

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 12, 2015

The regular meeting of the Zoning Board of Appeals of the Town of Clay, County of Onondaga, state of New York was held at the Town Hall of Clay, 4401 State Route 31, New York on January 12, 2015.

Chairman Mangan called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Charles V. Mangan	Chairman
	Mark Smith	Deputy Chairman
	Karen Liebi	Member
	Brian Hall	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

ORGANIZATIONAL MEETING:

MOTION made by Chairman Mangan accepting the 2015 Scheduling Calendar, which states the filing dates of when a completed application is to be received from an applicant. Motion seconded by Deputy Chairman Smith. *Unanimously carried.*

MOTION made by Chairman Mangan designating the second Monday of each month as the regular meeting of the Zoning Board of Appeals. Motion seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Mangan appointing Mark Smith as Deputy Chairman. Motion seconded by Mr. Hall. *Unanimously carried.*

Chairman Mangan stated that the Town Board has reappointed Robert Germain as Zoning Board of Appeals attorney.

MOTION made by Chairman Mangan appointing Vivian Mason as Zoning Board of Appeals Secretary. Motion was seconded by Deputy Chairman Smith. *Unanimously carried.*

Chairman Mangan announced that Proofs of Publication will be in the Tuesday edition of The Post Standard.

Chairman Mangan also announced that board member Anne Stenham has resigned, He thanked her for all her fine service to the Town.

REGULAR MEETING:

MOTION made by Ms. Liebi that the Minutes of the meeting of December 8, 2014 be accepted as submitted. Motion was seconded by Deputy Chairman Smith. *Unanimously carried.*

MOTION made by Chairman Mangan for the purpose of the New York State Environmental Quality Review (SEQR) all new actions tonight will be determined to be Type II actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Deputy Chairman Smith. *Unanimously carried.*

OLD BUSINESS:

Case #1553 – USE VARIANCE - Cross of Christ Evangelical Lutheran Church, 8131 Soule Road, Tax map #067.-01-06.2:

The applicant is requesting a Use Variance pursuant to Section 230-13 A.(4) to allow for expansion of the existing building and to set up a temporary residence for up to ten 5th wheel campers for 4-5 months. The proposed use is not allowed. The property is located in the RA-100 Residential Agricultural zoning district.

(This case was adjourned at the December 8, 2014 meeting. The Secretary read the proof of publication at that time.)

Neither the applicant nor a representative was present.

Attorney Germain explained that a Use Variance is very difficult to obtain where a use is not allowed. The applicant must prove each of the four Standards of Proof. For the first one they must prove financially that they cannot realize a reasonable return. For the second, they must prove that the hardship is unique to that single property. Thirdly, the test for the board is to determine if it will alter the character of the neighborhood. And the fourth, one of the most difficult to prove is whether the hardship was self-created or not. Failing one of these four Standards of Proof will result in denial.

Chairman Mangan explained that at the last meeting the applicant was directed to submit financial proof in order to be considered for approval. The Board has not received any further input from the applicant.

MOTION made by Chairman Mangan to close the hearing for Case #1553. Motion was seconded by Deputy Chairman Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	<i>Unanimously carried.</i>

MOTION made by Mrs. Liebi in Case #1553 to **deny** the request for a Use Variance. Motion was seconded by Deputy Chairman Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	<i>Unanimously carried.</i>

There being no further business, Chairman Mangan adjourned the meeting at 7:40 P.M.



Vivian I. Mason, Secretary
Zoning Board of Appeals
Town of Clay