

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
October 14, 2013

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 October 14 2013.

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
	Arthur Fennhahn	Deputy Chairman
	Mark Smith	Member
	Brian Hall	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT:	Karen Liebi	Member
	Anne Stenham	Member

MOTION made by Deputy Chairman Fennhahn that the Minutes of the meeting of September 9, 2013 be accepted as submitted. Motion was seconded by Mr. 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. *Carried.*

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 this hearing is being adjourned to the November 11, 2013 meeting at the request of the applicant.

NEW BUSINESS:

Case #1501 – AREA VARIANCE - Jane Ginsburg, 7989 Amor Drive, Tax Map #079.-06-01.0:

The applicant is requesting an Area Variance pursuant to Section 230-19 A.(5) to allow for a reduction in the highway overlay setback from 115 feet to 105 feet to allow for the construction of an addition. The property is located in the R-7.5 One-Family Residential zoning district.

The secretary read the proof of publication.

Jane Ginsburg explained that she would like to add a sunroom to the back of her house within the fenced in area. She added a side room, but now wants to add the sun room and then it will be a wrap around.

Ms. Ginsburg addressed the Standards of Proof:

1. She doesn't believe there will be any change to the character of the neighborhood, as it will appear to be part of the house.
2. She already added an addition and this will be a continuation so that it will be a wrap around, so there is no other way than to obtain an Area Variance.
3. She does not believe the variance request is substantial.
4. She believes there will be no adverse impact to the neighborhood, as she feels it will be an enhancement.
5. She believes the need for the variance is self-created.

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 Mr. Hall in Case #1501 to **grant** the Area Variance request as requested with the condition that it be in substantial compliance with exhibit "A". Motion was seconded by Deputy Chairman Fennhahn.

Roll call: Chairman Mangan - in favor
Deputy Chairman Fennhahn - in favor
Mrs. Liebi - absent
Mr. Smith - in favor
Mr. Hall - in favor
Ms. Stenham - absent *Carried.*

The Area Variance request for Case #1501 is granted.

Case #1502 – AREA VARIANCES - Alicia Wilson, 5318 Fortuna Parkway, Tax Map #077.-12-01.0:

The applicant is requesting an Area Variance pursuant to Sections 230-20 B.(2)(b) and 230-18 H.(1) to allow for an increase in a wall or fence in excess of 2 ½ feet in a front yard between the street line and the setback line, and to allow for the reduction of the front yard setback from 25 feet to 8 feet, to allow for a fence in the front yard of a corner lot. The property is located in the PDD (Planned Development District).

The secretary read the proof of publication.

Alicia Wilson explained that they are replacing the fence.

Chairman Mangan commented that the town received an email from a resident on Sarona Lane who would like them to construct a chain link fence rather than a vinyl fence.

Ms. Wilson addressed the Standards of Proof:

1. She doesn't believe there will be any change to the character of the neighborhood, as she is replacing an existing fence in the same location as the old one constructed by a previous owner.
2. She's replacing the existing fence, so she doesn't believe there is any other feasible method than to obtain an Area Variance.
3. She does not believe the variance request is substantial. It's a replacement of the existing fence.
4. She believes there will be no adverse impact to the neighborhood.
5. She believes the need for the variance is self-created.

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 Deputy Chairman Fennhahn in Case #1502 to **grant** the Area Variance request as requested with the condition that it be in substantial compliance with exhibit "A". Motion was seconded by Mr. Smith.

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

The Area Variance request for Case #1502 is granted.

Case #1503 – SPECIAL PERMIT - Barrett Paving Materials, Inc., 4530 Wetzel Road, Tax Map #087.-01-04.2:

The applicant is requesting a Special Permit pursuant to Section 230-A.(2) to allow for the setup of a temporary trailer for a temporary office. Temporary and Portable units are subject to a Special Permit from the Zoning Board of Appeals. The property is located in the I-1 Industrial 1 District.

The secretary read the proof of publication.

Chairman Mangan noted that the applicant has previously been before the Board for an addition in front of the buildings.

Fred Meyers, representing Barrett Paving, explained that they would like a Special Permit to allow them to have a temporary trailer so that the field superintendents can work out of for the winter. Two trailer units will become double wide. In the future they will join the two buildings together. They understand that Special Permit is valid for six months and if the trailer is to be there longer than that they have to apply for a renewal.

Chairman Mangan noted that they can come back three times to renew the Special Permit.

Their business is in an Industrial zone so there will be no effect on the neighborhood. The double wide trailer will be behind the fence and between two buildings.

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 Special Permit, and there were none.

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Fennhahn in Case #1503 to grant the Special Permit Motion was seconded by Mr. Smith.

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

The Special Permit in Case #1503 is granted.

Case #1504 – AREA VARIANCE - Matthew Rahalski, 8261 Oswego Rd., Tax Map #054.-02-15.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[4] to allow for an increase in the allowable height of a structure from 12 feet to 18 feet to allow for the construction of a garage. The property is located in the R-10 One-Family Residential zoning district.

The secretary read the Proof of Publication.

Chairman Mangan commented that Mr. Rahalski already has a two car garage. Mr. Rahalski stated that he wants additional storage for other equipment and vehicles that he owns, so he would like to construct a garage which will be used for personal use, not for any business. Eventually he plans to convert the house garage into additional living space.

Mr. Rahalski addressed the Standards of Proof:

1. He doesn't believe there will be any change to the character of the neighborhood, as the garage will be deep into the property and not easily seen behind the trees.

Deputy Chairman Fennhahn asked why he needs the 18 feet for the height, and Mr. Rahalski said he needs the variance because the size of the garage requires the additional height.

2. Due to the size of the garage there is no other feasible method than to obtain an Area Variance for the height.
3. He does not believe the variance request is substantial. It's a replacement of the existing fence.
4. He believes there will be no adverse impact to the neighborhood, as it can hardly be seen by anyone.
5. He believes the need for the variance is self-created.

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 Mr. Hall in Case #1504 to **grant** the Area Variance request as requested with the condition that it be in substantial compliance with exhibit "A". Motion was seconded by Mr. Smith.

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

The Area Variance request for Case #1504 is granted.

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



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