

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
December 10, 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 December 10, 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 November 12, 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 #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 at the November 12, 2018 meeting. Standards of Proof were also given at that time.)

Alex Clement, Project Architect and Frank Mancuso, Director of Facility Management and Capital for Loretto were present.

Chairman Mangan commented that the Board's concern is the elimination of two parking spaces where parking is already so limited at the facility.

Mr. Clement stated that they went back to the drawing board and compensated for the two spaces and added one. Consequently they are withdrawing the request for the decrease in parking spaces.

Mrs. Liebi commented that she appreciates them looking at the parking again and withdrawing that request.

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 Mr. Layout in Case #1730 to approve the Area Variance for a reduction in the side yard setback from 50 feet to 18 feet. The motion was seconded by Mrs. Liebi.

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

The Area Variance in Case #1730 is approved.

NEW BUSINESS:

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

Case # 1732 – Scott Becker, 4235 Blue Beech Lane, Tax Map #056.-11-12.0:

The applicant is requesting Area Variances per Section 230-20 A.(1)(e)[1] to reduce the minimum setback from a property line from 3 feet to 2.5 feet and to reduce the minimum setback of 3 feet from a principal building to 1.5 feet to allow for a storage shed. The property is located in the R-7.5 One-Family Residential District.

Scott Becker explained that the shed has been there for about 39 months. He sized down and needed storage. He was under the impression that the company hired to construct it had obtained a building permit. Upon finding out they did not obtain one he applied and discovered the shed was not quite in the right location.

Mr. Becker 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 well maintained and the exterior is compatible the homes around his.

2. He doesn't believe there is any other feasible method than to obtain Area Variance as he needed storage space.
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.

Chairman Mangan noted that in reality six inches is all the applicant is asking for.

Chairman Mangan asked if there were any further comments or questions and Wayne Collins, who is trustee of his mother's house, said that he felt everyone should follow the same rules.

Chairman Mangan asked Mr. Collins how it affected his mother's house and he said that the shed shouldn't be where it is. Everyone should follow the rules.

Mr. Layout explained that the purpose of the Zoning Board of Appeals is to allow relief in some situations.

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 there were none. Chairman Mangan asked for those opposed to granting the Area Variance requests and there were two, Mr. Collins and a woman accompanying him.

Chairman Mangan closed the hearing.

MOTION was made by Deputy Chairman Wisnowski in Case #1732 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. Layout	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1732 is approved.

Case #1733 – Mike Cohen/Anchor Sign (WellNOW Urgent Care) 3840 NYS Route 31, Tax Map #053.-01-19.1:

The applicant is requesting Area Variances per Section: 230-22 C.(1), for an increase in the allowable number of wall signs from 2 to 4; an increase in the allowable square footage of "Sign A" from 0 square feet to 113.16 square feet; and an increase in the allowable square footage of "Sign D" from 0 square feet to 42.33 square feet, to allow for 4 wall signs. The property is located in the RC-1 Regional Commercial District.

The Secretary read the Proof of Publication.

Mike Cohen of Anchor Signs, Charleston, South Carolina represented the applicant. He explained that they want four signs for identification of the WellNOW Urgent Care, one on each wall of the building, but sign "C" not so much.

Chairman Mangan asked who would even see Sign "C".

Mr. Cohen said they would understand if Sign "C" was not allowed.

Mr. Cohen 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 larger signage will not affect driver or pedestrian visibility.
2. He doesn't believe there is any other feasible method than to obtain Area Variances
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 Variances are 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 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 #1733 to the approve the request for three signs not four, Sign "C" is not allowed, and to approve for the increase in the allowable square footage of Sign "A" and "D". The motion was seconded by Mrs. Miller-Alligaer.

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

The Area Variances in Case #1733 are amended as stated in the motion.

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


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