

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
November 9, 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 November 9, 2015. 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
	Edward Wisnowski	Member
	Ryan Pleskach	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Cindy Beckhusen	Assistant Commissioner of Planning & Development

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of October 12, 2015 be accepted as submitted. Motion was seconded by Mr. Wisnowski. *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 Unlisted actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

OLD BUSINESS:

Chairman Mangan commented that Verizon Wireless is in litigation which will be addressed at a future meeting.

NEW BUSINESS:

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

Case #1587 – AREA VARIANCE – Scott & Rebecca Gellert, 7723 Anchor Drive, Tax Map #085.-04-01.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(b)[1] to allow for a reduction in the front yard setback from 25 feet to 17.5 feet to allow for construction of a deck. The property is located in the R-7.5 One-Family Residential zoning district.

The Secretary read the proof of Publication.

Scott Gellert explained that when they purchased the property it had an existing deck, which has since deteriorated.

Chairman Mangan commented that two neighbors have contacted the town who are opposed to their request.

Mr. Gellert said that they had talked with one of their neighbors and now would only like to replace the existing deck with one equal in size, perhaps even smaller.

Mr. Gellert addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. They are merely replacing the existing deck.
2. They don't believe there is any other feasible method than to obtain an Area Variance, as the deck is in disrepair.
3. They don't believe the Area Variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood
5. They do not feel the Area Variance is self created because it existed when they purchased the property.

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 stated that they didn't really need the variance if they kept the deck the same size.

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

Chairman Mangan asked for those in favor of granting the Area Variance request and there were none. Chairman Mangan asked for those opposed to granting the Area Variance request two were opposed (communication received from David Hayes and Phyllis Mulherin).

Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1587 to **approve** the Area Variance as amended with the conditions that the deck is to be no larger than the one being replaced, that it not be enclosed nor have a roof. Motion was seconded by Mr. Pleskach.

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

The Area Variance in Case #1587 is **approved** as amended.

Case #1588 – AREA VARIANCE – Tom Pirro , 7531 Mill Brook Road, Tax Map #097.-01-01.2:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[4] to allow for an

increase in the height of an accessory structure from 12 feet to 29 feet for construction of a garage. The property is located in the R-10 One-Family Residential zoning district:

The secretary read the Proof of Publication.

Tim Coyer of Ianuzzi and Romans represented the applicant.

Chairman Mangan noted that the structure will be rather tall and asked Mr. Coyer to explain why.

Mr. Coyer explained that this is a private residence and the applicant wants to park his cars. They want to put in a lift, so that they can store one under the other. They feel the structure will be secluded.

Mr. Coyer 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 lot is very wooded and the structure will be in the back portion of the property.
2. The only other feasible method would be to combine the house and the garage but it would be the same size.
3. They do believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood. The land slopes down where the garage will be so the height won't be as noticeable.
5. Yes, the request for an Area Variance is self created.

Mrs. Liebi asked how many cars they planned to store.

Tom Pirro said that space was maxed out at his funeral home and he wants to move his personal cars to this proposed garage, and that 4 or 5 cars will be stored there.

Mr. Wisnowski asked if he planned on moving any hearses to this structure and Mr. Pirro said no.

Mr. Coyer added that the height of the house is about 26-27 feet, but due to the slope of the land the resulting height for the garage will be about a 22 to 23 foot height from the road.

Mr. Smith asked if they would be leaving the trees and Mr. Pirro said they would be leaving as many as possible.

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

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

Chairman Mangan asked if anyone in the audience had any questions and Deb Saleski of 7525 Mill Brook Road voiced concerns about lighting. Mr. Pirro said there would only be sconces on either

side of the garage.

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

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Smith in Case #1587 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A" and that the tree buffer stays at the street line. Motion was seconded by Mr. Pleskach.

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

The Area Variance in Case #1587 is **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:58 P.M.



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