

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
July 9, 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 July 9, 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
ABSENT:	Mark V. Territo	Commissioner of Planning & Development

MOTION made by Mrs. Liebi that the Minutes of the meeting of June 11, 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.*

Marco Marzocchi who is representing Widewaters Farrell Road II Company, LLC asked Chairman Mangan if his case could be moved to the end of the meeting and Chairman Mangan granted his request.

Chairman Mangan asked the Board Members if they had all visited the sites and they all said they had.

NEW BUSINESS:

Case #1711 – Red Barn Country, LLC – 7175 Buckley Road, Tax Map #117.-01-07.0:

The applicant is requesting an Area Variance per Section 230-16 B.(5)(a) & (b) for a reduction of the additional and regular perimeter landscape strip where abutting residential from 50 feet to 27 feet for a stormwater management area and a lot line adjustment. The property is located in the HC-1 Highway Commercial District.

Proof of Publication was read by the Secretary.

Tim Coyer of Ianuzi & Romans represented the applicant. He explained that they need the reduction on the perimeter landscape strip because it abuts residential and a greater width is required. Because of the Red Barn Acres development the stormwater pond needs to be there as one exists for that development. They tried redesigning the project, but they still need the Area Variance.

Mr. Coyer addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. They are only asking for a 23 foot reduction of the required additional setback.
2. They don't believe there is any other feasible method than to obtain Area Variances because the detention basin already exists,
3. They feel the Area Variance requests are substantial as it is a 23% decrease of the required additional setback.
4. They don'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 asked if there were any further comments or questions and there were none.

Deputy Chairman Wisnowski noted that the Onondaga County Planning Board commented that shared stormwater management facilities with adjacent development are encouraged.

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 #1711 to approve the request with the condition that it be in substantial compliance with Exhibit "A" dated 6/8/2018. 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-Alligaer	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1711 is approved.

Case #1712 – Christopher M. Betts – 200 Baxton Street, Tax Map #109.-06-01.0:

The applicant is requesting Area Variances per 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 in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet for construction of a privacy fence. The property is located in an R-10 One-Family Residential District.

Proof of Publication was read by the Secretary.

Christopher Betts said they would like to replace the existing chain link fence with a vinyl one.

Mr. Betts addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. There is already a vinyl fence on the opposite corner and this replacement portion will actually make the property more presentable. This portion is just a pass thru side road with no driveways.
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 as they are replacing the original fence that was put in years ago. It is on a cut thru road that would not affect traffic vision etc. and is above the road grade itself.
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 asked if there were any further comments or questions and there were 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 Mr. Layou in Case #1712 to approve the request for a reduction in the front yard setback from 25 feet to 0 feet with the condition that it be in substantial compliance with Exhibit "A" a survey dated 8/25/2015. 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. Layou	- in favor	
	Mrs. Miller-Alligaer	- in favor	<i>Unanimously carried.</i>

MOTION was made by Mr. Layou in Case #1712 to approve the request for an increase in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet with the condition that it be in substantial compliance with Exhibit "A" a survey dated 8/25/2015. 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. Layou	- in favor	
	Mrs. Miller-Alligaer	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1712 are approved.

Case #1713 – McDonald’s USA, LLC – 7505 Oswego Road, Tax Map #093.-04-08.2:

The applicant is requesting Area Variances per Section 230-22 C.(1) for an increase in the number of wall signs from 2, that are allowed, to 6 and Section 230-22 C.(1) for an increase in the square footage of the four additional signs from 0 to a total of 94 square feet to allow for six wall signs. The property is located in the RC-1 Regional Commercial District.

Proof of Publication was read by the Secretary.

Lauren Monaghan P.E., of Bohler Engineering, represented McDonald’s USA, LLC. She explained that McDonald’s wants to freshen up the look of this restaurant with a new canopy system, with a Golden Arch over the doors. They will actually be replacing signage that is there which was 259 square feet with a lesser square footage of 160 square feet.

Ms. Monaghan 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 restaurant already exists and commercial properties are adjacent to it but located a distance away. They do not have an existing freestanding sign and one is not proposed, so building signs are necessary. The current building has four wall signs with a total area of 156 square feet.
2. They don’t believe there is any other feasible method than to obtain Area Variances. The signs are necessary to identify the business. The restaurant is on a busy road so therefore it needs identification with traffic coming from any direction.
3. They don’t feel the Area Variance requests are substantial as there is an overall decrease in the requested overall square footage..
4. They don’t believe there will be any physical or environmental impact to the neighborhood. Some residential properties are located across Oswego Road but are at least 200 feet from the proposed signage.
5. The need for the Area Variance is self-created.

Chairman Mangan asked if there were any further comments or questions and there were 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 #1713 to approve the requests with the condition that it be in substantial compliance with drawings labeled Exhibit “A”. 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. Layou	- in favor	
	Mrs. Miller-Alligaer	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1713 are approved.

Case #1714 – Howard Himes – 4919 Orangeport Road, Tax Map #041.-03-14.0:

The applicant is requesting an Area Variance per Section 230-13 A.(4) for a reduction in the side yard setback from 25 feet to 6 feet for construction of a 24' by 24' pole barn for storage. The property is located in the RA-100 Residential Agricultural District.

Proof of Publication was read by the Secretary.

Howard Himes explained that they are fixing up the house and pool. The garage for the house was removed and since there is no other place for storage he would like to construct a pole barn. There is a wide asphalt driveway and that seems the logical place to put the pole barn, on the asphalt.

Mr. Himes addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. He feels it will add a better perspective to the existing property and if anything, benefit the character of the neighborhood.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. The logical place for the pole barn is on the asphalt.
3. He doesn't feel the Area Variance requests are substantial as they are minimal.
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 it is the only place the storage barn will fit in with the driveway.

Chairman Mangan asked if there were any further comments or questions and there were 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 Mr. Layou in Case #1714 to approve the request with the condition that it be in substantial compliance with Exhibits "A" a survey dated 4/19/2018 and the plan. The motion was seconded by Deputy Chairman Wisnowski.

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 *Unanimously carried.*

The Area Variance in Case #1714 is approved.

Case #1715 – Zebulon Dever – 5408 Tourmaline Drive, Tax Map #077.-16-05.0:

The applicant is requesting Area Variances per Section 230-18 H. for a reduction in the front yard setback from 20 feet to 5 feet and Section 230-20 B.(2)(b) for an increase in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet for construction of a fence. The property is located in a PDD, Planned Development District.

Proof of Publication was read by the Secretary.

Sara Dever filled in for her husband who could not be present. She explained that they have a corner lot and they would like a fence.

Mrs. Dever addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood.
2. They don't believe there is any other feasible method than to obtain Area Variances.
3. They don't feel the Area Variance requests are substantial.
4. They don'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 asked if there were any further comments or questions and there were 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 #1715 to approve the request with the condition that it be in substantial compliance with Exhibit "A" dated 5/21/1981. 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-Alligaer - in favor *Unanimously carried.*

The Area Variances in Case #1715 are approved

OLD BUSINESS:

Case #1693 (Amended) – Widewaters Farrell Road II Company, LLC, Route 31, Tax Map #020.-01-05.1 and #020.-01-05.2:

The applicant is requesting Area Variances per Section 230-19 A.(5) for a reduction in the highway overlay setback from 165 feet to 160 feet; Section 230-16 C.(4)(a)[1][b] for a reduction in the perimeter landscape strip from 30 feet to 2 feet (varying from 2 feet to 27 feet) (Lot # 4); Section 230-22 C.(1)(b) for an increase in the number of free standing signs from the allowed two to three (Lot #2); and Section 230-22 C.(1)(b) for an increase in the total square footage of the third free standing sign from 0 to 24 square feet (Lot # 2), to allow for a commercial development, including a plaza-style development and three out-parcel retail units. The property is located in the RC-1 Regional Commercial District.

(Proof of Publication was read by the Secretary at the April 9, 2018 meeting.)

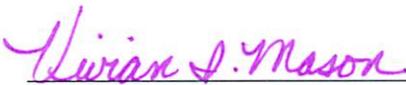
Marco Marzocchi stated that he had a letter from his Civil Engineer that he accidentally left at the office and would like to have this case adjourned to the next meeting, Initially Chairman Mangan said no, but acquiesced.

MOTION was made by Chairman Mangan in Case #1693 to adjourn this hearing to August. 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-Alligaer	- in favor	<i>Unanimously carried.</i>

Case #1693 is adjourned to August 13, 2018.

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