

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, August 16, 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 mentioned that this Public Hearing was a continuation of what was tabled at the last meeting. He also explained that there was a motion with conditions but there was a misunderstanding with the motion, so the motion was rescinded.

K. Moore stated with a 2ft setback it would be about 3ft to the pool from the proposed shed and it would not be on the ground loop.

J. Perry stated that he is uncomfortable with the roof pitch of the shed in combination with it being that close to the pool.

J. Benwitz said he could make the roof pitch higher.

C. Ziarniak read the questions for determining an area variance aloud for the board for granting or denying a variance.

C. Ziarniak mentioned moving the swing set as an alternative location.

C. Ziarniak there may be significance to the character of the neighborhood because the setback would be altered.

C. Ziarniak stated the board would table this meeting until Wednesday September 6th, 2023, at 7:00pm at the Clarkson Town Hall.

PUBLIC HEARING:

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 asked if M. Kemp added the approximate square footage to the application.

M. Kemp said yes.

C. Ziarniak said that the new material shows that the approximate square footage is 132sqft.

M. Kemp stated it was roughly 12ft by 11ft when they measured the area.

M. Kemp explained her application as a dog and cat grooming business. She said that operated in her renovated garage in Chili previously and that it's a smaller business that only has one pet at a time.

C. Ziarniak asked M. Kemp to explain drop off and how the cars would be parked.

M. Kemp said her driveway is wide and there is a space added that two cars can fit. She said that she would be able to have both cars off to the left that will allow room for the clients to turn around and back out.

C. Ziarniak asked about the hours she would be grooming, the earliest and the latest.

M. Kemp said that she would be grooming from 8:00am till 4:00pm on her busiest days.

C. Ziarniak asked how many clients would arrive in a day.

M. Kemp said 3 to 4 cars would arrive in a day.

C. Ziarniak asked if that would be 8 trips in a day.

M. Kemp said yes, 6 to 8.

C. Ziarniak asked about the maximum number of days her business would be operating.

M. Kemp stated about 4 days.

C. Ziarniak asked if that would include weekend days.

M. Kemp said it would include Saturday.

H. Henick asked about signage.

M. Kemp stated that there would be no signage.

H. Henick asked about boarding animals.

M. Kemp stated there would be no boarding animals. She also stated that she would have a half an hour buffer in between so they don't meet, they don't bark, and so they don't pass diseases around, so she has a buffer in there for cleaning.

H. Henick asked about the weight limit being around 20 pounds.

M. Kemp said that she is disabled so she can only handle under 20 pounds.

C. Ziarniak asked if it was by appointment only.

M. Kemp said yes.

Sharon Root a member of the neighborhood stated her concern is that there are no sidewalks, young kids who ride bikes and scooters, and her neighbor has two large trees that block view of the road. She

stated that she is concerned about the neighborhood being residential and there being a business there. She also stated that she is concerned about parking.

C. Ziarniak discussed that a home occupation does not change the land to commercial if it is in compliance with the home occupation law in the NYS Code.

C. Ziarniak motioned to close the Public Hearing.

H. Henick seconded.

Unanimously carried.

K. Moore read the home occupation definition from the code book 140-3,

A) An occupation or a profession which meets all of the following requirements:

(1) It is carried on wholly within the enclosed walls of a dwelling.

(2) It is carried on by a member of the family residing in the dwelling. [Amended 8-11-1987 by L.L. No. 2-1987]

(3) It is clearly incidental and secondary to the use of the dwelling for residential purposes.

(4) It employs not more than one person outside the family. [Amended 8-11-1987 by L.L. No. 2-1987]

(5) It does not occupy more than 25% of the floor area.

[Added 8-11-1987 by L.L. No. 2-1987]

(6) It employs no exterior display, except a sign not to exceed two square feet, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the building. [Added 8-11-1987 by L.L. No. 2-1987]

(7) It produces no offensive noise, vibration, smoke, dust, odor, heat or glare. [Added 8-11-1987 by L.L. No. 2-1987]

B. Repair of gasoline or diesel engines or motors, which are not owned by one of the residents of the property for his own use, is expressly excluded.

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

J. Perry seconded.

Unanimously carried.

J. Perry motioned to approve the application with the following conditions;

1. Only 4 appointments a day
2. No more than 6 days a week for operation of business
3. Maintain her driveway for snow removal and placing her personal cars off to the side and applicant shall instruct clients to use turn around.
4. The clients should go forward out of the driveway instead of backwards.
5. No boarding the animals
6. No signage

H. Henick seconded the motion.

Unanimously carried.

REVIEW MINUTES:

J. Scheid motioned to approve the minutes from 8/2/2023 with a correction.

J. Perry seconded the motion.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak motioned to adjourn 8:17pm

J. Perry 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