

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

December 2, 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:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. First Niagara Bank, 2 West Avenue (aka 4119 Lake Road), Tax ID# 069.05-1-4.1
Area Variance Application re: Sign
Presented by: Michael Ulrich, President, Ulrich Sign Company, Inc.

M. Ulrich stated that the bank is undergoing a state-wide identity change (116 locations in all); that this branch is also part of the round-about construction. The bank could meet the Town's code requirement of 14' in height, but it is asking for a variance to allow for 16' in height. If the sign were lower, it could be a target for vandalism. The placement of the sign has not yet been determined, but it will be within code. The new sign will be 29 sq. ft. per side and be situated on a pole to be erected in an existing parking spot; that a planter/barrier would be built around the pole sign for protection.

M. Ulrich stated that the bank is anxious to get the new identity signs in place; that he would like to proceed with making the replacement directional signs and the pole sign, once the height has been approved. The replacement directional signs (i.e. enter, exit, ATM) do not require an application since it is only a design change, not a size change, and M. Ulrich may proceed with installing them at any time. R. Sheffer asked for verification that the bank is asking for a variance to allow the pole sign to be 2 ft. taller than what town code allows. M. Ulrich answered yes.

C. Ziarniak explained the board's responsibilities and the application procedure. Further, he stated that the board is unable to consider and/or decide the variance application for the new sign without knowing its exact placement. M. Ulrich stated that he will contact the NYS DOT and ask that they mark the exact location on site, and obtain an instrument survey showing the location. This board will reconsider the application upon receipt of the instrument survey.

OPEN FORUM / DISCUSSION:

1. Property Address: 1166 Lawrence Road, Tax ID #029.04-1-14.102
Current Owner: Charles VanSlooten Proposed Purchaser: Chris Mangold
Zoned: RS-20 Acres: 45.9 Re: Definition of Customary Agricultural Use

No parties appeared. The board reviewed all of the file information, including the Town of Clarkson and NYS code definitions as it relates to this matter. After much discussion, the board was unclear as to their role in defining the code since no formal application had been made. The board was unable to decide how to proceed and will seek advice from the town attorney and follow up at the next meeting.

REVIEW OF MEETING MINUTES: November 4, 2009

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

NEXT MEETING: December 16, 2009 at 7:00 p.m.

ADJOURNMENT: R. Sheffer made a motion to adjourn at 8:30 p.m.; seconded by J. Smith; unanimously carried.

Approved 12-16-09

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator