TOWN OF CLARKSON
ZONING BOARD OF APPEALS
November 19, 2014

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, November 19, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT-Board Members	**Support Staff**
Conrad Ziarniak – Chairperson	Kristen DiFilippo, Bldg. Dept. Coordinator
Paul Dittman	JP Schepp, Town Engineer
Leslie Zink	
Tom Guarino	
Joe Perry	

CALL TO ORDER

Conrad Ziarniak-Chairperson called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance. The agenda was reviewed by the Board Members.

PUBLIC HEARING

Carl Grasta – 122 West Avenue

C. Ziarniak opened the Public Hearing by reading aloud the legal notice. K. Schultz of Schultz Associates stated that the building at 122 West Avenue would be renovated and turned into professional office spaces and possible day care. K. Shultz explained area variances are needed for the front setback, east side setback and west side setback of the building as well as a variance to expand the number of parking spaces to 112. K. Schultz stated the front setback variance requested is 52 feet from the right away of West Avenue and the proposed parking lot. The west side variance requested is 2 feet from the west parking line and proposed parking lot. The east side variance requested is 6 feet from the property line to proposed parking lot. The off-street parking spaces requested are 112, where Town Code specifies 151 spaces, based on the square footage of the building.

C. Ziarniak asked how long the building has been vacant; C. Grasta answered 18 years. C. Ziarniak asked what the proposed "use" of the building will be. C. Grasta has spoken with a large number of potential clients but, to date, no one has confirmed. Potential clients include a day care center, Brockport Ambulance and professional office/medical spaces. He stated potential clients could not occupy the building until early spring/summer. JP Schepp handed out a 2007 Monroe County study of a parking analysis on various land uses all around the county. The study referenced office, medical/dental buildings with results from a common standard of Monroe County municipalities, existing facilities and the Clarkson Town Code. In Monroe County the average spaces are 1 space per 200 gross floor area. Clarkson Town Code reads 1 space per 150 gross floor area, equaling 151 spaces. JP Schepp referenced Clarkson Town Code requiring more parking than most other common codes require. The final analysis of Monroe County findings concluded, 1 space per 270 gross floor area, equaling 84 spaces is more realistic. K. Schultz is proposing 112 parking spaces which falls between the Clarkson Town Code and Monroe County standards.

JP Schepp stated that K. Schultz addressed the drainage issue by showing that the water will be directed to a storm water drainage facility on the north end of the site. JP Schepp addressed another concern regarding the impact on the property to the east of the site. He stated bolstering the buffering for the neighboring property, protecting them from traffic/parking, is needed.

Public Comments: Phil Van Der Kar of 96 West Avenue (east of site), wanted confirmation that there would be buffering along the east side and the lighting of the property would not be intense. K. Schultz stated the lighting has to stay on 122 West Avenue and be shielded. P. Van Der Kar expressed his approval of the renovation of 122 West Avenue.

L. Zink inquired about the specific buffering that would be put in place for the site. JP Schepp stated evergreens will serve as a natural buffer, elevated berm with vegetation planted on it, and as a last resort fencing. K. Schultz stated a row of heavy evergreens will be planted without having to take out the already existing trees.

Board Members reviewed the criteria for granting an Area Variance as follows:

1. ***What benefit will be derived by the applicant who is seeking this variance?*** Parking in the front, east and west set back; the owner will be able to provide additional parking spaces to his prospective tenants and customers. Number of Parking Spaces Code requires is 151, whereas only 112 can be provided with the granting of the three requested setback variance. The benefit to the applicant will be the ability to rent all of the building's available space even though only 112 parking spaces can be provided.
2. ***What changes will be produced in the neighborhood by the granting of this application?*** No change to the neighborhood for the front, east and west setbacks, and also the number of parking spaces.
3. ***What other methods does the applicant have to achieve the benefit other than the area variance?*** The applicant feels that an additional 14 spaces are vital for the front setback. If the 30' side setback is adhered to, the project would lose 54 parking spaces, the area between the setback line and existing building is not large enough to accommodate a drive lane and a row of parking on the west side setback. Three parking spaces are proposed within the east side setback. There is no other area on the site where these spaces can be moved to. The proposed parking areas have been maximized in order to provide as many parking spaces as possible. There is no additional room at the site to add additional parking to meet the 151 space code requirement.
4. ***Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?*** The variance will not have an adverse effect on the surrounding neighborhood.
5. ***How was the alleged difficulty created?*** The owner has decided to renovate the existing property which had fallen into disrepair. The proposed medical office use requires more parking than can be provided. The owner feels that the additional spaces that are proposed within the setbacks are crucial to the success of the project.

(The above answers were given by Kris Schultz, Schultz Associates.)

Motion by Conrad Ziarniak
Seconded by Tom Guarino
To close the Public Hearing
Unanimously carried

Motion by Conrad Ziarniak
Seconded by Paul Dittman
To determine that this Area Variance application is a Type II SEQR action and therefore, not subject to further environmental review.
Unanimously carried

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Motion by Joe Perry
Seconded by Leslie Zink
To approve the Area Variance application regarding 122 West Avenue with the following criteria: (1) that the barrier be addressed with heavy evergreens buffering along the east portion of the property; (2) that there be specifically 112 parking spaces; and (3) approval is subject to endorsement by the Planning Board and the Town Engineer.
Unanimously approved

NEW BUSINESS
PB Clarkson, LLC. (Basset Group, Inc.) – 3670 Lake Road
Requesting a Special Permit for a permanent sign, area variances for height, square footage and site obstruction. Clarkson Corners Plaza has been owned by the Basset Group for approximately 13 years. The applicant stated that there has been a chronic problem with identification of the plaza as the plaza sits down twelve feet from the corner. The owner stated that they have lost tenants and are unable to acquire new tenants based on the present visibility. He is proposing to erect an eco-friendly "hamlet" style, four-sided pylon sign which will stand 24 feet high and be greater than 40 square feet. The proposed sign will be maintenance free and illuminate with LED lights. The owner stated the plans for the proposed sign were reviewed by the Architecture Review Board and his impression was that they were excited about the project.

C. Ziarniak reviewed the application for all present. He asked the applicant the exact location of the proposed sign on the survey map. The owner stated on the northeast corner of Lake Road and Ridge Road, 55 feet from the center line and 5 feet from the property line. C. Ziarniak stated that Clarkson has a site obstruction at street intersections code. JP Schepp stated the bottom half of the will remain open. The posts will be elevated at 7 feet and the sign will be above driver's eye level. The owner stated it is his intention to erect an aggressive sign to bring in tenants and customers while following Town Code.

The owner's purpose is to identify the entire corner. The Millhouse Restaurant is their anchor tenant, but luxury apartments will soon be built. J. Perry asked the owner if the bottom of the sign would be open or closed off. The owner stated it would be an open bottom with a web-type enclosure so that nothing can get up inside the sign. J. Perry asked the owner about the proposed lighting of the sign and hopes that it would not be overpowering to a driver. The owner stated that the lighting would be bathed enough so the sign can be read. The owner stated he did not want the focus to be on the light, he wants the focus to be put on the contents of the sign. T. Guarino asked the owner if there is a concern about vandalism. The owner stated as of date, there have been no issues on that corner. He stated that bollards will be placed around the sign and the sign itself will be made from heavy oak timbers.

Motion by Conrad Ziarniak
Seconded by Joe Perry
To schedule a Public Hearing on December 3, 2014.
Unanimously carried

MINUTES
Motion by Paul Dittman
Seconded by Tom Guarino
To approve the November 5, 2014 minutes.
Unanimously carried

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ADJOURNMENT
Motion by Conrad Ziarniak
Seconded by Paul Dittman
To adjourn the meeting at 8:17 pm.
Unanimously carried

NEXT MEETING
The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, December 3, 2014 at 7:00 p.m.

Respectfully submitted,
Kristen DiFilippo
Building Department Coordinator

Approved 12/3/2014