

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
May 13, 2019

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 Clay Town Hall, 4401 New York State Route 31, Clay, New York on May 13, 2019. 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
	Edward Wisnowski, Jr	Deputy Chairman
	Nicholas Layou	Member
	Luella Miller-Allgaier	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

MOTION made by Deputy Chairman Wisnowski that the Minutes of the meeting of April 9, 2019 be accepted as submitted. Motion was seconded by Mr. Layou. *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 a Type II, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mr. Layou. *Carried*

OLD BUSINESS:

Case #1745 – Bridgestone Retail Operations/Scot Dever, Director Design & Construction, 7570 Oswego Road:

The applicant is requesting an Interpretation per Section 230-11 for the definition of “Gasoline Service Station” and Section 230-16 D.(2)[1] does a LuC-1 allow a gasoline service station when gasoline is not being dispensed. This is to allow an automobile service facility to provide services (tires, brakes, oil change, etc.) and not to include sale of gasoline. The property is located in an NC-1 Neighborhood Commercial District, and would next seek a Zone Change to an LuC-1 Limited Use District for Gasoline Services.

(Proof of publication was read at the April 9, 2019 meeting).

Matthew Kerwin of Barclay Damon, who is representing the applicant noted that Mavis Discount Tire was allowed to go into an LuC-1 and does not sell gas. They believe they should be able to do the same.

Chairman Mangan asked if anyone had any comments or questions 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 closed the hearing.

MOTION was made by Deputy Chairman Wisnowski to accept the Interpretation in Case #1745 to say no, a LuC-1, Limited Use District for Gasoline Services, does not allow a gasoline service station when gas is not being dispensed.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- absent	
	Mr. Layou	- in favor	
	Mrs. Miller-Alligaier	- in favor	<i>Carried</i>

The Interpretation in Case #1745 is that the code stipulates that gas must be dispensed in an LuC-1 district..

NEW BUSINESS:

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

Case #1748 – Train Hard Fitness 1, LLC/Charles Signs , 8180 Oswego Road, Tax Map #067.-01-03.1:

The applicant is seeking an Area Variance for a reduction in the front yard setback from 25 feet to 15 feet to allow for a freestanding sign. The property is located in the NC-1 Neighborhood Commercial District.

The secretary read the proof of publication.

James Hickey of Charles Signs represented the applicant. He explained that the business next door blocks their building and they want a freestanding sign to identify their fitness center.

Chairman Mangan noted that the Train Hard Fitness building is very large and can be easily seen. He asked Mr. Hickey to present the Standards of Proof.

Mr. Hickey addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. The building next door is in line with the others.
2. They don't believe there is any other feasible method than to obtain an Area Variance. They feel the sign location north of the driveway will be the best place for it.
3. They don't feel the Area Variance request is substantial.
4. They don't believe there will be any physical or environmental impact to the neighborhood
5. They feel the need for the Area Variance is self-created.

Deputy Chairman Wisnowski said he thought there was quite a bit of distance between the buildings and that because the fitness business building is so big the freestanding sign will be needed.

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 Mr. Hickey if they had a wall sign and Mr. Hickey said yes, one on the front of the building..

Chairman Mangan asked if anyone in the audience had any further questions and there were none.

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

Chairman Mangan closed the hearing.

MOTION was made by Deputy Chairman Wisnowski in Case #1748 to deny their request. The motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- absent	
	Mr. Layou	- in favor	
	Mrs. Miller-Alligaier	- in favor	<i>Carried</i>

The Area Variance in Case #1748 is **denied**.

Case #1749 – Neal H. Hare, 7731 Tree Line Drive, Tax Map #086.-17-04.0:

The applicant is seeking a reduction in the front yard setback from 25 feet to 15 feet to allow for construction of a new front porch. The property is located in the R-7.5 One-Family Residential District.

The secretary read the proof of publication.

Neal Hare explained that he has a concrete porch now with a landing to the front steps and he would like to replace it and cover both.

Mr. Hare addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. The concrete porch is crumbling and the wrought iron railing is damaged as well. The new porch will improve the appearance of his home.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. The new porch is in the same area as the old one; it will simply be made of another material.

3. He doesn't feel the Area Variance request is substantial. It occupies the same space as the existing one.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. It will substantially improve the appearance of the property and the neighborhood.
5. He doesn't feel the need for the Area Variance is self-created because it's just a replacement of the porch.

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 further questions and there were none.

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

Chairman Mangan closed the hearing.

MOTION was made by Mrs. Miller-Alligaier in Case #1749 to approve the request with the condition that it be in substantial compliance with Exhibit "A", a survey dated 6/10/03. The motion was seconded by Mr. Layout.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- absent	
	Mr. Layout	- in favor	
	Mrs. Miller-Alligaier	- in favor	<i>Carried</i>

The Area Variance in Case #1749 is **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:45 P.M.



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