

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, January 19, 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.

NEW BUSINESS:

Applicant: Edward and Sheila Burch Jr.

Property Owner: Edward and Sheila Burch Jr.

Property Address: 2842 Redman Road

Tax ID:

Zoning: RS-20

Acres: 57.9

Applicant requesting to install an outdoor furnace not in accordance with the Town Code § 81-6 D which states:

D. Setbacks. Outdoor furnaces shall be set back not less than 200 feet from the nearest lot line.

C. Ziarniak read through the application that was submitted, stating that the applicant was requesting an area variance to install an outdoor furnace 100 feet from the property line, which is not within Town Code.

C. Ziarniak explained that an instrument survey had been provided but after review, asked for the applicant to update the map to show exact locations and distances of where the proposed outdoor furnace would be placed.

C. Ziarniak asked what type of heat is currently used for the home.

Ed Burch and his wife Sheila are both present at the meeting tonight to represent themselves. E. Burch stated that, currently they heat the home with propane, forced air, and a wood burning stove that they do not utilize.

E. Burch said that when he did research before buying the outdoor furnace, New York State requires outdoor furnaces to be 100 feet from the road. He then asked what the Town requires for an outdoor furnace to be located from the road.

K. Moore stated that the Town requires outdoor furnaces to be 200 feet from all property lines, including from the road.

C. Ziarniak stated that he would like to have an updated survey map submitted before this is placed on for a Public Hearing.

L. Rivera-French agreed.

C. Ziarniak read through the application questions and answers that the applicant provided.

E. Burch stated that originally he bought the outdoor furnace because there was a special federal tax rebate of 26% if he bought it before the first of the year. He had done some research to find out what New York State legally required for outdoor furnaces and realized he was within the New York State requirements, and that is why he made the purchase. After he bought it, he realized a Building Permit would be needed from the Town to install, and then realized that the Town had Code requirements for outdoor furnaces as well. That is why he applied for the Variance.

C. Ziarniak then asked about environmental concerns from an outdoor furnace.

E. Burch stated he didn't feel that it would have an environmental effect.

K. Moore stated that there are two outdoor furnaces in Clarkson. He said one of those houses received 7 fire calls for it last year because of smoke and odor. He then stated that most towns are banning them because they are problem some to neighbors.

C. Ziarniak stated that he would need an expert to come and educate the Board on outdoor furnaces and the environmental impact it would have. He explained to E. Burch that he would incur those costs.

C. Ziarniak explained that there is criteria that the board needs to follow to make a decision and right now it looks like there are a lot of things that the Board needs to consider. He further stated that it is the Board's job to protect the town now and in the future.

C. Ziarniak asked if any other board members would like to comment or ask questions.

J. Perry asked how often an outdoor furnace needs to be fed.

E. Burch stated that it would need to be done twice daily.

J. Perry asked how the house gets heated.

E. Burch explained that the outdoor furnace heats up water and the water runs through a pipe that goes to the house and it connects to the existing furnace in the house.

J. Perry asked about cleaning and maintenance of the outdoor furnace.

E. Burch stated that the ash needs to be cleaned. He also stated that if the temperature goes below freezing, you have to make sure the stove has enough wood to keep burning, so the pipe doesn't freeze.

C. Ziarniak asked what kind of wood is needed to burn.

E. Burch stated that it needs to be seasoned wood. He further stated that he has a lot of dead oak trees that he has cut down from his own yard that he would be using.

E. Burch asked the board members, if he decided to walk out another 100 feet on his property in the snow, then he would not need a variance at all, and he would just need to get a Building Permit to install the outdoor furnace.

C. Ziarniak stated, yes.

C. Ziarniak asked K. Moore if there was a new bill that was going to ban outdoor furnaces.

K. Moore stated that it was being considered, but it has not been done. He further explained that the issue with the outdoor furnaces is that it is usually operator error. There are a lot of things that need to be watched when using an outdoor furnace as well as dealing with neighbors who may get upset for smoke and odor.

Board members discussed some other heating options that E. Burch could use for heat rather than the outdoor furnace. Some ideas that were discussed was using solar or a pellet stove.

C. Ziarniak stated that in order to proceed, an updated instrument survey map would need to be provided that includes the location of the proposed outdoor furnace with distances. He also stated that he would like to have an expert come in to educate the board members on outdoor furnaces. He then asked E. Burch if he would like to pursue the application.

E. Burch stated that he would like to discuss his options with his wife and have some time to think about it.

C. Ziarniak stated that we would wait to hear back from him to move forward.

MINUTES:

J. Scheid made a motion to approve the minutes as amended from January 5, 2022.

L. Rivera-French seconded.

Unanimously carried.

ADJOURNMENT:

L. Rivera-French made a motion to adjourn at 7:45 PM.

C. Ziarniak seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, February 2, 2022 at 7:00 held at the Town Hall.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 2/2/2022