniak asked when D. Kandler moved into his house on 21 Berry Grove Lane.

D. Kandler stated, last year about this time.

C. Ziarniak asked where the shed would be located.

D. Kandler stated, the back left corner of his backyard.

C. Ziarniak asked how the shed was being built.

D. Kandler stated, that it would sit on a concrete slab and will be built in place by contractors.

C. Ziarniak asked if he was going to have shed match his home.

D. Kandler stated he would be matching the roofing and siding to match his home.

C. Ziarniak explained the diagram that was submitted showing the locations of items that he would be storing in the shed.

C. Ziarniak then mentioned that a paper had been submitted with the application that had signatures on it and asked D. Kandler to explain what the paper represented.

D. Kandler stated that he went to all of his neighbors that the shed would directly affect, to let them know his plans to have a shed built and the location. The signatures indicated that they read through his plans and they had no issues with it.

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

J. Perry asked if there was any utilities being put in the shed.

D. Kandler stated that in the future he may have electricity put in for outside equipment. He said that it would only be one outlet to plug something in.

J. Perry further asked if it would be a wood shop or anything like that.

D. Kandler stated, no.

J. Perry asked why he requested the shed to be 4 feet from the side and property lines.

D. Kandler stated that he didn't want to impede on any of the neighbors trees and that if he put it further out it would be in the middle of the yard.

J. Perry asked if the neighbor behind him had a shed.

D. Kandler stated yes, and that they also had to get a variance for it.

J. Perry stated that he wanted to make sure there was room in between the two sheds for maintenance.

D. Kandler showed a picture to the board members of the stakes he placed where the shed would go and the distance of where his neighbors shed is. He stated that there is about a 10 foot distance in between the two.

C. Ziarniak asked A. Beardslee if anyone contacted the Building Department or if any correspondence had been received from anyone in regards to the application.

A. Beardslee stated, no.

C. Ziarniak stated that there is no public present tonight in person.

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

J. Perry seconded.

Unanimously carried.

K. Moore asked the height of the walls.

D. Kandler stated that he believed that the walls were 8 feet and the peak was 11 feet high.

Board members took turns reading aloud the application questions for D. Kandler's application.

**1) What benefit would be derived by the applicant seeking a variance?** J. Scheid stated that the applicant is seeking storage for lawn equipment and storage of other items.

**2) What desirable changes will be produced in the character of the neighborhood by the granting of the area variance?** J. Scheid stated that it would not change anything in the neighborhood. C. Ziarniak also stated that D. Kandler's home is not the first in the neighborhood to seek a variance for a shed. He further stated that having a shed in the back of the property is consistent in the neighborhood. C. Ziarniak also noted that the board members feel that a shed is a legitimate benefit, explaining that if he doesn't have a shed to store items, the items would be stored outside and may be more problem some.

**3) What other methods does the applicant have to achieve the benefit other than the area variance?** C. Ziarniak stated that the applicant could place the shed 10 feet from the property lines, however it would be in the middle of the yard and that may pose problems and prevent flow of activities. He further stated that the applicant does not have much of a choice for a different location for the shed because of the size of the lot.

**4) Is the requested area variance substantial?** C. Ziarniak stated that the variance is substantial, but the lot size and number of sheds in the neighborhood, will factor in the decision.

**5) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?** J. Perry stated that the height and physical size of the shed are similar to other sheds in the area and the shed will match the house, so it will not affect the neighborhood.

**6) Was the alleged difficulty self-created?** J. Gillette stated that placing a shed is a self-created difficulty, but it does not preclude to the granting. C. Ziarniak stated that the board members look at all variables.

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

No one said anything.

C. Ziarniak made a motion that SEQR is a type II action with a negative declaration and is not subject to further environmental review.

L. Rivera-French seconded.

Unanimously carried.

J, Perry stated that if this application is approved that a condition should be placed, that the shed is primarily for storage, meaning no shops or garages will be allowed.

C. Ziarniak asked D. Kandler if he was still planning on building the shed according to the specifications submitted.  
D. Kandler stated, yes.

C. Ziarniak asked for his timeline.

D. Kandler stated that he would have the foundation poured probably in the spring/summer of 2022.

C. Ziarniak asked if he had received a building permit.

D. Kandler stated that he was waiting to get Zoning Board Approval.

J. Perry made a motion to approve the area variance for the shed to be placed 4 feet from both the rear and side property lines and the shed be built per submitted drawings, with the condition that it will be primarily for storage purposes.

J. Scheid seconded.

Unanimously carried.

**OLD BUSINESS:**

**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 stated that P. Ciufu is requesting to build a pole barn within the front setback of the house. He stated that the Public Hearing was closed at the last meeting and that there were a few items the Zoning Board needed to be able to make a decision.

C. Ziarniak asked P. Ciufu if a Mylar had been done.

K. Moore stated, no. He said that the surveyor was trying to get it done.

C. Ziarniak stated that the Mylar is needed to make the combining of the lots official.

K. Moore stated that if the application gets approved, a condition can be made that a Building Permit would not be issued until a Mylar was signed.

C. Ziarniak stated that the other item that the Zoning Board needed was the dimensions of pole barn and location.

P. Ciufu began reading off some measurements he had taken and submitted on a survey map.

C. Ziarniak asked Board Members if they had felt comfortable with the rough numbers that were given.

J. Perry stated that honestly he did not feel comfortable.

C. Ziarniak stated that usually the applicant has an instrument survey map submitted with accurate measurements.

K. Moore stated that the Conservation Board had a chance to review the application as well as the Town Attorney, Keith O'Toole and they had some feedback.

J. Perry stated that if the pole barn were placed behind the house, it would not require a variance at all. He asked P. Ciufu why the pole barn could not be placed behind the house.

P. Ciufu stated that the pool and volleyball net is back there already. He further stated that he really doesn't have a front yard, so by clearing space in the front for the pole barn, he is making his property more usable.

C. Ziarniak stated that accurate measurements need to be done on a survey map and will need to be tabled until that is submitted.

C. Ziarniak read aloud the letter submitted from the Conservation Board in regards to the application. The Conservation Board remarks are in the file.

After reviewing the comments of the Conservation Board, C. Ziarniak stated that the Conservation Board did agree with the Zoning Board's thoughts, that accurate measurements would be needed.

C. Ziarniak then read through the Town Attorney's letter and then briefly summarized.

C. Ziarniak stated that the Town Attorney had concerns about the pole barn being visible to the road in the winter months, meaning it could affect the character of the neighborhood.

C. Ziarniak asked if screening, like pine trees be placed.

P. Ciufu stated that he would not agree right now that he would be able to put up trees for screening.

C. Ziarniak asked if a photo or rendering of the barn could be submitted.

P. Ciufu stated that the builder only gave him truss information.

C. Ziarniak stated that he will need pole barn details submitted for next meeting, such as, elevation information, detailed materials, and color.

C. Ziarniak also stated that the Town Attorney mentioned a different pole barn location, without requiring an area variance.

P. Ciufu stated that he is trying to keep usable space for his family to have activities in the back of the property and that is why he is requesting the pole barn be in the front of the property.

C. Ziarniak stated that the Public Hearing had been closed at the last meeting on November 17, 2021, and that the Zoning Board has 62 days from the close of a Public Hearing to make a decision.

C. Ziarniak stated again all of the items that would be needed to make a decision on the application. He stated that an Instrument Survey map with accurate measurements, signed Mylar, elevation plans, and renderings of the building with details will need to be submitted before this can be placed back on for a meeting.

C. Ziarniak stated that a decision would need to be made on January 5, 2022.

K. Moore stated that if P. Ciufu doesn't withdraw his application and the Board Members have to deny the application he will not be able to apply again for another year.

J. Perry asked what color the pole barn is going to be.

P. Ciufu stated that it will be a brown barn with a black roof to blend in.

K. Moore asked if P. Ciufu planned on storing vehicles or would he be working on vehicles.

P. Ciufu stated that he would probably be working on some vehicles for oil changes. He further stated that, what you would do in a garage, is what he would be doing in the pole barn.

C. Ziarniak stated that when he has all of the information that is needed for the Zoning Board, to contact K. Moore so that we can put it on the agenda.

#### **DISCUSSION:**

L. Rivera-French stated that she would not be at the January 5, 2022 Meeting. She stated that she could join via Zoom Meeting.

K. Moore stated that he would need to check in with the Town Attorney to see if Zoom Meetings can still be done.

#### **MINUTES:**

J. Gillette made a motion to approve the minutes from November 17, 2021.

L. Rivera-French seconded.

Unanimously carried.

#### **ADJOURNMENT:**

C. Ziarniak made a motion to adjourn at 8:27 PM.

J. Perry seconded.

Unanimously carried.

#### **NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, December 15, 2021 at 7:00 held at the Town Hall.

Respectfully submitted,

*Anna Beardslee, Building Department Clerk*