

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 11, 2017

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 September 11, 2017.

Deputy Chairman Wisnowski 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
	Karen Liebi	Member
	Luella Miller-Allgaier	Alternate Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Nicholas Layou Member

MOTION made by Mr. Pleskach that the Minutes of the meeting of August 14, 2017 be accepted as submitted. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Deputy Chairman Wisnowski 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: None

NEW BUSINESS:

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

Case #1680 – AREA VARIANCE – Cosimo Zavaglia,/Store America, east side Morgan Road, between Wetzel & Buckley Roads, Tax Map #087.-01-44.1:

The applicant is requesting an Area Variance pursuant to Section 230-17 C.(5)(a) for a reduction of the perimeter landscape strip from 100 feet to 20 feet for the purpose of construction of a stormwater management basin. The property is located in the I-1 Industrial 1 District.

Deputy Chairman Wisnowski announced that this variance is no longer needed.

(The Town Board recently passed a Local Law which now allows stormwater management basins in a front perimeter landscape strip.)

Case #1682 – AREA VARIANCES – James Renna, 9938 Fancher Road, Tax Map #040.-01-14.1:

The applicant is requesting Area Variances pursuant to Section 230-13 A.(4) to allow for a reduction in the front yard setback from 75 feet to 25 feet and Section 230-13 A.(4) to allow a reduction of the side yard setback from 25 feet to 8 feet, to allow for construction of a garage. The property is located in the RA-100, Residential Agricultural District.

The secretary read the proof of publication.

Angela Renna explained that they started this project in 2001 and put an addition on the house. They want a garage now for storage.

Mrs. Renna addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. They believe it will enhance the overall look of the home creating a more attractive neighborhood. They are on the water so there are no homes across the street that would be affected.
2. They don't believe there is any other feasible method than to obtain Area Variances because it is a nonconforming lot and there is no other place to put the garage that wouldn't infringe on setbacks, leach fields, well placement, or septic.
3. They don't believe the Area Variance requests are substantial, as the side yard is separated by a concrete boat launch and additional grassy area. The front setback is not substantial, given it is a nonconforming lot, as are the lots within the neighborhood and would be consistent with setbacks of other neighborhood properties. In addition, it leaves a reasonable amount between the structure and the road, which is a limited use road. It's a dead end. The ability to build the garage 5 feet closer to the road than the house will provide more space between the proposed garage and the side setback as the property is an odd shape. It also provides space for a man door to enter and exit the garage.
4. They don't believe there will be any physical or environmental impact to the neighborhood.
5. The Area Variance requests are self-created, as they want to build a garage on the property.

Chairman Mangan asked if they could move the garage a little further back and Mrs. Renna explained that it would interfere with the deck.

Deputy Chairman Wisnowski asked if there were any further comments or questions and there were none.

Deputy Chairman Wisnowski asked Commissioner Territo if he had any comments and he had none.

Deputy Chairman Wisnowski asked if anyone in the audience had any further questions and there were none.

Deputy Chairman Wisnowski asked if anyone in the audience had any further questions and there were none.

Deputy Chairman Wisnowski asked for those in favor and those opposed to granting the Area Variance requests and there were none.

MOTION was made by Mrs. Miller-Allgaier in Case #1683 to approve the Area Variance requests. Motion was seconded by Mr. Pleskach.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Liebi	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1683 was approved.

Case #1684 – INTERPRETATION – Kurt Filkins/America Stores It, Oswego Road, Tax Map #053.-01-02.0, #053.-01-03.1 and #053.-01-04.0:

The applicant is requesting an Interpretation, pursuant to Section #230-11, under the definition for Perimeter Landscape Strip the applicant is requesting the Zoning Board of Appeals to explicitly define the meaning of the following sentence “Driveways and walks are permitted to transverse a perimeter strip to allow for necessary vehicle and pedestrian movements.” The property is located in the RC-1 Regional Commercial District.

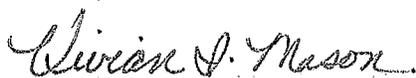
The secretary read the proof of publication.

Deputy Chairman Wisnowski explained that the applicant has requested that this hearing be adjourned to the October 9, 2017 meeting.

MOTION was made by Mr. Pleskach to adjourn Case #1684. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Liebi	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

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



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