

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
November 11, 2013

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 November 11, 2013.

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
	Arthur Fennhahn	Deputy Chairman
	Mark Smith	Member
	Brian Hall	Member
	Anne Stenham	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

**MOTION** made by Deputy Chairman Fennhahn that the Minutes of the meeting of October 14, 2013 be accepted as submitted. Motion was seconded by Mr. 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 Ms. Stenham. *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 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.)*

Chairman Mangan announced that this hearing is being adjourned to the December 9, 2013 since the applicant was not present.

**NEW BUSINESS:**

**Case #1505 – AREA VARIANCE - Sikh Foundation of Syracuse (Gurnek Singh), Tax Map #087.-01-10.0:**

The applicant is requesting Area Variances pursuant to Section 230-17 C.(4)(b)[2]; 230-21 E. and 230-19 A.(5) to allow for a reduction in the side yard setback from 25 feet to 21 feet 3 inches; to decrease the number of parking spaces from 76 to 50; and to decrease the designated highway setback from 55 feet to 43 feet to allow for the construction of an addition to the existing building. The property is located in the I-1 Industrial 1 zoning district.

The secretary read the proof of publication.

Mohinder Kalsi, representing the Sikh Foundation of Syracuse, explained that there are about forty to fifty Sikh families in the area. One of their buildings was damaged and they want to replace it. It will be constructed in the same area as the old one.

Mr. Kalsi addressed the Standards of Proof:

1. They don't believe there will be any change to the character of the neighborhood, as it is will match the existing wall and the footprint of the destroyed building they are replacing.
2. They believe there is no other way than to obtain an Area Variance, since they plan on matching the existing wall.
3. They do not believe the variance request is substantial. The building will be the same square footage as the previous one and they don't need 76 parking spaces.
4. They believe there will be no adverse impact to the neighborhood. The building to be replaced cannot be seen from the road.
5. They don't believe the need for the variance is self-created.

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 the audience if they had any comments or questions and they had 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 Mr. Smith in Case #1505 to **grant** the Area Variance request as requested. Motion was seconded by Deputy Chairman Fennhahn.

Roll call: Chairman Mangan - in favor  
Deputy Chairman Fennhahn - in favor  
Mrs. Liebi - absent  
Mr. Smith - in favor  
Mr. Hall - in favor  
Ms. Stenham - in favor *Carried.*

The Area Variance request for Case #1505 is granted.

**Case #1506 – AREA VARIANCE - Maple Road Associates (Mike Bragman, Jr.), Tax Map #063.-01-05.0:**

The applicant is requesting an Area Variance pursuant to Sections 230-22 C.(1) to allow for a reduction in the setback from 25 feet to 1 foot for a neighborhood identification freestanding entrance monument sign to a subdivision. The property is located in the R-15 One-Family Residential zoning district.

The secretary read the proof of publication.

Mike Bragman, Jr., representing Maple Road Associates, explained that they want to put up a freestanding monument entrance sign for their Farmstead development. It will be located on one of their lots and the owner of the lot will be responsible for the upkeep and maintenance. It will be in the deed.

Mr. Bragman, Jr. addressed the Standards of Proof:

1. They don't believe there will be any change to the character of the neighborhood. The historic picture on the monument sign will enhance the housing development.

*Deputy Chairman Fennhahn asked if the sign would be lit, and Mr. Bragman said no.*

2. They don't believe there is any other feasible method than to obtain an Area Variance. Placing it elsewhere would put it on town property and the town said no. Without the Area Variance, the sign would be too close to the house.
3. They do believe the variance request is substantial, but it will be nice for the neighborhood.
4. They believe there will be no adverse impact to the neighborhood.
5. They believe the need for the variance is self-created.

Chairman Mangan asked how far the sign would be from the road and Mike Bragman said 35 feet off the pavement.

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 the audience if they had any comments or questions and Richard Frey inquired as to where the monument sign would be and Mr. Bragman showed him where.

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 #1506 to **grant** the Area Variance request as requested with the condition that there be the submission of an “as built” survey showing the location of the sign installed, in a form acceptable to the Commissioner of Planning and Development. Motion was seconded by Deputy Chairman Fennhahn.

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

The Area Variance request for Case #1506 is granted.

**Case #1507 – AREA VARIANCE - Thunder Road Industries, 4533 Wetzel Road, Tax Map #082.-01-21.0:**

The applicant is requesting an Area Variance pursuant to Section 230-17 C.(4)(b)[2] to allow for a reduction of the side yard setback from 25 feet to 9.9 feet to allow for a 1600+/- square foot addition to an existing cold storage warehouse to the rear of the existing warehouse. The property is located in the I-1 Industrial 1 District.

The secretary read the proof of publication.

Diane Carioti, representing Thunder Road Industries, explained that they would like to add a small addition to the rear of the building.

Ms. Carioti addressed the Standards of Proof:

1. They don't believe there will be any change to the character of the neighborhood.
2. They believe there is no other feasible method than to obtain an Area Variance. The only other option would be to combine two parcels.
3. They do believe the variance request is substantial, since it is a 60% reduction of the side yard restriction.

4. They believe there will be no adverse impact to the neighborhood. The existing site conditions/use will remain the same.
5. They believe the need for the variance is self-created.

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 the audience if they had any comments or questions and they had none.

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

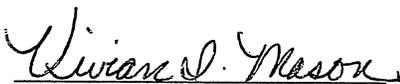
Chairman Mangan closed the hearing.

**MOTION** made by Mr. Hall in Case #1507 to **grant** the Area Variance request as requested with the condition that it be in substantial compliance with exhibit "A". Motion was seconded by Deputy Chairman Fennhahn.

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

The Area Variance request for Case #1507 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:00 P.M.



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

