

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
March 12, 2018

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 March 12, 2018. 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
	Edward Wisnowski, Jr	Deputy Chairman
	Karen Liebi	Member
	Nicholas Layou	Member
	Luella Miller-Allgaier	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 February 12, 2018 be accepted as submitted. Motion was seconded by Deputy Chairman Wisnowski. *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 Unlisted actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mr. Layou. *Unanimously carried.*

OLD BUSINESS:

Case #1693 – Widewaters Farrell Road II Company, LLC, Route 31, Tax Map #020.-01-05.1 and #020.-01-05.2:

The applicant is requesting an Area Variance per Section 230-19 A.(5) for a reduction in the highway overlay from 165 feet to 160 feet, for the purpose of allowing stormwater management and water quality facilities within the landscape strips and a reduction in the highway overlay to allow for a portion of the building to go in it. The property is located in the RC-1 Regional Commercial zoning district.

(This request is being reviewed by the Planning Board for their input. The request may be modified.)

MOTION was made by Deputy Chairman Wisnowski to adjourn this case to April 9, 2018. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

Case #1694 – Summit Realty Management, LLC/Clay Medical Parking, 8100 Oswego Road, Tax Map #068.-02- 22.1:

The applicant is requesting Area Variances per Section 230-15 B.(5)(a) for a reduction in the perimeter landscape strip (when not abutting residential) from 15 feet to an average of 10.7 feet, with a minimum of 2 feet at the northwest corner; 230-15 B.(5)(a)&(b) for a reduction in the perimeter landscape strip (when abutting residential) from 40 feet to an average of 15 feet at the southwest corner of property; Section 230-21 A.(1) for a reduction in the required width of parking spaces from the required 9.5 feet to 9 feet; Section 230-21 E. for a reduction in the number of parking spaces from the required 275 to 207 (currently there are 192); Section 230-15 B.(4)(a)[5] for an increase in the percentage of lot coverage from the maximum of 70% (currently existing non-conforming 75.2%) to 78.5%, for the purpose of reworking of the existing parking lot to improve circulation and increase the number of parking spaces to accommodate new tenants that may require more parking in the future, and to bring the building closer to compliance with the new ordinance. The property is located in the O-2 Office zoning district.

Proof of Publication was read by the Secretary.

Jim Hagan and Kevin Hagan represented the applicant.

Jim Hagan explained that they finessed some of the details rebutting the residential neighbors. He noted that the drainage problem may well be caused by a blockage in the storm drain. They recomputed the variance requests and arrived at an average number to encompass the need.

Chairman Mangan said he was concerned with the paved parking increasing into the buffer and encroaching the resident across Winterpark Drive.

Jim Hagan further explained that they are not decreasing all parking spaces to 9 feet, most will be 9.6, but more parking is needed. They are trying to improve the property and the circulation and landscaping. They are not changing the intensity.

Jim Hagan addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. The proposed change does little to affect the site itself. Buffers to abutting properties would be maintained, only substantially reducing the perimeter landscape strip where the lot is adjacent to the road. They will be adding landscaping to these perimeter buffer zones and adding landscaping to break up the parking lot.
2. They don't believe there is any other feasible method than to obtain Area Variances. Due to the county at one point taking some of their parcel the size of the parking lot has been reduced. Previously fewer parking places were required.
3. Because their proposal is somewhat minor, they don't feel the Area Variance requests are substantial.
4. They don't believe there will be any physical or environmental impact to the neighborhood. They are only slightly modifying existing site conditions.

5. The property is an existing non-conforming use that has been subject to a changing code and takings at the roadways over the years they believe that technically the need for the Area Variances is not self-created. The applicant is attempting to bring it closer to compliance by increasing parking numbers, while improving both the look and function of the property.

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

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

Chairman Mangan asked if anyone in the audience had any further questions and there were none.

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

MOTION was made by Mrs. Miller-Allgaier in Case #1694 to approve the request for a reduction in the perimeter landscape strip (when not abutting residential) from 15 feet to an average of 10.7 feet, with a minimum of 2 feet at the northwest corner, with the condition that it be in substantial compliance with Exhibit "A", a Site Plan with a revised date of February 28, 2018. The motion was seconded by Mr. Layou.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

MOTION was made by Mrs. Miller-Allgaier in Case #1694 to approve the request for a reduction in the perimeter landscape strip (when abutting residential) from 40 feet to an average of 15 feet at the southwest corner of property, with the condition that it be in substantial compliance with Exhibit "A", a Site Plan with a revised date of February 28, 2018, **excluding the area from Winterpark Drive existing driveway to the Soule Road existing driveway.** The motion was seconded by Mr. Layou.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

MOTION was made by Mrs. Miller-Allgaier in Case #1694 to approve the request for a reduction in the required width of parking spaces from the required 9.5 feet to 9 feet, with the condition that it be in substantial compliance with Exhibit "A", a Site Plan with a revised date of February 28, 2018. The motion was seconded by Mr. Layou.

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

MOTION was made by Mrs. Miller-Allgaier in Case #1694 to approve the request for a reduction in the number of parking spaces from the required 275 to 207 (currently there are 192) for a reduction in the number of parking spaces from the required 275 to 207 (currently there are 192) with the condition that it be in substantial compliance with Exhibit "A", a Site Plan with a revised date of February 28, 2018. The motion was seconded by Mr. Layou.

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

MOTION was made by Mrs. Miller-Allgaier in Case #1694 to approve the request for an increase in the percentage of lot coverage from the maximum of 70% (currently existing non-conforming 75.2%) to 78.5, with the condition that it be in substantial compliance with Exhibit "A", a Site Plan with a revised date of February 28, 2018. The motion was seconded by Mr. Layou.

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

The Area Variances in Case #1694 were approved, one with a modification as recorded.

NEW BUSINESS:

Chairman Mangan asked the members if they had all visited the sites and they said yes.

Case #1695 – GDP Clay, LLC/Mavis Tire Supply, LLC (Matt Sheffield), 7435 Oswego Road, Tax Map #104.-01- 06.0:

The applicant is requesting an Area Variance per Section 230-22 C.(1) to allow for a third wall sign when only two are allowed. The property is located in the LuC-1 Limited Use District for Gasoline Services zoning district.

Proof of Publication was read by the Secretary.

Brian Burri of Bergmann Associates represented the applicant. He explained that they want to put a sign on the south wall, due to the need for better identification of their business.

Mr. Burri addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. Other businesses in the area have three wall signs. This sign will not be overwhelming in size.
2. They don't believe there is any other feasible method than to obtain an Area Variance. The site fronts John Glenn Boulevard, Oswego Road and Old Longbranch Road. The entrance into the site is off of Old Longbranch Road which does not intersect with Oswego Road but intersects with Longbranch Road approximately 500 feet southwest of the site. Allowing for an additional sign on the south building elevation will assist customers traveling north bound on Oswego Road in identifying the site. Without the sign, customers will more than likely drive past the site and will be required to safely turn around.
3. They don't feel the Area Variance request is substantial as they feel it is the minimum sought after to allow for property identification of the building for customers.
4. They don't believe there will be any physical or environmental impact to the neighborhood. It's a commercial area.
5. The need for the Area Variance is self-created as the property was purchased knowing its limitations.

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

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

Chairman Mangan asked if anyone in the audience had any further questions and there were none.

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

MOTION was made by Deputy Chairman Wisnowski in Case #1695 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Miller Allgaier.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1695 was approved.

Case #1696 – ENV Properties, LLC/Terence W. Engels, 7787 & 7789 Oswego Road, Tax Map #085.-01-03.0:

The applicant is requesting an Area Variance per Section 230-16 C.(4)(a)[2][b] for a reduction of the side yard setback from 75 feet to 20 feet to allow for office building expansion. The property is located in the RC-1 Regional Commercial zoning district.

Proof of Publication was read by the Secretary.

Chairman Mangan noted that the County has recommended denial so a super majority vote will be required to grant the applicant's request.

Matt Vredenburgh was present to represent the applicant. He explained that they would like to put on an addition to their building. There are woods and wetlands on three sides.

Mr. Vredenburgh addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. The proposed project is an expansion of an existing building and an existing and permitted use. The property is flanked by wooded wetlands, a car wash and Route 57 (Oswego Road).
2. They don't believe there is any other feasible method than to obtain an Area Variance due to the shape of the lot and the required setbacks.
3. They don't feel the Area Variance request is substantial. The proposed expansion minimally encroaches beyond the existing setback, primarily because the existing building was not constructed parallel to the property line. There will be on surrounding development because of the wetlands.
4. They don't believe there will be any physical or environmental impact to the neighborhood. The expansion will not be very visible from the road and the site is flanked on three sides by wooded wetlands which will not likely ever be developed.
5. Because the owners choose to expand the existing building in order to meet the needs of their business, the need for the Area Variance is self-created.

Chairman Mangan asked if there were any further comments or questions and Mr. Soyster asked why the county recommended denial and Chairman Mangan said because of wetland issues encroaching on the buffer.

Mr. Vredenburgh said they would not be going into the wetlands.

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

Chairman Mangan asked if anyone in the audience had any further questions and there were none.

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

MOTION was made by Mr. Layou in Case #1696 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A", a Preliminary Site Plan dated 2/5/2018, and wetland consideration. Motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

There being no further business, Chairman Mangan adjourned the meeting at 8:10 P.M.



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