

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall
Wednesday, June 5th, 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.

PUBLIC HEARING:

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

C. Ziarniak read the Legal Notice aloud for the public present.

C. Ziarniak asked if M. Nauerth could explain his application.

M. Nauerth said that he is requesting a variance to have another shed and because of the local law that came into effect last year it doesn't allow more than one accessory structure.

C. Ziarniak asked if the second shed would look the same.

M. Nauerth said yes, except it would be boxed in.

C. Ziarniak asked if M. Nauerth meant by stating boxed in that there would be pressure treated wood at the base.

C. Ziarniak asked about the dimensions on the survey map.

M. Nauerth said that it was a rough sketch and would be the same size as the current shed in the yard.

H. Henick asked about the height.

M. Nauerth said that it is lower than 10ft.

C. Ziarniak asked if any public present would like to comment.

No public present commented.

C. Ziarniak asked if any public reached out regarding this application.

A. Rookey said no.

C. Ziarniak motioned to close the public hearing.

J. Perry seconded the motion.

Unanimously carried.

C. Ziarniak asked what the shed would be used for.

M. Nauerth said that it would be used for tools and a lawnmower.

C. Ziarniak asked if K. Moore had any concerns about the proposed shed's distance to the current shed.

K. Moore said no.

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

J. Perry seconded the motion.

Unanimously carried.

H. Henick 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."

H. Henick asked where things are currently being stored.

M. Nauerth said the garage and current shed.

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

The applicant stated "None."

C. Ziarniak said that the addition of the second smaller building will not change the character of the neighborhood because there is a large pole barn on a lot adjacent to his property.

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."

H. Henick said another question if he were to add onto the garage instead how close would be to the property lines.

C. Ziarniak said it looks like he would be encroaching on the side lot lines.

4. Is the requested area variance substantial?

The applicant stated "No 12x24 shed."

C. Ziarniak said that it is debatable with new accessory buildings

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

The applicant stated "No"

H. Henick said that this is not affecting wetlands or drainage.

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 motioned to approve the area variance for a second accessory structure with the condition that the specific location of the shed is noted on the instrument survey and that the accessory structure is not for commercial use.

H. Henick seconded the motion.

C. Ziarniak stated aye.

J. Perry stated aye.

H. Henick stated aye.

P. Connell abstained.

C. Mattison stated aye.

NEW BUSINESS:

Applicant: Michael Oaks

Property Owner: Michael Oaks

Address: 8089 Ridge Rd

Acres: 1.60

Zoning: HC

Applicant requesting special permit for a permanent sign for the business, Oaks Tree Service.

C. Ziarniak asked if M. Oaks could explain the application.

M. Oaks said that he would like to get a special permit for the sign that they have already placed.

C. Ziarniak said that the applicant would need to show on a survey map where the sign is proposed to be placed.

M. Oakes said that he would provide that.

C. Ziarniak asked if the picture provided was the current temporary sign.

M. Oakes said yes but they would like to make the sign bigger as mentioned in the application description.

K. Moore mentioned that if they chose to go with the measurements mentioned in the application it would require a variance for the size.

C. Ziarniak explained that in order for the sign to be proposed to meet code, 4sqft would need to be removed from the sign unless he would like keep it as those measurements, he would have to apply for an area variance as well.

C. Ziarniak said that the board would need the following materials to continue to review the application are the sign material, location and the dimensions.

C. Ziarniak tabled the application for the next meeting on June 19th.

NEW BUSINESS:

Applicant: Carly Truelson

Property Owner: Carl Grasta

Address: 122 West Ave

Zoning: Commercial

Applicant requesting special permit for a permanent sign for the business, Truly Pampered Salon.

C. Ziarniak asked if the applicant could explain the application.

Truelson said they had a sign placed where the previous sign for the last business in the building was

K. Moore said that the previous sign did not have a special permit but was there for a long period of time before the new business came in.

H. Henick asked if the sign would be on the south side of the building.

C. Ziarniak said that he would like to know where exactly the sign would be placed on the building and would like a better photo of the sign showing where it is located in reference to the building.

Truelson said that the current sign is plastic and has vinyl lettering.

C. Ziarniak motioned for a public hearing on June 19th.

J. Perry seconded the motion.

Unanimously carried.

NEW BUSINESS:

Applicant: Leah Brady

Property Owner: Leah Brady

Address: 4068 Lake Rd

Zoning: RS-10

Applicant requesting special permit for a permanent sign for the business, Brockport School of Dance.

C. Ziarniak asked if L. Brady could explain her application.

L. Brady said that she would like a special permit for the proposed sign that was submitted for her new business that will be where the previous daycare was.

K. Moore said that the sign is a 56sqft.

C. Ziarniak said that is significantly over what the code allows by 16sqft and asked if the size would be negotiable.

L. Brady said yes.

H. Henick asked if the sign would be lit up.

L. Brady said no.

C. Ziarniak said that the second sign within the application was within the size allotted by Town Code.

C. Ziarniak motioned for a Public Hearing on June 19th.

H. Henick seconded the motion.

Unanimously carried.

C. Ziarniak noted for the record that his daughter was a student at L. Brady's dance studio a long time ago and is no longer a student and has not been for years.

NEW BUSINESS:

Applicant: Jerry Scheck

Property Owner: Jerry Scheck

Address: 3432 Lake Rd

Zoning: RS-20

Applicant requesting a 5ft area variance to the property line for a garage not in accordance with 140-22D(1)(c)[2]side setbacks are 10ft and the garage occupying the front yard not in accordance with 140-7E Any required yard shall be entirely open and unoccupied by buildings other than: (1) Entrance porch or steps not over seven feet deep in a front yard. (2) Porches or terraces in side or rear yards, provided that they are not covered nor enclosed and are no closer to the lot lines than required by the applicable setback restrictions. (3) Detached accessory buildings occupying not over 25% of a required rear yard and setback as required by this chapter.

C. Ziarniak asked J. Scheck to explain his application.

J. Scheck said that he is the last house on Lake Road to get a garage and would like to have a garage to store cars because he collects cars.

C. Ziarniak asked if there was already a walkway between the house and the proposed area where the garage would be going.

J. Scheck said yes.

C. Ziarniak said that the application stated that this would have a metal roof and metal siding and that it sounded like it might look commercial.

J. Scheck said that the neighbor's garage that he attached a photo of was also metal and that they made it match the house, which is what he is proposing to do.

K. Moore said that there are a few houses on Lake Road that have garages in the style of pole barns.

C. Ziarniak said that he would like more from JLS about the wall height and the peak height.

J. Scheck said that he had the current size planned out so he could fit nine cars in the garage and have a lift.

K. Moore said he would not feel comfortable with the application if there was no fire separation.

C. Ziarniak said that they would need a more accurate rendering of what is proposed.

C. Ziarniak said that they would table this application until they have more information about what exactly the applicant is proposing.

NEW BUSINESS:

Applicant: Mark Ballerstein

Property Owner: Church Cares

Address: 2435 Lake Rd

Acres:1.30

Applicant requesting a special permit for Life Solutions of Hamlin at 2435 Lake Rd, emergency food pantry, treasure store and various seasonal programs.

C. Ziarniak said that M. Ballerstein was previously in front of the Zoning Board of Appeals for a code interpretation and is back for a special permit.

C. Ziarniak asked if M. Ballerstein could explain the application.

M. Ballerstein said that he was requesting a special permit as a part of the process for the amended local law that would allow Life Solutions to operate at their location.

M. Ballerstein said that Life Solutions would be a treasure store and would have programs such as the back-to-school program and the angel program.

C. Ziarniak motioned for a Public Hearing on June 19th.

H. Henick seconded the motion.

Unanimously carried.

C. Ziarniak noted that Life Solutions of Hamlin changed the sign at their location of 2435 Lake Road, but the sign is similar, and the only change to the sign is the wording on the sign.

REVIEW MINUTES:

C. Ziarniak motioned to approve the minutes from 5/15/2024 as amended.

H. Henick seconded the motion.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak motioned to adjourn 8:45pm

H. Henick seconded the motion.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, June 19th, 2024, at 7:00 PM held at the Town Hall.

Respectfully submitted,

Andrea Rookey, Building Department Clerk