

# TOWN OF CLARKSON – ZONING BOARD OF APPEALS

August 4, 2010

## PRESENT – Board Members

Conrad Ziarniak - Chairperson  
Paul Dittman  
Jackie Smith  
Scott G. Tantalo \*  
Michael Beadling

## Support Board Members

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

## CALL TO ORDER:

C. Ziarniak opened the meeting with the Pledge of Allegiance, and reviewed the agenda.

## PUBLIC HEARING:

1. **Jubilee Christian Church**, 3565 Lake Road, Tax ID#054.13-1-1  
Application for Special Permit for permanent sign

C. Ziarniak opened the Public Hearing by reading the legal notice aloud, and asked Pastor Emelio Sebastian, to briefly outline the application. E. Sebastian stated that Jubilee Christian Church has made application for a Special Permit for an oval sign approximately 8' x 4' or 32 sq. ft. that will read the name of the church. The sign will be made out of weatherproof redwood that should last 20 years without any problems. After the sign is built, it will be covered with a coating to help protect it from rot and insects. The sign will be attached to the church building on the SE side facing Lake Road. The sign will be illuminated by ground-base lighting with a 150-watt halogen bulb directed toward the building and not the road or other driving surface; that the illumination will be just enough for the sign itself. The light will be on a timer from 6 pm – 10 pm.

C. Ziarniak noted that no public was present, and made a motion to close the Public Hearing; second by P. Dittman; unanimously carried. Board discussion followed.

C. Ziarniak made a motion determining that this matter is a Type II SEQR action and not subject to further environmental review; second by P. Dittman; unanimously carried. J. Smith made a motion that the Zoning Board of Appeals approves the application, as follows:

- That the oval shaped sign will be approximately 4' x 8' (32 sq. ft.) and will depict the name of the church; and
- That the sign will be attached to the South East corner of the building, out of the right-of-way of traffic; and
- That the sign will be professionally made of exterior grade redwood base material, and will be kept in like-new condition; and
- That the sign will be illuminated by ground-base lighting (halogen bulb, 150 watts or less), and the intensity and direction of the illumination will not interfere with motor vehicle traffic; and
- That the light will be on an automatic timer from 6:00 p.m. to 10:00 p.m. daily; and
- That this Special Permit is conditioned upon Applicant's compliance with the NYS Building Code (§3107.1 General).

Second by M. Beadling; unanimously carried. A Notice of Decision will be prepared to reflect the motion.

2. **Wegman Family LLC**, Emeritus at Landing of Brockport, 90 West Avenue, Tax ID#068.02-1-15.11  
Application for Special Permit for new permanent sign; and Application for Area Variance

C. Ziarniak opened the Public Hearing by reading the legal notice aloud. The Applicant was represented by Rick Eichenberger, Maintenance Supervisor at Emeritus at Landing of Brockport (formerly known as The Landing). R. Eichenberger stated that Wegman Family LLC owns the building and property, and Emeritus (based in Seattle, WA) runs the facility. The new sign was installed a couple of months ago by Emeritus as part of a larger country-wide project; that they run 330 facilities in the United States, and all facilities received new standardized signs. The sign is made of weather-resistant vinyl clad material and was installed in 42" footers w/concrete.

C. Ziarniak stated that when a company wishes to replace their previously ZBA approved sign, and the new sign is "apples to apples" with the old sign, it does not require the formality of the application and public hearing to make the change, and there is no charge. However, in this case, the new Emeritus sign is much larger than the previous sign, plus it is three square feet larger than allowed by Town Code, therefore requiring an application for an area variance as well.

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C. Ziarniak noted that no public was present, and further, made a motion to close the Public Hearing; second by P. Dittman; unanimously carried. Board discussion followed.

C. Ziarniak made a motion determining that this matter is a Type II SEQR action and not subject to further environmental review; second by P. Dittman; unanimously carried.

C. Ziarniak reviewed the criteria for an area variance and stated that the three additional square feet is not significant, and it does not adversely affect the character of the neighborhood since a sign was previously installed in the same place.

C. Ziarniak made a motion that the Zoning Board of Appeals approves the application for an Area Variance, i.e. that the total square footage of the sign will be 43 sq. ft. Second by J. Smith; unanimously carried.

J. Smith made a motion that the Zoning Board of Appeals approves the application for a Special Permit for a Sign as follows:

**Special Permit for Sign**

- That the double-sided sign will be replacing a previously approved sign located on the East side of the driveway entrance on West Avenue, facing East and West; and
- That the placement of the sign is approximately 30' from the road, and is not in the right-of-way of traffic.
- That the sign will be 72" x 86" or 6' x 7.2' (43 sq. ft.), and will depict the new name "**Emeritus at Landing of Brockport**"; and
- That the sign will be professionally made of weather resistant vinyl material, and will be kept in like-new condition; and
- That the sign will be illuminated by ground-base lighting (two quartz bulbs, 100 watts each), one on each side of the sign; that the intensity and direction of the illumination will not interfere with motor vehicle traffic; and
- That the lights will be on an automatic timer, dusk to dawn daily; and
- That this Notice of Decision is conditioned upon Applicant's compliance with the NYS Building Code (§3107.1 General).

Second by P. Dittman; unanimously carried. A Notice of Decision will be prepared to reflect the motion.

**NEW BUSINESS:**

**OLD BUSINESS:**

**OPEN FORUM:**

**REVIEW OF MEETING MINUTES:** July 21, 2010

J. Smith made a motion to approve the minutes; second by C. Ziarniak.

Vote: C. Ziarniak     aye  
      J. Smith        aye  
      S. Tantalo     absent  
      M. Beadling    aye  
      P. Dittman     abstained

**NEXT MEETING:** August 18, 2010 at 7:00 p.m.

**ADJOURNMENT:** C. Ziarniak made a motion to adjourn at 7:50 p.m.; second by M. Beading; unanimously carried.

**Approved 9-1-10**

Respectfully Submitted,

Ursula M. Liotta,  
Building Department Coordinator