

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
February 12, 2018

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 February 12, 2018. 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
	Karen Liebi	Member
	Nicholas Layou	Member
	Luella Miller-Allgaier	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of January 8, 2018 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *Unanimously carried.*

OLD BUSINESS:

Case #1691 – USE VARIANCE - Steven Werner/Signarama (United Financial) – 4769 Buckley Road, Tax Map #088.-01-17.1:

The applicant is requesting a Use Variance pursuant to Section 230-15 B.(2) to use an electronic sign when it is prohibited in the Office O-2 zoning district, for the purpose of updating the current letter track sign due to age and losing letters.

(Proof of Publication was read by the Secretary at the December 11, 2017 meeting.)

Neither the applicant nor a representative was present.

MOTION was made by Mrs. Liebi to deny the Use Variance in Case #1691. Motion was seconded by Deputy Chairman Wisnowski.

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

The Use Variance in Case #1691 was denied.

REGULAR MEETING:

Case #1693 – Widewaters Farrell Road II Company, LLC, Route 31, Tax Map #020.-01-05.1 and #020.-01-05.2:

The applicant is requesting Area Variances per Section 230-16 C.(4)(a)[1][b] for a reduction in the east side site perimeter landscape strip from 30 feet to 25 feet; Section 230-16 C.(4)(a)[1][b] for a reduction in the west side site perimeter landscape strip from 30 feet to 11 feet; Section 230-19 A.(5) for a reduction in the highway overlay from 165 feet to 160 feet, for the purpose of allowing stormwater management and water quality facilities within the landscape strips and a reduction in the highway overlay to allow for a portion of the building to go in it. The property is located in the RC-1 Regional Commercial zoning district.

Proof of Publication was read by the Secretary.

Marco Marzocchi represented the applicant. He located the project by producing a rendering of the proposed multi-tenant structure within the parcel and fronted by three out parcels. The site perimeter reductions are for bio retention areas on the west side and the east side. The eastern site perimeter is minimal and abuts the former Key Bank parcel. They actually only need 1 foot 4 inches, but they are asking for 5 feet to be on the safe side. The reduction of the highway overlay is for the tenant's need for a particular sized building.

Mr. Marzocchi 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 surrounding area is made up of commercial uses.
2. They don't believe there is any other feasible method than to obtain Area Variances. The wetlands have limited the development as have the required stormwater retention regulations.

Chairman Mangan noted that they were aware of the limitations when they purchased the property.

Mr. Marzocchi replied that the bio retention for the rear and sides was later restricted by the town and weren't there when the property was bought.

Chairman Mangan explained that this was because of the Interpretation made by the Zoning Board with regard to stormwater retention within perimeter strips.

3. They don't feel the Area Variance requests are substantial as they are minimal.
4. They don't believe there will be any physical or environmental impact to the neighborhood. Their requests are similar to other requests granted by the town.
5. In light of the existing physical characteristics, namely the limiting factor of the wetlands, the alleged difficulties are not self-inflicted.

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 further questions and there were none.

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

MOTION was made by Mrs. Miller-Alligaer to approve the Area Variance in Case #1693 for a reduction in the east side site perimeter landscape strip from 30 feet to 25 feet with the condition that it be in substantial compliance with Exhibit "A", a survey dated 7/21/2017. Motion was seconded by Mrs. Liebi.

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

MOTION was made by Mrs. Miller-Alligaer to approve the Area Variance in Case #1693 for a reduction in the west side site perimeter landscape strip from 30 feet to 11 feet with the condition that it be in substantial compliance with Exhibit "A", a survey dated 7/21/2017. Motion was seconded by Mrs. Liebi.

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

MOTION was made by Mrs. Miller-Alligaer for the Area Variance in Case #1693 for a reduction in the highway overlay from 165 feet to 160 feet be referred to the town Planning Board for their input. Motion was seconded by Mrs. Liebi.

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

Two of the Area Variances in Case #1693 were approved, and one was referred to the Town Planning Board.

Case #1694 – Summit Realty Management, LLC/Clay Medical Parking, 8100 Oswego Road, Tax Map #068.-02-22.1:

The applicant is requesting Area Variances per Section 230-15 B.(5)(a)&(b) for a reduction in the perimeter landscape strip (when abutting residential) from the required 40 feet to 1 foot; Section 230-21 A.(1) for a reduction in the required width of parking spaces from the required 9.5 feet to 8 feet;

Section 230-21 E. for a reduction in the number of parking spaces from the required 275 to 207 (currently there are 192); Section 230-15 B.(4)(a)[5] for an increase in the percentage of lot coverage from the maximum of 70% (currently existing non-conforming 75.2%) to 78.5%, for the purpose of reworking of the existing parking lot to improve circulation and increase the number of parking spaces to accommodate new tenants that may require more parking in the future, and to bring the building closer to compliance with the new ordinance. The property is located in the O-2 Office zoning district.

Proof of Publication was read by the Secretary.

Architects Jim Hagen and Kevin Hagen represented the applicant.

Chairman Mangan explained that if the Board approved the reduction from 40 feet to one foot for the perimeter landscape strip it would mean it would apply around the whole parcel. There are varying reductions needed around the parcel and he feels each one should be addressed and that the requests should be calculated and then readvertised.

Jim Hagen said they would consider that.

Chairman Mangan also noted that parking is tight for this site.

Jim Hagen explained that the complex was built in 1986, that they have 187 parking spaces; under the old code 120 were required. Since then the town has amended the ordinance twice. The site can't accommodate the spaces that are now required but through making the site cleaner and changing the angles of the spaces and the flow, they can change the present 192 spaces to 207. They need be able to accommodate future tenants.

Chairman Mangan said he was concerned as to where each reduction in the perimeter landscape strip is located.

Jim Hagen said he could work it out and highlight the various reductions in the perimeter landscape strip so their request could be re-advertised.

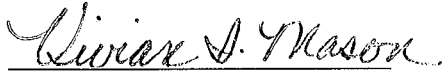
Chairman Mangan said he was also concerned about where they would put snow, but his main concern is the buffer area that abuts residential.

MOTION was made by Deputy Chairman Wisnowski to adjourn Case #1694 to March 12, 2018 to allow for clarity on the areas involved in the reductions in the perimeter landscape strip. Motion was seconded by Mrs. Liebi.

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

Case #1694 is adjourned to March 12, 2018.

There being no further business, Chairman Mangan adjourned the meeting at 8:06 P.M.



Vivian I. Mason, Secretary

Zoning Board of Appeals

Town of Clay