

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
June 8, 2015

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 June 8, 2015 Deputy Chairman Smith called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Mark Smith	Deputy Chairman
	Karen Liebi	Member
	Edward Wisnowski	Member
	Ryan Pleskach	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark Territo	Commissioner of Planning & Development

ABSENT: Charles V. Mangan Chairman

(Ryan Pleskach has been appointed to replace Brian Hall, who has been appointed to the Planning Board)

MOTION made by Mrs. Liebi that the Minutes of the meeting of May 11, 2015 be accepted as submitted. Motion was seconded by Mr. Wisnowski. *Carried.*

MOTION made by Deputy Chairman Smith 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. Wisnowski. *Carried.*

OLD BUSINESS: None

NEW BUSINESS:

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

Case #1569 – AREA VARIANCE - Joseph Mastroianni, 7910 Oswego Road., Tax Map #081.-12-41.0:

The applicant is requesting an Area Variance pursuant to Section 230-15 A.(5)(a) to reduce the perimeter landscape strip from 15 feet to 0 feet, to allow for parking, construction of an access ramp, and an existing shed and building. The property is located in the 0-1 Neighborhood Office zoning district.

The Secretary read the proof of Publication.

Joseph Mastroianni explained that he is a Civil Engineer and would like to make this house his office. He generally goes out to see his clients, so normally he would only have two clients a month actually coming to his office. There will only be one other person and himself at this office. In order to bring the office up to standards, with a handicap ramp, it must go around the building, as there is no room in front. He will also be doing some other minor alterations to the building.

Mr. Mastroianni 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 location of the existing house is such, that the landscape buffer of 15 feet, passes through the house. The adjacent parcels are commercial.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance because it would be too costly to do it differently, and he is only looking to put in a handicap ramp.
3. He doesn't believe the variance request is substantial, as the conditions are existing.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Mr. Mastroianni doesn't believe the need for the variance is self-created as the house is already existing.

The County Planning Board's recommendation is that they determined the Area Variance will have no significant adverse implications.

Mrs. Liebi asked about ground water problems that exist with the property and Mr. Mastroianni said he would be talking to his neighbor about that.

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

Deputy Chairman Smith asked Commissioner Territo if he had any comments and he had none.

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

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

Deputy Chairman Smith closed the hearing.

MOTION made by Mr. Wisnowski in Case #1569 to **approve** the Area Variance as requested, subject to compliance with Exhibit "A", revised 5/1/2015. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- absent	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- in favor	<i>Carried.</i>

The Area Variance in Case #1569 is **approved**.

Case #1572 – AREA VARIANCE - JMG Custom Homes, 139 Red Barn Circle Tax Map #117.-13-09.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(b)[2][b] for a reduction in the side yard setback from 25% of the lot width required (24.37 feet) to a proposed 22.57% of lot width (22.00 feet) to allow for the construction of a single family residence. The property is located in the R-10 One-Family Residential zoning district.

The Secretary read the Proof of Publication.

Hal Romans, Surveyor/Planner represented the applicant. He explained that the size and character of the proposed house matches others in the development. Because of the curved lot line the side yard setbacks for the house are affected more making the house a bit too big. They try to take care of this in the sub-division process, but this one slipped by.

Mr. Romans addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood, as the house fits the others in the sub-division.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance other than altering the plans of the house. This proposed house is similar in size to the others in the sub-division.
3. He doesn't believe the variance request is substantial. It's a reduction from 25% to 23%.
4. He believes there will be no physical or environmental impact to the neighborhood. Other lots in the sub-division have as small as 18.75 feet total both sides versus the 22 feet requested by the applicant
5. Yes, the need for the variance is self-created, because the applicant thought the building line width was closer to 80 feet (width of lot) versus the 97.47 feet width along the building line.

Mr. Pleskach asked what precautions they would be taking with the other lots, so this doesn't happen again, and Mr. Romans said that this one slipped by them, that the lots fan out and the others are alright.

Mr. Pleskach suggested that the house could be shortened, and Mr. Romans explained that the buyers wanted this lot and to shorten it would crush the garage size, making the house look disproportionate.

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

Deputy Chairman Smith asked Commissioner Territo if he had any comments and he had none.

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

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

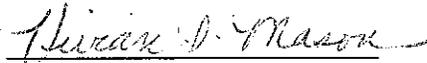
Deputy Chairman Smith closed the hearing.

MOTION made by Mrs. Liebi in Case #1572 to **approve** the Area Variance as requested, in substantial compliance with Exhibit "A", a survey revised 5/20/2015. Motion was seconded by Mr. Wisnowski.

Roll call:	Chairman Mangan	- absent	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- in favor	<i>Carried.</i>

The Area Variance in Case #1572 is **approved**.

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



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