

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
October 10, 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 October 10, 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
	Ryan Pleskach	Member
	Luella Miller-Allgaier	Alternate Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development
ABSENT:	Karen Liebi	Member
	Nicholas Layou	Member

**MOTION** made by Mr. Pleskach that the Minutes of the meeting of September 12, 2016 be accepted as submitted. Motion was seconded by Deputy Chairman Wisnowski. *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. *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.

**Case #1622 – AREA VARIANCE - Goddard Development (Mavis Discount Tire) - 7435 Oswego Road, Tax map #104.-01-06.0:**

The applicant is requesting Area Variances pursuant to Sections 230-16 D.(5)(a); 230-16 D.(5)(a); and 230-19 A.(5) for a reduction in the south side perimeter landscape strip from 20 feet to 11.1 feet; a reduction in the north side perimeter landscape strip from 20 feet to 14.4 feet; and a reduction of the designate highway arterial setback from 140 feet to 120.5 feet to allow for an auto repair building with associated parking. The property is located in the LuC-1 Limited Use District for Gasoline Services zoning district.

*(The Secretary read the proof of Publication at the August 8<sup>th</sup> meeting, Standards of Proof were also covered at August meeting.)*

*(A portion of the property for which Goddard Development is seeking one of the Area Variances is not owned by the applicant (in all probability it is owned by the County of Onondaga) and that needs to be cleared up before the Board can make a decision.)*

Chairman Mangan explained that the applicant has asked for another adjournment.

Chairman Mangan adjourned this hearing to November 14, 2016

**NEW BUSINESS:**

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

**Case #1635 – AREA VARIANCE – Peter Gunthner, 4291 Virgo Course – Tax Map #081.-09-15.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 E. (4)(b)[1] for a reduction in the front yard setback from 25 feet to 12 feet on the portion of the parcel that faces Orion Path (corner lots have more than one front yard) for the purpose of allowing an addition. The property is located in the R-7.5 One-Family Residential zoning district

The Secretary read the proof of Publication.

Peter Gunthner explained that he would like to add an addition to his home, changing his home from a 4 bedroom and 2.5 bathroom to a 5 bedroom and 3.5 bathroom.

Mr. Gunthner 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 an Area Variance.
3. He believes the Area Variance request is not substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood
5. He does feel the Area 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.

The only people present at this meeting were the applicant and his wife.

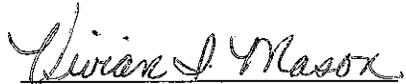
Chairman Mangan closed the hearing.

**MOTION** made by Mrs. Miller-Allgaier in Case #1635 to **approve** the Area Variances 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	- absent	
	Mr. Pleskach	- in favor	
	Mr. Layou	- absent	
	Mrs. Miller-Allgaier	- in favor	<i>Carried.</i>

The Area Variance in Case #1635 is **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:40 P.M.

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