

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**June 11, 2012**

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 June 11, 2012.

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
	Karen Liebi	Member
	Mark Smith	Member
	Brian Hall	Member
	Vivian Mason	Secretary
	John Marzocchi	Acting Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None.

**MOTION** made by Chairman Fennhahn that the Minutes of the meeting of May 14, 2012 be accepted. 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 Chairman Fennhahn . *Unanimously carried.*

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

**Case #1454 - AREA VARIANCE – Tim Donut U.S. Limited, Inc. (Tim Hortons), 3610 New York State Route 31, Tax Map #052.-02-11.6:**

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) to allow for a third wall sign when a maximum of two are allowed. The property is located in the RC-1 Regional Commercial district.

The secretary read the proof of publication.

Dan Blamowski represented the applicant. He stated that they want their presence on that side of

the building.

Mr. Blamowski addressed the standards of proof:

1. The sign would be the same size as the one for Cams and they don't feel there will be an undesirable change to the character of the neighborhood.
2. They feel the need for identity for the side of the building, so they believe there is no other feasible method.
3. They will be below the square footage allowed, so they do not feel the variance is substantial.
4. They believe there will be no adverse environmental or negative effect on the neighborhood.
5. They feel the need for the variance is partially self-created as they have two on the front of the building.

Chairman Mangan noted that they have two entrance signs that say Tim Hortons and can't see how anyone could miss seeing their business.

Chairman Mangan asked Commissioner 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 and those opposed to granting the variance and there were none.

Chairman Mangan closed the hearing.

**MOTION** was made by Ms. Liebi in Case #1454 to grant the variance with the condition that construction be in substantial compliance with Exhibit "A". Motion was seconded by Chairman Fennhahn.

Roll call:	Chairman Mangan	- against	
	Deputy Chairman Fennhahn	- in favor	
	Karen Liebi	- in favor	
	Mark Smith	- in favor	
	Brian Hall	- against	<i>Carried.</i>

The variance request in Case #1454 is granted.

**Case #1455 - AREA VARIANCES – Jeffrey Bednarek, 8095 Maple Road, Tax Map #076.-01-04.3:**

The applicant is requesting Area Variances pursuant to Section 230-13 A.(4) to allow for a reduction in the side yard setback from 25 feet to 10 feet and the rear yard setback from 25 feet to 10 feet to allow for the construction of a shed. The property is located in the RA-100 Residential Agricultural zoning district.

The secretary read the proof of publication.

Jeffrey Bednarek explained that they have an 8 foot by 10 foot metal shed that is getting old and they need to replace it. He wants a 12 foot by 16 foot one in the back corner, not in the middle of the yard, which is where it legally could be placed. He will be removing the old metal shed.

Mr. Bednarek addressed the standards of proof:

1. Placing the shed in the middle of the yard they feel would have a negative effect, so they don't feel there will be an undesirable change to the character of the neighborhood by placing the shed in the corner.
2. He needs a larger shed, and because it would limit the useable yard area and wouldn't be aesthetically appealing in the middle of the back yard, they believe there is no other feasible method than to place it in the corner of the back yard.
3. They do not feel the variances are substantial. It would be similar to the placement of other resident's sheds.
4. They believe there will be no adverse environmental or negative effect on the neighborhood.
5. They feel the need for the variance is self-created.

Chairman Mangan noted that the applicant is replacing a shed that currently is in violation due to setback requirements. He also noted that there is nothing behind them and the property to the east is far away. Also there is a fence.

Chairman Mangan asked Commissioner 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 and those opposed to granting the variance and there were none.

Chairman Mangan closed the hearing.

**MOTION** was made by Mr. Hall in Case #1455 to grant the variance with the condition that construction be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Fennhahn	- in favor	
	Karen Liebi	- in favor	
	Mark Smith	- in favor	
	Brian Hall	- in favor	<i>Unanimously carried.</i>

The variance request in Case #1455 is granted.

There being no further business, Chairman adjourned the meeting at 7:50 P.M.

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