

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – April 1, 2009

PRESENT – Board Members

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

Support Board Members

Richard Olson, Town Attorney *
Chad Fabry, Code Enforcement *
Ursula M. Liotta, Building Dept. Coordinator

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.

PUBLIC HEARING:

- 1. Kyla Giles, Applicant – ZBA #2009-1**
Selah Images Photo Studio – Customary Home Occupation
9094 Ridge Road, Tax Acct. #053.02-1-5.1

C. Ziarniak opened the public hearing by reading aloud the legal notice. C. Ziarniak asked the Applicant to outline her intentions with regard to her application for a Special Permit for Customary Home Operation (CHO).

K. Giles introduced herself and stated that she has been in business for two and one-half (2-1/2) years, and her intent is to obtain a special permit to allow her to work in a studio at her home, by appointment only.

A. Regarding the CHO, discussion followed, including:

- Applicant was asked if she lived at the residence, and she answered yes.
- The square footage of the home was determined to be a minimum of 1,200 square feet; that the amount of square footage to be used for the Customary Home Occupation is less than 25% of the total square footage of the home.
- That the hours of operation will be Monday-Friday from 9:00 am -7:00 pm, by appointment only.
- That depending on the season, Applicant may have seven or eight appointments per week; that she does not anticipate more than one person at a time at the studio, with a peak of 10 appointments per week.
- That the driveway and turnaround can easily accommodate 2 – 4 vehicles; that Applicant’s two family cars will be parked in the garage at the residence, thereby freeing the driveway space for customers; that the driveway turnaround will always be available for customers’ use so that they do not have to back out into Ridge Road traffic.
- That the customers’ entrance will be through the front door of the residence, and downstairs to the studio.
- That the studio will be digital only, with no chemical processing of photographs.
- That when Applicant and her husband purchased the home, the lower level was already renovated.
- That one of the conditions of the Notice of Decision for the Special Permit will be that the building inspector will visit the studio space at the residence to determine its compliance, and will subsequently issue a Certificate of Compliance.

B. Regarding the proposed sign, discussion followed, including:

- The Applicant presented a rendering of the oval sign that she proposes to use and the location where it will be placed at her residence.
- That the sign is less than two (2) square feet and it will not be illuminated.
- That the sign will be posted so that it will not interfere with drivers’ visibility from the road.

Chairperson Ziarniak stated that no one from the public was present to offer comments, and made a motion to close the public hearing; second by J. Smith; unanimously carried. No further questions, comments or discussion was offered by the Board.

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Chairperson Ziarniak made a motion determining that this matter is a Type II SEQR action, and therefore not subject to further environmental review; second by R. Sheffer; unanimously carried.

W. Radtke made a motion that this Board grant Applicant's request for a Special Permit for a Customary Home Occupation based on the following terms and conditions:

1. That the building inspector shall inspect the property to confirm that it meets all applicable Town and NYS Building Codes.
2. That a Certificate of Compliance must be issued prior to the Applicant doing business at the above address.
3. That Applicant will operate a digital studio only, with no chemical photo processing on site.
4. That all outdoor photo shoots will be held in the backyard of the residence.
5. That Applicant's customers will be given ample parking in the driveway, and that the driveway turn around will be made available for their use.
6. That the hours of operation will be on Monday-Saturday from 9:00 am -7:00 pm., by appointment only.

And,

7. That the sign advertising Applicant's business be kept in "like new" condition;
8. That the sign will be posted so that it will not interfere with drivers' visibility from the road;
9. That the sign will not be illuminated.

R. Sheffer second the motion; unanimously carried. The Notice of Decision will be prepared and forwarded to the Applicant, and will be in effect for one year from the date it is signed by the Chairperson.

NEW BUSINESS: None

OLD BUSINESS: None

OPEN FORUM:

Olivia Scarpulla, 8089 Ridge Road, Tax Acct. #054.04-1-45.11

Re: window sign for new hair salon business

O. Scarpulla stated that she is opening a hair salon business at the above address, to the west of the existing deli business; that she would like to put her business sign in the form of a decal on the inside of the

36" x 49" window on the building; that she was inquiring if she in fact needs to complete a sign permit application. Discussion by the Board members included:

- That it is a separate business operating in the Town of Clarkson.
- Does the window decal constitute the business' sign, even if it is not "erected" per Code?
- The Board agreed to consult the Attorney for the Town for clarification, and will advise O. Scarpulla accordingly.

OTHER:

Monroe County Department of Planning & Development – Referral Form: The Board members reviewed the form to familiarize themselves with it in the event it needs to be used in the future.

Zoning Code Interpretation: The Board discussed adding this to the ZBA application, and charging a \$100 interpretation fee. U. Liotta will draft the form to be attached to the application.

REVIEW OF MEETING MINUTES: March 4, 2009

J. Smith made a motion to accept the minutes; second by C. Ziarniak; unanimously carried.

NEXT MEETING: April 15, 2009

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ADJOURNMENT: C. Ziarniak made a motion to adjourn at 7:55 p.m.; seconded by J. Smith; unanimously carried.

Approved 4-15-09

Respectfully Submitted
Ursula M. Liotta, Bldg. Dept. Coordinator