APPROVED

ZONING BOARD OF APPEALS
MINUTES OF MEETING
February 10, 2020

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 February 10, 2020.

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

PRESENT:	Edward Wisnowski	Chairman
	Luella Miller-Algaier	Deputy Chairperson
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None.

MOTION made by Mrs. Liebi that the Minutes of the meeting of January 13, 2020 be accepted as submitted. Motion was seconded by Deputy Chairperson Miller-Allgaier. *Unanimously carried. (5-0)*

MOTION made by Chairman Wisnowski 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 Mrs. Liebi. *Unanimously carried. (5-0)*

OLD BUSINESS: None

NEW BUSINESS:

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

Case #1768 - Chick-fil-A, Inc., 3974 NYS Route 31, Tax Map #055.-01-03.1:

The applicant is requesting Area Variances per Section 230-19 A.(5) for a reduction in the highway overlay setback from the allowed 115 feet to the proposed 99.9± feet to allow for a canopy and Section 230-22 C.(1) for an increase in the number of wall signs from the allowed two to four for construction of a new restaurant. The property is located in the RC-1 Regional Commercial District.

The Secretary read the proof of publication.

Timothy Freitag, PE from Bohler, along with Clint Mattson from Chic-fil-A, John Ream from R & F Clay, LLC and Genevieve Trigg from Witeman, Osterman & Hanna LLP were present.

Mr. Freitag explained that they plan to demolish the old UNO restaurant and construct a 5000 square foot quick serve Chic-fil-A restaurant. This will be next to Smokey Bones in the Raymour Flanigan shopping center. They will appear before the Town Board in March seeking approval of a Special Permit for a drive-thru. They are here tonight to ask for Area Variances for a canopy and for approval to have four signs rather than the allowed two. They would like a sign on each side of the building.

Genevieve Trigg addressed the Standards of Proof:

1. They believe this project is in harmony with this neighborhood and will not have any negative or undesirable change to its character. As to the signs, the proposed variance is consistent with other commercial buildings in the area.
2. They believe there is not any other feasible method. Without the canopy the customers and restaurant staff would be exposed to weather conditions, snow, rain and other elements. This improves the customer's experience, allows orders to be filled with expediency and permits a good traffic flow. With regard to the signs, they will allow visibility from the main roads to the shopping center and other locations within the shopping center.
3. They believe the Area Variance requests are not substantial.
4. They believe there won't be any physical or environmental impact to the neighborhood. It is the same use and the project will contain storm water management as required by the Town Code.
5. Although the lot size is restricted by the zoning code, they admit the need for the Area Variances is self-created.

Chairman Wisnowski asked if they would have the drive-thru whether they received the variance for the canopy or not and Mr. Freitag said yes.

Chairman Wisnowski asked if there were any comments or questions and there were none.

Chairman Wisnowski asked Commissioner Territo if he had any comments and he had none.

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

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

Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1768 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	*Unanimously carried.*

The Area Variance in Case #1768 is **approved**.

Case #1775 – Joseph A. Mastroianni, P.E. for Robert Aluzzo, 8302 Oswego Road. Tax Map #054.-01-03.1:

The applicant is requesting Area Variances per Section 230-15 A.(4)(b)[1] for a reduction in the front yard setback from 35 feet to 15 feet; Section 230-15 A.(4)(b)[2][a] for a reduction in the side yard setback from 17.7 feet to 9 feet; Section 230-15 A.(4)(b)[3] for a reduction in the rear yard setback from 20 feet to 7 feet; Section 230-19 A.(5) for a reduction in the highway overlay from 140 feet to 89 feet; Section 230-15 A.(5)(b) for an additional setback reduction from 25 feet to 0 feet when abutting a residential district; Section 230-15 A.(5)(a) for a reduction in the perimeter landscape strip from 15 feet to 0 feet on sides and rear yards; and Section 230-15 A.(5)(a) for a reduction in the perimeter landscape strip from 15 feet to 9 feet in the front, to allow for construction of an office building. The property is located in the O-1 Neighborhood Office District.

The Secretary read the Proof of Publication.

Representing Robert Aluzzo, Joseph Mastroianni P.E. of Mastroianni Engineering gave an overview of the proposed office building they would like to build on this property. Part of the roadbed was abandoned years ago. This parcel was changed to an O-1 Neighborhood Office District years ago also. They want to construct a 2800 square foot office building with landscaping up front. It is entirely within the flood zone.

Mr, Mastroianni addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. There are offices and mixed use in the area.
2. They believe there is not any other feasible method. The parcel is a small wedge and to build an office they need the Area Variances.
3. They believe the Area Variance request is substantial.
4. They believe there won't be any physical or environmental impact to the neighborhood.
5. They believe the need for the Area Variances is self-created.

Chairman Wisnowski asked if any attempt had been made to purchase the property next door and Mr, Mastroianni said Mr. Alluzo did try to buy it.

Chairman Wisnowski then asked if they could turn the building on the parcel and Mr, Aluzzo explained that if they did, they would lose parking. Mr, Mastroianni added the comment that it's because it's an odd shaped lot.

Mrs. Miller-Allgaier inquired about possibly two stories to the building and Mr. Aluzzo said he didn't think the Town wanted two stories.

Mrs. Magaro-Dolan asked if he had a possible tenant and Mr. Mastroianni said medical perhaps.

Mrs. Miller-Allgaier asked why one of their rendering of the building had windows and the other did not and Mr. Mastroianni said it would have windows if used for medical and none if it was an office.

Mrs. Liebi asked why they bought the lot knowing it needed all these Area Variances and Mr. Mastroianni said to build a professional building to occupy that empty land and get it back on the tax roll.

Chairman Wisnowski asked if there were any comments or questions and there were none.

Chairman Wisnowski asked Commissioner Territo if he had any comments and he had none.

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

Chairman Wisnowski said the Board needed some time to look the project over before making a decision.

Chairman Wisnowski closed the hearing.

MOTION was made by Chairperson Wisnowski in Case #1775 to adjourn this hearing to March 9, 2020. Motion was seconded by Deputy Chairperson Miller-Allgaier.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	*Unanimously carried.*

The Area Variance in Case #1775 is **adjourned** to March 9, 2020.

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

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

TOWN OF CLAY

ZONING BOARD OF APPEALS AGENDA

The next regular meeting of the Town of Clay Zoning Board of Appeals will be held on **March 9, 2020 at 7:30 PM** in the Clay Town Hall Located at 4401 New York State Route 31, Clay, New York

A. PRE-AGENDA MEETING – *Jury Room* - 7:00 PM

B. CALL THE MEETING TO ORDER - 7:30 PM

C. MINUTES OF THE PREVIOUS MEETING

D. HEARING FORMAT ANNOUNCEMENT:

ALL MATTERS HEARD BY THIS ZONING BOARD OF APPEALS ARE IN THE FORM OF A PUBLIC HEARING. EVERYONE DESIRING TO BE HEARD WILL BE HEARD. BEFORE SPEAKING, YOU ARE ASKED TO STATE CLEARLY YOUR NAME AND ADDRESS.

THERE ARE THREE TYPES OF MATTERS THAT COME BEFORE THIS BOARD. THEY ARE SPECIAL PERMIT, VARIANCES AND INTERPRETATIONS. THE APPLICATION WILL BE DENIED UNLESS THE APPLICANT HAS PROVEN HIS CASE.

FOR THE PURPOSE OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW (SEQR), ALL NEW ACTIONS TONIGHT WILL BE DETERMINED TO BE TYPE II, AND WILL BE GIVEN A NEGATIVE DECLARATION, UNLESS OTHERWISE ADVISED BY OUR ATTORNEY.

E. OLD BUSINESS:

Case: **#1775**
Zone: **O-1**
Tax #**:054.-01-03.1**

Applicant: **Robert Aluzzo**
Location: **8302 Oswego Road**
Relief Sought**: Area Variances** for a reduction in the front yard setback from 35 feet to 15 feet; a reduction in the side yard setback from 17.7 feet to 9 feet; a reduction in the rear yard setback from 20 feet to 7 feet; a reduction in the highway overlay from 140 feet to 89 feet; additional setback; reduction from 25 feet to 0 feet when abutting a residential district; a reduction in the perimeter landscape strip from 15 feet to 0 feet on side and rear yards; and a reduction in the perimeter landscape strip from 15 feet to 9 feet in the front to allow for construction of an office building.

Per Town Ordinance Number: Section **230-15 A.(4)(b)[1]; 230-15 A.(4)(b)[2][a]; 230-15 A.(4)(b)[3]; 230-19 A.(5); 230-15 A.(5)(b); 230-15 A.(5)(a); and 230-15 A.(5)(a)**

OCPB Report	SEQR Type __Type II_____	Board Action
Required (*Y*)	Negative _____X_____	Granted_____
Date Sent__1/23/20_____	Positive _____	Denied_____
Received (Y)	Hearing Closed 2/10/2020	Conditions(Y/N)

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F. NEW BUSINESS: None

G. OTHER BUSINESS

H. ADJOURN THE MEETING