

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
December 12, 2011

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 December 12, 2011.

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
	Eugene Young	Member
	Karen Liebi	Member
	Mark Smith	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney

ABSENT: Arthur Fennhahn Deputy Chairman

MOTION made by Mr. Young that the Minutes of the meeting of November 14, 2011 be accepted. Motion was seconded by Mr. Smith. *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 Mrs. Liebi. *Carried.*

Chairman Mangan explained that this is the last meeting for Eugene Young, as he is being sworn in next month as a Councilor on the Town Board. He complimented Mr. Young for his invaluable input on the Zoning Board of Appeals over the last twenty-seven years. He will be missed by all.

OLD BUSINESS:

None.

NEW BUSINESS:

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

Case #1442 - VARIANCE - Ticada Realty, LLC, 5496 East Taft Road (Tax Map #118.-02-02.2):

The applicant is requesting Area Variances pursuant to Section 230-16 B.(4)(a)[6] and 230-16 B.(5)(a) to allow for an increase in the minimum gross floor area from 30,000 square feet to 48,000 square feet and to reduce the perimeter landscape strip from 20 feet to 17 feet, to allow for an addition and associated parking. The property is located in a HC-1 Highway Commercial zoning district.

The secretary read the proof of publication.

Brody Smith, from Bond Schoeneck & King, represented the applicant. He explained that this medical building is the smallest building on this part of Taft Road and with the addition they are proposing, will still be the smallest. Separating the support area from the square footage of the building, they feel the remaining clinical area will require less parking spaces than if the full square footage of the building is used for the equation.

Mr. Brody addressed the standards of proof:

1. They feel they will remain in character with the neighborhood. The building will be smaller than the others in the area, even with the addition.
2. The only other place for expansion is on government land, and they are not interested in selling any of it, so there is no other feasible place to build the addition.
3. They do not feel the variances, one for a reduction in the perimeter landscape strip, where they are only requesting 3 feet, or the addition, which will be barely noticeable, are substantial requests.
4. There will be a storm water detention area which will accommodate any additional run off, so they believe there will be no adverse impact on the neighborhood.
5. They believe the need for the variance is self-created.

Chairman Mangan commented that he felt the square footage request is significant.

Mr. Young noted that there is a parking problem at North Medical, and he wouldn't want to see any addition to the footprint of this building in the future, which would create parking problems.

Mr. Brody explained that this is a different kind of medical service unlike urgent care at North Medical.

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

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

Chairman Mangan closed the hearing.

MOTION was made by Mr. Young in Case #1442 to grant the variance with two conditions: 1]

if there is a change in the ratio of clinical patient areas versus the support areas, the applicant must obtain approval from the Planning Board; and 2] that construction must be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Smith.

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

The variance requests in Case #1442 are granted.

Case #1444 - VARIANCE - Tops PT, LLC, 3803 Brewerton Road (Tax Map #117.-11-21.1):

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) to allow for an increase in the total number of allowable canopy/wall signs from 2 to 4, to install new signage on the fuel facility kiosk and canopy. The property is located in the LuC-1, Limited Use District for Gasoline Services zoning district.

The secretary read the proof of publication.

Brian Bouchard, of CHA Consulting Engineers, explained that they have a four pump gas island facility with a canopy, and the applicant wants to refurbish the sign and add two signs on the canopy.

Mr. Bouchard addressed the standards of proof:

1. It's a commercial corridor, so there will no change in the character of the neighborhood.
2. They need the signs to let customers know it is a Tops brand so they feel there is no other feasible method.
3. Since the signs are all on different sides of the canopy they can't all be seen at once, so they do not believe the variance request is substantial.
4. They believe the signs will be aesthetically pleasing; they believe there will be no adverse impact on the neighborhood.
5. They stated that the need for the variance is self-created.

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

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

Chairman Mangan closed the hearing.

MOTION was made by Mr. Young in Case #1444 to grant the variance as requested, with the

condition that the signs be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

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

The variance request in Case #1444 is granted.

Case #1445 - VARIANCE - Michael and Kathleen Ferguson, 4212 Polaris Course, Tax Map #081.-20-11.0:

The applicants are requesting an Area Variance pursuant to Section 230-13 E.(4)(b)[1] to allow for a reduction in the front yard setback from 25 feet to 22.5 feet to allow for the construction of a covered porch. The property is located in the R-7.5 One Family Residential zoning district.

The secretary read the proof of publication.

Chairman Mangan noted that the porch has already been built.

Michael Ferguson said they would like to cover it to protect them from the elements as they go in and out of their home.

Mr. Ferguson addressed the standards of proof:

1. They believe there will no change in the character of the neighborhood.
2. In order to provide cover from the weather, they feel there is no other feasible method.
3. They don't feel it is a very substantial request.
4. They believe there will be no adverse impact on the neighborhood.
5. The need for the variance is self-created.

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

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor of granting the variance and there was one, Russ Mitchell. Chairman Mangan asked for those opposed to granting the variance and there was none.

Chairman Mangan closed the hearing.

MOTION was made by Mr. Young in Case #1445 to grant the variance with two conditions: 1] that construction be in substantial compliance with Exhibit "A"; and 2] that the porch not be enclosed. Motion was seconded by Mrs. Liebi.

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

The variance request in Case #1445 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:07 P.M.

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