

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, January 5, 2022 at 7:00 PM**

**Board Members**

Conrad Ziarniak, Chairperson  
Joseph Perry  
Lisa Rivera-French \*  
Joanne Scheid

**Support Staff**

Keith O'Toole, 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.

**OLD BUSINESS:**

**Applicant:** Phil Ciufio

**Property Owner:** Phil Ciufio

**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 gave a brief summary of the application for Phil Ciufio, stating that the public hearing had been held for this application and closed. He then stated that the Zoning Board has 62 days to make a decision on the application after a Public Hearing has been closed. He explained that time frame for this application has almost reached the 62 days, so a decision would need to be made tonight.

C. Ziarniak then stated that items were requested from P. Ciufio to proceed. The items requested were:

- An instrument survey map that showed the proposed pole barn with accurate measurements.
- A rendering of the pole barn to show what the pole barn would look like in detail.
- The signed Mylar needed to be received to show that the lots had been made into one property lot.

C. Ziarniak stated that P. Ciufio had submitted all of the items as requested. He read through the measurements from the survey map, stating the pole barn would be 64x30 feet and 186 feet from the road. He then passed around the rendering of the pole barn that P. Ciufio submitted to the board members.

K. Moore stated that the pole barn will be metal. He also stated that the rendering does not show that there is a 6 foot overhang on the pole barn, so the footprint of the pole barn is actually larger than what is stated.

C. Ziarniak made sure board members had a chance to review all of the documents and asked if anyone had any questions.

J. Perry asked if the area that was cleared of trees on his property is where the pole barn was to be located.

P. Ciufio stated, that the trees needed to come down because they were dead. He further stated that he staked out the exact area of where the pole barn would be located.

J. Scheid stated that she is concerned with the size and height of the pole barn. She further stated that she is worried about the character of the neighborhood.

P. Ciufio stated that there are other houses in the area that have pole barns.

J. Scheid stated that they are not that close to the road.

P. Ciufio stated that the pole barn will be 186 feet from the road.

J. Perry stated that there is criteria that needs to be followed when the Zoning Board makes a decision.

C. Ziarniak stated that he agreed with J. Perry. He stated he felt that homeowners should have some say in what they would like to do with their property, but the Zoning Board has to look at the legal aspects to see what can be allowed. He further stated he would go through the criteria questions.

C. Ziarniak began to by going over the first criteria question which reads:

**1) What undesirable changes will be produced in the character of the neighborhood by the granting of the variance?**

J. Scheid stated that the size of the pole barn could affect the character of the neighborhood. C. Ziarniak agreed and read off the measurements of the pole barn. He further stated that it is a large building that will be in front of the house on the property.

**2) What other methods does the applicant have to achieve the benefit other than the area variance?**

C. Ziarniak stated that although P. Ciufo has reasons why he is unable to place the pole barn in another location. There is another location on the property where the pole barn could be placed without a variance.

**3) Is the requested area variance substantial?**

C. Ziarniak stated that the pole barn is completely in front of the primary residence. He stated it is very substantial.

P. Ciufo stated that he is unable to place the pole barn behind the house.

J. Perry stated that when he looks at an overview of the property on google maps, an area is shown where cars are parked in the back and off to the side of his house and stated that the pole barn could be placed in that location.

P. Ciufo stated that there is a pond as well as his daughter's volleyball court is back there.

K. Moore stated that if P. Ciufo withdraws the application now, he would be able to come back in front of the Zoning Board with a different location. He then explained that if the application gets denied, P. Ciufo will not be able to apply for an area variance for one year.

P. Ciufo stated that he would like to withdraw his application for the pole barn.

**PUBLIC HEARING:**

**Applicant:** Jeff Carlucci

**Property Owner:** Cheryl and Howard Ward

**Property Address:** 3780 Lake Road

**Tax ID:** 054.17-1-7

**Zoning:** RS-10

Applicant requesting a variance to install a generator within the front setback of the house not in accordance with Town Code140-7E(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 aloud the Legal Notice for Cheryl and Howard Ward and asked the representative to give a brief summary of the request.

Jeff Carlucci is present at the meeting to represent Cheryl and Howard Ward. He explained that the homeowners are looking to install a generator at their home. He further stated that based off where the gas and electric meters are located it has created some issues to be able to install the generator. He said that normally wires could be dug underground, but there is sidewalk on the sides of the house. The inside of the house is also completely finished and drilling into the house would damage the knotty pine wood that is throughout the house. He explained that knotty pine is not a wood that you can just go and buy from a store. It would be very costly to replace. He stated that they decided to propose the generator location as submitted, as it will not create as much damage to replace, it will be less costly, and it will not be visible from the road because there is already a decorative fence that would block the generator from the road.

J. Perry stated that a generator could be placed anywhere.

J. Carlucci agreed and stated that a generator could be placed anywhere, however, it will be more costly to the homeowner, it would cost upwards to \$20,000.00 for them to install the generator in another location. He stated that if the homeowner gets approval, the cost of the generator would be \$13,300.00. He said that tunneling under sidewalk could damage the sidewalk and it is very possible it could collapse in the future. He further stated that they are trying to get the install done with the least amount of damage done.

K. Moore stated to run gas lines it will increase his cost by 50%. He further stated that this property has a lot of landscaping in the front yard, so the proposed location of the generator, will not be seen from the road.

J. Scheid asked if something could be placed around the generator to help lessen the visibility from the road.

J. Carlucci stated that there is already fencing up, which will provide a barrier.

C. Ziarniak asked about the sound of the generator.

J. Carlucci stated that the proposed generator location is in the middle of the front yard, so one side will not be favored.

J. Perry asked if the generator will be placed on a gen pad.

J. Carlucci stated that the generator will be on a gen pad.

C. Ziarniak asked A. Beardslee if anyone had sent in any correspondence on the application.

A. Beardslee stated, no.

C. Ziarniak made a motion to close the public hearing, stating that there is no one present at the meeting.

J. Perry seconded.

Unanimously carried.

C. Ziarniak read through the area variance criteria questions.

**1) What undesirable changes will be produced in the character of the neighborhood by the granting of the area variance?**

C. Ziarniak stated he didn't feel that the location of the generator would create a change to the character of the neighborhood.

**2) What other methods does the applicant have to achieve the benefit other than the area variance?**

C. Ziarniak stated that it will be more costly for the homeowner. He further stated that using other options to install the generator, the cost would be a 50% increase. C. Ziarniak stated that finance is not in the criteria questions, but the board could take that into consideration.

**3) Is the requested area variance substantial?**

C. Ziarniak stated that the area variance being requested is not substantial. The amount they are requesting is required by the Town Code for the generator to be installed away from the house.

**4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?**

C. Ziarniak stated that he didn't feel that it has an impact on the environment.

**5) Was the alleged difficulty self-created?**

C. Ziarniak stated that the homeowner answered the question as no.

J. Perry stated that if the application gets approved he felt a condition should be in place to for buffering of the generator.

C. Ziarniak asked how often a generator gets installed in the front of the property.

J. Carlucci stated, not often.

J. Perry asked the life expectancy of the generator.

J. Carlucci stated that it could last up to 15 years, but it also depends on how the homeowner maintains the generator.

K. Moore stated that the Town Hall has a generator and it is located in the front of the building because that is where the meters are located inside.

C. Ziarniak made a motion for SEQR that this is a Type II action with a negative declaration.

J. Scheid seconded.

Unanimously carried.

C. Ziarniak made a motion to approve the area variance of the generator to be located in the front of the primary residence, per the diagram submitted with the application, with the condition that the visual barrier remain in effect to block the generator.

J. Perry seconded.

Unanimously carried.

**MINUTES:**

C. Ziarniak made a motion to approve the minutes from December 15, 2021.

J. Scheid seconded.

Unanimously carried.

**ADJOURNMENT:**

C. Ziarniak made a motion to adjourn at 8:16 PM.

J. Perry seconded.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, January 19, 2022 at 7:00 held at the Town Hall.

Respectfully submitted,

*Anna Beardslee, Building Department Clerk*