

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 10, 2015

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 August 10, 2015. Deputy Chairman Smith called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

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| PRESENT: | Mark Smith | Deputy Chairman |
| | Karen Liebi | Member |
| | Edward Wisnowski | Member |
| | Ryan Pleskach | Member |
| | Vivian Mason | Secretary |
| | Robert Germain | Attorney |
| | Mark Territo | Commissioner of Planning & Development |

ABSENT: Charles V. Mangan Chairman

MOTION made by Mrs. Liebi that the Minutes of the meeting of July 13, 2015 be accepted as submitted. Motion was seconded by Mr. Wisnowski. *Carried.*

MOTION made by Deputy Chairman Smith 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 Mr. Wisnowski. *Carried.*

OLD BUSINESS: None

NEW BUSINESS:

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

Case #1578 – AREA VARIANCES - Bank of America – 3782 NYS Route 31, Tax Map #053.-01-20.1:

The applicant is requesting Area Variances pursuant to Sections 230-19 A.(5) and 230-22 C.(1) for a reduction in the highway overlay from 165 feet to 88.2 feet and an increase in the number of wall signs from 1 to 4 to allow for an ATM kiosk. The property is located in the O-2 Neighborhood Office district.

The Secretary read the proof of Publication.

Matthew Welch of Stonefield Engineering and Design, LLC explained that they would like to construct a standalone ATM kiosk on this property. It's a one acre parcel between Lowes and the railroad tracks on New York State Route 31. It is a triangular site and will have a "U" shaped driveway to the small ATM kiosk, so a reduction in the highway overlay is needed to accommodate that. Because of its location they would like four signs on the ATM so that it is easily identified.

Mr. Welch addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood, as they are only requesting 4 small signs and a reduction in the highway overlay setback.
2. They don't believe there is any other feasible method than to obtain an Area Variance because these signs are needed for identification and will complete the band around the ATM.
3. They don't believe the Area Variance request is substantial,
4. They believe there will be no physical or environmental impact to the neighborhood.
5. They believe the need for the Area Variance is self-created, since they want to construct an ATM kiosk.

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

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

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

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

Deputy Chairman Smith closed the hearing.

MOTION made by Mr. Pleskach in Case #1578 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Wisnowski.

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| Roll call: | Chairman Mangan | - absent | |
| | Deputy Chairman Smith | - in favor | |
| | Mrs. Liebi | - in favor | |
| | Mr. Wisnowski | - in favor | |
| | Mr. Pleskach | - in favor | <i>Carried.</i> |

The Area Variances in Case #1578 is **approved**.

Case #1579 – AREA VARIANCES - James Baker – 5232 Caughdenoy Road, Tax Map #076.-01-06.1:

The applicant is requesting Area Variances pursuant to Sections 230-19 A.(4)(b)[1] and 230-13 A.(4) to allow for a reduction in the lot width of lot #1 from 375 feet to 167 feet; a reduction in the width of lot #2 from 375 feet to 120 feet; and to reduce the side yard setback on lot #1 from 24 feet to 13 feet to subdivide the property into two lots. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of Publication.

Deputy Chairman Smith noted that Mr. Baker had appeared before the Board before with regard to this property and James Baker said he had. He wants to sub-divide the parcel into two lots and in order to do that, he needs Area Variances.

Deputy Chairman Smith pointed out that the problem, as it was at a previous meeting, is the difficulty that with a division of the parcel there is only one driveway, which would leave no access to a second lot.

Mr. Baker stated that Verizon has given him permission to use their access road to their cell tower in the rear of his property.

Mr. Baker 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 because
3. He doesn't believe the variance request is substantial,
4. He believes there will be no physical or environmental impact to the neighborhood.
5. He believes the need for the Area Variance is self-created.

Mrs. Liebi questioned the fact that one of the buildings was noted as a two family structure and Mr. Baker said it was divided into two apartments, but is now only a one family home. Mrs. Liebi asked if there were any animals in the barn and Mr. Baker said no.

Mr. Pleskach said he had concerns with the extreme Area Variance requests and what future owners might do.

Deputy Chairman Smith noted that Mr. Baker would also need septic tank approval from the County. He also noted correspondence from Verizon giving permission to use their access road as a driveway and correspondence from the Onondaga Water Authority advising Mr. Baker that a water main is located along Caughdenoy Road and is available.

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

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

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

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

Deputy Chairman Smith closed the hearing.

MOTION made by Mr. Pleskach in Case #1579 to **approve** the Area Variances as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

Roll call: Chairman Mangan - absent
 Deputy Chairman Smith - in favor
 Mrs. Liebi - in favor
 Mr. Wisnowski - in favor
 Mr. Pleskach - in favor *Carried.*

The Area Variances in Case #1579 are **approved**.

Case #1580 – 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][a], 5(b) and Section 230-16 B.(4)(b)[3], 5(b) to allow for a reduction in the side yard setback from 80 feet to 18.7 and a reduction in the rear yard setback from 80 feet to 50.7 feet to allow for an existing self-storage building. The property is located in the HC-1 Highway Commercial zoning district.

The Secretary read the proof of Publication.

Tim Coyer, Project Manager, represented the applicant. He explained that they have been before the Board previously for an Area Variance, which was approved. However the parcel was staked out for grading purposes and through lack of communication the wrong hubs were used. Things got shifted and the building was constructed beyond the previously approved setback Area Variances for the side and rear in October 2014. *(The previous variances granted were for a side yard setback from 80 feet to 20 feet and a rear yard setback from 80 feet to 52 feet.)*

Mr. Coyer addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood,
2. They don't believe there is any other feasible method than to obtain an Area Variance because it is already constructed and it would be very costly to move it.
3. They do 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 Area Variance is self-created.

Deputy Chairman Smith asked if the survey was an as built now and Mr. Coyer said yes.

Mr. Pleskach asked if the run off would be affected by the shift of the building and Mr. Coyer said no, that runoff would be handled properly.

James Workman, part owner, said they didn't want to hit the main force main so they revised the grading.

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

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

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

Deputy Chairman Smith asked for those in favor and those opposed to granting the Area Variance requests and there was an email from Nicholas Capozza, Sewer Maintenance Engineer at the Onondaga County Department of Water Environment Protection who is opposed to the Area Variance request for the reduction of the side yard setback from 80 feet to 18.7 be denied as he feels an 18 foot setback does not provide a buffer for the 36 inch sanitary pressure main that borders the property to the east in the utility easement. He added that Onondaga County would find a side yard setback reduction from 80 feet to 40 feet acceptable.

Deputy Chairman Smith closed the hearing.

MOTION made by Mr. Wisnowski in Case #1580 to **approve** the Area Variances as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

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| Roll call: | Chairman Mangan | - absent | |
| | Deputy Chairman Smith | - in favor | |
| | Mrs. Liebi | - in favor | |
| | Mr. Wisnowski | - in favor | |
| | Mr. Pleskach | - in favor | <i>Carried.</i> |

The Area Variances in Case #1580 are **approved**.

There being no further business, Deputy Chairman Smith adjourned the meeting at 8:08 P.M.



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