

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
December 12, 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 December 12, 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
	Luella Miller-Alligaer	Alternate Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Mr. Layou that the Minutes of the meeting of November 14, 2016 be accepted as submitted. Motion was seconded by Deputy Chairman Wisnowski. *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 commented that there are two cases under Old Business.

Case #1575 - Verizon Wireless from July 5, 2015. Their request is for Area Variances regarding a cell tower near Route 31. The case has been in litigation and will be discussed at a future meeting.

Case #1634 – AREA VARIANCES - Carol Stever, 5194 Bear Road – Tax Map #098.-08-05.0:

The applicant is requesting Area Variances pursuant pursuant to Section 230-19 A. (6)(a) for a reduction of the required minimum lot depth from 250 feet to 201.01 feet, on a corner lot of an intersecting type C highway and a minor highway, for the purpose of allowing a two (2) lot subdivision. The property is located in the R-7.5 One-Family Residential zoning district.

(The Secretary read the proof of Publication at the November 14, 2016 meeting.)

Chairman Mangan announced that the applicant has withdrawn their request.

NEW BUSINESS:

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

Case #1641 – AREA VARIANCE - EDR Environmental Design and Research, 7645 Henry Clay Boulevard, Tax map #095.-02-13.1:

The applicant is requesting an Area Variance pursuant to Section 230-17 C.(4)(b)[1][a] to reduce the required front yard setback from 200 feet to 121 feet for building expansion. The property is located in the I-1 Industrial 1 zoning district.

The Secretary read the proof of Publication.

Jo Anne Gagliano, RLA from Environmental Design & Research represented the applicant. She explained that the two parcels (7645 and 7641 Henry Clay Boulevard) will be combined. They would like to construct an addition to the existing building at 7645 Henry Clay Boulevard parcel. They will not be moving the parking and the addition will line up with the building at 7641 Henry Clay Boulevard.

Ms. Gagliano 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 addition will be more in alignment with adjacent properties.
2. They don't believe there is any other feasible method than to obtain an Area Variance. The expansion will be used for office space allowing the manufacturing space to expand into the existing office space.
3. They believe the Area Variance request is substantial. The proposed expansion will be similar to the face of the buildings on adjacent properties and they will not be exceeding the parking lot.
4. They don't believe there will be any physical or environmental impact to the neighborhood. It will be consistent with adjacent properties and will be an improvement.
5. They believe the Area Variance is self-created, but will allow for expansion of manufacturing operations and improved operations..

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.

(There weren't any people in the audience.)

Chairman Mangan closed the hearing.

MOTION made by Mr. Pleskach in Case #1641 to **approve** the Area Variance with the condition

that they be in substantial compliance with Exhibit “A”, a survey dated 11-7-2016. 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 Variance in Case #1641 is **approved**.

Case #1642 – AREA VARIANCE – EDR Environmental Design and Research, 7641 Henry Clay Boulevard, Tax map #095.-02-14.2:

The applicant is requesting an Area Variance pursuant to Section 230-17 C.(5)(a) to reduce the front yard perimeter landscape strip from the required 100 feet to 84 feet for a parking lot expansion. The property is located in the I-1 Industrial 1 zoning district.

The Secretary read the proof of Publication.

Chairman Mangan noted that they have an immense parking lot.

Jo Anne Gagliano, RLA from Environmental Design & Research represented the applicant. She explained that with the renovations they decided to make the building more accessible and in character with 7645 Henry Clay Boulevard.

Ms, Gagliano 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 use remains the same.
2. They don't believe there is any other feasible method than to obtain an Area Variance. The parking needs to be moved. There is limited space between the existing building and the parking area. This Area Variance allows a one to one match, giving up 8 feet of pavement to pick up 8 feet of green space.
3. They don't believe the Area Variance request is substantial. Eight feet is being moved away from the building, pushing the parking lot 8 feet to the east. Other properties have parking closer to Henry Clay Boulevard.
4. They don't believe there will be any physical or environmental impact to the neighborhood.
5. They believe the Area Variance is self-created, because in order to achieve a uniform and consistent look for the JMA Campus, this will create a standard look across the parcels. 7641 and 7645 Henry Clay Boulevard will have parking that is aligned. The parking areas is necessary and required by the Town of Clay code.

Mr. Pleskach asked if this Area Variance will satisfy growth and Ms. Gagliano said yes.

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.

(There weren't any people in the audience.)

Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1642 to **approve** the Area Variance with the condition that they be in substantial compliance with Exhibit "A", a survey dated 6/17/2016. Motion was seconded by Deputy Chairman Wisnowski.

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 Variance in Case #1642 is **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:50 P.M.



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