

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
November 12, 2018

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 November 12, 2018. 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
	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 October 8, 2018 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *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 Unlisted actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

OLD BUSINESS:

Case #1719 – Angelo & Michelle Caruso, 7520 Plum Hollow Circle, Tax Map #083.1-01-01.0:

The applicant is requesting Area Variances pursuant to Section 230-13 D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 0 feet and Section 230-20 B.(2)(b) for an increase the height of a fence from the allowed 2 ½ feet to 5 feet, to allow for construction of a fence. The property is located in an R-10 One-Family Residential District.

(Proof of Publication was read by the Secretary at the September 10, 2018 meeting).

Chairman Mangan announced that Michelle Caruso has requested an adjournment to the January meeting.

Chairman Mangan **adjourned** Case #1719 to January 14, 2019

NEW BUSINESS:

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

Case #1728 - Deborah O'Leary, 7528 Moonvalley Drive, Tax Map #096.-14-09.0:

The applicant is requesting 1a Special Permit pursuant to Sections 230-13 D.(2)(d)[1] and 230-27 I.(2)(a) for a Home Occupation to allow for a Real Estate Broker business. The property is located in the R-10 One-Family Residential District.

The Secretary read the Proof of Publication.

Deborah O'Leary explained that she is a Real Estate Broker and the State is requiring Town approval and a sign. She has no employees and meets clients at properties that are for sale and conducts business there.

Chairman Mangan noted that Ms. O'Leary has a large driveway, arborvitae trees.

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.

MOTION was made by Mrs. Liebi in Case #1728 to approve the request for a Special Permit. 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. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

The Special Permit in Case #1728 is approved.

Case #1729 - Todd LaFlamme/Signarama Syracuse (Kimbroke), 8395 Oswego Road, Tax Map #052.-02-11.7:

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1), for an increase in the square footage of a freestanding sign from 128 square feet to 226 square feet (existing sign is 206 square feet) to allow for additional dimensional letters to the side of an existing freestanding sign. The property is located in the RC-1 Regional Commercial District.

The Secretary read the Proof of Publication.

Todd LaFlamme of Signarama Syracuse explained that the property owners of Kimbrooke Plaza want to refurbish their freestanding pylon sign by putting the letters KIMBROOK down the side of the existing sign.

Deputy Chairman Wisnowski asked if they were just moving the word “Kimbrook” from the face to the sides? Mr. LaFlamme said yes.

Mr. LaFlamme 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 is a commercial area.
2. He doesn't believe there is any other feasible method than to obtain Area Variance unless they created another sign.
3. He doesn't feel the Area Variance requests are substantial. There will be no major lighting, the solid black lettering is flat and will not allow critters behind them.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created.

Deputy Chairman Wisnowski asked if there were more businesses in the plaza and Mr. LaFlamme said no, it's just that not all are listed on the sign, so they are moving the word Kimbrook from the front and moving it to the side of the sign to allow room on the face for more business names.

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.

MOTION was made by Deputy Chairman Wisnowski in Case #1729 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit “A”. 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. Layou	- in favor	
	Mrs. Miller-Alligaer	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1729 is approved.

Case #1730 – Frank Mancuso/Loretto/Buckley Landing, 7430 Buckley Road, Tax Map #108.-02-05.1:

The applicant is requesting Area Variances pursuant to Sections 230-21 E. and 230-16 B.(4)(b)[2], for a reduction in the side yard setback from 50 feet to 18 feet, and a reduction from the required 170 parking spaces to 28 (30 currently exists), to allow for sufficient space for a utility shed, without building in a flood plain. The property is located in the HC-1 Highway Commercial District.

The Secretary read the Proof of Publication.

Frank Mancuso, Director of Facility Management and Project Architect Alex Clement represented Buckley Landing.

Mr. Clement explained that they want to remove the temporary shed and replace it with a larger one. It is needed for storage and will have a residential facade. There is a staff of 22 but feel the reduction of two parking spaces will not be a problem as none of the residents have cars.

Mr. Clement 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 style of the proposed utility shed is similar to the existing building and will continue to blend in with the nearby residences.
2. They don't believe there is any other feasible method than to obtain Area Variances. The only developable land is in the flood plain, a part of a swale on the site, or would be within another setback.
3. They feel the Area Variance request substantial, but the 18 foot setback from the property line will be maintained.
4. They don't believe there will be any physical or environmental impact to the neighborhood. The shed is designed to blend in with existing structures and will maintain a setback similar to nearby residential districts and lots.
5. The need for the Area Variance is self-created.

Mr. Layout commented that when he went there the parking lot was full, and anyone visiting would have no place to park. They would be forced to park anywhere and not in appropriate places. Also, there would be no room for an emergency vehicle to maneuver.

Mr. Mancuso stated that there isn't anywhere else to put the utility shed.

Chairman Mangan said that he agreed with Mr. Layout. When he went to the site he was unable to find a place to park also.

Mrs. Liebi and Mrs. Miller-Allgaier stated that they also found the parking lot full.

Mrs. Liebi suggested that perhaps they could relocate the dumpster.

Chairman Mangan concluded that all the members on the Board have a problem with the parking situation. The facility has very little parking to begin with and taking two spaces away can only make the parking problem worse.

Mr. Mancuso and Mr. Clement said they would like to talk things over and asked that the hearing be adjourned.

Chairman Mangan adjourned Case #1730 to December 10, 2018.

Case #1731 – Matthew Rupp, 8432 Mediator Way, Tax Map #063.-07-04.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 C.(4)(c)[1] for a reduction of the front yard setback from 25 feet to 8 feet, for construction of a shed. The property is located in the R-15 One-Family Residential District.

The Secretary read the Proof of Publication.

Chairman Mangan noted that because the applicant’s property is a corner lot, by definition it has three front yards.

Matthew Rupp explained that he came to the Town and got a permit for the shed and marked it on the survey. However when he built it he misinterpreted where the road boundary was, and that it honestly was just a mistake on his part.

Mr. Rupp addressed the Standards of Proof:

1. He doesn’t believe there will be any negative or undesirable change to the character of the neighborhood. His neighbors, the VanTassels have no problem with it.
2. He doesn’t believe there is any other feasible method than to obtain Area Variances. It has already been built and is on a pad of crushed rock.
3. He doesn’t feel the Area Variance requests are substantial.
4. He doesn’t believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created, but only because he misinterpreted the road boundary on the survey.

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.

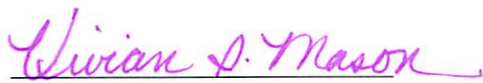
Chairman Mangan asked for those in favor of granting the Area Variance request and there was two (Mr. Rupp presented a letter from the VanTassels stating the shed was not an issue for them). Chairman Mangan asked for those opposed to granting the Area Variance request and there were none.

MOTION was made by Mrs. Miller-Allgaier in Case #1731 to **deny** the request. The motion was seconded by Mrs. Liebi.

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

The Area Variance in Case #1731 is **denied**.

There being no further business, Chairman Mangan adjourned the meeting at 8:15 P.M.



Vivian I. Mason, Secretary

Zoning Board of Appeals

Town of Clay