

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
December 7, 2016**

The Zoning Board of Appeals of the Town of Clarkson met on Wednesday, December 7, 2016 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT-Board Members

Paul Dittman- Chairperson
Harold Mundy
Leslie Zink
Tom Guarino
Joe Perry

Support Staff

Kristen DiFilippo – Building Coordinator

*Excused

CALL TO ORDER

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

OLD BUSINESS

Kevin Manna (Ridge Runners Bar & Grill) – 8006 Ridge Road

Tax acct# 054.04-1-7

Zoning: Highway Commercial

Regarding: A Special Permit for a permanent sign.

Chairperson, P. Dittman read the legal notice aloud. P. Dittman stated the above application is considered a permanent sign per Clarkson Town Code **§140-13 D; No sign shall be newly erected in the Town which has a surface in excess of 40 square feet or in excess of 14 feet. The height shall be taken as the vertical distance from the uppermost portion of the sign to the ground.**

P. Dittman asked K. Manna to give a brief description of the application. K. Manna stated he removed the old “Ridge House” sign and put up a new “Ridge Runners Bar & Grill” sign. P. Dittman stated that the sign is 4’ x 7’ and will be used for a bar restaurant. He stated that K. Manna is required to bring in a survey map with the location of the sign and measurements. K. Manna stated that he did not have the survey map to present to the Zoning Board Members. K. Manna stated that he lowered the current sign two feet so that it was under the required 14 feet as per Clarkson Town Code **§140-13D; No sign shall be newly erected in the Town which has a surface area in excess of 40 square feet or a height in excess of 14 feet. The height shall be taken as the vertical distance from the uppermost portion of the sign to the ground.**

Town Attorney, R. Olson read aloud the response from the NYS DOT in regards to the sign being in the state right-of-way: **Investigation into the right-of-way near 8006 Ridge Road (NYS 104) in the Town of Clarkson indicates a width of 99 feet. The Department does not have any records identifying the exact location of the highway boundary at this specific address. However, our mapping has previously indicated that the right-of-way should be measured from the centerline of the pavement at nearby locations. As a result, without the preparation of a survey it cannot be determined if the sign attached to the building at this location encroaches into the right-of-way. We are willing to review any survey information from the property owner that is available. The property owner should be aware that if there is a highway project in this area and the sign is encroaching and interferes with the required work, it would be potentially be impacted. (Doug Johnson, NYSDOT Region 4 Office of Right-of Way).**

K. Manna asked if a decision regarding the sign permit application could be made at the present meeting with conditions on submitting the appropriate documents as soon as possible. Town Attorney, R. Olson stated that is the decision of the Zoning Board of Appeals.

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
December 7, 2016**

L. Zink asked what the sign is made of. K. Manna stated aluminum sign board. He stated the sign is a blackboard from the factory and then vinyl is placed over the top. L. Zink asked what K. Manna's intentions are for lighting. K. Manna stated bullet LED lights which resemble miniature flood lights. He stated he would eventually mount the lights to the building with the illumination shining up and out. J. Perry stated that the lights should be put on a timer.

Motion by Paul Dittman
Seconded by Joe Perry
To close the Public Hearing
Unanimously carried

Motion by Leslie Zink
Seconded by Paul Dittman
To Determine that this Special Permit for a permanent sign is a Type II SEQR action and therefore, not subject to further environmental review.
Unanimously carried

Motion by Leslie Zink
Seconded by Joe Perry
To approve the above described application with the following conditions:

- That the sign be maintained in like new condition.
- That the illumination be low voltage and low impact.
- That the hours of illumination be during business hours.
- That a survey map be submitted to the building department with the measurements of the sign to the center of the road and the measurements from the ground to the top of the sign.
- That the documents with the measurements be submitted to the building department by 12 p.m. on December 8, 2016 or the application will be denied.

NEW BUSINESS

**Gregory Rayburn – 936 West Avenue
Tax acct# 068.01-1-1.11
Zoning: RS-20, Residential**

Regarding: An area variance to allow for the construction of a pole barn in front of the single-family residence at the above address, pursuant to Clarkson Town Code §140-7E.

Cameron Rayburn, son of the applicant, G. Rayburn represented his father for the meeting. C. Rayburn gave a brief description of the application:

- 30' x 48' pole barn
- Single-family home does not have a garage.
- Single-family home is located 1,100 feet from West Avenue.
- The proposed placement of the pole barn would be hidden from the road and in front of the primary residence to the west of the parcel.
- The proposed location will be off the current driveway near the existing stone fence.

**TOWN OF CLARKSON
ZONING BOARD OF APPEALS
December 7, 2016**

P. Dittman read aloud N.Y.S Town Law Section 267-b (3) (b):

- 1. What benefit will be derived by the applicant who is seeking this variance?**
The location for the garage will benefit the homeowner as it will be accessible from the existing driveway on the property. The property does not currently have a garage.
- 2. What changes will be produced in the neighborhood by the granting of this application?** There are no other suitable locations for the proposed garage, due to the fact to the west of the house there is a steep drop-off which would require a long gradually declining driveway and, therefore, a superabundant amount of fill. The east side of the house would require a new driveway in front of the house and would place the garage in full view of the porch, thereby negatively impacting the neighborhood. Behind the house is not a feasible location as there is a septic system and a buried propane tank.
- 3. What other methods does the applicant have to achieve the benefit other than the area variance?** There will be no change adversely or otherwise, to the neighborhood by the granting of this application. The proposed structure will not be visible from the road due to the hedgerow which sits approximately 600 feet off the road. The proposed structure would sit approximately 800 feet off the road and would not be in view from the road.
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood.** The proposed variance will have no no adverse effect on the physical or environmental conditions in the neighborhood. The proposed location behind the hedgerow, about 800 feet off the road, will therefore not be visible from the road.
- 5. How was the alleged difficulty created?** The alleged difficulty of this proposed variance exists due to the location of the house being 1100 feet off the road and very close to the rear property line. A structure cannot be placed behind the house due to the septic system and propane tank, nor can it be placed to the west or east of the house without being seen from the road.

(Above answered supplied by applicant)

L. Zink asked what the use of the proposed pole barn will be. C. Rayburn stated woodworking and homeowner car repair. L. Zink asked if there will be a business in the proposed garage. C. Rayburn stated no.

P. Dittman asked if there would be electric in the proposed barn. C. Rayburn stated yes. H. Mundy asked if there would be plumbing inside the proposed barn. C. Rayburn stated yes, for a garden hose.

Motion by Paul Dittman

Seconded by Tom Guarino

To schedule a public hearing on Wednesday, December 21, 2016 at 7 p.m.

Unanimously carried

MINUTES

Motion by Leslie Zink

Seconded by Tom Guarino

To approve the October 19, 2016 Minutes on December 21, 2016.

Unanimously carried

AJOURNMENT

Motion by Paul Dittman

Seconded by Joe Perry

To adjourn the meeting at 8:10 p.m.

Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Zoning Board of Appeals will be Wednesday, December 21, 2016 at 7:00 p.m.

Respectfully submitted
Kristen DiFilippo
Building Department Coordinator

Approved [12/21/2016]