

# TOWN OF CLARKSON – ZONING BOARD OF APPEALS

August 5, 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. **Mavis Kenyon**, Resubdivision Plan of Hidden Plains, Section 1 – (continuation)  
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, PC

As a continuation of the Public Hearing from the last meeting dated July 15, 2009, D. Moser presented a revised site map that he believes reflects a better solution than the original request. C. Ziarniak reviewed the matter to date for those members who were absent last meeting.

Discussion followed. C. Ziarniak stated that the Board had already addressed SEQR; that Conservation Board rendered a negative declaration based on their review; that even if a variance was **not** granted, a subdivision could still be developed on the Applicant's farmland. The Board thought the suggested variance change would have less of an impact on the character of the neighborhood, since it results in the Kenyon's property being wider, and defines the future right-of-way for the farm acreage. C. Ziarniak stated that the Board had reviewed the Applicant's property to the N but it would be very difficult to expect that to be used as an access to the farmland.

P. Dittman made a motion as follows: that this Board grants Applicant's request for an area variance as drawn on the site map last revised on July 22, 2009 by Schultz Associates as follows:

1. That the area variance for parcel tax account #029.03-1-45.2
  - a) permits a lot width of 65.07' which is 34.93' less than the 100' minimum lot width required per Town of Clarkson Zoning Code §140.21-D(1)(b), starting from the street right-of-way and extending back 150', at which point it widens to >100' as required; and
  - b) permits a lot area of 1.413 acres, which is .587 acres less than the 2 acre minimum required per Town of Clarkson Zoning Code §140.21-D(1)(a); and
2. That the result of the area variance creates a 60.01' access route for parcel tax account #029.03-1-45.121 (the contiguous farm land); and
3. That the final Mylar shall read "future right-of-way" on the said 60.01' strip.

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

2. **Diane M. Gerow**, Applicant – Application for a Sign Permit for business "Tru Colours Salon"  
@ 2176 Lake Road, Tax Acct. #029.03-3-1-31

C. Ziarniak read the legal notice to open the Public Hearing, and asked the Applicant to briefly outline the application. She stated that she is renting the front space at 2176 Lake Road for a new salon business. A color rendition of the proposed signs for the business was previously provided by the Applicant, i.e. one 12 sq. ft. sign (business name) to be attached next to the door entrance, and one less than 1 sq. ft. sign (business hours) to be attached underneath the larger business name sign; that the signs will be professionally made out of weather-resistant alumalite material; that she does not plan to light the signs.

C. Ziarniak asked for public comment; none was offered. C. Ziarniak made a motion to close the Public Hearing; second by J. Smith; unanimously carried. There was no further Board discussion. C. Ziarniak

# TOWN OF CLARKSON – ZONING BOARD OF APPEALS

August 5, 2009

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

J. Smith made a motion that this Board grants the Applicant's request for a Sign Permit, as follows:

1. A twelve (12) sq. ft. aluminite sign stating the name of the business, to be attached next to the business door entrance on the westerly side of the building facing Lake Road; and
2. A less than one (1) sq. ft. aluminite sign stating the hours of the business, to be attached underneath the larger business name sign; and further
3. That both signs are to be professionally made from aluminite material and will be weather-resistant; and
4. That the signs will have no additional lighting; and
5. That the signs will be kept in "like new" condition; and
6. That the signs will be posted such that they will not interfere with drivers' visibility from the road.

Second by C. Ziarniak; unanimously carried.

## **NEW BUSINESS:**

1. **Regina Farrand**, Sign Permit Application, Business Name: Illuminate Your Spirit @ 2176 Lake Road, Suite 2, Tax Acct. #029.03-1-31

C. Ziarniak asked the Applicant to briefly explain her application. Applicant stated that she is renting space at the above address for her holistic health business; that she is requesting a sign permit for one 12 sq. ft. di-bond aluminum sign that will be placed on the building to the right of the business door entrance; that there will be no additional sign showing the business hours; that it will not be illuminated.

C. Ziarniak explained the process of the Public Hearing. R. Sheffer made a motion to schedule the Public Hearing for the sign permit on August 19, 2009 at 7:00 p.m.; second by J. Smith; unanimously carried.

Applicant asked regarding when she will be allowed to put up the sign. C. Ziarniak stated that the sign may be put up after the Public Hearing when the Notice of Decision is rendered.

## **OTHER:**

- The Board discussed the 2176 Lake Road address, and the three new businesses renting space there (one more tenant pending per U. Liotta), and the need to have some uniformity regarding signage on a building; that Planning Board may consider requiring uniformity of signs as a condition of granting permission to commercial properties, in particular, with regard to plazas and/or multi-use buildings.

- P. Dittman mentioned that the Wind Power Committee meetings have been very interesting; that vertical wind generators are not the only choice; that there are a myriad of choices from small to very large; that the committee is dealing with many issues; that it is very interesting, although complex.

- Two visitors from the Town of Clarendon were present, i.e. Arthur Kaminski, ZBA Chair, and Allen Robinson, Deputy Town Supervisor. The Board inquired the reason for their visit, and they stated that they were present just to see how our Board is run; that they try to visit other Towns on a regular basis.

## **REVIEW OF MEETING MINUTES:** July 15, 2009

C. Ziarniak made a motion to accept the minutes; second by P. Dittman.

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

**NEXT MEETING:** The next regularly scheduled meeting will be held on August 19, 2009 at 7:00 p.m.

**ADJOURNMENT:** C. Ziarniak made a motion to adjourn at 8:00 p.m.; seconded by J. Smith; unanimously carried.

**Approved 8-19-09**

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator