

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – May 6, 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. **Michael S. Snyder**, Tents Today – ZBA #2009-2
@8423 Ridge Road, Tax Acct. #054.13-2-13
Application for sign permit

C. Ziarniak recused himself as Chair of the Public Hearing because of his personal business dealings with the Applicant, and turned the chair over to P. Dittman.

P. Dittman read the legal notice aloud, and asked the Applicant to briefly review his application. The Applicant stated that he is asking permission to attach his “Tents Today” business sign to the existing barber shop sign at the site from April 1-August 31. Based on the board’s suggestion at the last meeting, he attempted to attach his sign to the top of the existing sign, but because of an objection he received, he put it on the side. Since the Applicant relocated the sign, he has not had any complaints from the neighbors. He plans to remove it on August 31.

C. Fabry questioned why the Applicant is allowed to have a sign when his business is not a Customary Home Occupation (CHO). Per the request of the Board at the last meeting, U. Liotta researched the history of the property in the minute books, and read aloud from the ZBA Minutes 4-4-01 and the Planning Board Minutes 5-1-01 & 5-15-01 wherein a CHO was granted to owner of the property, Richard Schlichter, but not the Applicant herein. C. Fabry stated the current application is for a new sign for a different business that does not fit under the previously granted CHO.

P. Dittman called for comments from the public; there were none. J. Smith made a motion to close the public hearing; second by R. Sheffer; unanimously carried.

Discussion: P. Dittman stated that the barbershop sign is old and is showing its age; that the sign as a whole needs to be kept in like new condition. After further discussion, the Board agreed that the current application be granted.

P. Dittman made a motion stating that this matter is a Type II SEQR action and therefore, not subject to further environmental review; second by J. Smith; unanimously carried.

R. Sheffer made a motion to grant the Sign Permit, and the Notice of Decision shall include the following:

1. that the Sign Permit is granted based on a pre-existing non-conforming use, i.e. a previously granted Customary Home Occupation to the owner of the property, Richard Schlichter, with the dwelling being used as a business; and
2. that the sign will have no additional lighting; and
3. that the sign will be kept in “like new” condition; and
4. that the sign will not interfere with the line of sight for entering and existing the driveway at the premises; and
5. that the sign will be displayed from April 1 – August 31 each year.

P. Dittman second the motion; vote taken: R. Sheffer aye
J. Smith aye
P. Dittman aye
C. Ziarniak abstained
W. Radtke absent

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NEW BUSINESS:

1. **Olivia Scarpulla, Olivia's Hair Salon**, ZBA #2009-4
Application for a Sign Permit (cont'd.)
8089 Ridge Road, Tax Acct. #054.04-1-45.11

C. Ziarniak stated that the Board received O. Scarpulla's application for a sign permit, together with a rendering of the vinyl four (4) square foot decal to be applied to the window of her business' storefront. O. Scarpulla stated that she will eventually make application for a sign to be hung from the existing sign at the roadside.

C. Ziarniak made a motion to schedule a Public Hearing for May 20, 2009; second by J. Smith; unanimously carried.

2. **Terry Keister, Dog Hair Everywhere!**, ZBA #2009-3
Application for a Sign Permit
2176 Lake Road, Tax Acct. #029.03-1-31

C. Ziarniak stated that the Board received T. Keister's application for a sign permit, together with a rendering of the sign. He asked the Applicant to briefly explain her application. T. Keister stated that she is still tweaking the design of the proposed sign; that the sign will be hung to the E of the business entrance to the N; that it will be made of aluminite weather-resistant material and will be kept in like-new condition; that it will not be illuminated. The former tenant had lettering on the building in the same place as where the new sign will be hung. Dan Hale, landlord, has approved the sign. T. Keister added that there is presently a banner hanging in place of the new sign, pending the permit. C. Ziarniak stated to the Applicant that the banner must be removed once the sign permit is granted and the new sign hung.

C. Fabry stated that the landlord is working on renovating the rest of the building, and to intensify the use of the building by adding tenant space. Each tenant will have a unique space for their own sign. C. Ziarniak asked about a combined sign for all the businesses at this location. C. Fabry stated that he does not believe there is room for a "group" sign at the site.

C. Ziarniak asked the Applicant to provide a photograph showing the location of the proposed sign on the building prior to the Public Hearing. C. Ziarniak made a motion to schedule the Public Hearing for May 20, 2009; second by J. Smith; unanimously carried.

3. **Brian Tatar, Stump Grinding** – Application for a Sign Permit or a CHO (no fee paid)
8287 Ridge Road (Historical Overlay District), Tax Acct. #054.14-1-35.1

B. Tatar did not show for the meeting. Discussion ensued and C. Fabry stated the following:

- that the sign appeared before B. Tatar's home at 8287 Ridge Road, and he was asked to remove it;
- that the home is in the Historical Overlay District;
- that he determined that the business is not a CHO and does not fit the definition per code, and therefore a sign cannot be permitted;
- that the services rendered and the equipment used by B. Tatar do not fall under the criteria of a CHO, per code.
- that he has explained to B. Tatar that his occupation does not fit the parameters of a CHO; that his sign is illegal and must be removed; that B. Tatar may use a truck (less than one ton) to put a sign on and park it in his driveway for advertisement.

Regarding contractors performing work for homeowners, C. Fabry said that as long as the business owner is engaged in working at the property, their advertisement may remain on site, but as soon as the work is completed, the sign must be removed. C. Ziarniak added that until the Town had C. Fabry's involvement, signs have been out of control.

C. Ziarniak stated if this matter were a true CHO, the Applicant would have been required to appear before the Architectural Review Board to review the prospective sign; G. Shaw, chair of the ARB was present, and stated that the Board intends to submit suggestions for changing the code to accommodate similar situations.

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3. Mavis Kenyon

Resubdivision Plan of Hidden Plains, Section 1
2586 Lake Road, Tax Acct. #029.03-1-45.2 (2.0 a.) & 029.03-1-45.121 (108.5 a.)
Presented by: Darryl Moser, LS, Schultz Associates

D. Moser introduced himself and stated the following:

- that Applicant requested him to make a change in the lot line of the lands that she and her husband own;
- that Mr. Kenyon’s health has been failing;
- that the Kenyons will continue to own both parcels; they will not need an easement for the driveway back to themselves;
- that a farmer has made an offer to the Kenyons to purchase the farm, as well as the house parcel;
- that if and when the property is sold, the attorneys will create the easement at that time;
- that there may be a subdivision in the future;
- that it is not a title issue, just the redrawing of a lot line by eighty feet (80’);
- that the entrance to the N on Lake Road is not useable because of a creek running through it, and because of that factor, the land is realistically land-locked;

C. Fabry stated that according to code, a flag lot needs to be at least 100’ wide for a length of 75’ from the road, and must remain that way for 40 feet. Further, 2 acres are required for sewers. This parcel does not meet either criterion stated, which is why the Applicant is seeking relief w/this application.

R. Sheffer asked re: moving the driveway. D. Moser stated no, the Kenyons will retain the driveway where it is, and will have an easement; that it will be a title issue handled by the attorneys in the future. D. Moser added that the Town Engineer has reviewed the site plan and did not have a problem with the site issues.

C. Ziarniak made a motion to schedule a public hearing for June 17, 2009; second by R. Sheffer; unanimously carried. C. Ziarniak directed that all board members visit the site prior to the public hearing.

U. Liotta stated that she will refer the matter to the Monroe County Department of Planning & Development for their review. C. Ziarniak requested the written response from the Conservation Board per their review on April 8, 2009.

OLD BUSINESS: None

OPEN FORUM:

Patrick McGinnity, 40 Leanna Crescent, stated that he would like to place a shed on his rear property line; that the property behind him is wet, and not buildable, in his opinion. C. Ziarniak stated that he would still need a reasonable amount of space behind the shed so that it could be maintained; that he could make application to the ZBA for an area variance; that the cost would be \$150. Discussion continued regarding the property to the rear of the subject parcel. P. McGinnity will take the information into consideration.

REVIEW OF MEETING MINUTES: April 21, 2009

R. Sheffer made a motion to accept the minutes; second by P. Dittman.

Vote taken:	R. Sheffer	aye
	J. Smith	aye
	P. Dittman	aye
	C. Ziarniak	abstained
	W. Radtke	absent

OTHER: Discussion was had regarding J. Smith’s inquiry about the sign issues around town, i.e. Scarpulla’s Deli & Bakery (add-on signs), Michael’s Tree Service, stump grinding sign, etc. R. Sheffer mentioned certain upcoming meeting dates that he may miss due to family/sports commitments, including the next meeting on 5-20-09.

NEXT MEETING: May 20, 2009

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:45 p.m.; seconded by J. Smith; unanimously carried.

Approved 5-20-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator