

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**April 11, 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 April 11, 2016. Deputy Chairman Wisnowski called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Edward Wisnowski, Jr	Deputy Chairman
	Karen Liebi	Member
	Ryan Pleskach	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development
ABSENT:	Charles V. Mangan	Chairman
	Nicholas Layou	Member

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of March 14, 2016 be accepted as submitted. Motion was seconded by Mr. Pleskach. *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. *Carried.*

**OLD BUSINESS:**

Deputy Chairman Wisnowski 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.

**Case #1601 – AREA VARIANCE - Anne and Kevin Kelly, 8514 Newbury Place, Tax Map #061.-05-15.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 B.(4)(c)[3] to allow for a reduction in the rear yard setback from 15 feet to 4 feet for a shed and roof overhang. The property is located in the R-40 One-Family Residential zoning district.

*(The Secretary read the proof of Publication at the March 14, 2016 meeting)*

Deputy Chairman Wisnowski explained that a request for an abandonment of part of an easement will be up before the Town Board, and until they make their decision this case should be adjourned to the next meeting.

MOTION was made by Mr. Pleskach adjourn Case #1601 to the May 9, 2016 meeting. Motion was seconded by Mrs. Liebi.

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

**NEW BUSINESS:**

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

**Case #1602 – INTERPRETATION - Upper NY Annual Conference of the United Methodist Church, 7481 Henry Clay Boulevard, Tax Map #105.-02-03.0**

The applicant is requesting an Interpretation pursuant to Section 230-11 C. to determine if the proposed use is religious or administrative offices. The property is located in I-1 Industrial 1 zoning district.

The Secretary read the proof of Publication.

Attorney Rebecca Speno of Bond, Schoeneck & King, PLLC represented the applicant. Also present were Bill Gottschalk-Fielding and Richard Barling.

Attorney Speno explained that they are moving the church offices from downtown Syracuse to Henry Clay Boulevard. There is a business side to religion and these offices are needed for conferences providing support for other churches across a New York State area. Mr. Barling added that these are combined conferences with one Bishop. They need more space for the business side of the church and would like to use this building on Henry Clay Boulevard.

Mr. Pleskach asked if 8:30 a.m. to 5:00 p.m. would be their hours of business and Mr. Barling said yes.

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 questions and there were none.

Deputy Chairman Wisnowski closed the hearing.

**MOTION** was made by Deputy Chairman Wisnowski to move the adoption of a resolution in Case #1602 Interpreting the described use of the building by the applicant clearly fits the definition of an office building as specifically allowed in an Industrial zone classification. Motion was seconded by Mr. Pleskach.

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

The Interpretations in Case #1602 is that the use is in compliance with the code.

**Case #1603 – AREA VARIANCE - Kevin Hagan, 4515 Wetzel Road, Tax Map #082.-01-24.0:**

The applicant is requesting Area Variances pursuant to Section 230-17 C.(4)(b)[1][a]; 230-17 C.(4)(b)[2]; and 230-17 C.(4)(b)[2] to allow for a reduction of the front yard setback from 200 feet to 150 feet; a reduction of the east side yard setback from 25 feet to 19 feet; and a reduction of the west side yard setback from 25 feet to 19 feet to allow construction of a pole barn for equipment and material. The property is located in I-1 Industrial 1 zoning district.

The Secretary read the proof of Publication.

Kevin Hagan explained that he does lawn mowing and landscaping and needs the pole barn to store his equipment. He has had theft issues and needs a secure place.

Mr. Hagan addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. He feels the new building will be an improvement.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance. The size of the building and layout will be set back further than the existing building.
3. He believes the Area Variance request is not substantial. He is only asking for 6 feet on the sides and 50 feet on the front. He also owns the adjacent lot.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood
5. Because he wants the new pole barn, the Area Variances are self-created.

Mrs. Liebi inquired about a driveway, as it is wet behind where the building will go, and also noted spilled oil, and junk on the site. Mr. Hagan said he would be creating a swale and would look into the oil spill etc. They will also have an office and a bathroom in the building.

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 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.

Deputy Chairman Wisnowski closed the hearing.

**MOTION** made by Mrs. Liebi in Case #1603 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	- absent	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Pleskach	- in favor	
	Mr. Layou	- absent	<i>Carried.</i>

The Area Variance in Case #1603 is **approved**.

**Case #1604 – AREA VARIANCE - Five Star Urgent Care, 7375 (7421) Oswego Road, Tax Map #104.-02-09.2:**

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) to allow for a third wall sign when only two are allowed. The property is located in the RC-1 Regional Commercial zoning district.

The Secretary read the proof of Publication.

Kelly Breman represented the applicant. She explained that they would like an additional sign to facilitate easy entry for people to see.

Ms. Breman 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 channel letter sign is consistent with the signage at other businesses in the area.
2. They don't believe there is any other feasible method than to obtain an Area Variance. The Town code only allows two signs, and requires an Area Variance for an additional one.
3. They believe the Area Variance request is not substantial. Many businesses in the area already have additional signs.
4. The additional sign will not affect the physical or environmental conditions in the neighborhood

5. Yes, they feel the Area Variance is self-created. They believe the third sign is important in helping patients find the facility and the entrance.

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 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.

Deputy Chairman Wisnowski closed the hearing.

**MOTION** made by Mr. Pleskach in Case #1604 to **approve** the Area Variance as requested. Motion was seconded by Mrs. Liebi.

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

The Area Variance in Case #1604 is **approved**.

**Case #1606 – AREA VARIANCE - Carol Gersten, 112 Sotherden Drive, Tax Map #086.-05-13.0:**

The applicant requesting Area Variances pursuant to Section 230-13 E.(4)(b)[1] and 230-20 B.(2)(b) to reduce the front yard setback from 25 feet to 15 feet and to increase the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet (corner lots have two front yards) to allow for construction of a fence. The property is located in the R-7.5 One-Family Residential zoning district.

The Secretary read the proof of Publication.

Edward and Carol Gersten explained that they want to extend their back yard a bit.

They 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 so they can make their yard a little larger.

3. They believe the Area Variance request is not substantial. They are only extending the fence an extra 10 feet out.
4. They don't believe there will be any physical or environmental impact to the neighborhood, It will be the same as other people's fences.
5. They feel the Area Variance is self-created.

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 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.

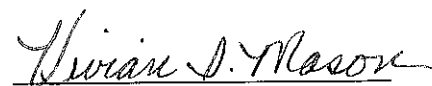
Deputy Chairman Wisnowski closed the hearing.

**MOTION** made by Mr. Pleskach in Case #1606 to **approve** the Area Variances with the condition that they be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

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

The Area Variance in Case #1606 is **approved**.

There being no further business, Deputy Chairman Wisnowski adjourned the meeting at 8:00 P.M.

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