

# TOWN OF CLARKSON – ZONING BOARD OF APPEALS

February 3, 2010

## PRESENT – Board Members

Conrad Ziarniak - Chairperson  
Paul Dittman  
Rick Sheffer  
Jackie Smith \*  
Scott Tantalo

## Support Board Members

Richard Olson, Town Attorney \*  
Chad Fabry, Code Enforcement \*  
Ursula M. Liotta, Building Dept. Coordinator  
  
Excused \*

## CALL TO ORDER:

C. Ziarniak called the meeting to order at 7:00 pm, led all present in the Pledge of Allegiance, and reviewed the agenda.

## PUBLIC HEARING:

1. **New Beginnings Christian Fellowship** – Special Permit Application for a Sign, ZBA #2010-1 7397 Ridge Road, Tax Acct. #070.01-1-23.2

C. Ziarniak opened the Public Hearing by reading aloud the legal notice. Michael Rosso, representing the church, introduced himself and summarized the application. C. Ziarniak stated that the application very clearly articulates the sign itself. M. Rosso also stated that the sign will have a 20' setback from Ridge Road, and a 22' setback from the driveway entrance.

As requested at the previous meeting, U. Liotta was to search for the Apple Tree furniture store's ZBA file for the original sign application and survey; that no such file or survey was found; that she contacted David Matt of Schultz Associates who had prepared the recent site plan for the church, and he provided an aerial view of the property w/the measurements from the middle of Ridge Road to the sign, and from the site of the new sign to the church building in two different directions. Discussion followed as to whether or not the sign area was in the NYS right of way; that the site plan does not indicate where the NYS right of way is located.

P. Dittman questioned the lighting to be used to illuminate the sign. M. Rosso stated that the lights on the temporary sign are on timers and automatically shut off at 10:00 p.m. C. Ziarniak stated that if no one is at the church, then the board would prefer that it not be lit more than necessary. M. Rosso assured the board that the lights are often off well before 10:00, but in any case, no later than 10:00 p.m.

S. Tantalo asked regarding the permanent website designation on the sign; that it may create a visibility issue concern with slowing traffic. C. Ziarniak stated that this board cannot control the content of the sign. M. Rosso stated that he will address the concern with the church board. If the website designation is to remain as part of the sign, it was suggested by this board that the lettering size be legible enough from the road not to create a visibility hazard.

No public was present. C. Ziarniak closed the Public Hearing and made a motion determining that this matter is a Type II SEQR action, and therefore, not subject to further environmental review; second by P. Dittman; unanimously carried.

P. Dittman made a motion that the Zoning Board of Appeals grant Applicant's request for a Special Permit for a sign, as follows:

- That the sign will be a 7' high, 5' x 8' (40 sq. ft.), double-sided, freestanding structure made of exterior grade ¾" thick MDO plywood; and
- That the sign will be professionally made, and kept in like-new condition; and
- That only minimum illumination will be used to light the sign, and that the intensity and direction of the illumination will not interfere with motor vehicle traffic; and
- That the lights illuminating the sign will be on an automatic timer, and will be turned off by 10:00 p.m. nightly; and
- That if it is determined that the sign is in the NYS right-of-way, it will be the responsibility of the Applicant to obtain permission from NYS DOT; and
- That this Special Permit is conditioned upon Applicant's compliance with the NYS Building Code (§3107.1 General).

Second by C. Ziarniak; unanimously carried.

U. Liotta gave M. Rosso a copy of the required application to obtain a building permit to erect the sign.

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**OLD BUSINESS:**

1. **First Niagara Bank**, 2 West Avenue (aka 4119 Lake Road), Tax ID# 069.05-1-4.1  
Area Variance Application re: Sign

Neither the Applicant nor its representative was present. The board reviewed the additional information received from Ulrich Signs, including the sign location measurements and the type of materials to be used for the sign and pole. After board discussion, C. Ziarniak made a motion to schedule the Public Hearing for February 17, 2010; second by R. Sheffer; unanimously carried.

S. Tantalo questioned the “fall zone” for the requested 16’ sign, and whether that has been considered. C. Ziarniak stated that the board would convey that concern to the Building Department.

**NEW BUSINESS:**       None

**OPEN FORUM:**       None

**OTHER:**

1. The board discussed the information provided to them by C. Fabry regarding the Mobil station sign, i.e. that it is 22’ tall and there are no records of an area variance having been applied for or granted by this board. Further, the board asked that C. Fabry contact Mobil directly, and require them to apply for an area variance.

2. The board discussed the understanding re: the Special Permit application for signs as set out in the minutes dated January 20, 2010, and reiterated as follows:

*Discussion followed by the board members with regard to fine-tuning the sign permit application process, including, the method for approvals and the conditions on the approvals being granted. Applicants that apply to the ZBA for permission to erect a sign are requesting a **Special Permit**. All **Special Permit** application fees in the Town of Clarkson are \$150. Once the **Special Permit** has been granted, the Notice of Decision will be conditioned upon the applicant applying to the Building Department for a building permit to erect the sign.*

That C. Fabry is in full agreement with the same, and at his suggestion, all future Notices of Decisions for a Special Permit for a sign will include the following wording: *that this Special Permit is conditioned upon Applicant’s compliance with the NYS Building Code (§3107.1 General).*

3. The board continued discussion regarding the prospect of a computer program specific to the ZBA to enhance its record-keeping and follow-up of “conditions” of Notices of Decision. P. Dittman agreed to work on a proposal to review with the ZBA for presentation to the Town Board in the near future.

**REVIEW OF MEETING MINUTES:** January 20, 2010

P. Dittman made a motion to approve the minutes; second by C. Ziarniak; unanimously carried.

**NEXT MEETING:** February 17, 2010 at 7:00 p.m.

**ADJOURNMENT:** C. Ziarniak made a motion to adjourn at 8:15 p.m.; seconded by R. Sheffer; unanimously carried.

**Approved 2-17-10**

Respectfully Submitted,

Ursula M. Liotta, Bldg. Dept. Coordinator