

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

The organizational and 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 January 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
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

Chairman Mangan welcomed Nicholas Layou as a new member of the Board, as Mark Smith has moved out of the town.

ORGANIZATIONAL MEETING:

MOTION made by Mrs. Liebi accepting the 2016 Scheduling Calendar, which states the filing dates of when a completed application is to be received from the applicant. Motion seconded by Deputy Chairman Wisnowski, Jr. *Unanimously carried.*

MOTION made by Chairman Mangan designating the second Monday of each month as the regular meeting of the Zoning Board of Appeals. Motion seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Mangan appointing Edward Wisnowski, Jr. as Deputy Chairman. Motion seconded by Mr. Pleskach *Unanimously carried.*

MOTION made by Chairman Mangan appointing Vivian Mason as Secretary to the Zoning Board of Appeals. Motion seconded by Mr. Layou. *Unanimously carried.*

Chairman Mangan acknowledged that Robert Germain was appointed by the Town Board as the attorney for the Zoning Board of Appeals.

Chairman Mangan also noted that the Proofs of Publication for the Zoning Board of Appeals cases will be in the Tuesday edition of the Post Standard, the week prior to the meeting.

REGULAR MEETING:

MOTION made by Mr. Pleskach that the Minutes of the meeting of December 14, 2015 be accepted as submitted. Motion was seconded by Mr. Layou. *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 Deputy Chairman Wisnowski, Jr. *Unanimously carried.*

OLD BUSINESS:

Chairman Mangan noted that the Board still has one old case regarding Verizon Wireless for a cell tower, but it will be at a future meeting. At this time it is in litigation.

NEW BUSINESS:

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

Case #1593 – AREA VARIANCES – Robert Henry, 8505 Caughdenoy Road, Tax Map #063.-01-32.1:

The applicant is requesting Area Variances pursuant to Sections Sections 230-13 A.(4) and 230-23 C.(1) to allow for a reduction in the side yard setback from 25 feet to 10.8 feet to allow for the existing and proposed structures and to allow for expansion of a nonconforming structure. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of Publication.

Mr. Henry stated that he is expanding the garage and that the foundation is already in place.

Mr. Henry 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 an extension to a current home.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance.
3. He believes the Area Variance request is substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood
5. He does not feel the Area Variance is self-created as the house was there prior to code changes.

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. Layou in Case #1593 to **approve** the Area Variances with the condition that they be in substantial compliance with Exhibit "A" (survey), dated 11/17/2012. 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	<i>Unanimously carried.</i>

The Area Variance in Case #1593 is **approved**.

Case #1594 – AREA VARIANCE - Jakemac, LLC, 5224 West Taft Road, Tax Map #117.-02-05.1:

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) to allow for a second freestanding sign when only one is allowed. The property is located in the LuC-2 Limited Use for Restaurants zoning district.

Hal Romans of Ianuzzi & Romans, Land Surveyors, 5251 Witz Drive, represented the applicant. Tom Hafner was also present.

Mr. Romans explained that Mr. Hafner would like to add a sign to the silo. They are upgrading the restaurant and this is part of the upgrade. The house will be torn down and additional parking will go there. The restaurant presently has one freestanding sign, but they would like to preserve the rustic image of a farm with a sign on the silo, thus creating a second freestanding sign.

Mr. Romans 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 sign will be on the silo, which is 9 feet from the existing building.
2. They don't believe there is any other feasible method than to obtain an Area Variance, as they would have to attach the silo to the building in some way that would comply with the existing code. They did look into attaching it to the building, but the silo is designed to stand alone.
3. They don't believe the Area Variance request is substantial. The proposed sign is 18 square feet when a maximum square footage allowed is 32 square feet. The restaurant is on a four lane highway and the silo sets back from it.
4. They don't believe there will be any physical or environmental impact to the neighborhood, as it is mostly commercial properties in this neighborhood.
5. The Area Variance is self-created as they are asking for an additional freestanding sign when only one is allowed.

Mr. Roman added that they want to link the tavern restaurant to the farm.

Mr. Layou asked why they need the added sign when they already have one and Mr. Romans noted

that the sign would be more noticeable from traffic coming down Allen Road, whereas traffic on Taft Road would see the present sign, as they would be traveling east and west.

Deputy Chairman Wisnowski, Jr. asked why they didn't attach the silo to the tavern and Mr. Romans explained that it would be expensive and not desirable to the town Planning Department. Mr. Hafner wants to tie in the original farm.

Chairman Mangan noted that the restaurant has been there for 45 years and everyone knows where it is and questions the need for another freestanding sign.

Mr. Romans stated they would like to finish of the facade and that there are new generations of customers. Mr. Hafner wants the tavern to have a face lift.

Mr. Pleskach asked if granting the sign would set a precedent and Chairman Mangan said no, the Board has made exceptions before and reviews requests case by case.

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 asked if there was going to be only one sign on the silo. Mr. Romans said yes, Mr. Hafner doesn't have signage on the restaurant and that's why he wants a sign on the silo.

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.

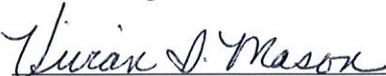
Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1589 to **approve** the Area Variances with the condition that they be in substantial compliance with Exhibit "A" (survey), dated 12-7-2015 and the picture of the sign. Motion was seconded by Mr. Layout.

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

The Area Variance in Case #1595 was **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:55 P.M.


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