

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
July 11, 2016

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 11, 2016. 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
	Ryan Pleskach	Member
	Nicholas Layou	Member
	Vivian Mason	Secretary
	John Marzocchi	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

Chairman Mangan announced that the Town Board has appointed Luella Allgaier as an alternate member to the Zoning Board of Appeals, who will participate, and vote when a member is not in attendance. He welcomed her aboard.

MOTION made by Mrs. Liebi that the Minutes of the meeting of June 13, 2016 be accepted as submitted. Motion was seconded by Chairman Mangan. *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:

Chairman Mangan noted that the Board still has an old Case #1575 from July 5 2015 for Verizon Wireless. Their request is for a cell tower near Route 31, but it will be at a future meeting as it is in litigation.

NEW BUSINESS:

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

Case #1618 – AREA VARIANCE - Timothy Chupeck, 4770 Rosemary Lane, Tax Map #096.-09-02.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 E.(4)(c)[3] for a reduction in the rear yard setback from 10 feet to 5 feet for the purpose of allowing a shed. The property is located in the R-7.5 One-Family Residential zoning district.

The Secretary read the proof of Publication.

Timothy Chupeck explained that he needs a new shed and needs the extra five feet because of the pool.

Chairman Mangan noted that one of his neighbors had told him he liked the idea of a new shed.

Mr, Chupeck 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 new shed will replace a smaller one that is already there. More storage will eliminate clutter in the yard.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance. He needs a place for pool equipment. This shed is replacing the old one and because of the pool this site is the best for the shed.
3. He believes the Area Variance request is not substantial. It will allow more area around the pool and access for the mowing behind the shed.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. It will be an improvement, eliminating clutter.
5. He believes the Area Variance is self-created.

Chairman Mangan asked if there were any further comments or questions and Mr. Pleskach inquired as to the 6 feet 6 inch notation on the applicant's drawing. Mr. Chupeck confirmed that he is only asking for the 5 feet.

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

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

Chairman Mangan asked for those in favor and those opposed to granting the Area Variance request and there was one in favor and no one opposed.

Chairman Mangan closed the hearing.

MOTION made by Mr. Layout in Case #1618 to **approve** the Area Variance as requested with the condition that they be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Pleskach.

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

The Area Variance in Case #1618 is **approved**.

Case #1619 – AREA VARIANCE - Joseph Thomas, 101 Lawdon Street, Tax Map #111.-01-29.0:

The applicant is requesting an Area Variance pursuant to Sections 230-13 D.(4)(c)[2] and 230-13 D.(4)(c)[3] for a reduction of the side yard setback from 7 feet 4 inches to 4 feet and a reduction of the rear yard setback from 10 feet to 5 feet 6 inches to allow for construction of a garage. The property is located in the R-10 One-Family Residential zoning district

The Secretary read the proof of Publication.

Chairman Mangan noted that his neighbor Ms. Tucker is not opposed to the garage.

Joseph Thomas stated that he would like a two car garage to house a car he has spent six years building and also house his daughter's car in the winter.

Mr. Thomas 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 will be professionally built and match the house in color.
2. He doesn't believe there is any other feasible method than to obtain Area Variances, because of the location of the house. If he moved the garage elsewhere he wouldn't be able to get into it.
3. He believes the Area Variance requests are not substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. There are no water problems.
5. He believes the Area Variances are self-created.

Mr. Pleskach asked for confirmation of the 12 foot height. Mr. Thomas said he actually wanted an Area Variance for height also: 13 feet.

Commissioner Territo explained if he wanted 13 feet the Town could re-advertise and schedule the request for the next meeting in August.

Mr. Thomas said he wanted to put blocks under the garage, but would make the 12 feet work.

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 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 made by Mr. Pleskach in Case #1619 to **approve** the Area Variances as requested with the condition that they be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Layou.

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

The Area Variances in Case #1619 are **approved**.

Case #1620 – AREA VARIANCE - North Syracuse Lodging Group, LLC, State Route 31/Pepperidge Way, Tax Map #055.-01-01.1:

The applicant is requesting Area Variances pursuant to Section 230-16 C.(5)(b)[4][a] and 230-16 C.(4)(a)[1][b] & [c] for an increase in the height of a building from 50 feet to 60.02 feet and for reduction of the perimeter landscape strip from 80 feet to 51 feet for the construction of a hotel. The property is located in the RC-1 Regional Commercial zoning district.

The Secretary read the proof of Publication.

James Trasher of CHA represented the applicant.

Chairman Mangan noted that this case was before this board by recommendation of the town Planning Board.

Mr. Trasher agreed, stating the Planning Board wanted them to apply for a height Area Variance because they preferred the architectural elements on the roof line, which would take them over the height restriction. The request for the reduction of the landscape perimeter strip is for the strip between the school and their site.

Mr. Trasher 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 additional height of the building will provide a more aesthetically pleasing building, with variations and accents to the roofline. The landscape buffer is still greater than the existing buffer at the neighboring Auldi's site. The school property adjacent to the subject buffer strip is a very large open sports field and is not directly adjacent to a neighboring house.
2. They don't believe there is any other feasible method than to obtain an Area Variance. The aesthetics of the building cannot be accomplished with a smaller building. The landscape buffer strip reduction is necessary to provide enough area within the parcel for the current site plan and future development of the remaining lots.
3. They believe the Area Variance requests are not substantial.

4. They don't believe there will be any physical or environmental impact to the neighborhood.
5. They believe the Area Variances are self-created yet not self-created because the Planning Board would like to see the additional height.

Mrs. Liebi asked why another hotel since there are others in the area.

Mr. Trasher said there is a market for another hotel.

Andy Patel, associated with the hotel, commented that this hotel will have kitchen features.

Mr. Pleskach asked Mr. Trasher if he knew what the heights were for the other hotels in the area and he said he did not know what they were.

Dylan Rodner of Underbrush Trail stated that the 10 foot height increase would be noticeable to their neighborhood. He inquired about the lights.

Mr. Trasher explained that there would be no roof lighting, just on the sign on the front of the hotel.

Chairman Mangan advised those having questions with regard to lighting attend the Planning Board meeting to address them.

Kristin Davis said they were planning on getting a pool and they don't want the hotel. She also asked if they planned on having a connecting road to her development.

Mr. Trasher said they would not be connecting to their development.

Mr. Pleskach asked if the reduction in the landscape perimeter strip was for the entire circumference of the parcel and Mr. Trasher said the western side only.

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 two opposed, Mr. Rodner and Ms. Davis.

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Wisnowski in Case #1620 to **approve** the Area Variances as requested with the condition that they be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

Roll call: Chairman Mangan - in favor
Deputy Chairman Wisnowski, Jr. - in favor
Mrs. Liebi - in favor
Mr. Pleskach - in favor
Mr. Layou - in favor *Unanimously carried.*

The Area Variances in Case #1620 are **approved**.

Case #1621 – AREA VARIANCE – Joseph S. Janowski (Bayberry Plaza), 7608 Oswego Road, Tax Map #094.-01-08.1:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) to increase the allowable square footage from 128 square feet to 161 $\frac{3}{4}$ square feet and to decrease the required setback from a front property line from 25 feet to 9 feet for the purpose of altering the existing freestanding sign. The property is located in the RC-1 Regional Commercial zoning district.

The Secretary read the proof of Publication.

Chairman Mangan asked Joseph Janowski if the new sign he is proposing will be exactly the same size and Mr. Janowski said yes, but the lower sign will be removed.

Mr. Janowski addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood.
2. He doesn't believe there is any other feasible method than to obtain Area Variances.
3. He believes the Area Variance requests are not substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood
5. He doesn't believe the Area Variances are self-created.

Chairman Mangan commented that the sign has been there a long time.

Mr. Janowski said the new electronic sign will increase business and will be more aesthetically appealing compared to the old sign.

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.

As there was no longer any audience, Chairman Mangan did not ask for any questions or comments. Nor did he ask for those in favor and those opposed to granting the Area Variance.

Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1621 to **approve** the Area Variances as requested for the northern freestanding sign with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Pleskach.

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

The Area Variances in Case #1621 are **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 8:20 P.M.



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