

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall and via Zoom
Wednesday, April 21, 2021 at 7:00 PM

Board Members

Conrad Ziarniak, Chairperson
Jim Gillette
Joseph Perry
Lisa Rivera-French
Joanne Scheid

Support Staff

Richard Olson, Town Attorney* Excused *
Kevin Moore, Code Enforcement
Anna Beardslee, Building Department Clerk

CALL TO ORDER:

Conrad Ziarniak called the Zoning Board meeting to order at 7:00 p.m. The Meeting was held at the Clarkson Town Hall and via Zoom. C. Ziarniak led all those present in the Pledge of Allegiance and read aloud the agenda for the night.

NEW BUSINESS:

Applicant: Shawn Smith

Property Owner: Speedway

Property Address: 7529 Ridge Road

Tax ID: 070.01-1-18.1

Zoning: Highway Commercial

The applicant is requesting to replace a permanent sign, a special permit for the new signage as well as an area variance for the new sign.

Shawn Smith is present via Zoom and is representing Speedway. S. Smith explained that they will be modifying the existing free facing sign. He began explaining a picture that was submitted with the application. The picture was of an aerial view of the property showing E01 which is the location of the free standing sign, and E02 showing the location of the pump toppers. He stated that on page 2 of the submittal package it shows a picture of the current free standing sign, as well as a picture of the proposed sign, which has the digital screen they would like to add. S. Smith stated the size of the sign will not be changing, only adding the digital screen under the words unleaded. He said the digital lettering height will be about 6 inches tall.

C. Ziarniak asked S. Smith to explain what would be showing on the digital screen.

S. Smith stated that it would show the price of gas with a pay card, and the price of gas without a pay card. S. Smith further explained that the law states that you have to show both discounted and non-discounted prices on the sign.

C. Ziarniak asked if there was another proposal for a sign. S. Smith stated that the gas toppers, also noted as E02 on the submittal package, would be changed out for digital screens. He stated that if you look at page 3, you will see that the current gas toppers are static numbers, and the proposed signage would be digitalized prices.

S. Smith explained that those are the proposals for the modifications to the existing signs. He stated that the variance is needed because of the toggling of the digital screens.

K. Moore said that under Town Code 140-13b, it states:

B. Interrupted types of lighting of any description and moving advertising devices are prohibited.

C. Ziarniak asked S. Smith to explain how the display would be changing. S. Smith stated that the rate of change on the sign would show the price with pay card and then it would show the price without the pay card. The display would change between 6-8 seconds, between the two prices.

C. Ziarniak then summarized the request for the signage stating that E01 is adding a new display panel that will show the cash card price and the regular price of gas and they are also proposing the price toppers on all of the gas pumps as well as the kerosene to have an LED illuminated display that can be digitally changed.

S. Smith stated that they are not able to expand the size of the sign to show the different amounts because the size of the sign is already to code.

K. Moore stated that he agrees with changing the pump toppers because it is a safety issue for employees when the pricing needs to be changed; explaining that employees have been hurt when changing the prices because drivers pulling in to get gas may not see the employee. He further stated that if the toggling digital screens are approved, he feels a condition should be put in place that no other advertising is to be toggled, except for the pricing as it is the law to show the two price differences.

L. Rivera-French asked about the height of the sign.

C. Ziarniak explained that they will not be expanding the sign height, only adding digital screens onto the existing sign.

C. Ziarniak asked board members if they had any questions.

J. Perry asked about the intensity of the lights.

S. Smith stated that the lighting would not be any brighter than the current lighting, but explained that lighting can be adjusted and dimmed down.

J. Perry asked if the lighting intensity was built into the design plans.

S. Smith stated, yes.

C. Ziarniak made a motion to schedule Speedway on for a Public Hearing on May 5th.

J. Perry seconded.

Unanimously carried.

NEW BUSINESS:

Applicant: Kristina Henderson

Property Owner: Kristina Henderson

Property Address: 3 Woodstock Lane

Tax ID: 040.03-2-60

Zoning: RS-20

Applicant requesting an area variance for a garage addition on her property.

C. Ziarniak read through the application questions for Kristina Henderson's application. He then explained items on the map that was provided, stating the owners are requesting a 26.5x16 foot garage addition.

C. Ziarniak asked K. Moore what the required setbacks are. K. Moore stated that the front setback is 40 feet and the side setback is 10 feet, but the garage addition is extending out past the original front setback of the house and that is why a variance is needed. K. Moore stated Town Code 140-7E(1), states: Any required yard shall be entirely open and unoccupied by buildings other than:

(1) Entrance porch or steps not over seven feet deep in a front yard.

C. Ziarniak asked what the purpose of the addition is.

K. Henderson stated to park our personal cars in.

K. Henderson's husband stated that the previous owners of the house converted a portion of the garage into livable space for the home, so the existing garage is now only 12 feet deep, and you cannot pull a car into it which is why we would like to build the addition onto the garage.

C. Ziarniak asked what the distance from property line to the garage addition is.

K. Moore stated, 60 feet.

K. Moore asked if they had spoken with neighbors.

K. Henderson stated that they had.

J. Scheid made a motion to place on for Public Hearing on May 5th.

L. Rivera-French seconded.

Unanimously carried.

NEW BUSINESS:

Applicant: Mike Corrigan

Property Owner: Mike Corrigan

Property Address: 1033 Lawrence Road

Tax ID: 030.03-01-16

Zoning: RS-20

Applicant requesting an area variance to build a barn/garage on the side of his property, not within Town Code.

Jim Guion is present to represent Mike Corrigan in his application to build a 48x30 barn/garage on the side and in front of his house.

L. Rivera-French asked if building the barn/garage would affect the water in that area.

J. Guion stated, that it won't affect the water, explaining that is why they decided to build in the location they have so it won't affect the swale.

L. Rivera-French asked would it affect the neighbor's drainage.

J. Guion stated that the drainage was affected when the neighbor built the house next door. He explained that there is an area of the property in between that is not mowed and that is where the water tends to collect now.

M. Corrigan explained that when the house was built next door and the driveway was put in, it blocked where the water was supposed to go to the drain. M. Corrigan stated he contacted the town and they came out to look at it, but nothing ever happened with it.

J. Perry asked for clarification that M. Corrigan was talking about the house that was built to the east of his house.

M. Corrigan stated, yes and he said on the west of his house is the right of way for the farmers to get to the field behind his house.

K. Moore stated that the Town is having issues right now with drainage in that area. He further explained that anytime there is a change in grading and elevations, and in this case, the consideration that water would come off of the roof, a drainage plan should be done. He stated this will help to figure out what will happen with all of the water, since there is already an existing problem there, it is a concern.

C. Ziarniak asked if this would need to go in front of the Planning Board.

K. Moore stated that his suggestion would be to request a drainage plan and submit it to the Town Engineer for review and approval to make sure that this won't create any more issues.

C. Ziarniak asked K. Moore if a site plan review would need to be done for this. K. Moore stated, no.

C. Ziarniak stated that we would want that drainage report review before a Public Hearing is scheduled.

K. Moore stated that to give appropriate time for submittal and review by the Town Engineer this probably won't be back on the agenda until the second meeting in May.

C. Ziarniak stated that we will come back for the second meeting in May to go over the Town Engineer's report and then schedule for a Public Hearing at that time.

K. Moore stated his concerns that the Town Code specifically states that the toggling screen is prohibited and was unsure if the Zoning Board is able to allow for that change. After discussion with board members, K. Moore stated that he would speak with the Town Attorney to get a clear answer.

OLD BUSINESS:

Applicant: Henry and Carrie Conradt

Property Owner: Henry Conradt

Property Address: 3599 Lake Road

Tax ID: 54.13-001-002

Zoning: Highway Commercial

Acres: 2.299 Acres

Applicant requesting an area variance that is not in compliance with Town Code § 140-36 Regulations applicable to all commercial and industrial districts.

C. Ziarniak summarized the application again for Henry Conradt explaining that he would like to build another storage building and is requesting a variance. C. Ziarniak further explained that at the last meeting there were items that needed to be addressed for the application to move forward. He stated that there were concerns about fire

equipment access and concerns about the existing building that doesn't have the correct variance that had been approved by the Zoning Board in 2012.

C. Ziarniak read an email correspondence that was received from Michael Menear who is the Brockport Fire Chief. The email explained that after review from the Fire Department, there were concerns of not being able to get the fire trucks into the parking lot in an emergency.

C. Ziarniak asked K. Moore what can be done with this application. K. Moore stated that the issue with the existing building's variance needs to be addressed first. The existing building was approved for a 30 foot variance and was built at 23 feet from the side setback instead, so that needs to be fixed. K. Moore then stated that as for the new proposed building, H. Conradt was thinking of making the storage building smaller to help the access issue.

C. Ziarniak stated that a new application would need to be submitted to address the existing storage building that was not built to the correct variance and the Zoning Board will need an updated map showing the new scaled down version of the proposed storage building. C. Ziarniak further stated that there will be two applications that could be addressed together and have one Public Hearing done.

R. Maier asked if Mike Menear stated what size building would be needed to help with access. K. Moore stated, that he did not give a size, but would be in touch with Mike Menear to see what kind of radius would be needed to get the fire trucks in that entrance.

MINUTES:

J. Gillette made a motion to approve the minutes for 4/6/2021 as amended.

L. Rivera-French seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 8:10 PM

L. Rivera-French seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, May 19, 2021 at 7:00 PM in person and via Zoom.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 5/5/2021