

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

May 2, 2012

PRESENT – Board Members

Conrad Ziarniak – Chairperson
Paul Dittman
Jackie Smith
Michael Beadling (left at 8:00 pm)
Joseph Perry

Support Board Members

Richard Olson, Town Attorney *
Chad Fabry, Code Enforcement *
Ursula M. Liotta, Administrative Assistant

Excused *

CALL TO ORDER

C. Ziarniak called the meeting to order at 7:00 p.m., led in the Pledge of Allegiance, and reviewed the agenda.

PUBLIC HEARING

1. **Anthony D'Agostino**, D'Agostino Learning Group, LLC, **Inspire! Kiddie Kollege**
Application for Special Permit for Permanent Sign @ 3670 Lake Road, Tax ID#054.14-1-5.1, Zoned: HC

Prior to opening the Public Hearing, C. Ziarniak state that he owed the Applicant an apology from the last meeting because it was brought to the ZBA's attention by Paul Kimball, Town Supervisor that the plaza is in fact in the Historical Overlay District. Code dictates the area includes the distance of 400' in each direction from the corner of Lake Road and Ridge Road. This finding requires that the Architectural Review Board (ARB) must review this matter before this Board can decide on Applicant's Special Permit. It is this Board's hope that the ARB will expedite meeting to review the application. A review of the some of the other plaza tenants' files indicated that ARB had also reviewed the sign criteria with regard to the shape, color, and font, and placement of the other signs on the plaza structure.

C. Ziarniak then opened the Public Hearing by reading the legal notice aloud, and asked the Applicant to briefly outline what he proposed in his application, and he stated, in part, as follows:

- That he proposes a professionally constructed sign which would go into the apex portion of the structure above the entrance doors.
- That the sign will have a dark blue background with primary colors, yellow for lettering, and a red schoolhouse in the center at the top, which identifies the daycare as a learning center (rendering provided in file).
- That it will be 42" x 72", one-sided, with a raised beveled, digital logo.
- That it will be hung at 14' to the top of the sign, not to exceed town code.
- That in the future, it will be lit from the bottom up with two lighting fixtures, 100W each.
- That the lights will be on a timer, based on the seasons, and only to be used on business days, M-F; the daycare center will not be open on the weekends at this time.
- That the information he presented this evening is the same as stated in the application; that he subsequently provided the lighting information to be included and approved as part of the application.

There were no Board comments or questions. C. Ziarniak stated this was as far as the Board could proceed until ARB review. P. Dittman made a motion to continue the Public Hearing on May 16, 2012; second by J. Smith; unanimously carried.

Further discussion: C. Ziarniak stated that at the last meeting, he mentioned that the uniformity of the signage in the plaza is an important factor; that the existing tenant signs are in the white frieze of the structure. C. Ziarniak asked the Applicant if he thought about any other alternatives to his original request. The Applicant stated that per this Board's request at the last meeting, his sign developer created a diagram of a sign that would fit into the "banner" space, and he provided copies of the sample sign. However, he does not want to invest the expense for such a high-quality sign that would not meet his personal requirements for signage.

If the Applicant does not receive the approval for his original choice per the application, his only option would be to update the existing sign with the word "Inspire!" and he would replace the "teddy bear" with the "schoolhouse" logo. The color scheme would remain the same as the original sign request. However, he hopes that this is not the only option he has.

The Applicant offered an option to consider for compromise: a double-sided ground sign including his logo, for placement in-between the driveway and the street. He showed the Board a photograph on his iPad, and will follow-up with an email regarding the specifics of the new sign.

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

May 2, 2012

The Applicant further stated that he wants to work with the Town, the ARB, and the community, but first and foremost he wants to display his logo. He referenced other business signage in Clarkson that does not appear to meet any particular criteria.

The Applicant researched the Zoning Code and questioned where sign color, font, logo, style, etc. were delineated. C. Ziarniak reminded the Applicant that the ARB process was involved for the other signs on the plaza and that is why they have uniformity. In addition, building plans presented during the site plan approval by the Planning Board specifically noted where the signage should be on the plaza.

The Applicant stated that “business is about doing a quality business”; that if the ARB holds to set standards, it should hold the rest of the community to the same standards, to achieve the same look and feel of all signage. J. Perry explained that the Planning Board and ZBA are presently revamping the code; that they will look closely at the code regarding signage, and will consider making changes.

An ARB meeting will be scheduled ASAP, and the Public Hearing will resume on May 16, 2012.

NEW BUSINESS

Five Star Bank, Applicant, @ 2 West Ave. (aka 4119 Lake Road)

Tax ID# 069.05-1-4.1; Zoned: HC

Presented by Gene Aversa, Hanson Sign Companies

Re: Replacement signs – existing main pylon & directional signage
Special Permit – new permanent sign on building

G. Aversa introduced himself, and stated that First Niagara Bank is changing to Five Star Bank as of June 22, 2012, and new signage is required. The application included the following:

1. **Main pylon sign**: the top portion will be replaced with a new electric sign cabinet, illuminated by LED lighting, same square footage as the existing sign. The shroud will remain the same, but the color will change to black. This would be considered a replacement sign.
2. **Directional signs (7)**: All of the directional signage will remain intake with no changes, except that a vinyl “Five Star” logo will be applied to each sign.
3. **Main entrance sign**: a new sign is proposed to identify the building with letters and a logo over the front entrance. The medallion and letters will be 42” tall and professionally made of ½” thick acrylic that will not fade or rot. The Applicant is requesting a Special Permit for a permanent sign.

C. Ziarniak made a motion to schedule the Public Hearing for May 16, 2012; second by M. Beadling; unanimously carried.

OTHER

Re: Comprehensive Plan

C. Ziarniak stated that a special meeting was held with the PB, ZBA and Attorney Olson on May 8, 2012, at which time the proposed “Hamlet” and “Hamlet Mixed Use” zoning was discussed. The consensus among those present at the meeting was that the Comprehensive Plan was not practical with respect to the Hamlet designations. R. Olson prepared a letter draft to the Town Board requesting that the Comprehensive Plan “be amended to allow us to move forward and come up with a workable plan that can be translated into a workable zoning code ... without causing unnecessary complexities”. The Board agreed. C. Ziarniak made a motion that the ZBA approve the proposed letter to the Town Board dated May 2, 2012; second by P. Dittman; unanimously carried.

Re: Review site plan for Brockport Fire District

At Attorney Olson’s request, the Board reviewed a draft of the proposed Brockport Fire District Subdivision map.

Re: Proposed meeting time change

After Board discussion, P. Dittman made a motion to change the meeting time to 6:00 p.m. as of June 20, 2012, and continuing through July and August; resuming at 7:00 p.m. on September 12, 2012. Second by J. Perry; unanimously carried.

Further, C. Ziarniak stated that this Board has had a lot of absences in the past few months. He suggested

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

May 2, 2012

to the Board members that they each look as their individual commitment to the Board and the Town; that although a quorum was met for every meeting so far, there were some “close calls”; that the Board needs to be present as a quorum in order to officially transact business; that meeting attendance should be made a priority.

REVIEW OF MEETING MINUTES: April 18, 2012

C. Ziarniak made a motion to approve the minutes as amended; second by J. Perry; P. Dittman abstained; motion carried.

ADJOURNMENT: P. Dittman made a motion to adjourn at 8:20 p.m.; second by J. Smith; unanimously carried.

NEXT MEETING: May 16, 2012

Approved 5-16-12

Respectfully Submitted,

Ursula M. Liotta
Administrative Assistant