

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, July 5th, 2023, at 7:00 PM

Board Members

Conrad Ziarniak, Chairperson
Joseph Perry
Joanne Scheid
Howard Henick
Peter Connell

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: Ronly O' Mara
Property Owner: Ronly O' Mara
Property Address: 3262 Lake Road
Tax ID: 054.01-4-3
Acres: 0.54

Requesting a front setback area variance for a 4ft fence not in accordance with town code:
Town Code 140-14A.

Closed fences shall not be permitted along any front lot line or along side 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.

C. Ziarniak read the legal notice aloud.

C. Ziarniak stated that was a new diagram submitted.

C. Ziarniak asked about the gate width being 5ft and the height of it being 4ft tall.

S. Morgan said there were two gates, one in the back yard and the other in the front yard.

C. Ziarniak said he would include the 26ft of the fence that was not initially included in the area variance.

C. Ziarniak read aloud the questions for determination of the variance.

C. Ziarniak asked why they requested 4ft instead of the 3ft that would not require a variance.

R. O'Mara said that if others entered the property, it would be an extra layer of security.

C. Ziarniak asked what benefit will be derived by the applicant who is seeking this variance.

R. O'Mara said the safety of the children.

C. Ziarniak asked what undesirable changes will be produced in the character of the neighborhood by the granting of the area variance?

R. O'Mara said that she does not see much change that would result in her adding the fence. She had also stated that she had spoken with her neighbor to ask if they were alright with her adding the fence.

S. Morgan stated that the type of fence they are adding matches other fences in the area.

C. Ziarniak asked what other methods the applicant must achieve the benefit other than the area variance? C. Ziarniak concluded that there does not seem to be any other methods.

C. Ziarniak asked if the requested area variance substantial? C. Ziarniak said that it is a request that adds 25% of fence because they are only requesting to add a foot onto the allowed 3ft in height.

C. Ziarniak asked will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood. C. Ziarniak concluded that it will not.

C. Ziarniak asked was the alleged difficulty self-created.

C. Ziarniak stated that the difficulty was created when the lot was created as a corner lot.

J. Perry had asked about the fence distance from the utility pole.

S. Morgan said that it was about 8ft.

C. Ziarniak said that two residents in the area had contacted the building department, Guy Coletta and Larry Foote and were okay with fence going in.

C. Ziarniak motioned to close the public hearing.

J. Perry seconded the motion.

Unanimously carried.

H. Henick had some concerns about landscaping in front of the 4ft fence along Lacey Lane blocking the road.

S. Morgan said that planting shrubbery is not an option because it was staked out and would have risk because the power runs along Lacey Lane.

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

J. Scheid seconded.

Unanimously carried.

J. Perry motioned to approve the application for Ronly O'Mara for the 26ft in width of 4ft in height open style fence on west side of property. 74ft in width of 4ft in height open style fence on south side of property. 26ft in width of 6ft in height of solid fencing on the east side of property adjoining the south side; with the condition that it remain in like new condition with a limit of 6 months to repair.

H. Henick seconded the motion.

Unanimously carried.

REVIEW MINUTES:

C. Ziarniak motioned to approve the minutes from 6/21/2023 with a correction.

J. Perry seconded the motion.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak motioned to adjourn 7:55pm

H. Henick seconded the motion.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, July 19th, 2023, at 7:00 PM held at the Town Hall.

Respectfully submitted,

Andrea Rookey, Building Department Clerk