

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
March 10, 2014

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, Clay, New York on March 10, 2014.

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
	Anne Stenham	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark Territo	Commissioner of Planning

ABSENT: None

MOTION made by Ms. Liebi that the Minutes of the meeting of February 10, 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 #1498 – AREA VARIANCE - Donald Wehrung, (5346 Guy Young Road), Lot 4, Ethel Road, Tax Map #038.-01-04.0:

The applicant is requesting an Area Variance pursuant to Sections 230-13 A.(4) to allow for a reduction in the front yard setback from 75 feet to 60 feet to allow for the construction of a single family house and garage. The property is located in the RA-100 Residential Agricultural zoning district.

Chairman Mangan announced that this hearing is being moved to the end of the agenda to accompany the last Case #1516 which is also for Mr. Wehrung regarding the same Lot 4, Ethel Road.

NEW BUSINESS:

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

Case #1514 – AREA VARIANCE – Nicolino Padauno, 5121 Bear Road, Tax Map #089.-01-15.5:

The applicant is requesting an Area Variance pursuant to Section 230-20 B.(2)(b) to allow a fence in excess of 2.5 feet in a front yard. The fence is to be installed in the front and side of the house. The property is located in the R-10/R-15 One-Family Residential zoning district.

The secretary read the proof of publication.

Nicolino Padauno's son Matthew spoke for his father. He explained that his father wants to put up a privacy fence.

Chairman Mangan noted that it is a unique situation as the front yard looks like a back yard/side yard. This is because the house sets far back from the road, behind a church, with his driveway along the side of the church.

Matthew Padauno addressed the Standards of Proof:

1. They don't believe there will be any detriment to the character of the neighborhood. The proposed fence will give it a clean look.
2. They don't believe there is any other feasible method to obtain the privacy without obtaining an Area Variance.
3. They do not believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood.
5. They believe the need for the variance is self-created.

Deputy Chairman Smith asked why he needed the fence along the driveway at the side of the church and Matthew Padauno said they feel it defines the property.

Chairman Mangan also questioned the need for the fence along the driveway.

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 questions, and there were none.

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

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Smith in Case #1514 to **grant** the Area Variance request for a six foot fence on the east side of the house, along the back of the church but not along the

driveway. The condition imposed is that it be in substantial compliance with Exhibit "A" (survey), dated June 24, 2013. Motion was seconded by Ms. Liebi.

Roll call: Chairman Mangan - in favor
Deputy Chairman Smith - in favor
Mrs. Liebi - in favor
Mr. Hall - in favor
Ms. Stenham - in favor *Unanimously carried.*

The Area Variance request for Case #1514 is granted.

Case #1515 – AREA VARIANCE - Site Enhancement Services for N & D Restaurants, Inc. (Red Lobster), 3938 State Route 31, Tax Map #055.-01-17.0:

The applicant is requesting an Area Variance, pursuant to Section 230-22 C.(1) to allow for additional wall signage, by increasing the number of allowable wall signs from 2 to 5. The property is located in the RC-1 Regional Commercial zoning district.

The secretary read the proof of publication.

Ty Robbins, of South Bend, Indiana, explained that a remodel of the restaurant is planned this summer and they want to replace the signs. There will be a decrease in the total square feet of the new replacement signage and they will not be extravagant. The signs will complement the architectural appearance of the restaurant and will meet the new national brand standards.

Mr. Robbins addressed the Standards of Proof:

1. They believe the granting of the variance will not produce an undesirable change to the character of the neighborhood, nor will it be a detriment to nearby properties. They are merely replacing the existing signs. The proposed signs will provide proper identification and advanced notice to the motoring public.
2. The applicant has examined other methods, and this request is the minimum amount necessary. Distributing the signage area from two elevations to four will enhance the architectural features and aesthetic appeal of the property.
3. They do not believe the request is substantial as the total square feet of their proposed signage is less than allowed by the zoning code.
4. They believe replacing the signs will not have any physical or environmental effect on the neighborhood.
5. They feel the alleged difficulty is not self-created. The property's orientation to the surrounding roadways and traffic patterns is not a self-created condition. The building has exposure on multiple facades, thus creating the need for additional sign identification.

Joyce Cirrito of the Bayberry Community Homeowners Association asked about the brightness of the proposed signs.

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 questions, and there were none.

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

Chairman Mangan closed the hearing.

MOTION made by Ms. Stenham in Case #1515 to **grant** the Area Variance as requested. Motion was seconded by Mr. Hall.

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

The Area Variance request for Case #1515 is granted.

OLD BUSINESS & NEW BUSINESS:

Case #1498 – AREA VARIANCE - Donald Wehrung, (5346 Guy Young Road), Lot 4, Ethel Road, Tax Map #038.-01-04.0:

The applicant is requesting an Area Variance pursuant to Sections 230-13 A.(4) to allow for a reduction in the front yard setback from 75 feet to 60 feet to allow for the construction of a single family house and garage. The property is located in the RA-100 Residential Agricultural zoning district (*The secretary read the proof of publication at the September 9, 2013 meeting.*); and

Case #1516 - AREA VARIANCE - Donald Wehrung, (5346 Guy Young Road), Lot 4, Ethel Road, Tax Map #038.-01-04.0:

The applicant is requesting Area Variance pursuant to Sections 230-13 A.(4) to allow for a reduction in the side yard setback from 25 feet to 10 feet to allow for the construction of a single family house and garage. The property is located in the RA-100 Residential Agricultural zoning district

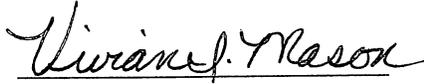
The secretary read the proof of publication for Case #1516.

Chairman Mangan asked Mr. Wehrung if he had any written approval from Onondaga County, so that he could proceed with this project, and Mr. Wehrung said no.

Chairman Mangan adjourned these hearings until Mr. Wehrung has further information so that the

Board will know exactly what Area Variances are needed with regard to this property. (No adjournment date given at this time)

There being no further business, Deputy Chairman Smith adjourned the meeting at 7:55 P.M.



Vivian I. Mason, Secretary

Zoning Board of Appeals

Town of Clay

