

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, April 20, 2022 at 7:00 PM

Board Members

Conrad Ziarniak, Chairperson
Joseph Perry
Joanne Scheid
Howard Henick
Dan Maier

Support Staff

Keith O'Toole, Town Attorney
Kevin Moore, Code Enforcement
Anna Beardslee, Building Department Clerk
Leslie Zink, Town Board Member

Excused *

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: Lyndsay Brown

Property Owner: Lyndsay Brown

Property Address: 2 Tearose Meadow

Tax ID: 54.01-001-007.4

Zoning: RS-10

Applicant requesting an area variance to install a fence on her corner property lot 27 feet from a sanitary sewer easement and 47 feet from the property line of Gilmore Road, not in accordance with Town Code 140-22D(c)[4]

(c) Minimum setback: [1] Front: 40 feet; 75 feet on a major road.

[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.

C. Ziarniak read aloud the legal notice for Lyndsay Brown.

Lyndsay's father Doug Brown, is here to represent for her.

C. Ziarniak asked if D. Brown could give us a brief summary of what Lyndsay is requesting to do.

D. Brown stated that his daughter would like to install a 4 foot, black, vinyl-coated chain-link fence up to help keep her dog in her yard.

C. Ziarniak asked if there were slats that would be placed in the chain-link fence.

D. Brown stated, no, the fence would be open.

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

No one answered.

C. Ziarniak asked if anyone was present for the Public Hearing.

A resident of Clarkson stood up and did not mention his name or address, but noted he received the Legal Notice in the mail and that he was a neighbor that lived in the area whom often walks his dog around the neighborhood and passes by 2 Tearose Meadow. He said that he felt that the applicant should be able to have a fence in her yard for her privacy. He further stated that he felt that corner lots should be allowed to have the same rights as other properties and be allowed to put fences up, so that they can have some type of privacy on their own property. He continued on by stating that he felt that the applicants request for the chain-link fence is not intrusive at all and felt that it is far enough away from Gilmore Road and stated that he felt she could even have a privacy fence in the future in the same location.

C. Ziarniak asked the neighbor if he was in support of the application.

The resident stated, yes.

J. Perry stated that he believes that this application also needs to include Town Code 140-14A, which states that fences in the front yard are to be 3 feet high, and that would also need to be addressed if the application is approved.

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

J. Perry seconded.

Unanimously carried.

C. Ziarniak asked if Board Members had any comments.

J. Perry thanked D. Brown for having the stakes up on the property as the board members requested. He further stated that it made it easier for the Board Members to see the proposed fence location. J. Perry also stated that the trees that are in the yard, will not be removed to install the fence, and will provide same shading of the fence.

J. Perry asked if the 4 foot fence will be able to keep the dog secure.

D. Brown stated, yes.

C. Ziarniak made a motion for SEQR that this is a Type II action with a negative declaration and will not need further environmental review.

J. Scheid seconded.

Unanimously carried.

J. Perry made a motion to grant relief from Town Codes 140-22D(c)[4] and 140-14A, to approve and allow the applicant to install a 4 foot chain-link fence as per the application, with no conditions.

H. Henick seconded.

Unanimously carried.

NEW BUSINESS:

Applicant: Tim and Kyla Giles

Property Owner: Tim and Kyla Giles

Property Address: 9094 West Ridge Road

Tax ID: 53.02-001-005.1

Zoning: RS-20

Applicant requesting an area variance to install a 12x28' shed 24 feet from the road, 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 aloud the application request for Tim and Kyla Giles and then read through the application questions and answers that the applicant wrote.

1) What benefit would be derived by the applicant seeking a variance?

We will store our tractor in the shed to be easily able to plow the driveway in the winter. Fence will reduce road noise from Ridge Road.

2) What desirable changes will be produced in the character of the neighborhood by the granting of the area variance?

None. Shed and fence will be an attractive improvement to the look of the property.

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

We could park the tractor in the yard near the driveway all winter. This is unsightly and increases opportunity for theft.

4) Is the requested area variance substantial?

No. Some of the nearby houses on 104 are closer to the road than our proposed shed location.

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

No.

6) Was the alleged difficulty self-created?

No. We do not have sufficient storage near the driveway to keep the tractor. This past winter I could not plow when the tractor was stuck in the back yard when we received 15" of snow.

C. Ziarniak explained the pictures that were submitted with the application, which included the following:

- Pictures of what the property would look like with both the shed and fence that is being proposed.
- An overlaid survey map of the property that included distances and measurements of the proposed shed and fence.
- Pictures that showed the proposed shed itself.

- Laser line photos showing that the top of the proposed fence would be level or just below Ridge Road, since the property slopes downward from the road.

C. Ziarniak asked the applicants if there were any other options to place the shed.

Tim Giles stated that their property is wet and it doesn't give them a lot of options to place the shed in other areas.

K. Moore pointed out that along with Town Code 140-7E(1) that is being requested for a variance, there are also two additional Town Codes that need to be included in the application approval which are; Town Code 140-14A, and Town Code 140-21D(1)C[1].

K. O'Toole stated that the tractor could be placed next to the garage, or a shed could be built in the back with gravel leading to it, or possibly a third bay of a garage could be built in order to store the tractor so that an area variance would not be needed. He also stated that vinyl and wooden fences don't mitigate noise, so it may not help with the traffic on Ridge Road. He further mentioned that these aren't items that need to be done, but alternatives.

T. Giles stated that adding on a third bay for the garage would be hard because there is a slope and an apple tree on the side property that he would like to keep.

C. Ziarniak asked K. Moore if he had any thoughts.

K. Moore stated that there are other options that can be done, but the cost would increase by 20-30%.

C. Ziarniak stated that the application references other houses in the neighborhood that are closer to the road than the shed and fence proposal.

T. Giles stated that he does not have the house numbers or pictures of the houses that are closer to the road.

J. Perry stated that he did a google aerial view of the neighborhood and there are houses that are closer to the road.

H. Henick agreed with J. Perry, and stated that he had driven by the area, and there are houses that are very close to the road.

K. O'Toole asked if T. Giles had an actual survey map, so he could see if there was an easement where the telephone poles are on the property.

T. Giles stated, yes, and gave to K. O'Toole to look at.

K. O'Toole stated that he reviewed the survey map and there is no easement for the telephone poles on it.

C. Ziarniak asked if T. Giles could put up stakes where the proposed shed and fence would be located and also asked if Board Members could go out to the property to take a look.

T. Giles said that he would put up stakes and that it would be fine for Board Members to go and look at their property.

C. Ziarniak made a motion to schedule a Public Hearing for the next meeting on May 4th.

D. Maier seconded.

Unanimously carried.

MINUTES:

J. Scheid made a motion to approve the minutes as corrected from April 6, 2022.

J. Perry seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 7:50 PM.

J. Perry seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, May 4, 2022 at 7:00 PM held at the Town Hall.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 5/4/2022