

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
November 10, 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 November 10, 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
	John Marzocchi	Attorney
	Cindy Beckhusen	Assistant Commissioner of Planning

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of October 13, 2014 be accepted as submitted. Motion was seconded by Deputy Chairman Smith. *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 Mr. Smith. *Unanimously carried.*

OLD BUSINESS:

Case #1539 – AREA VARIANCES - Community Bank, NA, 8196 Oswego Road, Tax Map #067.-01-01.3:

Chairman Mangan announced that the representative for this applicant requested that this case be moved to a later time. Chairman Mangan moved this case to the end of the agenda.

Case #1545 – USE VARIANCE - Allen Zipprich, 4936 Ver Plank Road, Tax Map #047.-01-10.0:

The applicant is requesting a Use Variance, pursuant to Section 230-17 D.(2) to allow a non-conforming use to occupy additional lot space (a residential garage in an Industrial zone). The property is located in the I-2 Industrial zoning district.

(Since the applicant nor a representative were present at the hearing on October 13, 2014, the case was adjourned. The Secretary read the proof of publication at that time.)

Allen Zipprich explained that he would like to construct a garage to store his classic cars and have a place to work on them.

Chairman Mangan went over the Standards of Proof with the applicant.

Standards of Proof:

1. The applicant cannot realize a reasonable return. *Chairman Mangan noted that this standard does not apply in this case.*
2. The hardship is unique and doesn't apply to the substantial portion of the neighborhood. *Chairman Mangan noted that this standard also does not apply in this case because Mr. Zipprich's house is in an Industrial zone.*
3. Mr. Zipprich believes the garage will not alter the character of the neighborhood.
4. Mr. Zipprich stated that the hardship is self-created because he wants to build the garage.

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

Chairman Mangan asked Assistant Commissioner Beckhusen if she had any comments and she said just that the applicant needs to apply for a building permit.

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

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

Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1545 to grant the Use Variance as requested, with the condition that construction be in substantial compliance with Exhibit "A", a survey dated 4/28/2013 and the garage be used for personal use only. Motion was seconded by Mrs. Stenham.

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 Use Variance request for Case #1545 is **granted**.

NEW BUSINESS:

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

Case #1547 – AREA VARIANCES - Patrick Huyge (Advance Auto Parts) – 7386 Oswego Road, Tax Map #104.-03-06.0:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) to allow for an increase in the square footage of a wall sign to 263.3 square feet, where 16 square feet is allowed; to allow for an increase in the square footage for a freestanding sign to 75 square feet when 24 square feet is allowed; and to allow for an increase in height of a freestanding sign to 20 feet when 15 feet are allowed. The property is located in the NC-1 Neighborhood Commercial zoning district.

The Secretary read the proof of publication.

Patrick Huyge, 6001 Nimtz Parkway, South Bend, Indiana said they were back before the board to address the wall sign and the freestanding sign.

Because Oswego Road is a busy highway and the name of the business so long they feel they need a larger wall sign and a larger and taller freestanding sign. The red background for the wall sign makes the sign seem larger, but the lettering itself does not use all the surface of it. They feel the lettering is no larger than other businesses in the corridor of Oswego Road. Again, for the freestanding sign, since the business name is long, they feel more square footage and height are needed to make the sign aesthetically appealing.

Mr. Huyge 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 signs are similar to others in the neighborhood.
2. They don't believe there is any other feasible method than to obtain Area Variances, because if the sign was smaller it would not be as legible.
3. They do believe the variance requests are substantial, but not when compared to other commercial businesses on the Oswego Road corridor.

Chairman Mangan noted that the other businesses are zoned differently.

4. They believe there will be no physical or environmental impact to the neighborhood. The signs will be legible and make it easier for cars to see them and maneuver into the correct lane soon enough to turn into their entrance.
5. The need for the Area Variances is self-created.

Chairman Mangan noted the fact that the applicant had obtained the NC-1 zoning. Weren't they aware of the sign requirements at that time?

Mr. Smith commented that the wall sign increase is by default, because the red panel part counts towards the square footage.

Mr. Huyge noted that the lettering only takes up 100 square feet of the wall sign.

Chairman Mangan added that most signs are just lettering.

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

Chairman Mangan asked Assistant Commissioner Beckhusen if she had any comments and she said she had concerns that if the primary use of the parcel was the same, someone else who comes in as a new owner could use the whole square footage of the sign.

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

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

Chairman Mangan closed the hearing.

MOTION made by Mr. Hall in Case #1547 to grant the Area Variance to allow for an increase in the square footage of a wall sign to 263.3 square feet, where 16 square feet is allowed 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>

MOTION made by Mr. Hall in Case #1547 to grant the Area Variance to allow for an increase in the square footage for a freestanding sign to 75 square feet when 24 square feet is allowed with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Stenham.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- against	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	
	Mrs. Stenham	- in favor	<i>Carried.</i>

MOTION made by Mr. Hall in Case #1547 to grant the Area Variance to allow for an increase in the height of a freestanding sign to 20 feet when 15 feet is allowed 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	- against	
	Mrs. Liebi	- in favor	
	Mr. Hall	- in favor	
	Mrs. Stenham	- against	<i>Carried.</i>

The Area Variance requests for Case #1547 are **granted**.

Case #1548 – SPECIAL PERMIT - Deborah S. Smith – 203 Manor Drive, Tax Map #098.-07-04.0:

The applicant is requesting a Special Permit pursuant to Section 230-13 E.(2)(d)[1] to allow an in home occupation to operate a hair salon. The property is located in the R-7.5 Residential One-Family zoning district.

The Secretary read the proof of publication.

Deborah Smith explained that her clients would be family and friends and a few clients from the past.

Mrs. Liebi asked how many clients she would handle at a time and Ms. Smith said at most two, and they would be by appointment only. Ms. Smith said she did not want a sign.

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

Chairman Mangan asked Assistant Commissioner Beckhusen if she had any comments and she had none.

Chairman Mangan asked if anyone in the audience had any questions and Mr. and Mrs. William McAvoy addressed concerns regarding traffic and whether this would affect resale of their property.

Chairman Mangan noted that there shouldn't be much traffic and that there wouldn't be a sign.

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

Chairman Mangan closed the hearing.

MOTION made by Mrs. Stenham in Case #1548 to grant the Special Permit as requested. Motion was seconded by Mrs. Liebi.

Chairman Mangan closed the hearing.

MOTION made by Mrs. Stenham in Case #1539 to grant the Area Variances as requested, with the condition that it be in substantial compliance with Exhibit “A” dated 11/6/2013. Motion was seconded by Deputy Chairman Smith.

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 #1539 are **granted**.

NEW BUSINESS:

Case #1550 – AREA VARIANCE - The Wheel of East Syracuse (Tiny Bubbles Laundromat), 7544 Oswego Road, Tax Map #094.-21-14.1:

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) increase of square footage of a wall sign from 16 square feet to 29 square feet to repurpose the existing Byrne Dairy building into a Laundromat. The property is located in the NC-1 Neighborhood Commercial zoning district.

The Secretary read the Proof of Publication.

Hal Romans, Surveyor and Planner, represented the applicant. He explained that they are moving the sign from their present location and moving it to this site.

Mr. Romans addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. The sign fits well.
2. The existing sign is in good shape so they don't believe there is any other feasible method than to obtain an Area Variance.
3. He does believe the variance request is substantial, but the setback compensates for it.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created.

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

Chairman Mangan asked Assistant Commissioner Beckhusen if she had any comments and she had none.

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

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

Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1550 to **grant** the Area Variance with the condition that it be in substantial compliance with Exhibit "A" and "B" dated 9/20/2014. Motion was seconded by Mr. Hall.

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 #1550 is **granted**.

OTHER BUSINESS: NONE

There being no further business, Chairman Mangan adjourned the meeting at 8:28 P.M.



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