

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – September 3, 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 Gursslin, Code Enforcement *

Excused *

CALL TO ORDER

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

OPEN FORUM

NEW BUSINESS

OLD BUSINESS

PUBLIC HEARING

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

C. Ziarniak opened the Public Hearing, read the Legal Notice aloud, and requested the Applicant to briefly describe the two signs that he is proposing for the new business. He provided a sample of non-glare plastic material that will be used for both signs, and will be professionally made by “The Signery”, as follows:

- The roadside sign facing E and W, with the dimensions of 3 (three) ft. x 5 (five) ft. or 15 (fifteen) sq. ft., will be held in place by vinyl covered structural fence posts and secured in concrete in the exact location used by the former property/business owner.
- The building/fascia sign facing N will be 2 (two) ft. x 20 (twenty) ft. or 40 (forty) sq. ft.
- Both signs will be lit by five hundred (500) watt all weather bulbs, shining upward.

C. Ziarniak asked for comments from the public; none were given. C. Ziarniak made a motion to close the Public Hearing; second by W. Radtke; unanimously carried.

Discussion:

W. Radtke inquired about the hours of operation. Applicant stated that they were considering the hours of 6:00 a.m. to 6:00 or 7:00 p.m.

With regard to the timer on the sign lighting, R. Olson inquired if the hours of 5:00 a.m. to 9:00 p.m. would be appropriate. P. Dittman asked the Applicant if he would be willing to downgrade the wattage of the lights in the event they seemed to be overbearing. Applicant agreed.

R. Olson stated that the specific location of the roadside sign should be noted on Applicant’s instrument survey map, and he asked Applicant to provide a copy of said map to the Board for the file.

C. Ziarniak made a motion determining that this matter was a Type II action and therefore, not subject to further environmental review; second by W. Radtke; unanimously carried.

W. Radtke made a motion to grant the Applicant’s request for a sign permit based on the dimensions in the drawings provided by Applicant, and more specifically as follows:

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
September 3, 2008

1. A fifteen (15) square foot roadside sign is to be erected facing East and West in the exact location as the prior owner's sign; that this sign is not to exceed seven (7) feet in height from the ground up; that two all-weather lights with five hundred (500) watt bulbs will be affixed to each side of the sign and will shine in an upward direction; that Applicant will provide the Zoning Board of Appeals with a copy of the instrument survey indicating the exact location of the roadside sign; and
2. A forty (40) square foot sign is to be erected on the rooftop/fascia of the North side of the building; that two (2) all-weather lights with five hundred (500) watt bulbs will be affixed to each side of the sign and will shine in an upward direction; and
3. The lighting for both signs will be set on timers from 5:00 am - 9:00 pm; and
4. In the event the brightness of the roadside lights becomes an issue, then Applicant will amend the lighting accordingly to prevent glare to oncoming traffic; and
5. Both signs will be professionally made of one-eighth (1/8") aluminum laminate panel all weather non-glare material, and are to be maintained in like-new condition.

P. Dittman second the motion; unanimously carried.

2. Applicant/Owner: Ophardt, Ronald & Donna
5 Wedgewood Court, Tax Acct. #069.02-1-44
Application for an area variance (back boundary)

C. Ziarniak read the legal notice aloud, and asked the Applicants' representative, Rich Maier, Maier Land Surveying, to briefly describe the purpose for the Application. R. Maier showed the instrument survey map, stating that the corner lot is very small; that the Applicants have final house construction plans, and they wish to build on said lot; that several homes have already been built in that tract, and they're all very close to the property lines.

C. Ziarniak provided copies of the map to the public, and explained the situation, i.e. the house's footprint is too large to fit the corner lot, based on Town Code.

The following comments were made during discussion: that the Code actually treats a corner lot as though it has two front yards; • that corner lots have always been a challenge because of the size and the setback requirements; • that the back portion of the Applicants' home requires thirty (30) feet per Code, but according to the plan submitted, they will have only a seventeen (17) foot set back to the West property line; • that the clients have chosen and designed a house plan, and they have purchased the property.

C. Ziarniak asked for comments from the public:

Steven Pawlak, 20 Chandon Place, Brockport, NY, questioned, "what might it reflect to others that come in to the tract?" C. Ziarniak responded that this situation is specific to the Applicants; that every situation is unique, and is handled on an individual basis.

Jim Schuler, 8 Wedgewood Court, Brockport, NY, stated that he and his wife researched building a house in that tract for three (3) years; they had Barden Homes draw the plans and had to redraw them five (5) times; they picked the final plans to fit the lot.

R. Olson stated that the subdivision was formed in 1993 and Town Code specifications have changed since then; that the Town Code would allow for a nine hundred sixty (960) foot sq. ft. ranch to fit on the subject lot, however, the tract deed restrictions call for a fifteen hundred (1,500) sq. ft. house.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

September 3, 2008

J. Schuler asked the Applicants if they are building a Barden home; answer – yes.

S. Pawlak explained the division of the two companies, Barden Homes and Greentree of Wedgewood, LLC.

Marion Pawlak, 20 Chandon Place, Brockport, NY suggested bringing the house forward five (5) to ten (10) feet. C. Ziarniak stated that he wanted to make sure that it would not change the character of the neighborhood; that the Board members would have to decide if that was a viable option.

W. Radtke recalled a previous variance that the Board granted to a homeowner on Woodstock Lane; that he recently drove past the property and found that the variance did not make a difference to the neighborhood as a whole.

J. Schuler asked the Applicants if they had considered contacting Greentree of Wedgewood, LLC and asked to trade lots. R. Ophardt said no, because he picked the lot himself.

R. Olson stated that the Applicants are really restricted in the use of their lot in terms of adding a shed, deck, fence, pool, etc; D. Ophardt stated that it's not restrictive to them; that she doesn't want those structures after living on a large farm for years.

C. Ziarniak made a motion to close the Public Hearing; second by R. Sheffer; unanimously carried.

Discussion:

Including the following: W. Radtke stated that he would consider moving the house forward five (5) feet on the plans; P. Dittman stated that the alignment of the houses on the lots going into the cul de sac would naturally fluctuate; C. Ziarniak questioned whether two variances would be required or just one; R. Olson stated that easements were not a problem; C. Ziarniak questioned the practical application; it was suggested that the front setback be changed to thirty six (36) feet instead of forty (40), and the back setback be changed from seventeen (17) feet to twenty (20); that the house proper will not be in violation in the front, but the garage will stick out a bit further; W. Radtke asked the public if that would be acceptable to everyone present, and they agreed.

C. Ziarniak made a motion determining that this matter was a Type II action and therefore, not subject to further environmental review; second by W. Radtke; unanimously carried.

C. Ziarniak made a motion that the Board approve the Applicants' area variance, which is really two area variances, i.e. at the front and the back of the home, as follows:

1. Allowing a thirty-six (36) foot setback from the front of the structure at the Northeast corner of the proposed dwelling, and a twenty (20) foot setback from the rear of the proposed dwelling to the West property line, thereby providing a leeway for excavation on the property site; and
2. The North and South lines stay within the required setbacks

Second by P. Dittman; unanimously carried.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

September 3, 2008

OTHER

R. Olson addressed the Board and stated that he wanted to discuss what had transpired since the last Zoning Board of Appeals meeting on August 20, 2008 with regard to L. Gursslin and the W. Bowen matter. The August 20th minutes reflected the following:

“•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.”

R. Olson stated that he did not give any such statement, or have a post-meeting conversation with L. Gursslin, and that he is livid about the insinuation; that he never would have given the go-ahead to L. Gursslin to release the stop work order, nor does he have the authority to do so; that he wanted the record to indicate that he was present at this ZBA meeting to give his side of the story.

Discussion followed among the board members, including:

C. Ziarniak stated that he was confused by L. Gursslin stating that he was going to present a plan to the Town Board the following week, when the 'stop work' order had already been released, and the equipment was already working on the premises that Wednesday evening; and

W. Radtke stated that he came to L. Gursslin's office on Tuesday, August 26, 2008 to challenge him on the work that was being done at the Bowen property, but L. Gursslin did not give him any clear answers; and

C. Ziarniak asked R. Olson how he thought the Town Board might handle this matter; R. Olson stated that he did not know.

REVIEW OF MEETING MINUTES

Discussion was had re: leaving the W. Bowen issue in the minutes. W. Radtke made a motion to approve the August 20, 2008 minutes; second by R. Sheffer; unanimously carried.

ADJOURNMENT

C. Ziarniak made a motion to adjourn at 8:30 p.m.; seconded by J. Smith; unanimously carried.

NEXT MEETING: September 17, 2008

Approved 9/17/08

Respectfully Submitted,

Ursula M. Liotta
Deputy Town Clerk