

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, May 4, 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

Excused \*

**CALL TO ORDER:**

J. Perry 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:** 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 two area variances. The first is to install a 12x28' shed 24 feet from the road. The second area variance is to install a 6 foot privacy fence, 32 feet long that will be placed next to the shed, which is also 24 feet from the road, not in accordance with the following Town Codes:

**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.

**Town Code 140-14A** which states:

A. Closed fences shall not be permitted along any front lot line or alongside lot lines between the front setback line and the highway right-of-way. Open fences along these lot lines shall not be higher than three feet above the adjacent ground level. Open fences allowed herein shall be encouraged to be decorative, such as picket, split rail or board fences. In determining the height of a split rail fence, the distance to the top of the horizontal rail shall govern and posts shall be no more than one foot higher. Wire fences including chain link fences, shall be prohibited between the front setback line and the highway right-of-way

And **Town Code 140-21D(1)c[1]** which states:

D. Dimensional requirements in the RS-20 District shall be as follows:

(c) Minimum setback:

[1] Front: 40 feet; 75 feet on a major road.

J. Perry read aloud the Legal Notice for Tim and Kyla Giles and then read aloud their application questions and answers.

**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.*

J. Perry asked if the applicants had anything else that they would like to add.  
Kyla Giles stated that the only thing she would like to add is that the top of the fence would be level to the road.

J. Perry asked if there was anyone from the Public that was present that would like to speak.  
No one responded.

J. Perry asked A. Beardslee if anyone had called or sent in any correspondence in regards to the Public Hearing.  
A. Beardslee stated, no.

J. Perry made a motion to close the Public Hearing.  
H. Henick seconded.  
Unanimously carried.

J. Perry opened up the meeting to the Zoning Board Members.  
J. Perry asked about the foundation of the shed.  
T. Giles stated that the shed is pre-fabricated and it would be placed on 4 inches of pre-crushed stone and that would be the base and there would be no foundation.

J. Perry asked if there are windows on the shed.  
T. Giles stated that there is a double window on the side facing the road, one over the door which will be facing the driveway, there will be a man door on the side facing the house, and there is nothing on the back end of the shed.

J. Perry asked what the height of the shed was.  
T. Giles stated that the shed height is 10' 9" at the peak. He further stated that the powerlines are 18'4" high.

J. Perry asked if there would be any driveway modifications needed.  
T. Giles stated, no.

J. Perry asked what type of fence they would be using.  
T. Giles stated that they have not decided yet, as they would like something to reduce the noise from the road.  
K. Giles stated that they are flexible, they want something that will reduce the noise, but want something pretty.

J. Perry asked if there would be any utilities in the shed.  
T. Giles stated, no utilities.

J. Perry explained if they granted approval, conditions would be placed that the shed is for, storage only and no lights. He further stated that if there was a change and utilities were needed, they would need to come back in front of the Zoning Board.

T. Giles asked if they would be allowed to put on a solar powered motion light.  
J. Perry stated that he was not concerned about that, but just does not want the shed to turn into something else, like to be used for a business.

J. Perry stated that he would also like to add another condition that if granted, there would be no storage outside of the shed.

J. Perry stated that he appreciated that stakes were put out to show the placement of the shed, and that they are required to give the least amount of variance and asked why the applicant is requesting to place the shed and fence 24 feet from the road.  
T. Giles stated that it is actually not 24 feet from the road, it is 24 feet from the easement. He further explained that the shed would be placed where the turnaround is on their driveway. He then stated that there is a slope on their property so it limits where the shed can be placed.

J. Perry stated that at the last meeting the Building Inspector stated that if the shed were placed further back on the property it would require a lot of fill to raise up the land and it would increase the cost by 20-30%. He stated that the cost is something that the Board considers when making the decision as well.

H. Henick stated that the in the pictures submitted by the applicants, it showed that a 6 foot fence would be level to the road because the property slopes down. He stated, a condition should be placed that the fence could not be more than 6 feet tall.

D. Maier asked what is in the middle of the proposed shed and house.  
T. Giles stated that it is landscaping materials that they have not yet utilized.

J. Perry asked what the shed color would be.

T. Giles stated it would be grey, with white trim, and black shutters. The fence they are looking into is brown. They were hoping to place up a white fence, but the noise reducing fences that they have found only come in brown.

D. Maier suggested for them to look into a company called TimberTech.

J. Perry stated that another condition that he would like to add if approved would be that the fence would need to be kept in like new condition, with nothing to be placed in front of the fence besides landscaping.

J. Perry stated that the code allows for an open fence in the front.

K. O'Toole stated that an open fence would not mitigate the noise as they have requested and suggested that landscaping could be part of the condition.

J. Perry asked K. O'Toole for some landscaping options that they could suggest in the condition.

K. O'Toole stated that, specific plants and trees can be requested or another suggestion is to give a minimum spend on landscaping and give receipts to the Building Department.

J. Perry asked the applicants if they would be willing to do a minimum spend of \$300.00 towards the landscaping.

T. Giles stated that they would be agreeable to that.

H. Henick made a motion to approve the variance for the shed and fence as proposed in the application with the following conditions:

- The fence be maintained in like new condition.
- No obstructions on south side of the structure.
- Storage only.
- The height of the fence is not to exceed 6 feet.
- A minimum \$300.00 of landscaping will be on the south side to help minimize noise and for aesthetic relief.

J. Perry seconded.

Unanimously carried.

J. Perry made a motion that this item is a Type II SEQR with a negative declaration.

H. Henick seconded.

Unanimously carried.

**NEW BUSINESS:**

**Applicant:** Jeffrey Green

**Property Owner:** Jeffrey Green

**Property Address:** 2381 Sweden Walker Road

**Tax ID:** 53.02-001-005.1

**Zoning:** RS-20

Applicant requesting an area variance to install a 12x24' shed within the side setback of his house 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.

J. Perry asked for Jeff Green to give a brief summary of his application proposal.

J. Green stated that he would like to put up a 12x24' shed on the side of his house, which would be located in a turnaround area off of his driveway. J. Green further stated that he had put down crushed stone about a year ago for a pad to place the shed on top of. He explained that he put an application into the Building Department for the shed, but was denied because the town code does not allow it. He stated that he is unable to place the shed on his back property area because there is a natural swale that runs through his property and if he places the shed back there, it will be wet for half of the year.

J. Perry read aloud the application questions and answers that Jeff Green submitted:

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

*Mower storage, work shop, tools and storage*

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

*Location of said mini barn-shed on side of property instead of behind house.*

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

*Rear of property is natural swale transporting water off property. An obstruction (building) would disrupt natural water flow.*

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

*No, will set to north of driveway under a tree canopy and look natural.*

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

*No, will not have impact and will preserve natural water flow off property.*

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

*No, as written the unit would be in back yard near pool and well. This area is wet until July every year. Water flows downhill on property.*

J. Perry asked J. Green if it would be okay if the Board Members were able to go out to his property to do a site check.

J. Green stated that would be fine.

J. Perry asked how big the pad is for the shed.

J. Green stated it is about 26x16 feet.

J. Perry asked if it were for storage.

J. Green stated, yes.

J. Green asked if he was able to put electric in the shed.

J. Perry stated that he would be able to as long as it was reasonable.

J. Green stated that he bought trees a few years back to help shade and create a barrier in front of the shed.

J. Perry asked the type of construction of the shed.

J. Green stated that it was a kit and is pre-cut.

H. Henick asked for clarification on the variance that was needed.

D. Maier stated that the proposed shed would be in his side yard and it is not allowed in the Town Code.

D. Maier asked if there is a pitch in the land.

J. Green stated, yes.

J. Perry stated that he included a map that showed elevations of his property.

H. Henick asked if the shed would be painted.

J. Green stated that he would be painting it and putting shingles on it, so it would match his house.

J. Perry asked why he could not put the shed straight forward off of his driveway in the back property.

J. Green stated because the property slopes down.

J. Perry asked if Board members felt that stakes would need to be placed, since the stone pad would show the location of where the shed would be.

The Board members agreed that the stone pad would be enough to see where the shed would be located.

J. Perry asked J. Green if he would like for the Board Members to call or text before going out to the do the site check.

J. Green stated, that would be fine.

J. Perry stated that they would place this item on for a Public Hearing on May 18<sup>th</sup>.

**DISCUSSION:**

J. Perry stated that a few years back some procedures had been written up that explained how to lead a meeting in the chance someone needs to cover for the Chairman. He asked if A. Beardslee could find the documents and send out to the Board Members to have as a reference tool.

A. Beardslee stated, yes.

H. Henick stated that in C. Ziarniak's absence J. Perry did a great job in leading the Zoning Board Meeting and it went well.

**MINUTES:**

J. Perry made a motion to approve the minutes as corrected from April 20, 2022.

D. Maier seconded.

Unanimously carried.

**ADJOURNMENT:**

J. Perry made a motion to adjourn at 8:00 PM.

H. Henick seconded.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, May 18, 2022 at 7:00 PM held at the Town Hall.

Respectfully submitted,

*Anna Beardslee, Building Department Clerk*

*Minutes approved on 5/18/2022*