

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

February 17, 2010

PRESENT – Board Members

Conrad Ziarniak - Chairperson
Paul Dittman
Rick Sheffer *
Jackie Smith
Scott Tantalò (arrived @ 7:20)

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. **First Niagara Bank**, 2 West Avenue (aka 4119 Lake Road), Tax ID# 069.05-1-4.1
 - A. Application: Special Permit for Sign
 - B. Application: Area Variance (height of the sign)

C. Ziarniak opened the public hearing by reading the legal notice aloud. Ted Habgood, branch manager of local First Niagara Bank, introduced himself and briefly explained the purpose of the special permit application, as follows:

- That the bank is concerned that the new sign be visible from all angles when the round-about work is completed.
- That the extra 2' in height requested would give the sign more visibility.
- That the bank intends to plant shrubs around the sign to make it more attractive.
- That the new sign will incorporate the bank's new logo and colors.
- That all bank branches will have the same new look.
- That the new sign is two dimensional.
- That the sign will be lit intermittently, dusk to dawn.
- That Dan Schwind, NYS DOT engineer and Mike Ulrich, Ulrich Signs, determined the appropriate location for the new pole sign.
- That it will be located 74' from the existing building, at least 10' from the curb, and 21' to the East of the existing sign.
- That there are stakes in the ground to indicate the sign's new location, i.e. the two outer stakes show the width of the sign and the center stake indicates the center of the sign.

C. Ziarniak stated that under normal circumstances, this board would have required that the placement of the new sign be shown on a current instrument survey map or site plan, and that the measurements be based on the property lines. However, in this instance, the board would accept the NYS DOT metric scale drawing provided by D. Schwind dated 11-05-09, with the markings as noted in the bullets above.

C. Ziarniak further stated that the board requires the sign to be professionally made of weather resistant materials, and be kept in like-new condition by the property owner. The board discussed the placement of the sign based on the DOT's metric scale drawing; that C. Fabry offered to triangulate the sign location using the building as a benchmark.

C. Ziarniak questioned C. Fabry with regard to the "fall zone" of the 16' sign. C. Fabry stated that he was not concerned provided the sign was built and installed properly to withstand the elements; that a building permit application will need to be completed, and plans for the engineered assembly of the sign provided to the building department prior to issuance of a permit; that the engineered assembly will assume the liability of "falling" as part of the structure.

No public was present for comments; C. Ziarniak closed the public hearing.

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.

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J. Smith made a motion that this board grant Applicant's two requests, as follows:

Special Permit for a Sign

- The lighted sign will be 47" x 85.375" or 28 sq. ft., and will be positioned 74' from the building and 28' East of the existing sign.
- The sign will be professionally made out of steel, aluminum and lexan and will be kept in like-new condition.
- The sign will be lit internally from dusk to dawn.

Area Variance (height of sign)

- The total height of the erected sign will be 16'.

The Notice of Decision is conditioned upon Applicant's compliance with the NYS Building Code (§3107.1 General).

Motion second by P. Dittman; unanimously carried. C. Fabry provided Mr. Habgood with a building permit application.

NEW BUSINESS:

1. **Lakeside Medical Office Building #2**
122 West Avenue, Tax Acct. #068.02-1-16
Application: Special Permit for a Temporary Sign
Presented by: Michael Trojian, Konar Properties

M. Trojian introduced himself and stated, in part, as follows:

- That the project recently received site plan approval from the Planning Board.
- That the existing building on site will be demolished after some abatement work is completed.
- That he is looking to pre-lease the building space, and hoping for 50% occupancy prior to moving forward with construction.
- That the application is for a temporary sign for leasing purposes only, and it would be up for one year at the most.
- That the sign will be professionally made by "A Good Sign Company", who he has used several times before.
- That the size of the sign is 40 sq. ft. and will be held in place by 4' x 4' posts
- That his intent is to have a good-looking sign to attract leasing; that in order to maximize his exposure, he wants the sign to be unique and eye-catching.

M. Trojian provided a small model of the sign to help the board visualize the proposed sign.

C. Ziarniak stated that this is an application for a Special Permit for a temporary sign for no more than one year, and that the Applicant will have to reapply for a Special Permit for the permanent or monument sign. M. Trojian stated that if they are unsuccessful in leasing the property within a certain amount of time, he will remove the sign voluntarily.

The board reviewed the application and noted that the map provided was missing the measurement to the East property line. M. Trojian also stated that he wished to change the height of the sign from 7' to 6'. He will provide a revised application reflecting those changes prior to the public hearing.

C. Ziarniak made a motion to call for a public hearing on March 3, 2010; second by P. Dittman; unanimously carried.

OLD BUSINESS: None

OPEN FORUM: None

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OTHER:

New Beginnings Christian Fellowship – the board was in receipt of an email from David Matt, Schultz Associates Engineering, stating that the NYS DOT preferred that the church’s new sign **not** be in the NYS right-of-way, therefore, the sign's placement was revised. He included a revised sign plan indicating the location of the new sign within the property lines.

Board discussion followed, including:

Re: Special Permits for signs - C. Ziarniak posed the following question: should the board require an instrument survey showing the exact placement of the sign based on the measurements from the property lines? C. Fabry suggested that an Applicant should provide this board with a revised version of an instrument survey as part of the application, showing where the sign will be located; that it is important to have the exact information going forward.

Re: Temporary vs. Permanent Signs – after discussion, and if Town Board approves, it was concluded that permits for temporary signs would be issued by the building department, i.e. 6 sq. ft = no charge; > 6 sq. ft. would require a building permit application and a sign plan review, as well as a permit fee of \$2 per sq. ft. or \$40 minimum.

Re: Mobil-on-the-Run – C. Fabry stated that he spoke with the manager, Teresa, since the owner, Brad Alexander, was out of town. Teresa said that she is aware the sign is too tall, but it was erected nine years ago; that C. Fabry asked for a statement from the owner indicating his willingness to remove the sign, and that he diaried the matter to February 22, 2010. If the board is in agreement, C. Fabry would allow the sign to remain until the spring when it will be removed for the upcoming rotary work. The board agreed.

Re: Sara’s Farm Market – C. Fabry stated that he contacted the owners and was told that the existing sign would be replaced in the spring.

Re: ZBA computer program - the board continued discussion regarding the prospect of a computer program specific to the ZBA to enhance its record-keeping and follow-up of “conditions” of Notices of Decision. C. Fabry explained the current program that the building department is using, “Building Soft”, and another program that is on the server but is not being used, “Inspector Butler”; that both programs are similar and are Access-based. C. Fabry also gave the board background information on a web-based program called “WebQA” that he introduced to the Town Board last year. This particular program would be transparent to any board members, and would meet the needs of the building department and the ZBA. The board agreed to take a look at the WebQA program online and discuss further at the next meeting.

REVIEW OF MEETING MINUTES: February 3, 2010

C. Ziarniak made a motion to approve the minutes; second by S. Tantalo; unanimously carried.

NEXT MEETING: March 3, 2010 at 7:00 p.m.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:30 p.m.; second by J. Smith; unanimously carried.

Approved 3-3-10

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator