

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, September 7, 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:**

C. 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:** Don Moyer

**Property Owner:** Don Moyer

**Property Address:** West side of Drake Road +/- 2300' North of W. Ridge Road

**Tax ID:** 053.02-1-19

**Acres:** 56.29

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 read aloud the Agenda for the night and then read aloud the Legal Notice for Don Moyer.

C. Ziarniak asked D. Moyer to give a brief summary of his request.

D. Moyer stated that he is requesting to build a pole barn in front of his house roughly 300 feet from the road. He further stated that it would be covered by trees and would not be seen from the road, possibly in the winter it may be slightly visible.

C. Ziarniak stated that a site plan had been submitted that shows the house and the location of the proposed pole barn.

C. Ziarniak asked how big the barn is.

D. Moyer stated it is 60x40.

D. Moyer stated that the pole barn had been positioned off to the side specifically so that it would not be seen from the road.

C. Ziarniak stated that this is not a typical piece of property. He further explained that the Town Code states that an accessory structure is not to be in front of a primary residence. He then stated that the pole barn is a few feet further back from the road than the house itself.

C. Ziarniak asked what would be stored in the pole barn.

D. Moyer stated that he would be putting his tractors and ATV's in the pole barn.

C. Ziarniak asked if he had a copy of the elevation of the pole barn.

D. Moyer submitted a copy of an elevation sheet.

C. Ziarniak asked if any comments had been received or if anyone had called in regards to the Public Hearing.

A. Beardslee stated no.

C. Ziarniak stated that there is no public present at the Town Hall.

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

J. Perry seconded.

Unanimously carried.

J. Perry stated that he appreciated being able to visit the site and he felt that the proposed location of the pole barn was the best area possible because of the creek.

J. Scheid stated that she visited the site and she felt that the pole barn was being located in the best area of the site as well because of the creek.

H. Henick stated that upon his visit he observed that the pole barn would be very hidden from the road.

C. Ziarniak asked if the Engineer had other options for a location of the pole barn.

D. Moyer stated that there were some different layouts but it would require more trees to be cleared out and that the option they chose had the straightest part of the creek, since the creek winds back and forth.

J. Perry stated that they like to put conditions in place if they approve the pole barn so that it doesn't turn into a store or shop. He asked if D. Moyer would be opposed to a condition that would call for the pole barn to have storage only.

D. Moyer stated that he would not be against such condition.

C. Ziarniak stated that the Town Code is a bit limited and he feels personally that he would be in favor of the proposal.

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

J. Scheid seconded.

Unanimously carried.

J. Perry made a motion to approve the area variance for the location of the pole barn with the condition that the usage will be non-commercial.

D. Maier seconded.

Unanimously carried.

**MINUTES:**

J. Scheid made a motion to approve the minutes as corrected from August 17, 2022.

H. Henick seconded.

Unanimously carried.

**ADJOURNMENT:**

C. Ziarniak made a motion to adjourn at 7:35 PM.

J. Perry seconded.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, September 21, 2022 at 7:00 PM held at the Town Hall.

Respectfully submitted,

*Anna Beardslee, Building Department Clerk*