

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**January 13, 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 Town Hall of Clay, 4401 State Route 31, New York on January 13, 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 V. Territo	Commissioner of Planning & Development

ABSENT: None

**ORGANIZATIONAL MEETING:**

**MOTION** made by Chairman Mangan accepting the 2014 Scheduling Calendar, which states the filing dates of when a completed application is to be received from an applicant. Motion seconded by Ms. Liebi. *Unanimously carried.*

**MOTION** made by Chairman Mangan designating the second Monday of each month as the regular meeting of the Zoning Board of Appeals. Motion seconded by Ms. Stenham. *Unanimously carried.*

**MOTION** made by Chairman Mangan appointing Mark Smith as Deputy Chairman. Motion seconded by Mr. Hall. *Unanimously carried.*

**MOTION** made by Chairman Mangan appointing Robert Germain as Zoning Board of Appeals attorney. Motion seconded by Ms. Stenham. *Unanimously carried.*

**MOTION** made by Chairman Mangan appointing Vivian Mason as Zoning Board of Appeals Secretary. Motion was seconded by Ms. Stenham. *Unanimously carried.*

Chairman Mangan announced that Proofs of Publication will be in the Tuesday edition of The Post Standard.

**REGULAR MEETING:**

**MOTION** made by Ms. Liebi that the Minutes of the meeting of December 9, 2013 be accepted as submitted. Motion was seconded by Ms. 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 Ms. Liebi. *Unanimously carried.*

Chairman Mangan announced that Arthur Fennham had tendered his resignation due to health issues, and thanked him for his exceptional service. Anne Stenham was appointed by the Town Board to take his place.

**OLD BUSINESS:**

**Case #1498 – AREA VARIANCE - Donald Wehrung, (5346 Guy Young Road), Lot 4, Ethel Road, Tax Map #038.-01-04.0:**

The applicant is requesting Area Variance pursuant to Sections 230-13 A.(4) to allow for a reduction in the front yard setback from 75 feet to 60 feet to allow for the construction of a single family house and garage. The property is located in the RA-100 Residential Agricultural zoning district.

*(The secretary read the proof of publication at the September 9, 2013 meeting.)*

Chairman Mangan announced that the applicant has requested that this hearing be adjourned to the February 10, 2014 meeting.

**Case #1508 – SPECIAL PERMIT - Barbara Rogers, 5417 Bear Road, Tax Map #092.-01-01.0:**

The applicant is requesting requesting a Special Permit, pursuant to Section 230-13 D.(2)(d)[1] and 230-27 I.(2)(a), to allow for a home occupation to sell merchandise. The property is located in the R-10 One-Family Residential zoning district.

*(The secretary read the proof of publication at the December 9, 2013 meeting.)*

Chairman Mangan explained that the Onondaga County Planning Board has parking concerns and has asked that conditions be applied if the Special Permit is approved.

Drew Rude, present with the applicant, Barbara Rogers, stated that the drive-way is expanded so that cars can turn around.

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 the audience if they had any comments or questions and they had 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 Ms. Stenham in Case #1505 to **grant** the Special Permit with the following conditions: 1.] No more than three customers are allowed to park in the driveway at any time due to the limited area available for parking spaces, there is approximately 440 square feet (40 feet by 11 feet); 2.] No outdoor sales are allowed due to the limited availability of parking; 3.] No parking or standing is allowed in the Bear Road Right-of-Way (40 feet ± from the front of their house); and if any of these conditions are not met, the Onondaga County Department of Transportation reserves the right to require a commercial driveway installation to the above referenced property. 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	
	Ms. Stenham	- in favor	<i>Unanimously carried.</i>

The Special Permit request for Case #1505 is granted.

**NEW BUSINESS:**

**Case #1511 – SPECIAL PERMIT – Noal White, 5259 West Taft Road, Tax Map #112.-06-11.0:**

The applicant is requesting a Special permit, pursuant to Section 230-13 D.(2) (d)[1] and 230-27 I(2)(a), to allow for a home occupation for computer sales. The property is located in the R-10 One-Family Residential zoning district.

The secretary read the proof of publication.

Chairman Mangan noted that a letter has been submitted by a neighbor, Mary Beth Fuller, who has concerns regarding the appearance of the property.

Noal White of 506 David Drive explained that he used to be in Cicero, but had a problem with the landlord and would like to move to this Taft Road location.

Deputy Chairman Smith noted that he feels customer parking will be a problem due to the limited space of the driveway.

Mr. White stated that there is room for five cars.

Deputy Chairman Smith further noted that he also sees traffic problems with the amount of cars that travel on that road.

Chairman Mangan agreed and explained that he tried to park on the side of the road, but couldn't due to the traffic, as it is a very busy area. It is not possible to safely park on West Taft Road.

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 the audience if they had any comments or 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 Deputy Chairman Smith in Case #1511 to **deny** the Special Permit request, as the applicant does not reside at 5259 West Taft Road and parking is a safety concern. Motion was seconded by Ms. Liebi.

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

The Special Permit request for Case #1511 is **Denied**.

**Case #1512 – AREA VARIANCES – Bergmann Associates (Sunoco, Inc.), 8450 Oswego Road, Tax Map #053.-01-08.2:**

The applicant is requesting Area Variances pursuant to Section 230-16 D.(5)(a); 230-21 E.; and 230-22 C.(1) to allow for the reduction of the perimeter landscape strip from 20 feet to 8.8 feet; reduction of the perimeter landscape strip from 20 feet to 15.2; reduction in the required 38 parking spaces to 31; and an increase in square footage for a freestanding sign from the allowed 32 square feet to 57.09 square feet, an increase of 25.09 square feet, to allow for site improvements, construction of a new convenience store and a new drive-thru and associated signage. The property is located in the LuC-1 Limited Use Gasoline Service zoning district..

The secretary read the proof of publication.

Brian Burri, the Project Manager for Bergmann Associates, stated there is to be a drive-thru for Dunkin Donuts. Their sign is old and they want to replace it and add Dunkin Donuts and some panels.

Mr. Burri addressed the Standards of Proof:

1. They don't believe there will be any change to the neighborhood. It's a commercial area, so the sign is in character, the perimeter strip request is small, and the reduced parking spaces will not have an effect.
2. They believe there is no other feasible method than to obtain an Area Variance. Signage is needed to promote the new Dunkin Donuts drive-thru, and to accommodate the parking spaces required would involve additional pavement.
3. They do believe the Area Variance requests are substantial, except perhaps the sign, which may be considered more substantial than the other requests, but it is needed for the new drive-thru.

*Chairman Mangan noted that the subject had been discussed by the Planning Board.*

*Mr. Burri said that the majority of the business will be the Dunkin Donut drive-thru. He added that there is no seating for it and that the donuts are brought in, not baked on the premises.*

4. They believe there will be no adverse impact to the neighborhood. It's an existing gas station.
5. They believe the need for the variance is self-created.

Mr. Hall asked if there would be any overflow for parking, and Mr. Burri said it would be monitored by the manager.

Ms. Liebi asked if they had tried to purchase more land and Mr. Burri said no.

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 the audience if they had any comments or questions and they had 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 Ms. Liebi in Case #1512 to **grant** the Area Variance to allow for the reduction of the perimeter landscape strip from 20 feet to 8.8 feet. 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	
	Ms. Stenham	- in favor	<i>Unanimously Carried.</i>

The Area Variance request for Case #1512 is granted.

**MOTION** made by Ms. Liebi in Case #1512 to **grant** the Area Variance to allow for the reduction of the perimeter landscape strip from 20 feet to 15.2. Motion was seconded by Ms. Stenham.

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

The Area Variance request for Case #1512 is granted.

**MOTION** made by Ms. Liebi in Case #1512 to **deny** the Area Variance to allow for the reduction in the required 38 parking spaces to 31. Motion was seconded by Ms. Stenham.

Roll call: Chairman Mangan - in favor  
Deputy Chairman Smith - against  
Mrs. Liebi - in favor  
Mr. Hall - against  
Ms. Stenham - against

*Motion failed, Area Variance in Case #1512 **granted**..*

**MOTION** made by Ms. Liebi in Case #1512 to **grant** the Area Variance to allow for the an increase in square footage for a freestanding sign from the allowed 32 square feet to 57.09 square feet, an increase of 25.09 square feet. 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  
Ms. Stenham - in favor *Unanimously Carried.*

The Area Variance request for Case #1512 is granted.

**Condition imposed for all Area Variance requests in Case #1512 is that they be in substantial compliance with exhibit “A”.**

There being no further business, Chairman Mangan adjourned the meeting at 8:10 P.M.

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