**TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING**

**Held at the Clarkson Town Hall**

**Wednesday, March 6th, 2024, at 7:00 PM**

**Board Members** **Support Staff**

Conrad Ziarniak, Chairperson Keith O’Toole, Town Attorney Excused \*

Joseph Perry Kevin Moore, Code Enforcement

Howard Henick Andrea Rookey, Building Department Clerk

Peter Connell

Colleen Mattison \*

**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: Life Solutions of Hamlin

Property Owner: Church Cares, Mark Henthorn

Address: 2435 Lake Rd

Applicant is requesting a zoning interpretation from Building Inspector denial of Planning Board application.

Mark Ballerstein is the Vice President of Life Solutions of Hamlin and was representing on behalf of the non-for profit organization.

M. Ballerstein said that the organization provides Ridge Road north to the Lake.

C. Ziarniak asked how the organization manages to keep within the addresses from Ridge Road north to the Lake.

M. Ballerstein said that they check addresses with a piece of mail usually or they set up an appointment.

P. Connell asked how the organization manages checking that people are not going to multiple locations for the supplies.

M. Ballerstein said that there are locations in Hilton and that they coordinate with each other so people do not reach out to multiple places for resources.

C. Ziarniak asked if the organizations around them are also 501Cs.

M. Ballerstein said that he is unsure.

M. Ballerstein said that they feed around 120 people at most in Hamlin, they also provide a holiday meals program which provides to a greater number of people because they reach out to past families who have used their services who are still struggling. They also provide a back-to-school program that allows kids to get school supplies which were not needed as much because schools have now started providing their students with the supplies they need. They provide an angel program which is to provide children with gifts around Christmas and that usually is about 100-125 children. They have a treasure store that processes donated clothes and small furniture for a low price. The money generated for that is put into the organization to get more food. Other places that donate include, Food Link, Wegmans, Tops, and local farmers. There are typically 20-30 cars outside of their current building in Hamlin on each of their three days of operation. The new Building would be more spacious of a lot because it has in total 60 spaces. Their purchase of the Emmanual Baptist Church is contingent on the acceptance of their application to be able to have Life Solutions of Hamlin function in that building. The services that would be provided out of the Emmanuel Baptist Church would be the back-to-school program, the treasure store, the angel program, and the Santa shop. The pantry and the Holiday meals would remain at the original location in Hamlin.

M. Ballerstein said that he also had the idea that if possible that they have a mobile food truck that sits under the car canopy with pallets of food, this would be one day a month.

P. Connell asked if there would be any food storage at the Emmanel Baptist Church if the mobile truck was approved with the permits.

M. Ballerstein said that only the pantry food would be in the mobile truck.

M. Ballerstein asked if the board would interpret them social in nature, or as membership but not paid according to the code.

J. Perry asked how people would find them.

M. Ballerstein said that people would find them by word of mouth, through their website, in the newspaper, or through emergency service numbers.

J. perry asked what the trend is.

M. Ballerstein said they help around 3000 the last couple of years ago, but right now they are at 4000-5000.

C. Ziarniak said they are like a church and the charity is social in aspect.

P. Connell asked if they reach out with or work with any memberships.

C. Ziarniak asked K. Moore to outline the denial of the Planning Board application.

K. Moore said that he denied the application under the grounds of code 140-21 and 140-3 because he felt like the terms used would be a stretch when relating it to Life Solutions.

K. O’Toole read the code 140-21 for the permitted uses which include “[(1)](https://ecode360.com/8650706#8650706)Farm uses.[(2)](https://ecode360.com/8650707#8650707)Single-family residences.[(3)](https://ecode360.com/8650708#8650708)Upon receipt of a special use permit from the Planning Board in accordance with the procedures of § [140-38F](https://ecode360.com/8651328#8651328) of this chapter:[(a)](https://ecode360.com/8650709#8650709)Roadside stands for the sale of agricultural products actually grown or raised on the premises.[(b)](https://ecode360.com/8650710#8650710)Tree nurseries and commercial greenhouses.[(c)](https://ecode360.com/8650711#8650711)Public buildings and grounds.[(d)](https://ecode360.com/8650712#8650712)Animal kennels and/or animal hospitals.[(e)](https://ecode360.com/8650713#8650713)Two-family residences[(f)](https://ecode360.com/8650714#8650714)Ice-cream stands, only in conjunction with, and accessory to, a roadside stand permit issued in Subsection… [(g)](https://ecode360.com/8650723#8650723)Day-care centers…”

K. O’Toole read the definition in 140-3 Intended to designate any one or more of the following uses, including grounds necessary for their use and accessory buildings: [A.](https://ecode360.com/8650518#8650518)Churches, places of worship, parish houses and convents. [B.](https://ecode360.com/8650519#8650519)Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority. [C.](https://ecode360.com/8650520#8650520)Nursery schools, elementary schools, high schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York. [D.](https://ecode360.com/8650521#8650521)Golf courses and country clubs when occupying not less than 50 acres, not including, however, clubs whose activities include the maintenance, storage, takeoff or landing of aircrafts. [E.](https://ecode360.com/8650522#8650522)Public libraries and museums. [F.](https://ecode360.com/8650523#8650523)Municipal buildings. [G.](https://ecode360.com/8650524#8650524)Hospitals for the treatment of human beings and convalescent or nursing homes, all duly licensed by the State of New York. [H.](https://ecode360.com/8650525#8650525)Nonprofit membership corporations established for cultural, social or recreational purposes, upon application to the Zoning Board of Appeals for a special permit. Said special permit shall be for the proposed use only. If said permit is granted, site plan approval must be secured from the Planning Board.

K. O’Toole said that the definition of a non-profit membership was.

J. Perry asked is there a place within the code that would allow Life Solutions without a variance.

K. Moore said that this would be allowed in a highway commercial.

C. Ziarniak said that the code could not have anticipated all uses.

H. Hennick said that the application does not follow in the interpretation.

J. Perry said that he agrees with H. Hennick’s statement.

P. Connell said that he agrees with what has been said and asked if anything else could be done.

K. Moore said that another route that this application had started to pursue but did not follow was going to the Town Board for a law change.

C. Ziarniak motioned for a Public Hearing on March 20th, 2024, at 7:00pm

J. Perry seconded.

Unanimously carried.

**REVIEW MINUTES:**

C. Ziarniak motioned to approve the minutes from 2/7/2024.

H. Henick seconded the motion.

Unanimously carried.

**ADJOURNMENT:**

C. Ziarniak motioned to adjourn 8:25pm

J. Perry seconded the motion.

Unanimously carried.

**NEXT MEETING:**

The next meeting of the Zoning Board of Appeals will be Wednesday, March 20th, 2024, at 7:00 PM held at the Town Hall.

Respectfully submitted,

*Andrea Rookey, Building Department Clerk*