

**TOWN OF CLARKSON – ZONING BOARD OF APPEALS**  
**May 16, 2012**

**PRESENT – Board Members**

Conrad Ziarniak – Chairperson  
Paul Dittman  
Jackie Smith  
Michael Beadling  
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- cont'd.**

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

C. Ziarniak opened the continuation of the Public Hearing. As an update, he stated that on 5-2-12, the Public Hearing was postponed because the Architectural Review Board (ARB) was required to review the application and make a recommendation. The ARB met on May 10, 2012. Discussion included, in part, as follows:

- The ARB considered the type of sign, the placement of the sign, and the importance of consistency among the tenants at the plaza.
- The Applicant explained that he has more square footage and he is the dominant tenant at the plaza; that his lease expires in one year and he needs to draw people to the business.
- The Applicant discussed with the ARB that the sign is to attract people to the business; that the value of sign uniformity for a professional business does not attract business.
- The Millhouse Restaurant currently has a sign in the apex of the structure facing Ridge Road, and the Applicant will strive to attain a similar lighting design.
- The ARB recommended Applicant's first sign choice because it met the ARB's criteria for high quality, and appropriate style and color.

C. Ziarniak stated that all of the details of the original design choice were discussed at the previous meeting on 5-1-12. There were no comments from the public.

Board discussion:

J. Smith stated that she thought it was important that the sign be consistent with the other plaza signs, in keeping with the Town's Comprehensive Plan. C. Ziarniak stated that although the ARB recommends, the ZBA is still responsible for the final decision.

C. Ziarniak made a motion to close the Public Hearing; second by P. Dittman; unanimously carried.

C. Ziarniak made a motion determining that this is a Type II action and therefore not subject to further environmental review. Second by P. Dittman; unanimously carried.

P. Dittman made a motion approving Applicant's request as follows:

- The sign will be professionally constructed using extruded wood composite.
- The sign will be 42" x 72", one-sided, dimensional, with a raised beveled, digital logo in primary colors.
- The sign will be hung in the apex portion of the structure above the entrance doors, at 14' to the top of the sign, not to exceed Town code.
- In the future, the sign will be lit from the bottom with two lighting fixtures, each using 100W bulbs.
- The lights will be on a timer and lit from 6:00-8:00 am and 4:30-10:00 pm during daylight savings time, and will only be lit on weekdays.
- The sign shall be kept in like-new condition.
- All temporary banners and sandwich board signs will be removed immediately.

Second by M. Beadling. Vote: Aye 3; Nay 1. J. Smith stated that she does not believe this is what the Town Board had in mind with regard to the Town's Comprehensive Plan.

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**PUBLIC HEARING**

2. **Five Star Bank**, Applicant, @ 2 West Ave. (aka 4119 Lake Road)  
Tax ID# 069.05-1-4.1; Zoned: HC

C. Ziarniak read the legal notice aloud and opened the Public Hearing. Gene Aversa explained the three parts of the Applicant's request per the Application; that the bank's new signage will reflect better branding, and is in good taste. No public was present to comment.

C. Ziarniak made a motion to close the Public Hearing; second by J. Smith; unanimously carried. The Board further discussed the size and visibility of the signs.

C. Ziarniak made a motion determining that this is a Type II action and therefore not subject to further environmental review. Second by P. Dittman; unanimously carried.

J. Smith made a motion as follows:

**1. Main Pylon Sign**

- A Special Permit for a permanent sign was granted to First Niagara Bank on February 17, 2010, together with an Area Variance for the sign's total erected height of 16'. The current Applicant will replace the top portion with a new electric sign cabinet, with the same square footage as the existing sign, i.e. 28 sq. ft.. The shroud will remain the same, but the color will change to black. The Board determined this to be a replacement sign that will depict the name of the new business since it is "apples to apples" to the previously approved sign.
- The professionally made sign will be illuminated internally by LED lighting, and the intensity and direction of the illumination will not interfere with motor vehicle traffic.
- That the lighting will be on an automatic timer during daylight savings time, from dusk until 11:00 p.m.
- The sign will be kept in like-new condition.

**2. Directional Signs (7)**

- All of the directional signage will remain intact with no changes, except that a vinyl "Five Star" medallion logo will be applied to each sign.

**3. Main Entrance Sign**

- A Special Permit was granted for a new 42" tall sign to be installed over the front entrance of the building to identify the new bank, with the placement of the letters not to exceed 14' per Town code.
- The medallion logo and letters of the sign will be professionally made of 1/2" thick acrylic that will not fade or rot, and will be mounted to the building with studs and adhesive.
- The new sign will not be illuminated.
- The sign will be kept in like-new condition at all times.

Second by M. Beadling; unanimously carried.

**NEW BUSINESS**

3. **Patrick McGinnity** – Area Variance  
Re: 40 Leanna Crescent, Tax ID #054.02-2-54, Zoned: RS-10 / N-RES

The Board reviewed the application with P. McGinnity. The Applicant stated that he is planning to construct a 48' x 14' addition to his home, a 2-story colonial with attached garage. The reason for this application is that eave and gutter encroach into the 10' property line setback at the front portion of the addition to the house. The Board asked the Applicant provide a drawing showing at what point the addition comes into compliance with the 10' setback.

C. Ziarniak made a motion to schedule the Public Hearing for June 6, 2012; second by J. Smith; unanimously carried.

4. **Joseph & Amy Buchel** – Area Variance  
Re: 40.2 a. on Redman Rd., Tax ID#039.01-1-7.2, Zoned: RS-20 / S-RES

John Clarke, of DDS Engineers, stated that the Applicants own 40.2 acres; the lot is deep and borders on County Line Road that they wish to build a single-family house and a pole barn a distance of 750' off of Redman Road. The reason for this application is that the Applicants hope to build the barn in front of the house to block the view of the two-family dwelling unit on the neighboring parcel in front of them. The property is in a very rural area of town and is surrounded by significant vegetation. The house and barn

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will not be visible from the road. Further, it would be too costly to put the barn behind the house, i.e. extending the driveway and electricity.

The Applicants are in the construction business and will build of the house and barn; they need the barn for the storage of equipment; they do not intend to house livestock. The Board stated that because the parcel is zoned residential, it cannot become a construction site. The Board asked the Applicants to place stakes where the proposed barn and house will be built so that the Board members can view the same prior to the Public Hearing.

C. Ziarniak made a motion to schedule the Public Hearing for June 6, 2012; second by J. Smith; unanimously carried.

5. **Charles Ioannone** – Area Variance

Re: Lot 1, Reid Subdivision, CHTL Rd., Tax ID # 029.03-1-2.12, Zoned: RS-20 / N-RES

C. Ioannone explained that he was referred to this Board by the Planning Board to request an area variance because his site plan calls for the build of his proposed single-family house behind the existing barn on the property. He provided a photo of the barn, and an example of the house he proposes to build. The Applicant further stated that the barn is visually appealing; made of rough cut lumber; and he intends to build his house to match the barn. The neighboring houses are 199' and 227' from the road. The Applicant's existing barn is 219', and the new house will be 300' from the road. The Applicant will put stakes in the ground to mark the location of the new house.

C. Ziarniak made a motion to schedule the Public Hearing for June 6, 2012; second by P. Dittman; unanimously carried.

**OTHER**

**Re: Comprehensive Plan**

C. Ziarniak briefly reviewed the joint meeting between the Town Board, Planning Board and ZBA held on May 15, 2012. (C. Ziarniak and P. Dittman were present) The general conclusion was that the Hamlet designations would remain, specifically for the Garland/Sweden Walker Road area, and that it would be applied to any future proposed construction. Based on the last two meetings held to discuss this issue, ZBA feels it can now proceed with Hamlet designation code review.

**REVIEW OF MEETING MINUTES:** May 2, 2012

J. Smith made a motion to approve the minutes; second by P. Dittman; unanimously carried.

**ADJOURNMENT:** C. Ziarniak made a motion to adjourn at 8:40 p.m.; second by P. Dittman; unanimously carried.

**NEXT MEETING:** June 6, 2012

**Approved 6-6-12**

Respectfully Submitted,

Ursula M. Liotta  
Administrative Assistant