

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 11, 2010

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 11, 2010.

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

PRESENT:	Arthur Fennhahn	Chairman
	Charles V. Mangan	Deputy Chairman
	Eugene Young	Member
	Karen Liebi	Member
	David Hess	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	David Balcer	Town Planner

MOTION made by Deputy Chairman Mangan that the Minutes of the meeting of December 14, 2010 be accepted. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Fennhahn that the second Monday of each month be the designated meeting dates for the Zoning Board of Appeals. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Fennhahn adopting the 2010 scheduling calendar, which states the filing dates of when a completed application is to be received from an applicant, for a variance, special permit or interpretation. Motion was seconded by Mr. Hess. *Unanimously carried.*

Chairman Fennhahn appointed Charles V. Mangan as Deputy Chairman for the year 2010.

MOTION made by Chairman Fennhahn 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 Mrs. Liebi. *Unanimously carried.*

OLD BUSINESS:

Case #1355 - VARIANCE - Charles L. Hafner, 7265 Buckley Road (Tax map #107.-12-32.2):

The applicant is seeking relief to install two freestanding signs. Sign "A" on the Taft Road side is proposed to be erected 1 foot 0 inches off the property line. A 24 foot reduction in the required 25 foot setback. Sign "B" on the Buckley Road side is proposed to be erected 6" (0.5 feet) off the property line. A 24 foot 6 inch reduction in the required 25 foot setback.

Chairman Fennhahn announced that the applicant's attorney has requested a delay.

Chairman Fennhahn adjourned case #1355 to February 8, 2010.

Case #1356 - VARIANCE - Warner Energy, LLC, 7526 Morgan Road (Tax map #105-01-13.1):

The applicant is seeking relief to erect accessory structures (solar panels) in front of the existing principal structure front line, where by code they should be behind the existing principal structure rear line.

(Standards of proof were given at the December 14, 2009 meeting.)

Kurt Stroman, representing Warner Energy, LLC, submitted data in response to the Board's request. The Board had asked the applicant to provide figures or other proof in support of their statement that the least amount of shading for the solar farm is in the front of their building rather than the rear of their building. Mr. Stroman also noted that to place the solar farm behind their building would require boring to put in the utilities.

Deputy Chairman Mangan commented that the site is impacted by trees.

Mr. Hess queried as to whether the applicant should have done their analysis of shading before they determined where the solar farm should go.

Mr. Stroman agreed and noted that moving it a little closer to the road would be even better.

Chairman Fennhahn asked Mr. Balcer, Town Planner, if he had any comments and he said they still could move the solar farm a little bit further to the south.

Chairman Fennhahn asked if there were any further questions and there were none. Chairman Fennhahn asked for those in favor and those opposed to granting the variance and there was none.

MOTION was made by Mr. Young in Case #1354 to grant the variance as requested. Motion was seconded by Mr. Hess.

Roll call:	Chairman Fennhahn	- in favor	
	Deputy Chairman Mangan	- in favor	
	Mr. Young	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hess	- in favor	<i>Unanimously carried.</i>

The variance request in Case #1356 is granted.

NEW BUSINESS:

Chairman Fennhahn asked if all the members had an opportunity to visit the properties and all said that they had.

Case #1357 - VARIANCE - Peter Crissey for Big Bowl Chinese Restaurant, 5192 West Taft Road (Tax map # 117.-02-01.1):

The applicant is proposing to increase the allowable size of an existing nonconforming sign. The existing sign is 62.3 square feet in a zone that allows a maximum size of 32 square feet. The proposed new additional sign is 25.5 square feet, bringing the total sign area to 87.8 square feet. Applicant is seeking relief of 55.8 square feet.

Architect Peter Crissey is representing the tenant, Mr. Li, who would like to have a sign for his business. The present sign, which is nonconforming, has two other tenants listed, but the building has now three tenants, the third one being the Big Bowl Chinese Restaurant.

Mr. Balcer, Town Planner, stated that the sign is nonconforming as the sign ordinance has been changed.

Mr. Crissey addressed the standards of proof:

1. They feel there will no change in the character of the neighborhood.
2. The tenant has no sign, so they feel there is no other feasible method. *Deputy Chairman Mangan asked that since two signs already exist, could they combine names on one of them.* Mr. Crissey said they would check into it.
3. They believe the variance is substantial.
4. They believe there will be no adverse impact on the neighborhood.
5. They believe the need for the variance is not self-created since Mr. Li is only a tenant, not the owner.

Mr. Young said it appears the building was intended to house two tenants when the sign was put in. Presently they have double the allowed signage.

Mr. Balcer explained that the applicant's request is an expansion of a nonconforming sign.

Chairman Fennhahn asked Mr. Balcer, Town Planner, if he had any comments and he said they would be nearly tripling the square footage of the allowed signage and the Planning office feels it would be way too much.

Chairman Fennhahn asked if there were any further questions and there were none. Chairman Fennhahn asked for those in favor and those opposed to granting the variance and there was none.

Chairman Fennhahn adjourned Case #1357 to February 8, 2010.

Case #1358 - VARIANCE - Thomas H. Isabell, 8036 Stearns Road (Tax map #078.-04-63):

The applicants "as built" survey shows that the new house was not built as planned. The side yard to the north is required to have a 25 foot 0 inches setback and it is only 23.6 feet. Applicant seeks a 1.4 foot relief. The front yard setback is required to be 75 feet and 0 inches and it is only 74.9.

Applicant seeks a relief of 0.1 foot.

Mr. Isabell explained that he and his father built the house. As a result it is not exactly where the building permit said it could be constructed.

Deputy Chairman Mangan asked how the mistake was made and Mr. Isabell said the stakes must have been wrong.

Mr. Isabell addressed the standards of proof:

1. He feels there will no change in the character of the neighborhood.
2. He feels there is no other feasible method, as the house is already built.
3. He does not feel the variance requests are substantial.
4. He believes there will be no adverse impact on the neighborhood.
5. He stated that the need for the variance is self-created.

Deputy Chairman Mangan noted that the house next door is set forward quite a bit.

Chairman Fennhahn asked Mr. Balcer, Town Planner, if he had any comments and he explained that Mr. Isabell wanted to build the house to the biggest size allowed for the size of the lot. He added that he is surprised there wasn't more of a variance request.

Chairman Fennhahn asked if there were any further questions and there were none. Chairman Fennhahn asked for those in favor and those opposed to granting the variance and there was none.

Chairman Fennhahn closed the hearing.

MOTION was made by Mr. Hess in Case #1358 to grant the variances as requested per the "as built survey" dated December 9, 2009. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Fennhahn	- in favor	
	Deputy Chairman Mangan	- in favor	
	Mr. Young	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hess	- in favor	<i>Unanimously carried.</i>

The variance request in Case #1358 is granted.

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

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