

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – August 20, 2008

PRESENT – Board Members

Conrad Ziarniak - Chairperson
Wade Radtke
Paul Dittman
Rick Sheffer
Jackie Smith

Support Board Members

Ursula M. Liotta, Dep. Town Clerk
Richard Olson, Town Attorney *
Larry Gurslin, Code Enforcement

Excused *

CALL TO ORDER

C. Ziarniak called the meeting to order at 7:00 pm and led all present in the Pledge of Allegiance.

OPEN FORUM

NEW BUSINESS

1. Scarpulla’s Deli & Bakery, 8089 W. Ridge Road, Tax Acct. #054.04-1-45.11

Applicant/Owner: Michael P. Scarpulla - Application for a Sign Permit

Michael P. Scarpulla, introduced himself as the new owner of the above-mentioned property, and briefly explained the intention of the new business. He presented a photocopy of what the two (2) proposed signs look like, including size and composite information.

The Applicant questioned the amount of minimum distance he is allowed from the road for the roadside sign. C. Ziarniak suggested he refer to his instrument survey that will show the NYS right-of-way. Further, he suggested that the Ontrac file be located in order to determine the exact sign location on the map that was approved for that business. W. Radtke stated that he recalled the Ontrac application for a sign permit. A copy of map will be included in this file. The Board agreed that if the new roadside sign were put where the Ontrac sign was, there would be no sight obstruction.

W. Radtke inquired regarding lighting on the signs. The Applicant stated that there is electric at the roadside and that they will have spotlights shining down on both sides of the sign; that the lights on the building sign would be shining down on it, and not towards the street. W. Radtke asked the Applicant if he would consider putting the lights on a timer, and he said yes, however the hours of operation have not yet been determined.

C. Ziarniak made a motion to schedule a Public Hearing for September 3, 2008; second by W. Radtke; unanimously carried. The sign description for the legal notice will read as follows:

1. A twenty four (24) square foot roadside sign to be erected facing East and West in front of the property located at 8089 W. Ridge Road; and
2. A forty (40) square foot sign to be erected on the rooftop of the North side of the building.

The fee for the sign permit application was discussed, and it was computed per the fee schedule as follows: 24 x \$2 sq.ft. = \$48, plus 40 x \$2 sq.ft. = 80, totaling \$128.

2. Applicant/Owner: Ophardt, Ronald & Donna, lot 5 Wedgewood Court (corner lot)
Application for an area variance (back boundary)

Mr. And Mrs. Ophardt introduced themselves, and stated that they have sold their home on Sweden Walker Road, and have purchased the above referenced lot for the build of a new home.

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The Applicants met with L. Gursslin earlier in the day and determined that the house plans are too large to fit on the corner lot and does not meet the setback requirements; that they will require a thirteen (13) foot area variance to the rear of the property. L. Gursslin stated that he is surprised at how small the subdivision lots are; that the subject corner lot was probably intended for a two-story structure, not a ranch; that corner lots have always been a problem.

C. Ziarniak stated that every situation is unique and the Board reviews each matter based on NYS law; that similar applications have been approved in the past; that the Board will proceed with the application.

P. Dittman made a motion to schedule a Public Hearing for September 3, 2008; second by J. Smith; unanimously carried.

Discussion followed. If the area variance were granted, it would only allow for a seventeen (17) foot backyard, backing up to the neighbor's side lot. There would not be enough room for a shed or a patio. It was suggested that perhaps the house be brought forward on the lot by approximately six (6) feet, and that a minimum area variance be granted for the rear of the property. C. Ziarniak suggested to the Applicants that their engineer be present at the Public Hearing to address this possibility, and further, that the Board members view the property location prior to September 3rd.

OLD BUSINESS

Re: Ward Bowen

Following the agenda items, the ZBA members asked L. Gursslin to summarize the Planning Board's action on Tuesday, August 19, 2008. L. Gursslin's dialog w/the ZBA included the following:

- a Board member stated that he was surprised to see that work had already started on the Bowen property. L. Gursslin stated that as of 4:00 p.m. that day, the shovel had arrived.
- that he told the Planning Board that he had a proposal to present to the Town Board on Tuesday, August 26, 2008; that after L. Gursslin reviewed his proposal w/P. Kimball, he called for an Executive Session of the Town Board, to include JP Schepp, R. Olson, L. Gursslin and S. Lessord. L. Gursslin has prepared a packet of information for the Town Board that includes a fact sheet (which is different from hear-say), a letter stating his position based on the facts and the town code, and a timeline.
- that the PB had made a recommendation and motion to allow the fill to remain, but that it be moved to the E and S sides of the floodplain; that the floodplain be covered w/topsoil and seeded by 9/30/08; all work to be completed at Bowen's expense.
- that the Planning Board's decision was based on "how to get it over with" so that grass may be planted before winter; that the existing topsoil is enough to cover it up; that no additional material is to be brought in; that it was questioned "how did we get here?" and "how do we get out of here?".
- that unknown to some, the person who has the sole discretion to make a decision re: a fill permit is the building inspector; that fill permits should never come before the PB. U. Liotta questioned the status of W. Bowen's second fill permit; L. Gursslin stated that it shouldn't have been submitted or paid for.
- that the W. Bowen matter is a very cantankerous situation since the majority do not want the fill to remain in the floodplain; that it would cost W. Bowen \$3,500-5,000 to remove the fill.

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- that he has walked St. Katherine's way 2x and he has been in the creek bed; that he saw most of the erosion in Lot 1 to the W since it has the most of the bends in the creek.
- that the new FEMA maps show that the property is in flood zone A; that W. Bowen's fill permit was for the floodplain, not the floodway.
- that Mr. Metivir from the Army Corp of Engineers was invited by S. Lessord to visit the site; that he came on his own to look at the work completed under the first fill permit; that L. Gursslin received a verbal response from Metivir stating that W. Bowen has met the criteria and has closed that permit. U. Liotta questioned if L. Gursslin actually spoke w/Mr. Metivir, or if it was a message on the answering machine. L. Gursslin stated that he had spoken w/Mr. Metivir.
- that the DEC says it's ok for the logs present at the site to be buried, but our local code does not allow for logs to be buried.
- that Monroe County gave W. Bowen a survey of the elevation of the property;
- that R. Olson instructed L. Gursslin to release the stop work order at the PB meeting the day before; U. Liotta questioned this statement, commenting that it wasn't part of the meeting or her notes; L. Gursslin clarified that the direction from R. Olson occurred after the PB meeting.
- that JP Schepp and R. Olson will be supportive of his proposal to the Town Board.

PUBLIC HEARING

REVIEW OF MEETING MINUTES

C. Ziarniak made a motion to approve the August 6, 2008 minutes; second by J. Smith; unanimously carried; W. Radtke abstained.

ADJOURNMENT

W. Radtke made a motion to adjourn at 8:15 p.m.; seconded by R. Sheffer; unanimously carried.

NEXT MEETING: September 3, 2008

Approved 9/3/08

Respectfully Submitted,

Ursula M. Liotta
Deputy Town Clerk