

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 9, 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 September 9, 2013.

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

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| PRESENT: | Charles V. Mangan | Chairman |
| | Karen Liebi | Member |
| | Mark Smith | Member |
| | Brian Hall | Member |
| | Anne Stenham | Member |
| | Vivian Mason | Secretary |
| | Robert Germain | Attorney |
| | Mark V. Territo | Commissioner of Planning & Development |

ABSENT: Arthur Fennhahn Deputy Chairman

MOTION made by Ms. Liebi that the Minutes of the meeting of August 12, 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. *Unanimously carried.*

OLD BUSINESS:

NONE.

NEW BUSINESS:

Case #1497 – AREA VARIANCES - Vito Barletta/Clay Harvest Venue, 7421 and 7433 Buckley Road, Tax Map #107.-05-01.1 and part of #096.-37-28.0:

The applicant is requesting Area Variances pursuant to Sections 230-13 K.(5)(c)[2][d]; 230-13 K.(5)(c)[3][a] and 230-21 A.(1) to allow for an increase in the allowable height of a principal structure from 35 feet to 49 feet; to allow a detached accessory structure (dumpster enclosure) in front of a principal structure and to allow for a reduction in the driving aisle from 20 feet to 16 feet, to allow for the construction of a Senior Housing development with associated parking. This property is located in an R-SR Senior Residence zoning district.

The secretary read the proof of publication.

Thomas Piascik, P.E., representing the applicant gave a brief overview of their proposed project.

The parcel consists of 9.4 acres, and they would like to build a three story senior apartment building with outside space, and walking trails. They want to leave as much natural as possible as this will also help decrease any storm water issues. Three stories will make it more compact, although the cost of construction will be more as structural support for three stories is more expensive. They intend to make the building to be aesthetically pleasing and add cupolas. Because of the cupolas and the fact that they would like three stories, they need a height Area Variance. The other Area Variance request is to reduce the driving aisle for the residents.

Chairman Mangan asked if they made it a two story structure, would they need the height variance and Vito Barletta said no. Chairman Mangan asked then why did he want it to be three stories when he could make it a two story and Mr. Barletta said he would need to use up more of the free natural space. He would lose 75 units and that it would be cheaper to build a three story building.

Chairman Mangan noted that he spoke with an author of the new Senior Housing zone classification, and understood the rationale for limiting structures to two stories.

Ms. Liebi commented that she had understood that constructing a three story building is more costly, and Thomas Piascik said yes.

Mr. Piascik addressed the Standards of Proof:

1. They don't believe there will be any change to the character of the neighborhood, that the senior apartment building would blend with the neighborhood.
2. They believe the Area Variances they are asking for is the most feasible method to allow them to build an aesthetically pleasing senior complex and retain land for outdoor walking trails.
3. They do not believe the variance request is substantial as only the roof lines and copula exceed code. The placement of the dumpster is the most convenient place and the driving aisle is for the residents.
4. They believe there will be no environmental impact of the neighborhood, as the building is a distance from the residential homes.
5. The believe need for the variance is not self-created, since the need for the variances are due to requirements of the DEC and the Town.

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 asked if they had laid out the storm water ponds and they said that was addressed.

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 #1497 to **deny** the Area Variance request to allow for an

increase in the allowable height of a principal structure from 35 feet to 49 feet. Motion was seconded by Ms. Liebi.

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

Chairman Mangan noted that the Town has an ordinance to limit structures to two stories and he agrees with that limitation.

MOTION made by Mr. Smith in Case #1497 to **grant** the Area Variance request to allow a detached accessory structure (dumpster enclosure) in front of a principal structure. Motion was seconded by Mr. Smith.

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

MOTION made by Mr. Smith in Case #1497 to **grant** the Area Variance request to allow for a reduction in the driving aisle from 20 feet to 16 feet. Motion was seconded by Ms. Stenham.

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

One Area Variance in Case #1497 was **denied** and two were **granted**.

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.

Chairman Mangan announced that this hear is being adjourned to the October 14, 2013 meeting at

the request of the applicant.

Case #1500 – AREA VARIANCES - Katie Rupert, 3601 Redhead Terrace, Tax map #053.-05-01.0:

The applicant is requesting Area Variances pursuant to Sections 230-20 B.(2)(b) and 230-18 H.(1) to allow for a 6 foot fence in a front yard, when only 2.5 feet are allowed and to allow the reduction in the front yard setback from 25 feet to 10 feet for a fence in a front yard. This property is located in a PPD Planned Development zoning district.

The secretary read the proof of publication.

Darren Rupert explained that they have a back fence, but that area is filled with a pool. They want to expand their fence with the same style fence to create a secure area for their children. There is no stop sign at their location and they want to keep their children close to the house.

Chairman Mangan noted there is correspondence from a neighbor who is opposed to their request.

Mr. Rupert addressed the Standards of Proof:

1. They don't believe there will be any change to the character of the neighborhood. The fence will be professionally installed. It's their side yard, but considered a front yard because it is a corner lot.

Chairman Mangan commented that he thought it was a shame to cut down trees, and Mr. Rupert told the Board that they intended to keep the large spruce tree.

2. They believe the Area Variance they are asking for is the most feasible method to assure a secure play space for their children.
3. They do not believe the variance request is substantial. The fence is a small extension to the side street.
4. They believe there will be no environmental impact of the neighborhood
5. 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 for those in favor and those opposed to granting the variances, and there were none.

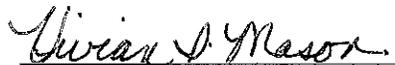
Chairman Mangan closed the hearing.

MOTION made by Ms. Stenham in Case #1500 to grant the Area Variance with the condition that it be in substantial compliance with Exhibit "A" dated 3-8-2012. Motion was seconded by Mr. Hall.

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

The Area Variance in Case #1500 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:03 P.M.



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