

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
March 12, 2012

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 Town Hall of Clay, 4401 State Route 31, New York on March 12, 2012.

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
	Karen Liebi	Member
	Mark Smith	Member
	Brian Hall	Member
	Vivian Mason	Secretary
	John Marzocchi	Acting Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Arthur Fennhahn Deputy Chairman

MOTION made by Ms. Liebi that the Minutes of the meeting of February 13, 2012 be accepted. Motion was seconded by Mr. Hall. *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 Type II actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Ms. Liebi. *Carried.*

OLD BUSINESS:

None.

NEW BUSINESS:

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

Case #1448 - AREA VARIANCE - Affordable Senior Housing Opportunities of New York, Tax Map #055.-01-13.1):

The applicant is requesting Area Variances pursuant to Sections 230-13 K.(5)(c)[2][d] and 230-21 E. to allow for an increase in the allowable height of a structure from 35 feet to 41 feet, and to decrease the required number of parking spaces from 238 to 166 for the purpose of a senior housing project. The property is located in the R-SR Senior Residence zoning district.

The secretary read the proof of publication.

Chris Trevisani explained that this will be a 119 unit facility for independent seniors of lower to moderate income housing. It will not be subsidized housing. It will be a three story structure,

but the allowed 35 feet maximum does not let them achieve the desired design of their plans. Because of the 4 foot 12 inch pitch of the roof, they are asking for 41 feet. They are also asking for less parking spaces as they have found with their other senior housing the required amount is not needed.

Mr. Trevisani addressed the standards of proof:

1. The facility is way off the road near the Onondaga County Water Board and wetlands, so they don't feel the added height will not be an undesirable change the character of the neighborhood. They believe that having less parking spaces will also not be detrimental to the character of the neighborhood.
2. Because of the design of their three story building and in an effort to lessen the footprint of the facility, they believe there is no other feasible method. With regard to the parking, they can't physically put more in. Their request for the reduction is based on their other facilities where they have provided less parking spaces with no resulting shortages.
3. They do not feel the variances are substantial; the height is only a 6 foot request and reduction of the required parking spaces is 2 to 1.4 .
4. They believe that compacting the facility to three stories will lessen any effect on the neighborhood.
5. Due to the peak design of the building they feel the need for the variance is not self-created.

Ms. Liebi asked if they would have generator backup and Mr. Trevisani said yes.

Joyce Cirrito of the Bayberry Community association asked if the employees would be taking up any of the parking spaces and Mr. Trevisani said at their other facilities the employees live there.

Chairman Mangan asked if they provided garages and Mr. Trevisani said yes.

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

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor and those opposed to granting the variance and there was none.

Chairman Mangan closed the hearing.

MOTION was made by Ms. Liebi in Case #1448 to grant the variance with the condition that construction be in substantial compliance with Exhibit "A" and "B". Motion was seconded by Mr. Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Fennhahn	- absent	
	Mrs. Liebi	- in favor	
	Mr. Smith	- in favor	
	Mr. Hall	- in favor	<i>Carried.</i>

The variance request in Case #1448 is granted.

Case #1449 - AREA VARIANCE - Buckley Road Baptist Church (Dan Smith), Tax Map #096.-12-01.1:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) to allow for an increase in the allowable sign area from 24 square feet to 32 square feet; to increase the allowable height from 6 feet to 11 feet; and to reduce the minimum setback from 25 feet to 0. The property is located in the RA-100 Residential Agricultural zoning district.

The secretary read the proof of publication.

Chairman Mangan noted that their current sign is not in compliance and that some of the Church's right-of-way has been taken away by the county.

Present with Pastor Smith was Jim Bracy of the sign company.

Pastor Smith explained that the sign has been there for fifteen years, is starting to rust, and they want to replace it.

Pastor addressed the standards of proof:

1. They feel the new sign will enhance the character of the neighborhood
2. They need the sign this height and the reduced setback for visibility, so they believe there is no other feasible method without the variances. Setting the sign back further would effect their parking. Additionally, other options would block traffic in and out, or the sign would be blocked by trees or a telephone pole. Keeping it basically in its current footprint would save them \$3000 to \$4000 to move it.
3. They do feel the variance is substantial.
4. Since it has been there 15 years, they believe there will be no adverse impact on the neighborhood.
5. They do not feel the need for the variance is self-created since there has been a gradual widening of the road, lessening their property frontage.

Mr Smith pointed out that their drawing of the sign includes a top peak, which makes the sign higher than their request, which means it is not what was advertized.

Pastor Smith said he was willing to change the sign to the height that was advertized.

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

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor of granting the variances and Russ Mitchell member of the Planning Board and also President of Clairmont Four Seasons Homeowners Association said he was in favor. Chairman Mangan asked for those opposed to granting the variances and there was none.

Chairman Mangan reminded Pastor Smith that he needed to redo the sign to be in compliance

with what was advertized.

Chairman Mangan closed the hearing.

MOTION was made by Mr. Hall in Case #1449 to grant the variance with the condition that construction be in substantial compliance and that the drip line be within the property line. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Fennhahn	- absent	
	Mrs. Liebi	- in favor	
	Mr. Smith	- in favor	
	Mr. Hall	- in favor	<i>Carried.</i>

The variance request in Case #1449 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:05 P.M.

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