

TOWN OF CLARKSON – ZONING BOARD OF APPEALS

October 3, 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. and led in the Pledge of Allegiance.

PUBLIC HEARING

1. **Clarkson Crosby Mart**, Applicant, 8389 Ridge Rd., Tax ID#054.13-2-16.1, Zoned: HC
Application for Area Variance
Present: Michael Mahar, RE Specialist, and Doug Galli, VP & Gen. Manager

C. Ziarniak opened the Public Hearing by reading the legal notice aloud, followed by a brief review of the previously held Architectural Review Board (ARB) and the Zoning Board of Appeals (ZBA) meetings with regard to this matter. Further, he explained the procedures required of each town layer (and possible overlap of the Building Department, ARB & ZBA), as defined by Clarkson Town Code.

C. Ziarniak stated that because the Crosby Mart is located in the Historical Overlay District, the ARB is required to review the application and make a determination whether to approve, modify or disapprove the application. Once ARB approves the application, ZBA is free to act on it as well. If the ARB disapproves the application, the Applicant could appeal ARB's decision to the ZBA.

Based on the information provided by the ARB in its summary of the 9-26-12 meeting, it has not yet made a determination of the ZBA application. Upon receipt of further information from the Applicant, the ARB needs to meet and review the new material. The ZBA will not be able to grant a final decision of the ZBA application until ARB makes its determination.

For the purpose of this Public Hearing, the Applicant provided:

1. An updated instrument survey map indicating where the new condenser will be placed in relationship to the proposed freezer unit, and
2. An engineered diagram of the proposed freezer unit. [Note: the exact unit for the Clarkson store has not yet been purchased, therefore, an "as built" diagram is not yet available.]

Discussion included reviewing the bulleted items from ARB's summary of the 9-26-12 meeting:

- *The ARB suggests amendment of the proposed plans to include siding similar in size, shape, style, and color to the siding currently used on the South side of the current structure.*

M. Mahar stated that the proposed freezer is a pre-fab kit; that the siding will match the building in color (white), but it will be horizontal not vertical.

- *The ARB recommends amendment of the plans to include a roof design, in shape and finish materials consistent with the design of the current structure.*

The freezer unit is a pre-fabricated, self-contained unit and therefore, there is no opportunity to redesign or site-build a custom roof.

- *The ARB recommends that the applicant amend the application to include replacement privacy fencing of a design and/or materials that are more durable and offer more privacy than the current wood stockade fencing.*

D. Galli stated that the company would be willing to replace the fence; he agrees that it would be an improvement to the property. The ZBA recommended that ARB come up with 2 styles that they can select from in terms of the materials and the style. M. Mahar stated that in the interest of time, he would come up with 2 fence styles for the ARB to consider.

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- *The ARB requests an amendment to the application to include these changes for consideration. (the proposed removals, relocations and installations of old & new mechanicals related to this project)*

M. Mahar stated that he would provide an updated diagram of the mechanicals, current and proposed.

C. Ziarniak asked the Crosby Mart representatives to briefly explain why they wish to install the proposed freezer. D. Galli stated that food service continues to grow at this store, and most of the produce comes in frozen form; that the inside freezer units are no longer cost effective and will be removed, and the store interior will be remodeled to make room for additional food products; that the proposed freezer will be accessed only from the inside of the store, right off of the food preparation area.

C. Ziarniak made a motion to hold the Public Hearing open until 10-17-12 for ARB to make a final determination on the application; second by P. Dittman; unanimously carried.

C. Ziarniak stated that the ARB has a 35 day time limit to make its decision on the application. If they fail to do so within that timeframe, the application is automatically approved. He was hopeful that the ARB would be able to provide their decision on or before 10-17-12, so that the ZBA would be able to conclude this matter on that date.

OTHER

1. Continued Code Review – Hamlet Mixed Use

Further review was tabled until the next meeting.

REVIEW OF MEETING MINUTES: September 19, 2012

C. Ziarniak made a motion to approve the minutes; second by M. Beadling; unanimously carried.

ADJOURNMENT: C. Ziarniak made a motion to adjourn at 8:00 p.m.; second by M. Beadling; unanimously carried.

NEXT MEETING: October 17, 2012

Approved 10-17-12

Respectfully Submitted,

Ursula M. Liotta
Administrative Assistant