

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

August 19, 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. **Regina Farrand**, Sign Permit Application
@ 2176 Lake Road, Suite 2, Tax Acct. #029.03-1-31
Business name: Illuminate Your Spirit

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 space at 2176 Lake Road for a new holistic health business. A color rendition of the proposed sign for the business was provided by the Applicant, i.e. one 12 sq. ft. sign (business name) to be attached to the right of the business door entrance; that the sign will be professionally made out of weather-resistant di-bond aluminum material; that she does not plan to light the sign.

C. Ziarniak asked for public comment; none was offered. C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

Board discussion

W. Radtke questioned the uniformity of the signage on the building at 2176 Lake Road. D. Hale stated that as owner of the building, the tenant leases restrict the size and the placement of each sign on the building, and that the coloration and style of the sign is subject to his approval; that the signs need to be similar, and hung at eye-level at the entryways where the entry lighting would indirectly illuminate them so that they are readable from the street. Further, D. Hale stated that his tenants reflect on him personally, and on his business, since he has an office on site as well.

C. Ziarniak inquired if D. Hale had considered a composite sign placed at the corner of the intersection, listing all tenants. D. Hale stated that used to have a large sign on the grassy portion but it ended up being adverse over time due to vandalism; that he has considered enlarging the numbers (2176) on the building for better visibility.

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

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

1. A twelve (12) sq. ft. 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. That the sign is to be professionally made from di-bond aluminum material and will be weather-resistant; and
3. That the sign will be hung eye-level within ½" of the other business sign on the same side of the building; and
4. That the sign will have no additional lighting; and
5. That the sign will be kept in "like new" condition; and
6. That the sign will be posted such that it will not interfere with drivers' visibility from the road.

Second by J. Smith; unanimously carried.

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NEW BUSINESS:

1. Christine Spiers & Joel Yager

Sign Permit Application @ 2176 Lake Road, Tax Acct. #029.03-1-31

Business name: Doc Yager Tattoo Company

C. Spier explained the application for a sign to be hung 10'-13' above ground level on the second floor, centrally located between two windows that face the N side of the building; that the sign will not have additional illumination.

C. Ziarniak stated that he was concerned with the height of the sign based on the 14' criteria in the code. The Board reviewed §140.13(d) of the zoning code regarding the height and surface area of signs, measuring from the base to the uppermost point of the sign. [After discussion, the Board agreed that the 14' height criteria refers to free-standing signs only, and not signs attached to a building, as in this instance.] [Correction to last sentence made 9-2-09 as follows: After reviewing w/C. Fabry, it was determined that the 14' height criteria applies to all signs.

C. Spiers stated that they had considered placing a smaller 1' x 2' sign with an arrow pointing to the second level near the stairwell entrance, but had not included it with the present application. C. Ziarniak stated that it would be best to have all of the information in place first, before scheduling a Public Hearing, and requested the Applicants to prepare an Addendum to the original application showing the exact location of both signs as well as a complete color rendering. The matter was tabled to September 2, 2009.

2. Dan Hale, owner of 2176 Lake Road

Referred by Planning Board – re: parking lot issue

D. Hale stated that the renovation project at the above address, and leasing to tenants was moving along faster than he had anticipated; that the nature of the new businesses on site, as well as his insurance business, is primarily by appointment only. He explained the changes he has made to the area and the parking requirements per code, as well as the handicapped parking per ADA rules; that he has budgeted to pave the W side in 2010; that the Planning Board referred him to this Board re: his need to wait until 2010 to pave said area.

The Board discussed what appropriate action should be taken; that this matter should be monitored by Code Enforcement rather than by a variance through the ZBA. C. Ziarniak stated that he would speak w/C. Fabry, code enforcement officer, regarding the direction they should take, i.e. perhaps granting D. Hale a Certificate of Occupancy for the building renovations contingent upon the paving being completed by no later than September 30, 2010.

REVIEW OF MEETING MINUTES: August 5, 2009

W. Radtke made a motion to accept the minutes; second by P. Dittman.

NEXT MEETING: The next meeting will be held on September 2, 2009 at 7:00 p.m.

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

Approved 9-2-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator