

TOWN OF CLARKSON ZONING BOARD OF APPEALS MEETING
Held at the Clarkson Town Hall and via Zoom
Wednesday, July 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.

PUBLIC HEARING:

Applicant: Stephen DeLong
Property Owner: Stephen DeLong
Property Address: 23 Berry Grove Lane
Tax ID: 069.02-1-33
Zoning: RS-10

Applicant requesting to place a 6 foot privacy fence up on a corner lot property 11 feet from the property line, which is not within Town Code §140-22D(c)[4]:

Corner lots: Both sides abutting a street, road or highway shall be considered front yards and shall be subject to the front setback requirement. Both sides not abutting a street, road or highway shall be considered to be rear yards and shall be subject to the rear setback requirement.

And town code §140-14A:

Closed fences shall not be permitted along any front lot line or alongside lot lines between the front setback line and the highway right-of-way. Open fences along these lot lines shall not be higher than three feet above the adjacent ground level. Open fences allowed herein shall be encouraged to be decorative, such as picket, split rail or board fences. In determining the height of a split rail fence, the distance to the top of the horizontal rail shall govern and posts shall be no more than one foot higher.

Wire fences including chain link fences, shall be prohibited between the front setback line and the highway right-of-way.

C. Ziarniak read aloud the Legal Notice for Stephen DeLong. He then explained a new map had been provided to show the location of the fencing for board members as well as any residents present for the Public Hearing.

C. Ziarniak then asked Stephen DeLong to briefly summarize his proposal.

Stephen DeLong explained that he would like to place a fence on his property that will be 13 feet from the sidewalk on the side of his house that faces Lindera Lane. He further stated that there is a transformer box on that side of the house, and it would be outside of the fence.

S. DeLong took the map up to the board members to show the location of the fence. He explained that he is requesting a 6 foot privacy fence on the side of his house that faces Lindera Lane that will begin from his sunroom on the back of his house and will extend to the back of his property line. He then further stated he is requesting a 4 foot chainlink fence on the side of his house that neighbors 21 Berry Grove Lane.

C. Ziarniak asked if it is possible to add colors on the map to differentiate the 6 foot privacy fence and the 4 foot chainlink fence locations.

S. DeLong used a pink highlighter to show where the 6 foot privacy fence is being proposed and then used a blue highlighter to show where the 4 foot chainlink fence is being proposed.

After showing the map and explaining his requests to the board members, S. DeLong went around the room to show and explain his proposals to the residents who had come in for the Public Hearing as well.

C. Ziarniak asked what the fence will be made of.

S. DeLong stated that the 6 foot privacy fence will be pressure treated wood and will be a dog eared style fence.

C. Ziarniak asked what the chainlink fence will look like.

S. DeLong stated that it will be a vinyl coated, black colored, 4 foot chainlink fence.

C. Ziarniak asked if there would be a gate on the side where the garage is.

S. DeLong stated, yes.

C. Ziarniak stated if anyone from the public would like to make a comment, to please state your name so that it is recorded for the minutes.

Ron Fiorito from 27 Berry Grove Lane asked if the fence was south of the transformer.

S. DeLong stated, yes.

Ron Fiorito asked if it would be a wooden fence and what color.

S. DeLong stated it would be a wooden fence and the color will be a light honey.

Frank Fantigrossi from 29 Berry Grove Lane stated he was worried the fence was going to be around the whole property, but now understands only the back of the property is being enclosed.

Jim Hastings from 16 Summerhill Drive stated, he was concerned about what the fence would look like but now knows it will be a wooden fence. He asked if the nice side of the fence would be facing his property.

K. Moore stated, yes the finished side of the fence faces the neighbor's property.

C. Ziarniak asked if anyone else from the public wished to be heard and asked if there was anyone from the Zoom Meeting that would like to speak on behalf of this Public Hearing as well.

Kyle O'Connors from 18 Berry Grove who was on the Zoom Meeting spoke and asked if the map could be shared with him on the Zoom Meeting to see where the proposed fencing would be located.

C. Ziarniak held up the map and he had no further comments.

C. Ziarniak stated that correspondence via email was received by a Laurie Zavaglia of 31 Berry Grove Lane and read the email aloud. The email expressed her concerns, that a fence may impede the view of incoming traffic or children running into the street and would be dangerous.

C. Ziarniak made a motion to close the Public Hearing.

J. Gillette seconded.

Unanimously carried.

J. Perry asked about the clearance between the fence and the transformer.

S. DeLong stated there is one foot between the transformer and the fence.

J. Perry stated that he was unsure if the utility company would have enough room to gain access.

K. Moore stated that he has the same concerns after reviewing the map again as well. He further stated that he feels that more room will be needed if utility work needed to be done.

C. Ziarniak stated that the utility company should be contacted to find out how much room would be needed or to see if there is a utility easement.

C. Ziarniak stated that the Public Hearing has been closed but the item will be tabled to receive more information in regards to possible easements on the property.

C. Ziarniak noted for the minutes that S. DeLong's survey map was being reviewed voluntarily by Rich Maier, who is a surveyor to see if there are easements on the property.

After a quick review, R. Maier stated, that the survey map provided did not include an abstract which would show the easements. R. Maier suggested to S. DeLong that he should get an abstract for the property.

PUBLIC HEARING:

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.

C. Ziarniak read the next agenda item which was for the Speedway application.

C. Ziarniak summarized that the Zoning Board met with Speedway in June for a Public Hearing, and determined that there were two components to the application and explained that Component 2, for the digital LED price toppers was approved. He then explained that the board members had concerns about Component 1, which proposed digital pricing changes being toggled on the free standing sign. He then stated, the board members discussed, if the proposed free standing sign would be considered to have interrupted lighting, because of the toggling of the prices. He then further explained that the Town Code for signage prohibits interrupted lighting. The definition of interrupted lighting which is, "intermittent on and off cycles" was discussed thoroughly. C. Ziarniak then stated that Speedway is back on the agenda tonight because a decision needs to be made, as the Zoning Board is only given 62 days from the date a Public Hearing begins to make a decision on an application.

C. Ziarniak stated that K. Moore had provided a recorded video for the board members to review which displays the Speedway on Route 31 in the Town of Sweden, who has the digital signage, which is being proposed.

C. Ziarniak asked the board members if they had a chance to review the video and/or driven by the Speedway on Route 31 in the Town of Sweden to see the signage.

The board members all answered they had a chance to see the signage in the Town of Sweden.

C. Ziarniak then asked the board members if they would briefly describe their observations.

L. Rivera-French stated that she had driven by the Speedway on Route 31 and in her opinion, the change of prices from paycard to non paycard members did not distract her and felt it would not be distracting to others.

J. Gillette stated that he also drove by the Speedway that has the proposed signage and felt it was not distracting.

J. Gillette asked Shawn Smith, if the proposed signage for Clarkson would be the same signage that is in the Town of Sweden currently.

S. Smith stated, yes.

C. Ziarniak stated that after observing the video K. Moore recorded, the digital pricing change occurs about every 5 seconds, and is continuous.

S. Smith explained that the rate of change is kept at 5 seconds, but can be changed if necessary. He further explained it does not flash and is not meant to be used as a distraction, but to relay information.

J. Perry asked about dimmer lighting.

S. Smith stated that the lighting is dimmer during the day and is brighter at night and can be changed.

J. Perry wanted to make sure it was noted for minutes that the intensity of the lighting can be changed, if need be.

C. Ziarniak asked if anyone had concerns or comments.

No one responded.

C. Ziarniak made a motion to determine SEQR as a type II action with a negative declaration and would not need further environmental review.

L. Rivera-French seconded.

Unanimously carried.

J. Perry made a motion to approve Component one of the application for the free standing digital LED sign to show the change of price for people paying with paycard and without paycard, under the following conditions:

- 1) The rate of change of the information on the digital signage shall not be faster than 5 seconds.
- 2) The intensity of the LED illumination of the sign will be set to the least distracting for traffic and neighbors.
- 3) The signage shall only show information in regards to paycard and non paycard pricing for fuel.

J. Gillette seconded.

Unanimously carried.

4 – ayes, 0 – nays

NEW 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.

The following regulations shall apply to all commercial and industrial districts:

C. Setbacks. For all buildings, structures and parking areas not abutting a major road, the minimum front setback shall be 70 feet, and the minimum rear and side setbacks shall be 30 feet, except that, where a lot in any commercial or industrial district abuts a lot in a residential district, the side and rear setback for any business, commercial or industrial district on said abutting line shall be at least 40 feet from the property line. A buffer area consisting of embankments, trees, shrubs, plantings or fences shall be erected along said property line as a condition of site plan approval by the Planning Board.

[Amended 4-9-1985 by L.L. No. 2-1985]

C. Ziarniak read aloud the details of Henry Conradt's application.

Rich Maier is present to represent for Henry Conradt. R. Maier explained that last time he came in for this proposed storage building, there was an issue with a variance that needed to be resolved. He explained that since then the variance issue has been fixed, and H. Conradt would still like to move forward with constructing a new storage building.

C. Ziarniak stated that an updated map would need to be done to show the new storage building measurement proposals.

K. Moore stated that once that map is done he will need to have the fire marshal review.

K. Moore asked if the location of the proposed storage building could be staked out for board members to view.

R. Maier stated that he would work on an updated map and could have the area staked out.

MINUTES:

J. Gillette made a motion to approve the minutes from 7/7/2021 as amended.

L. Rivera-French seconded.

Unanimously carried.

ADJOURNMENT:

C. Ziarniak made a motion to adjourn at 8:02 PM.

L. Rivera-French seconded.

Unanimously carried.

NEXT MEETING:

The next meeting of the Zoning Board of Appeals will be Wednesday, August 4, 2021 at 7:00 PM in person.

Respectfully submitted,

Anna Beardslee, Building Department Clerk

Minutes approved on 8/4/2021