

**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**  
**Held at the Clarkson Town Hall**  
**Wednesday, May 1st, 2024, at 7:00 PM**

**Board Members**

Conrad Ziarniak, Chairperson\*  
Joseph Perry  
Howard Henick  
Peter Connell  
Colleen Mattison

**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.

**NEW BUSINESS:**

Applicant: Jennifer Gee

Property Owner: Jennifer Gee

Address: 3931 Lake Rd

Acres: 0.88

Zoning: RS-10

Applicant requesting approval of a home occupation for a plant business.

140-3 CUSTOMARY HOME OCCUPATION

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]

J. Perry asked her to explain her application

J. Gee said that she sells house plants and 85% of the business will be online. She said that she would have scheduled pick up time and would be a max of 5 people a day.

J. Perry asked if there would be any signage

J. Gee said that yes, there would be a small one just so they know where they are stopping. She also said that most of her advertising is online.

J. Perry asked what type of plants they are, either indoor or outdoor.

J. Gee said indoor plants.

K. Moore said that this property was approved in 2005 to have a recording studio, where they had appointments, every hour coming in a leaving and in that outbuilding was the studio.

J. Gee said that she already spoke with her neighbors to see if they were okay with the business, and they said they were.

J. Perry asked about hours and if it would be deliveries.

J. Gee said that because most of it is online, if anyone wants anything shipped or if they are within the area she can do the delivers, if the people within the area would like to pick up orders than they can be scheduled so that there is only one person pulling in at a time and picking up.

J. Perry asked how long she has been selling the house plants.

J. Gee said that she had just started.

J. Perry asked where they would be parked and how many people there would be a day.

J. Gee said they would be able to park behind her house about three people could park but there would only be one at a time.

J. perry asked about hours of operation.

J. Gee said she is available 10am-5pm and said it is by appointment only and only 5 people a day.

P. Connell asked how the customers would back out of the driveway.

J. Gee said that she has a turnaround.

C. Mattison asked what products she would be selling.

J. Gee said that it is mainly plants and soil.

J. Perry motioned for a Public Hearing on May 15th, 2024, at 7:00PM.

H. Henick seconded the motion.

Unanimously carried.

**NEW BUSINESS:**

Applicant: Gary & Mary Mantegna

Property Owner: Gary & Mary Mantegna

Address: 3380 Sweden Walker Rd

Acres: 0.49

Zoning: RS-20

Applicant requesting an area variance for a generator installation not in accordance with setback requirements, Town Code 140-21D(1)(C)[2] Side setback: 10 feet.

J. Perry read aloud the questions used to determine the granting of an area variance and the answers that the applicant, M. Mantegna provided the board.

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

The applicant stated, "Cost benefit."

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

The applicant stated "None."

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

The applicant stated "None?"

4. Is the requested area variance substantial?

The applicant stated "60% (4ft from the property line)"

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

The applicant stated "No"

6. Was the alleged difficulty self-created? Note: 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.

The applicant stated "No?"

J. Perry asked if the generator would be on stone or a pad.

G. Mantegna said that it would be on stone.

J. Perry asked how far it would be from the neighbors and would they hear it.

G. Mantegna said that it powers up every thirty days and the neighbors are about 500-600ft.

P. Connell asked what the generator would be used for.

G. Mantegna said that it would be mainly for peace of mind because we often have windstorms that knock out the power.

K. Moore said that this house is only 6ft 8in in the North-West, and he is not sure how the house got put there instead of 10ft and this variance would have been minor if the house was placed properly.

J. Perry motioned for a Public Hearing on May 15th, 2024, at 7:00PM.

C. Mattison seconded the motion.

Unanimously carried.

**NEW BUSINESS:**

Applicant: Jonathan Suhr

Property Owner: Jonathan Suhr

Address: 3143 Clarkson Parma Townline Rd

Acres: 2.5

Zoning: RS-20

Applicant requesting an area variance regarding a pole barn that is 60x80ft for the height, the square footage, and number of buildings not in accordance with Local Law #4-2024 Accessory Structures: No such building shall be larger than 25% of the square footage of the main building or habitable floor area of the residence upon such lot, or 2% of the lot size, whichever is larger. In no case shall the accessory building exceed 2,500 square feet in size.

J. Perry read aloud the questions used to determine the granting of an area variance and the answers that the applicant, J. Suhr provided the board.

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

The applicant answered, "Applicant would like to store items inside pole barn."

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

The applicant answered "Applicant believes no undesirable changes will be produced"

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

The applicant answered, "Applicant does not have any other methods to achieve the benefit."

4. Is the requested area variance substantial?

The applicant answered "No, applicant does not believe the area variance is substantial."

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

The applicant answered, "No there will be no adverse effect on the physical or environmental conditions."

6. Was the alleged difficulty self-created? Note: 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.

The applicant answered "No, applicant does not believe the difficulty was self-created.

J. Suhr said that when he last spoke with K. Moore about this pole barn this law was not in affect.

K. Moore said that it is bigger than 25% of his house and this law just came into effect in 2023.

J. Suhr said that he would be attaching it to the 30x30 that is already there.

K. Moore said that the plan was revised and that there was a new drawing provided.

J. Perry asked what the material would be.

J. Suhr said it would be aluminum.

J. Perry asked if they would be extending the driveway.

J. Suhr said no.

K. Moore said that he might need a height variance as well.

J. Perry asked if he would just double check the minimum size.

J. Perry asked if there would be flexibility because if this goes to a public hearing and is denied they would have to wait a year to apply again.

J. Perry said that they would table this application to give J. Suhr more time to have definite measurements.

**NEW BUSINESS:**

Applicant: Joseph & Brittni Arena

Property Owner: Joesph Arena

Address: 126 Delaina Rose Cir

Acres: 0.41

Zoning: RS-10

Applicant requesting an area variance for a fence not in accordance with Town Code 140-19M. Corner lots and through lots. For the purposes of regulating the locations of buildings on corner lots and on lots extending through or between two nonintersecting streets, all buildings on a corner lot or a through lot shall be subject to the front yard requirements of the zoning district in which said corner lot or through lot is located on those sides which face the streets.

J. Perry read aloud the questions used to determine the granting of an area variance and the answers that the applicant, B. Arena, provided the board.

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

The applicant stated "Safety and privacy for our family and children. A fence would help reduce the noise from the main road."

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

Applicant stated "None."

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

Applicant stated "None."

4. Is the requested area variance substantial?

The applicant stated "This request is very important to our family. There was an original fence when we purchased the home along Rt. 19. The weather caused it to fall. Due to safety and privacy, we would like the yard to be completely fenced."

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

Applicant stated "No"

6. Was the alleged difficulty self-created? Note: 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.

Applicant stated “No”

J. Perry asked what kind of fence is being proposed.

B. Arena said that the back would be a 6ft tall wood fence and the rest would be chain-link.

J. Perry said that typically a condition to have the resident maintain the fence in like new condition.

J. Perry motioned for a Public Hearing on May 15th, 2024, at 7:00PM.

H. Henick seconded the motion.

Unanimously carried.

**NEW BUSINESS:**

Applicant: Mathew Greczyn

Property Owner: Mathew Greczyn

Address: 2236 Ireland Rd

Acres: 6.04

Zoning: RS-20

Applicant requesting an area variance for front entrance deck and stairs not in accordance with setback requirements, Town Code 140-21D(1)(C)[1] Front setback: 40 feet; 75 feet on a major road.

J. Perry read aloud the questions used to determine the granting of an area variance and the answers that the applicant, M. Greczyn, provided the board.

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

Applicant stated, “Access to my front door and a small sitting area in the front of my house.”

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

Applicant stated “None.”

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

Applicant stated “None.”

4. Is the requested area variance substantial?

Applicant stated “Not in my opinion, the proposed deck is the same size as the deteriorating concrete staircase. The new staircase will be 3’ closer to the road than what is already there.”

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

Applicant stated “No”

6. Was the alleged difficulty self-created? Note: 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.

Applicant stated “No”

M. Greczyn said that there is a 10ft difference from the driveway and the only addition is the staircase that came off the porch.

K. Moore said that the depth should be addressed so that it is complying.

H. Henick asked if there would be a roof and if the wood being used was composite or pressure treated.

M. Greczyn said there would not be a roof and he is unsure yet what type of wood that he will use.

H. Henick asked if the deck was part of the reason that he would need a 3ft variance.

M. Greczyn said yes.

K. Moore said that there are houses along the road that have decks.

M. Greczyn said yes to the east of his house there are houses on the road with decks.

J. Perry motioned for a Public Hearing on May 15th, 2024, at 7:00PM.

H. Henick seconded the motion.

Unanimously carried.

**NEW BUSINESS:**

Applicant: Michael Nauerth

Property Owner: Michael Nauerth

Address: 39 Woodstock Ln

Lot Dimensions: 90.00 x 159.60

Zoning: RS-20

Applicant requesting an area variance for a shed not in accordance with Local Law #4-2024 Accessory Structures 140-7(b)(1) One accessory building shall be permitted on any residential lot in the Town of Clarkson.

J. Perry read aloud the questions used to determine the granting of an area variance and the answers that the applicant, M. Nauerth provided the board.

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

The applicant stated, "A neat and covered storage area."

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

The applicant stated "None."

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

The applicant stated, "I would need to add onto my garage at a great cost."

4. Is the requested area variance substantial?

The applicant stated "No 12x24 shed."

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

The applicant stated "No"

6. Was the alleged difficulty self-created? Note: 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.

The applicant stated, "Sold my camp and brought many items home, no room in the garage."

J. Perry asked what the distance is to the property line.

M. Nauerth said that it is 13ft and that the shed will be in line with the old one and the pad will be completely new as well as there being a 3ft gap between them so that the space between can be maintained.

H. Henick said that it would be about 408ft in total with the two sheds combined.

P. Connell asked if there would be electric.

M. Nauerth said that it is a possibility in the future.

J. Perry asked if it would be used for storage.

M. Nauerth said yes.

J. Perry said that to the south is a huge woodland.

K. Moore said that there is a wetland that goes through it and that there is a drainage easement as well that goes through the back.

J. Perry asked what the height of the shed is.

M. Nauerth said that it is 10ft.

J. Perry motioned for a Public Hearing on May 15th, 2024, at 7:00PM.

C. Mattison seconded the motion.

Unanimously carried.

J. Perry motioned to rescind the previous motion for a Public Hearing on May 15th, 2024, at 7:00PM and motioned to place the Public Hearing on the meeting of June 5th, 2024, at 7:00PM.

P. Connell seconded the motion.

Unanimously carried.

**REVIEW MINUTES:**

H. Henick motioned to approve the minutes from 4/17/2024.

P. Connell seconded the motion.

Unanimously carried.

**ADJOURNMENT:**

J. Perry motioned to adjourn 9:00pm

H. Henick seconded the motion.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, May 15th, 2024, at 7:00 PM held at the Town Hall.

Respectfully submitted,

*Andrea Rookey, Building Department Clerk*