

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, August 2, 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:** Jerold Benwitz Jr

**Property Owner:** Jerold Benwitz Jr

**Property Address:** 21 Leanna Crescent

**Tax ID:** 054.02-2-33

**Acres:** 0.23

Applicant requesting to Requesting an area variance for a side and rear setback to place a shed for storage 2ft off of the side and rear property line not in accordance with the Town Code: 140-22D(1)(c) Minimum setback:[1] Front: 40 feet; 75 feet on a major road.[2] Side: 10 feet.[3] Rear: 30 feet to dwelling or attached garage; 10 feet to other structures.

C. Ziarniak read the legal notice aloud.

J. Benwitz explained his application by stating that he would like to put up a shed on the North Side of his yard 0ft from the lot line so that the yard space is not taken away from the children.

C. Ziarniak asked if it was a 7 x 16 shed.

J. Benwitz said yes.

C. Ziarniak stated that Kevin had calculated and made a to scale drawing of the property to get the distance from the pool to the proposed shed.

K. Moore stated that the pool would be less than 1ft from the proposed 7 x 16ft shed

Amy Rath is a neighbor to the west of his property and had no objection to the shed. She stated that she would not mind even if the shed was one foot from the fence because she recognizes J. Benwitz has a lot of stuff in his yard.

K. Moore mentioned that an anonymous neighbor shared his concerns that too much was already happening on the property and that it would not go with the neighborhood.

P. Connell asked about electrical.

K. Moore stated electrical must be 6ft from the pool according to code because it is a safety hazard.

C. Ziarniak motioned to close the public hearing.

J. Perry seconded.

Unanimously carried.

H. Henick stated that he is concerned that the roof of the shed would allow the possibility for children to climb on and jump off into the pool.

C. Ziarniak stated that they must explore the space of their yard.

J. Benwitz said that he would show the board members his yard from his camera showing his backyard to show the accessible space.

J. Perry asked about moving the swing set to place the shed there instead.

J. Benwitz said he does not want to take away space for his children to play.

C. Ziarniak said that there is a lot of evidence that does not allow him to grant the variance according to the questions they base the decisions for a variance off.

C. Ziarniak asked if J. Benwitz wanted to take the opportunity to change the size of the shed or the location to allow for a better chance against the criteria.

J. Perry said that he would be more comfortable if the shed was smaller.

J. Benwitz said that he would be okay with a shed that is 8 x 12ft.

J. perry stated that he should do a 9 x 12 pitch roof.

C. Ziarniak stated that the members are going to use the new proposed shed size of 8 x12 ft to read the criteria and make decisions based on that.

C. Ziarniak stated that the character of the neighborhood would be changed due to the 0ft lot line variance.

C. Ziarniak stated that moving the swing set was another option to place the shed.

C. Ziarniak motioned this was a type two action with no further environmental review.

H. Henick seconded the motion.

Unanimously carried.

J. Perry stated that it would be best to add no electrical to run to the shed and 2ft of stone around the shed as a condition.

H. Henick said another condition would be to add that K. Moore come out and do measurements for the setback distances.

H. Henick motioned to approve an 8 x 12ft shed with a 9 x 12ft roof pitch with the following conditions.

- 1) No electrical is to be run to the shed.
- 2) Stone is to be placed 2ft surrounding the shed.
- 3) The Code Officer checks the setbacks for the shed.

J. Schied seconded the motion.

Motion carried.

J. Perry stated aye

J. Schied stated aye

H. Henick stated aye

P. Connell stated nay

C. Ziarniak stated nay

C. Ziarniak motioned to rescind the motion of approval.

J. Schied seconded the motion.

Unanimously carried.

C. Ziarniak said they will leave the public hearing open until the next meeting on August 16<sup>th</sup>, 2023, at 7:00PM based upon the measurements from the pool to the shed.

**NEW BUSINESS:**

**Applicant:** Michelle Kemp

**Property Owner:** Michelle and Darren Kemp

**Property Address:** 28 Lynnwood Drive

**Tax ID:** 054.17-1-41

**Acres:** 0.7

Requesting a customary home occupation to operate a dog and cat grooming business. No animals will be boarded on property and clients will drop off and return when grooming is complete. The business location will be in the renovated 2 car garage.

C. Ziarniak read the application aloud.

H. Henick asked about signage.

M. Kemp stated she did not want signage.

C. Ziarniak asked how many clients you would have for the day at most.

M. Kemp stated 4 clients at most for the day.

J. Perry asked how long it would take for one client.

M. Kemp said an hour to an hour and a half and then time for pick up.

J. Perry about the time that she would have the business open.

M. Kemp stated that her business would be open from 8:30 am to 3:00pm at the latest.

C. Ziarniak asked about the days of the week she would be operating the business.

M. Kemp stated that she was unsure on what days of the week she would be operating and would like to have about four to five days a week and would like to do Saturdays as well to accommodate clients.

H. Henick asked about the noise.

M. Kemp said that she grooms dogs under 20 pounds, and it would not be deep barking. There is not a lot of barking because she does not have them in cages and she uses low stress handling, so it does not give them the urge to bark as much.

C. Ziarniak asked about the max clients there would be in a week at the peak of operation there would be.

M. Kemp stated there would be around 20 appointments.

J. Schied asked about two cars being in the driveway at once.

M. Kemp stated that there is a thirty-minute window in between clients to clean and avoid barking, dog fights, or dogs even meeting.

C. Ziarniak asked that M. Kemp correct the square footage for the home occupation.

C. Ziarniak motioned for a public hearing on Wednesday, August 16<sup>th</sup>, 2023.

J. Perry seconded the motion.

Unanimously carried.

**REVIEW MINUTES:**

J. Scheid motioned to approve the minutes from 7/18/2023 with a correction.

J. Perry seconded the motion.

Unanimously carried.

**ADJOURNMENT:**

C. Ziarniak motioned to adjourn 8:15pm

H. Henick seconded the motion.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, September 6th, 2023, at 7:00 PM held at the Town Hall.

Respectfully submitted,

*Andrea Rookey, Building Department Clerk*