

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, November 2, 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  
Andrea Rookey, 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.

**PUBLIC HEARING:**

**Applicant:** Joe M Rodak

**Property Owner:** Joe M Rodak

**Property Address:** 3536 Sweden Walker Road

**Tax ID:** 055.01-1-36.21

**Acres:** 3.002 acres

Applicant requesting to build a 32'x30' 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 application and the legal notice.

C. Ziarniak asked if anyone present for the meeting was here specifically for Joe Rodak's Public Hearing.

There was no one present for the Public Hearing for J. Rodak

Moraine Warner was representing J. Rodak today for the Public Hearing.

H. Henick asked where the barn would be placed because he tried to visit the property, and no one was home to explain where it would be.

J. Rodak explained his property and where the barn would be built.

M. Warner explained that the septic tank is a raised bed system which would prevent the barn from being in another area of the yard.

C. Ziarniak asked if the location of the barn was chosen because of the topography and determined there was no other ideal place to put the barn.

J. Rodak replied that this location was picked because he did not have a choice with how the land was on his property.

C. Ziarniak asked what would go in the barn.

J. Rodak said a tractor and other lawn equipment.

C. Ziarniak stated that the equipment is incidental to a house and asked that the barn would not be commercial use.

J. Rodak confirmed that it was for non-commercial use.

M. Warner stated there would not be an undesirable change in the neighborhood and this property is unique it will not have an impact on the neighborhood.

C. Ziarniak asked if any public had reached out to the town to ask about the J. Rodak Public Hearing or expressed any concerns.

A. Rookey stated no.

C. Ziarniak motioned to close the Public Hearing.

J. Perry seconded the motion.

Unanimously carried.

C. Ziarniak asked the board if they would like to add any comments or any questions.

K. Moore stated that if the barn was placed on the east, it would affect the water flow, so the location they chose would be most ideal.

C. Ziarniak stated that this was a type II action and issued a negative declaration.

J. Scheid seconded.

Unanimously carried.

J. Perry motion to approve the application with the condition that this is strictly for non-commercial use.

D. Maier seconded

Unanimously Carried.

**OLD BUSINESS:**

**Applicant:** Keven Wing

**Property Owner:** Keven Wing

**Property Address:** 85 Valley View Drive

**Tax ID:** 54.18-001-034

**Acres:** .31 acres

Applicant requesting to build an addition on to his house which is located on a corner lot, 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

and Town Code 140-22D(1)(c)[1][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 the application aloud as well as legal notice that was sent out.

K. Wing brought in drawings of what he proposed to add to the house.

K. Wing stated that he looked to see if the property would stick out. He stated that he would still be able to see his neighbor's car, or at least half of it from each end of the road.

Frances Wilcox a member of the neighborhood attended the Public Hearing.

F. Wilcox stated that the house would not align like the rest of them do if the application for the addition is approved.

C. Ziarniak explained the map and the application to the public that were present.

D. Maier asked if there would be any windows.

K. Wing stated that he was unsure how many windows but would most likely put four windows.

K. Wing stated that he would also re-side the house to keep the appearance of the house nice.

F. Wilcox stated she does not feel that this is going to go along with the neighborhood

C. Ziarniak asked if this was going to be an undesirable change in the character of the neighborhood

F. Wilcox stated the addition of the house would be an undesirable change to the neighborhood.

Shawn Lessord a member of the neighborhood stated that he agrees with F. Wilcox. He stated that he also believes the addition would be obstructive to the kids on bikes and cars passing through the neighborhood. He also stated this would be an undesirable change in the character of the neighborhood.

Jeffrey Harris, another member of the neighborhood stated that he would not mind the change of K. Wing's proposed renovation.

H. Henick asked where J. Harris is in the neighborhood

J. Harris replied that he lives in the neighborhood and his property is directly behind K. Wing's Property.

C. Ziarniak asked if there were any other comments the public that attended would like to add.

C. Ziarniak motioned to close the Public Hearing.

J. Perry seconded the motion.

Unanimously carried.

J. Scheid asked if he would be able to add onto the back of his house instead to compromise.

K. Wing stated that he would not be able to because of his kitchen being in the back portion of his house and would force him to also remodel his kitchen.

D. Maier asked if the addition would be on both floors of the house.

K. Wing replied, yes.

C. Ziarniak asked if they would be able to compromise on the amount of footage he would build out.

K. Wing said that he would not be able to accomplish what he was going for if the footage was subtracted from the original amount he applied for in the application.

H. Henick asked how long F. Wilcox and S. Lessord had lived in the neighborhood.

F. Wilcox stated 53 years.

S. Lessord stated 28 years.

H. Henick asked in the time that either F. Wilcox or S. Lessord have lived there have they seen a change such as this one being proposed.

F. Wilcox and S. Lessord stated they had not seen any changes like this one being proposed before.

J. Perry stated that he was uncomfortable with the change that would be brought to this neighborhood and was wondering if they could agree on less footage, maybe 4 ft instead.

K. Wing said that it would not be worth it if he went out only 4 ft.

J. Perry stated that this would not fit the neighborhood and echoed those who voiced their opinion on this proposed addition.

C. Ziarniak motioned that this was a type II action and is not subject to further environmental review.

J. Perry seconded the motion.

C. Ziarniak motioned to approve the application as submitted.

D. Maier seconded the motion.

Five nays were stated.

C. Ziarniak stated a counter motion to deny the application submitted.

J. Perry seconded the motion.

Unanimously carried.

C. Ziarniak motioned the New York State town law 267-B§3-B states whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The area variance was determined an undesirable change in the character of the neighborhood. An attempt at a compromise was not successful.

H. Henick seconded.

Unanimously carried.

#### REVIEW OF MINUTES:

October 19, 2022

J. Scheid motioned to approve the minutes.

J. Perry seconded the motion.

Unanimously carried.

#### NEXT MEETING DATE:

November 16, 2022, at 7:00 PM

#### ADJOURNMENT:

C. Ziarniak motioned to adjourn the meeting at 8:10.

J. Scheid seconded the motion.

Unanimously carried.