

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**December 8, 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 December 8, 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 November 10, 2014 be accepted as submitted. Motion was seconded by Mrs. Stenham. *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 Deputy Chairman Smith. *Unanimously carried.*

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

**Case #1551 – AREA VARIANCE - Bill Perkins (Church of Christ) – 4268 Wetzel Road, Tax Map #081.-22-10.0:**

The applicant is requesting an Area Variance pursuant to Section 230-21 E. to allow for a parking reduction from 140 spaces required to 78 spaces requested. The property is located in the R-7.5 Residential One-Family zoning district.

(The Onondaga County Planning Board has recommended denial.)

The Secretary read the proof of publication.

Tim Coyer, from Ianuzzi and Romans, represented the applicant. Giving a brief overview, he explained that the church is across from the Liverpool High School and they would like to put on an addition and reform an area in the church. The whole church will not be in use at one time. They have an afterschool program between the hours of 2:30 to 4:30 P.M. which they have had since 1963. Students that attend walk over there after school. They want more room for activities then. They have 74 existing parking spaces, which they feel is more than they need.

Chairman Mangan asked if during Sunday services did some people park on the street.

Mr. Coyer said that about 3 cars do park on the street, but that they do not have to as there is plenty of parking available in the church lot.

William Perkins said they keep a chain up so that cars can't drive through to the street.

Mr. Coyer 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 are adding three more parking spaces.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance, unless they moved to a larger location and that would mean it would be farther away for the students walking from the school
3. He does believe the variance request is substantial, as it is a significant reduction request.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Yes, the need for the variance is self-created, because they want to put on an addition.

Mr. Coyer also noted that the church provides a great program for the students.

Deputy Chairman Smith commented that potentially the whole building could be used at once.

Mr. Perkins explained that they don't have church services and the after school program at the same time.

Mrs. Liebi asked if they expected the congregation to eventually grow and thus they would need more parking.

Mr. Hall asked what they would do for extra parking.

Mr. Coyer said that they could use the school parking lot, but he didn't believe that they would need it.

Chairman Mangan said he had concerns with the parking being inadequate.

Chairman Mangan asked if there were any further comments or questions and several residents on Polaris Course spoke. Mr. Kosina said he has nothing but problems with the access that is not

always chained. It draws cars when the chain is down. Mr. Schafer asked why there was even a driveway onto Polaris Course. Mr. Donardo commented that they have no parking on their street during weekday hours. Mr. Kosina added that if the church grows in the future there won't be enough parking.

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 in granting the Area Variance request and there were none. Chairman Mangan asked for those opposed to granting the Area Variance request and there were four.

Chairman Mangan closed the hearing.

**MOTION** made by Deputy Chairman Smith in Case #1551 to **deny** the Area Variance request. Motion was seconded by Mrs. Liebi.

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 #1551 is **denied**.

**Case #1552 – AREA VARIANCES - Jeff Passino – 9087 Oneida River Park Drive, Tax Map # 033.-01-05.0:**

The applicant is requesting Area Variances pursuant to Section 230-13 A.(4) to allow a reduction to the front yard setback from 75 feet to 34 feet and to allow for a reduction to the side yard setback from 25 feet to 9 feet to replace a portion of the house and garage that was poorly constructed and does not have the proper foundation. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of publication.

Chairman Mangan noted that the Board received correspondence from a neighbor, Christine Rahrle.

Jeff Passino explained that a structure presently exists, but the foundation was not constructed properly. They want to remove part of the structure and fix what needs to be done. The home is not occupied at this time.

Mr. Passino addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of

- the neighborhood. Squaring the foundation and fixing the structure will be an improvement.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance. There were no footers.
  3. He does not believe the variance request is substantial.
  4. He believes there will be no physical or environmental impact to the neighborhood. He is repairing poor construction.
  5. He doesn't believe the need for the variance is self-created, since an unknown person created the problem.

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 of granting the Area Variances and there was one, the correspondence received from Mrs. Rahrle. Chairman Mangan asked for those opposed to granting the Area Variances and there were none.

Chairman Mangan closed the hearing.

**MOTION** made by Mr. Hall in Case #1552 to grant 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	- 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 #1552 are **granted**.

**Case #1553 – USE VARIANCE - Cross of Christ Evangelical Lutheran Church, 8131 Soule Road, Tax map #067.-01-06.2:**

The applicant is requesting a Use Variance pursuant to Section 230-13 A.(4) to allow for expansion of the existing building and to set up a temporary residence for up to ten 5<sup>th</sup> wheel campers for 4-5 months. The proposed use is not allowed. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of publication.

Mike Clark and Jeremiah Gumm were present to represent the applicant.

Chairman Mangan noted that the Board had received a recommendation of disapproval from the

Onondaga County Planning Board. A super majority vote would be needed for approval.

Mr. Clark explained that they would like to add an addition. Volunteers would be doing the construction and they would like a Use Variance to allow up to ten fifth wheel campers to house the volunteers. They would come and go, but the Project Manager would stay.

Chairman Mangan explained that a Use Variance is very difficult to obtain. They need to produce financial evidence that there would be no reasonable return.

Mr. Clark stated that without the workers the project could not happen.

Chairman Mangan noted that the property has gained in value. The applicant needs to prove hardship.

Mr. Clark explained that they can get a loan for part of the cost of the addition; they have a grant for part of the cost, but without the volunteers constructing it, the project cannot be accomplished. He added that they could not get permission from the mobile home court to park there.

Mr. Gumm stated that it would be too costly for them to park the 5<sup>th</sup> wheelers at another site.

Chairman Mangan reiterated that the Board needs proof, written tabulations, what the alternatives would be.

Deputy Chairman Smith further explained that the Board needs actual numbers showing hardship.

Mr. Clark stated that their hardship is that they can't afford it any other way.

Chairman Mangan said he wasn't convinced that there weren't other alternatives. The Board needs to see a spreadsheet. He added that it is hard to prove that it is not a self-created hardship, and that alone does not meet the legal requirements of approving a Use Variance. They are very difficult to obtain.

Chairman Mangan concluded by adjourning the hearing to January 12, 2015 to give the applicant time to come up with proof for all four standards of proof.

There being no further business, Chairman Mangan adjourned the meeting at 8:35 P.M.



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