

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

October 7, 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 HEARINGS:

1. Christine Spiers & Joel Yager dba Doc Yager Tattoo Company - Sign Permit Application @ 2176 Lake Road, Tax Acct. #029.03-1-31

C. Ziarniak read the legal notice and opened the Public Hearing. C. Spiers provided a photo showing the placement of the two signs on the building, including the dimensions of each sign, and stated that the signs will be professionally made from weather resistant di-bond material, and there will be no additional illumination on the signs.

C. Ziarniak asked for public input. Sheldon Meyers asked where the shop was located and it was explained to him. C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried. There was no further discussion.

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 P. Dittman; unanimously carried.

R. Sheffer made a motion that this Board approves the Applicants' sign permit application as follows:

1. One - 47" x 47" (15.3 sq. ft.) di-bond aluminum sign stating the name of the business, to be hung on the second level, N side of the building, at a height of less than 14 feet; and
2. One - 1' x 2' (2 sq. ft.) di-bond aluminum sign to be hung no more than 7' above the pavement next to the door entrance at street level, on the N side of the building; and
3. That the signs will be professionally made 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.

C. Ziarniak seconded the motion; unanimously carried.

2. James Glogowski, Land Surveyor - Customary Home Occupation Application @ 9580 Ridge Road, Tax Acct. #039.03-1-2

C. Ziarniak read the legal notice and opened the Public Hearing. J. Glogowski provided new plot plans depicting the usage of his residence for the CHO, and explained the following:

- That he has a walk-out basement and he will be using 299 sq. ft. for his office, which is less than the 25% of his residential space (2,300 sq. ft.) allowed by code for use as a CHO;
- That he plans to use his existing business sign that measures 30" x 9" or 270 sq. inches, which is under two square feet allowed by code;
- That the sign is weatherproof and will be adhered to the picket fence at the end of his driveway;
- That he only has family members and one outside person working for him: he and his son are full-time, his grandson is part-time when home from college, and a woman works part-time from her home;
- That very few people will be stopping by the office; there will be very little traffic; most of the work is done online;
- That there is sufficient space for 4 cars, including a turn-around;
- That the business hours will be M-F, 9-5, no weekends.

C. Ziarniak read a letter provided to the Board by Mr. And Mrs. Anthony Taverna III, neighbors of J. Glogowski to the west, stating that they "have no objection whatsoever to this application" and gave their "endorsement of the permit". C. Ziarniak asked for public input; none was given. C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried. There was no further discussion.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
October 7, 2009

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 R. Sheffer; unanimously carried.

P. Dittman made a motion that this Board approves the Applicant's application for a Special Permit for a Customary Home Occupation for his land surveying business, as follows:

1. That only one non-family member may be employed by the CHO business;
2. That the business hours will be M-F, 9-5, no weekends;
3. That Applicant may use his existing business sign that measures 30" x 9" (<2 sq. ft.);
4. That the sign must be maintained in like-new condition;
5. That the sign will be attached to the white picket fence on the property;
6. That the sign will not be illuminated.

R. Sheffer seconded the motion; unanimously carried.

3. Robin C. Plummer dba LaBella Mela Boutique – Sign Permit Application
@ 7407 Ridge Road W., Tax Acct. #070.01-1-23.1

C. Ziarniak read the legal notice and opened the Public Hearing. R. Plummer briefly explained that the smaller sign will be a flat sign and will replace "The Potting Shed" sign at the road. The larger sign will be a 3-dimensional carved sign and attached to the building behind the Apple Tree Restaurant, at a height of less than 14' from the ground. The larger sign will have a backing on the ribbon decoration that will make it stronger so that it does not break. Both signs will be professionally made from weatherproof materials and will be maintained in like-new condition.

C. Ziarniak asked for public input; none was given. C. Ziarniak made a motion to close the Public Hearing; second by R. Sheffer; unanimously carried. There was no further discussion.

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 P. Dittman; unanimously carried.

C. Ziarniak made a motion that this Board approves Applicant's sign permit application as follows:

1. One - 20.5" x 63" (7.5 sq. ft.) sign made out of ¾" MDO (medium density overlay), to be attached to the existing sign at the road; and
2. One - 31" x 96" (20 sq. ft.) sign made out of HDU (high-density urethane foam) to be attached to the N exterior wall of the barn building behind The Apple Tree Restaurant at said address, at a height of 7 feet from the top of the sign down to the ground; and
3. That the signs will be professionally made 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.

R. Sheffer seconded the motion; unanimously carried.

OLD BUSINESS: None

NEW BUSINESS:

1. Eric & Diana Gartz – Area Variance Application
@ 1901 Drake Road, Tax Acct. #039.04-1-8

The Applicants explained their proposal for building a 24' x 32' (768 sq. ft.) pole barn on their property, and reviewed the two survey maps with the Board. Discussion included the following:

- That they will use the barn for storage of their cars and other motor vehicles, including tools, etc.
- That there is a concrete slab on site from a previous owner and they will utilize a portion of that slab.
- That the proposed barn sits in front of the house by 25', therefore they are requesting a variance from §140-7E which states: "Any required yard shall be entirely open and unoccupied by buildings other than: (3) Detached accessory buildings occupying not over 25% of a required rear yard and setback as required by this chapter".
- That the proposed barn encroaches on the side property line set back by 2' on the SE corner of the structure, therefore they are requesting a 2' variance.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS
October 7, 2009

- That they have not spoken w/the the neighboring property owner directly, but did speak w/the brother-in-law; that there is no residence on the neighboring property; that it is posted for hunting.
- That C. Fabry suggested to the Applicants that the barn be situated at the end of the driveway at the back corner of the house, however, that would compromise the well lines and Applicants prefer not to do that.

The Board requested the Applicants to provide an engineer's drawing/survey with the precise dimensions and location of the barn on the property, as well as other elements of the property, and to provide a rendering of the actual structure. This matter will be revisited on October 21, 2009.

OPEN FORUM: None

REVIEW OF MEETING MINUTES: September 16, 2009

R. Sheffer made a motion to approve the minutes; second by P. Dittman; unanimously carried.

NEXT MEETING: October 21, 2009 at 7:00 p.m.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:10 p.m.; seconded by R. Sheffer; unanimously carried.

Approved 10-21-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator