

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, September 6, 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 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 stated that the Public Hearing was tabled to see if J. Benwitz would have an alternative so that the variance he was requesting would be less.

K. Moore said he had gone out to the property to take measurements and discuss options, he stated that an addition is not a feasible option.

J. Benwitz said that eventually he would like to move the pool.

C. Ziarniak was asking if an 8ft by 8ft shed would be the new proposal.

H. Henick asked how far the shed would be from the pool.

K. Moore said 5ft.

C. Ziarniak stated that he would be reading the criteria and commenting on each of the criteria about the variance.

1. What benefit will be derived by the applicant who is seeking this variance?

C. Ziarniak said that storage will be a benefit.

2. What undesirable changes will be produced in the character of the neighborhood by the granting of the area variance?

C. Ziarniak said that it would be a change.

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

K. Moore said that he had spoken to neighbors, and they would rather the kids not be in the front yard playing. There would not be space in the backyard for the kids to play.

4. Is the requested area variance substantial?

C. Ziarniak said is substantial.

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

C. Ziarniak said that he does not think this would affect the environment.

6. Was the alleged difficulty self-created? If the difficulty was self-created, it is relevant to the decision of the ZBA, but does not necessarily preclude the granting of an area variance.

C. Ziarniak said yes, the pool was something they decided to place.

H. Henick said another application had safety as a concern. A smaller shed would address the safety concern.

C. Ziarniak said that the safety concern aligns with question number five of the variance criteria.

C. Ziarniak said this concern aligns with question number one of the variance criteria.

J. Scheid asked if they were going to move the pool.

J. Benwitz said that he was looking to do it at some point; he needed new steps.

J. Benwitz said he would most likely be moving the pool in a year or two.

J. Perry said that he was weighing out the criteria and he is uncomfortable because it is an 80% variance.

J. Scheid said that if was moving the pool is in the future, would you need as much of a variance if he is moving it closer to the house?

J. Benwitz said that he thinks he should withdraw his application.

C. Ziarniak asked if there would be some way that the shed could be moved after the pool is moved.

J. Benwitz said that he is withdrawing his application.

C. Ziarniak motioned to close the Public Hearing and acknowledge that the applicant withdrew his application.

J. Perry seconded.

Unanimously carried.

**REVIEW MINUTES:**

C. Ziarniak motioned to approve the minutes from 8/16/2023 with a correction.

J. Perry seconded the motion.

Unanimously carried.

**ADJOURNMENT:**

C. Ziarniak motioned to adjourn 8:00pm

J. Perry seconded the motion.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, September 20th, 2023, at 7:00 PM held at the Town Hall.

Respectfully submitted,  
*Andrea Rookey, Building Department Clerk*