

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

Minutes – May 20, 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. **Terry Keister, Dog Hair Everywhere!** - Application for a Sign Permit
2176 Lake Road, Tax Acct. #029.03-1-31

C. Ziarniak opened the Public Hearing and read the legal notice aloud. C. Ziarniak asked the Applicant to briefly explain her application and to describe the proposed sign for her business. T. Keister stated as follows:

- that the sign will be next to the entrance door, not above it;
- that the rendering (dog logo) has been changed from the one originally submitted w/the application;
- that the sign will be professionally made of alupalite which will withstand the weather elements;
- that the sign is twenty four (24) square feet;
- that it will not be illuminated; that there are existing lights under the eaves of the building;
- that the new sign will replace the banner now hanging.

C. Ziarniak asked the Applicant to submit a photo or a photocopy rendering of the actual sign for the file.

C. Ziarniak called for comments from the public; there were none. C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

Board Discussion:

C. Ziarniak asked if the landlord has considered a composite sign to advertise all the businesses at this location. If so, he would like to see cohesiveness in the design of the signs for each business. He thought it would be preferable to have one composite sign that would advertise each business. Further, he added that he visited the location and expressed some concern for traffic safety since it was difficult for the Applicant's storefront to be noticed as a Lake Road address when the driveway entrance is on Clarkson Hamlin Town Line Road. The Applicant agreed, however she did not want to spend anymore money for an additional sign at the Lake Road entrance.

C. Ziarniak 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.

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

1. that the sign is twenty-four (24) square feet;
2. that the sign is professionally made with alupalite material and is weather-resistant;
3. that the sign will have no additional lighting;
4. that the sign will be kept in "like new" condition;
5. that the sign will not interfere with the line of sight for entering and existing the driveway at the premises.

C. Ziarniak second the motion; unanimously carried.

2. **Olivia Scarpulla, Olivia's Hair Boutique** – Application for a Sign Permit
8089 Ridge Road, Tax Acct. #054.04-1-45.11

C. Ziarniak opened the Public Hearing and read the legal notice aloud. C. Ziarniak asked the Applicant to briefly explain her application and to describe the proposed sign for her business. O. Scarpulla stated as follows:

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

May 20, 2009

- that the sign is a four (4) square foot vinyl decal/sticker that is adhered to the window of the business.

C. Ziarniak inquired if the Applicant anticipated any future signage at the road, and she responded, not right now. C. Ziarniak reminded the Applicant that if she desired another sign at the road, she would have to make a new application before this Board, and she understood. C. Ziarniak stated that the Applicant’s business is in the building now owned by Scarpulla’s Deli & Bakery, formerly the OnTrac John Deere store; that the Applicant is utilizing the space next to the deli for her hair salon.

C. Ziarniak stated that the Board appreciated the Applicant’s patience in coming before this Board. The ZBA and the community welcomes the new businesses and we want them to flourish.

However, C. Ziarniak stated that he has noticed that additional signs have appeared that have not been permitted. Although the non-permitted signs are illegal, the Board understands the Applicant is just starting a new business and is attempting to draw new customers. The Board is working with C. Fabry regarding the non-permitted signage, and requests that the Applicant “phase out” the banners, sandwich boards, etc. during the next thirty (30) days.

C. Ziarniak added that this Board has previously approved professionally made roadside signs with removable panels that may be changed to advertise a special promotion, produce or service. This type of sign would offer a more orderly presentation than temporary banners, sandwich boards, etc. Perhaps the Applicant’s family may consider this as an option to promote their businesses. If this were considered, a new sign permit application would be required.

C. Ziarniak called for comments from the public; there were none. C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

C. Ziarniak 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.

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

1. that the sign is four (4) square feet;
2. that the sign is professionally made out of a vinyl material adhered to the window;
3. that the sign will be kept in “like new” condition;
4. that the sign will have no additional lighting.

C. Ziarniak second the motion; unanimously carried.

NEW BUSINESS: None

OLD BUSINESS: None

OPEN FORUM:

1. **John & Kim Eldridge** - Discuss area variance on construction of addition to existing home
70 Leanna Crescent, Tax Acct. #054.02-2-51

U. Liotta explained the background of this matter since it originated in the building department. The contractor, Tom Mawn, was issued a building permit for the 20’ x 30’ one story addition based on the understanding that it would not encroach over the ten (10) foot property line per code. The foundation is within that boundary, but the eave is not by approximately 8-10 inches.

J. Eldridge explained the situation and how the house was originally built, and presented a diagram to the Board to help visually describe the partial eave encroachment on the new addition; that the original garage side of the house was built the same way eleven years ago, but at that time, a variance for the encroachment was not required. C. Ziarniak thought that setbacks at that time were measured to the foundation line of the property.

After further discussion, C. Ziarniak stated that he did not see this issue as a show stopper, but there is no interpretation of the code that will work in the homeowner’s favor without an area variance; that the Applicant should proceed with the variance application; that the building inspector and town attorney suggest that he proceed with the application as well, to include a Public Hearing.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

May 20, 2009

The accuracy of the homeowner's drawing was questioned and J. Eldridge stated that he took the dimensions from the engineer's plans. C. Ziarniak suggested that C. Fabry be consulted with regard to verifying the accuracy of the site's dimensions per the instrument survey and/or the engineer's plans.

It was suggested that if J. Eldridge wishes to proceed, that he provide the area variance application for review at the June 3, 2009 meeting, and a Public Hearing be scheduled for June 17, 2009. J. Eldridge questioned whether he should proceed w/the build; C. Ziarniak stated that he cannot advise him to go ahead, but pointed out that the area variance he is seeking is not very substantial (less than 10%). There was some discussion about modifying the construction process (omitting just the overhanging eave) until approval had been granted.

OTHER:

1. **Mavis Kenyon** – Application for area variance
2586 Lake Road, Tax Acct. #029.03-1-45.2 & 029.03-1-45.121

U. Liotta stated that R. Olson is not available for the 6-17-09 tentative Public Hearing date per the May 5, 2009 meeting minutes; that it will be scheduled for 7-15-09.

REVIEW OF MEETING MINUTES: May 6, 2009

P. Dittman made a motion to accept the minutes; second by J. Smith; unanimously carried.

NEXT MEETING: June 3, 2009

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:20 p.m.; seconded by J. Smith; unanimously carried.

Approved 6-3-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator