

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
March 11, 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 March 11, 2019. Deputy Chairman Wisnowski 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
	Karen Liebi	Member
	Nicholas Layou	Member
	Luella Miller-Allgaier	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 February 11, 2019 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *Unanimously carried*

MOTION made by Deputy 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 Mr. Layou. *Unanimously carried*

OLD BUSINESS:

None.

NEW BUSINESS:

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

Case #1741 – James Farella, 7842 Orion Path, Tax Map #081.-29-27.0:

1The applicant is requesting an Area Variance per Section 230-19 A.(5) for a reduction in the Highway Overlay from the allowed 65 feet to 55 feet for construction of a shed. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the proof of publication.

James Farella explained that he needs a shed for storage. It is a pre-fabricated one.

Mr. Farella 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 shed will be in his back yard. There is no side yard.
2. Due to the setback codes, he doesn't believe there is any other feasible method than to obtain an Area Variance.
3. He feels the Area Variance request is substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. Yes, the Area Variance is self-created.

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

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

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

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

Deputy Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Layout in Case #1741 to approve the request with the condition that it be in substantial compliance with Exhibit "A", a sketch submitted with the application. The motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layout	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried</i>

The Area Variance in Case #1741 is **approved**.

Case #1742 – Widewaters Farrell Road II Company, LLC, NYS Route 31, Tax Map #020.-01-05.1 and #020.-01-05.2:

The applicant is requesting an Area Variance per Section 230-16 C.(4)(a)[1][b] for a reduction in the east side site perimeter landscape strip from 30 feet to 8 feet for the purpose of allowing stormwater management and water quality facilities within the landscape strip. The property is located in the RC-I Regional Commercial District.

The secretary read the proof of publication.

Marco Marzocchi, Director of Development for the Widewaters Farrell Road II Company explained

that they re-engineered the site to address some storm water issues and this small section is needed to resolve the problem.

Mrs. Liebi commented that when the applicant bought the property they knew its size had issues.

Mr. Marzocchi addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. It's a high traffic Commercial area and there are other properties that share the same situation. No residential property will be impacted by this Area Variance. Widewaters owns the parcel next to this stormwater area (Pathfinder Bank), so there is no residential neighbor.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. Out parcel #3 is essentially sandwiched between 2 immovable objects, Route 31 and federally regulated wetlands. Out parcel #3 does not lend itself to feasible development without the variance. They can't shift the buildings.
3. He doesn't feel the Area Variance request is substantial. It is only for 1000 square feet of area which is less than 2% of the whole parcel size.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. The corridor is commercially populated
5. While he feels need for the Area Variance is not self-created as they did not know what potential tenants they would have, he admitted it could also be considered self-created.

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

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

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

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

Deputy Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Miller-Alligaier in Case #1742 to approve the request with the condition that it be in substantial compliance with Exhibit "A" dated 7/21/2017. The motion was seconded by Mr. Layou.

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

The Area Variance in Case #1742 is **approved**.

There being no further business, Deputy Chairman Wisnowski adjourned the meeting at 7:49 P.M.



Vivian I. Mason, Secretary