APPROVED

ZONING BOARD OF APPEALS
MINUTES OF MEETING
February 8, 2016

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 Clay Town Hall, 4401 New York State Route 31, Clay, New York on February 8, 2016. Deputy Chairman Wisnowski called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Charles V. Mangan	Chairman
	Edward Wisnowski, Jr.	Deputy Chairman
	Karen Liebi	Member
	Ryan Pleskach	Member
	Nicholas Layou	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of January 11, 2016 be accepted as submitted. Motion was seconded by Mr. Layou. *Unanimously carried.*

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

OLD BUSINESS:

Deputy Chairman Wisnowski noted that since the July 2015 meeting the Board still has one old case regarding Verizon Wireless for a cell tower, but it will be at a future meeting.

NEW BUSINESS:

Deputy Chairman Wisnowski asked if all the members had visited the sites and all said they had.

Case #1595 – AREA VARIANCES – America Stores-It, Oswego Road, north of the intersection of Oswego Road and Canvassback Drive, Tax Map #'s 053.-01-02.0; 053.-01-03.1 and 053.-01-04.0:

The applicant is requesting Area Variances pursuant to Sections 230-16 C.(4)(a)[2][a]; 230-16 C.(4)(a)[2][b]; 230-16 C. (4)(a)[2][b]; and 230-16 C.(4)(a)[2][c]; 230-16 C.(4)(a)[1][b][c]; 230-19 A.(5) and 230-16 C. (4)(a)[1][b] to allow for a reduction of the front yard setback from 100 feet to 60 feet; a reduction of the side yard setback from Sandra Halls property from 75 feet to 50 feet; a reduction of the side yard setback on the east end from 75 feet to 50 feet; a reduction of the rear yard setback from 75 feet to 65 feet; a reduction of the rear yard perimeter landscape strip from 80 feet to 65; a reduction of the highway overlay (buildings) from 140 feet to 122 feet; and a reduction of

the front perimeter landscape strip from 30 feet to 1 foot to allow for construction of a public storage facility. The property is located in the RC-1 Regional Commercial zoning district.

The Secretary read the proof of Publication.

Joseph Mastroianni, P.E. represented the applicant. He explained that they want to construct storage units on this parcel. They feel the back row of storage units will be a barrier to the residential properties to the rear of this parcel. The state has taken some of the lot, so the shape is odd, so that is a factor in the layout of the storage buildings. The layout is needed to make the project economically feasible.

Mr. Mastroianni addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. It's a commercial area and the buildings are only 8 to 10 feet tall. With only about 25 customers a day, traffic will be of minimal impact.
2. They don't believe there is any other method than to obtain an Area Variance. They need a certain number of units to make this project economically feasible.
3. They don't believe the Area Variance request is substantial. The Area Variances are on three sides are small reductions.

   Chairman Mangan questioned the 30 feet to 1 foot Area Variance as being unsubstantial.

4. They don't believe there will be any physical or environmental impact to the neighborhood. There will be no dumpsters.
5. They don't feel the Area Variance is self-created as the parcel is oddly shaped.

   Chairman Mangan said to him it was self-created, since they could do something else with the parcel.

Mr. Pleskach said his biggest concern was the line of storage units that would be so close to the residential homes. Also, he felt the reduction for the front part of the parcel from 30 feet to one foot was a concern during the winter, and the accumulation of snow.

Mr. Mastroianni stated that they need the parking in front.

Mrs. Liebi asked why they couldn't move the parking over and not stack it.

Mr. Mastroianni said they could bring it back further.

Mrs. Liebi asked about the wetland and Mr. Mastroianni stated that would be handled with the Planning Board and the Army Corps of Engineers.

Deputy Chairman Wisnowski asked if there were any further comments or questions and there were none.

Deputy Chairman Wisnowski asked Commissioner Territo if he had any comments and he had none.

Deputy Chairman Wisnowski asked if anyone in the audience had any comments or questions.

Noreen Chalk, who owns property on Black Brant, explained that she rents it out for income and is concerned the units being so close to it will impact the value of property in the Willow Woods development. A landscape buffer is needed for the 11 homes that back up to the proposed storage units. She presented a petition with 39 signatures opposing the applicant's proposal.

Chairman Mangan noted that if this project is denied, something else commercial could go in there.

Ms. Chalk said that renters could store hazardous things that could be a safety concern.

Nancy Platz voiced concern for the view from her living room and her quality of life.

Ron Reed was concerned with the water table, as there are floods every spring.

Charles Edgar said the rear Area Variance bothers him the most. Also he wanted to know if the reduction of the front perimeter landscape strip from 30 feet to 1 foot was for the whole length of the property.

Mr. Mastroianni said they would remove that request.

Mr. Edgar asked about the height of the buildings, and Mr. Mastroianni stated that the front building will be two stories.

Lawrence Oberacker inquired if the landscaping and tree buffer could be guaranteed.

Commissioner Territo stated that there is no code for trees, but during the Planning Board meeting if trees were addressed and a condition was given by the Board then they would have to stick to it.

Anthony Morgese asked if the lighting would be on all night.

Deputy Chairman Wisnowski explained that that is a Planning Board issue that this Board only deals with the Area Variances.

Deputy Chairman Wisnowski asked for those in favor and those opposed to granting the Area Variance requests and there were 18 opposed.

Deputy Chairman Wisnowski closed the hearing.

MOTION made by Mr. Pleskach in Case #1595 to **approve** the Area Variance for a reduction of the front yard setback from 100 feet to 60 feet with the condition that it be in substantial compliance with Exhibit "A" Zoning Variance Layout. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1595 to **deny** the Area Variance for a reduction of the side yard setback from Sandra Hall's property from 75 feet to 50 feet. Motion was seconded by Mr. Layou.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1595 to **approve** the Area Variance for a reduction of the side yard setback on the east end from 75 feet to 50 feet with the condition that it be in substantial compliance with Exhibit "A" Zoning Variance Layout. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1595 to **deny** the Area Variance for a reduction of the rear yard setback from 75 feet to 65 feet. Motion was seconded by Mr. Layou.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1595 to **deny** the Area Variance for a reduction of the rear yard perimeter landscape strip from 80 feet to 65 feet. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1595 to **approve** the Area Variance for a reduction of the highway overlay (buildings) from 140 feet to 122 feet with the condition that it be in substantial compliance with Exhibit "A" Zoning Variance Layout. Motion was seconded by Mr. Layou.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1595 to **deny** the Area Variance for a reduction of the front perimeter landscape strip from 30 feet to 1 foot. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

The Areas Variances in **Case #1595** are as recorded, **Three** requests **approved**, and **four denied**.

Case #1596 – AREA VARIANCE - Joseph Murffyn, 4971 Buckley Road, Tax Map #089.-01-04.1:

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4) to reduce the front yard setback from 75 feet to 32 feet to allow for construction of a garage. The property is located in the R-10 One-Family Residential zoning district.

The secretary read the Proof of Publication.

Joseph Murffyn explained that his driveway is on a hill and he would like to build a 20 foot by 24 foot garage on the west side of his property where it would be more convenient to get into it.

Mr. Murffyn addressed the Standards of Proof:

1. He feels there will be no adverse change to the character of the neighborhood. Neighboring houses have garages.
2. Because of the front yard setback and that they would have to take a tree down, he doesn't believe there is any other feasible method than to obtain an Area Variance.
3. He believes the variance request is substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. He believes the request for an Area Variance is self-created.

Mrs. Liebi asked how he would get on the Buckley Road and Mr. Murffyn said he would put in a driveway.

Commissioner Territo explained that he would need approval from the County for a curb cut, as Buckley Road is a County road.

Mr. Murffyn said he wasn't aware of that, but would eliminate the other driveway if the County said no.

Deputy Chairman Wisnowski asked if there were any further comments or questions and there were none.

Deputy Chairman Wisnowski asked Commissioner Territo if he had any comments and he had none.

Deputy Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Deputy Chairman Wisnowski asked for those in favor and those opposed to granting the Area Variance requests and there were none.

Deputy Chairman Wisnowski closed the hearing.

MOTION made by Mr. Layou in Case 1596 #to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A" a survey dated 6/22/2010. Motion was seconded by Mr. Pleskach.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- in favor	*Unanimously carried.*

The Area Variance for **Case #1596** is **approved**.

There being no further business, Deputy Chairman Wisnowski adjourned the meeting at 8:25 P.M.

Vivian I. Mason

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