

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
October 13, 2014

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 October 13, 2014.

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
	Mark Smith	Deputy Chairman
	Karen Liebi	Member
	Brian Hall	Member
	Anne Stenham	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark Territo	Commissioner of Planning & Development

ABSENT: None

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of September 8, 2014 be accepted as submitted. Motion was seconded by Deputy Chairman Smith. *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 Type II actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

**Case #1539 – AREA VARIANCES - Community Bank, NA, 8196 Oswego Road, Tax Map #067.-01-01.3:**

The applicant is requesting Area Variances, pursuant to Section 230-19 A.(4)(b)[1]; 230-19 A.(4)(b)[1]; and 230-19 A.(6)(a)[1]; for Lot 1 area reduction from 70,045 square feet to 60,296 square feet; Lot 3 area reduction from 70,045 square feet to 55,123 square feet; and a reduction of depth for Lot 1 from 250.00 feet to 218.00 feet, to subdivide 1 parcel into 4 lots (Lot 1 and 3 non-conforming). The property is located in the O-2 Office zoning district.

The Secretary read the proof of publication.

Hal Romans, Surveyor/Planner, explained that on February 2, 2006 a site plan was approved for four buildings (the only building constructed houses Hunt Realty). The intent was for three other tenants to build and lease the parcel. Community Bank has taken back the property through foreclosure. Now however, the only people interested in building there want to own the parcel, not lease. They would like to subdivide so that each could own their own building and land on which it is to be constructed. The problem is that in subdividing, some of the parcels will no longer fit the setbacks and area requirements. Nothing is changing in the layout of the site plan; the variances will just allow the property to be subdivided into four parcels, lot #1 and lot #3 would be nonconforming.

Chairman Mangan stated that their intention then is to maintain the site plan of February 2006 and Mr. Romans said yes. Hunt Realty wants to retain ownership of their building and lot, but the other parties interested want to own theirs, not lease.

Mr. Romans addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood, as the site plan that was approved will remain the same in its layout.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance as they are just redrawing the lines.
3. He does believe the variance request for Lot #3 is substantial, but this is the best way to divide the lots.
4. He believes there will be no physical or environmental impact to the neighborhood because if tenants had been found the layout would be the same.
5. Yes, the need for the variance is self-created.

Deputy Chairman Smith noted that there is an application before the Planning Board to subdivide the lots and Mr. Romans said yes, but the Area Variances are needed first. Mr. Romans further noted that all the lots will have appropriate parking spaces.

Mr. Hall commented that essentially the site plan will remain the same as if there had been one owner, but to subdivide into four parcels Area Variances are needed.

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 Tom Collins said he had architectural concerns. In 2006 it appeared that all the buildings would look professional and somewhat similar. He feels the development is great, but is concerned over the control of the design of the additional buildings, and whether they will generate traffic problems.

Mr. Romans explained that the zoning is the same, there will be the same engineers and that the site plan review by the Planning Board will address those issues.

Anne Neal made note of her concerns for traffic. She lives on Dampier Circle and has had some near misses on Provo Drive turning onto Route 57.

Chairman Mangan asked for those in favor and those opposed to granting the Area Variances and there were none.

Chairman Mangan stated that he would like to adjourn the hearing to the November meeting to give the Board time to understand what is going on.

Case #1539 is **adjourned** to November 10, 2014.

**Case #1543 – AREA VARIANCES - Superior Self Storage, 4356 NYS Route 31, Tax Map #059.-01-13.1:**

The applicant is requesting Area Variances, pursuant to Section 230-16 B.(4)(b)[2]; 230-16 B.(4)(b)[3]; 230-16 B.(5)(a); and 230-20 B.(2)(b), to reduce the side yard setback from 80 feet to 20 feet; reduce the rear yard setback from 80 feet to 52 feet; reduce perimeter landscape strip from 20 feet to 17.5 feet; and to allow for a fence taller than two and one half feet in a front yard between the street and the setback line, to allow for a self-storage facility. The property is located in the proposed HC-1 Highway Commercial zoning district.

The Secretary read the proof of publication.

Hal Romans, Surveyor/Planner, explained that a zone change has been acquired for this parcel, but Area Variances are triggered because the abutting property is zones RA-100, which increases the setback requirements. The applicant also needs to construct a six foot high chain link fence.

Mr. Romans addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. They have been up before the Town Board and the Planning Board and they felt the self-storage is appropriate for this narrow parcel.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance as they have downsized the development and there will be one building to house the climate control.
3. He does believe the variance request is substantial.
4. He believes there will be no physical or environmental impact to the neighborhood. They have a Department of Environmental Conservation permit.
5. The need for the Area Variances is self-created.

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 Variances and there were none.

Chairman Mangan closed the hearing.

**MOTION** made by Mrs. Liebi in Case #1543 to grant the Area Variances as requested, with the condition that it be in substantial compliance with Exhibit “A” dated 4-8-2014, revised 10-13-2014. Motion was seconded by Deputy Chairman Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	
	Mrs. Stenham	- in favor	<i>Unanimously carried.</i>

The Area Variance requests for Case #1543 are **granted**.

**Case #1544 – AREA VARIANCES - The Wheel of East Syracuse (Tiny Bubbles Laundromat), 7544 Oswego Road, Tax Map #094.-21-14.1:**

The applicant is requesting Area Variances pursuant to Section 230-19 A.(5) and 230-22 C.(1) to reduce the Highway Overlay setback for a principal structure from 140 feet to 136 feet and an increase of square footage of a wall sign from 16 square feet to 29 square feet to repurpose the existing Byrne Dairy building into a Laundromat. The property is located in the NC-1 Neighborhood Commercial zoning district.

The Secretary read the proof of publication.

Hal Romans, Surveyor/Planner stated that they are withdrawing all Area Variance requests except the one for the Highway Overlay setback. He explained that Byrne Dairy is selling, as they want sites where they can also sell gas. The applicant wants to repurpose the building and put in a Laundromat. They would like a roof overhang to help protect people from the elements, snow, ice etc. Since the overhang needs posts an Area Variance is required.

Mr. Romans addressed the Standards of Proof:

1. They don't believe there will be any detriment to the character of the neighborhood. They are repurposing the existing building, and it sits back a ways from the highway.
2. They don't believe there is any other feasible method than to obtain an Area Variance since they want the overhang for safety reasons.
3. They do not believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood.
5. The need for the variance is self-created.

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 Steve Klink asked about connecting the driveways to the rear of the buildings to allow cross connections.

Mr. Romans said it is a Planning Board issue and they can't secure cross connections.

Chairman Mangan asked for those in favor and those opposed to granting the variances and Mr. Klink said he was in favor. There were none opposed.

Chairman Mangan closed the hearing.

**MOTION** made by Mr. Hall in Case #1544 to **grant** the Area Variance for the highway overlay setback reduction only with the condition that it be in substantial compliance with Exhibit "A" sheet 2 of three. Motion was seconded by Deputy Chairman Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	
	Mrs. Stenham	- in favor	<i>Unanimously carried.</i>

The Area Variance request for Case #1544 is **granted**.

**Case #1545 – AREA VARIANCE - Allen Zipprich, 4936 Ver Plank Road, Tax Map #047.-01-10.0:**

The applicant is requesting a Use Variance, pursuant to Section 230-17 D.(2) to allow a non-conforming use to occupy additional lot space (a residential garage in an Industrial zone). The property is located in the I-2 Industrial zoning district.

The Secretary read the proof of publication.

Neither the applicant nor a representative was present.

Chairman Mangan adjourned Case #1545 to the November 10, 2014 meeting.

**OTHER BUSINESS:**

Fred Meyers of Barrett Paving Materials Incorporated asked the Board for an extension of six (6) months for a temporary trailer at 4530 Wetzel Road (Special Permit approved 10/14/2013).

Chairman Mangan explained that only one more extension can be acquired after this extension.

Chairman Mangan asked for any comments and there were none.

**MOTION** made by Deputy Chairman Smith to **grant** the request for a six (6) month extension for a temporary trailer at 4560 Wetzel Road (Special Permit approved 10/14/2013) to Barrett Paving Incorporated. Motion was seconded by Mrs. Stenham.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	
	Mrs. Stenham	- in favor	<i>Unanimously carried.</i>

The extension is **granted**.

There being no further business, Chairman Mangan adjourned the meeting at 8:28 P.M.

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