

**APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
June 9, 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, Clay, New York on June 9, 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
	Mark Territo	Commissioner of Planning

ABSENT: NONE

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of May 12, 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 Mrs. Stenham. *Unanimously carried.*

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

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

**Case #1522 – SPECIAL PERMIT – Ronald E. Del Sesto, 9677 Black Creek Road, Tax Map #038.-01-45.0:**

The applicant is requesting a Special Permit, pursuant to Sections 230-13 A.(2)(d)[1] and 220-27 I.(2)(a) for a home occupation of Gun Smithing. The property is located in the RA-100, One-Family Residential Agricultural zoning district.

The secretary read the proof of publication.

Ronald Del Sesto said he moved from Ohio to live with his daughter and son-in-law, because his wife has been ill and he wants to work on guns in the home, so that he can be there for his wife when she needs him. He likes gun smithing and would like to fix and enhance guns for an income.

There will be very few customers on site and he will be the only one gun smithing. There is sufficient parking, the basement is secure and it will not be injurious to the neighborhood. He will not have a sign and there will be no advertising on the property.

Chairman Mangan noted that the Onondaga County Planning Board's comments were concern for cars backing onto a County right-of-way.

Mr. Del Sesto explained that there are two driveways, and backing out shouldn't be a problem. He further explained that this is the first step. The ATF etc. have to give approval. There will be no injurious effect on the neighborhood, as he uses Dawn detergent for cleaning guns.

Mrs. Liebi asked if he had a gun safe and Mr. Del Sesto said yes.

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

Chairman Mangan asked for those in favor of granting the Special Permit and Jules Maderos, Mr. Del Sesto's son-in-law, who owns the house said he was in favor. He and his wife have a five and eight year old, and are not concerned with having this occupation in their home. There is also a petition with nine neighbors' signatures who have no objections to this home occupation. Chairman Mangan asked for those opposed to granting the variances and there were none present. (However, the Board received a letter from a neighbor who was in opposition.)

Chairman Mangan closed the hearing.

**MOTION** made by Mrs. Stenham in Case #1522 to **grant** the Special Permit. 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 Special Permit request for Case #1522 is granted.

**Case #1525 – AREA VARIANCES – Joseph Ditota, 4460 Millstream Drive, Tax Map #070.-03-28.0:**

The applicant is requesting Area Variances, pursuant to Section 230-13 D.(4)(c)[1] and 230-20 B.(2)(b) to reduce the front yard setback from 25 feet to 0 feet, and to allow for a 6 foot fence in a front yard, when only 2.5 feet is allowed, to construct a six foot fence on a corner lot. The property

is located in the R-10 One-Family Residential zoning district.

The secretary read the proof of publication.

Joseph and Amy Ditota were present.

Chairman Mangan commented that the Board had received a letter from a Mr. & Mrs. Phillips who are against the Area Variance as they feel a fence close to the road will create a blind spot for pedestrians.

Mr. Ditota explained that they have a three and a four year old, and one on the way. They want a place for them to play that is safety, security and privacy. They also plan on putting a pool in later.

Mrs. Ditota commented that the fence will not block the line of site, and Mr. Ditota added that there are protected lands in back of them, and their neighborhood is a low traffic area.

Mr. Ditota addressed the Standards of Proof:

1. They don't believe there will be any detriment to the character of the neighborhood. It will enhance it. The fence will be constructed of vinyl PVC with a lifetime warranty.
2. In order to have a safe and secure environment for their children, they don't believe there is any other feasible method, than to obtain an Area Variance.
3. They do not believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood.
5. 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 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 #1525 to **grant** the Area Variance as requested with the condition be in substantial compliance with Exhibit "A". 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 #1525 is granted.

**Case #1526 – AREA VARIANCES – Bath Fitters, 3910 Brewerton Road, Tax Map #118.-01-06.1:**

The applicant is requesting Area Variances, pursuant to Section 230-22 C.(1) for 2 wall signs, one 45.9 square feet and one 18.7 square feet, when 16 square feet each is allowed; to reduce the setback from the property line to 2 feet, when 25 feet is required, for a freestanding sign; and to increase the square footage of a freestanding sign to 64.5 square feet, when 24 square feet is allowed. The property is located in the NC-1, Neighborhood Commercial zoning district.

The secretary read the proof of publication.

Jamie Bracy and Michael Emm were present to represent Bath Fitters.

Chairman Mangan noted that there is an existing freestanding sign.

Mr. Bracy explained that they want to put new facing on the sign which exists, which will be neat, clean, LED illuminated signage that also fits the surrounding neighborhood.

Mr. Bracy addressed the Standards of Proof:

1. They don't believe there will be any detriment to the character of the neighborhood. The pylon freestanding sign exists, and they are only replacing the facing. The two building signs will match existing signs in the neighborhood.
2. They don't believe there is any other feasible method. To compete with other businesses in the area, they would like similar signage.
3. He does not believe the variance request is substantial. They are not requesting an increase in the square footage of the existing pylon freestanding sign. The size of the wall signs actually are based on the size allowed per previous zone and surroundings.
4. They believe there will be no physical or environmental impact to the neighborhood. The wall signs will be consistent with surrounding businesses and the pylon freestanding sign has been there for years.
5. They do feel in some ways the need for the variance is self-created. In changing the zoning to Neighborhood Commercial, the allowed signage also changed. However, in order to market their business they would like to keep their signage consistent with the surrounding businesses.

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 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 Deputy Chairman Smith in Case #1526 to **grant** the Area Variance as requested. 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       *Unanimously carried.*

The Area Variance request for Case #1526 is granted.

**Case #1527 – AREA VARIANCE – Robert M. Watrous and Luis A. Morales, 5631 Trastevere Road, Tax Map #078.-14-43.0:**

The applicant is requesting an Area Variance, pursuant to Section 230-18 H.(1) to reduce the front yard setback from 25 feet to 21 feet to allow for an enlargement of the current front porch and roof. The property is located in the PDD, Planned Development zoning district.

The secretary read the proof of publication.

Both the applicants were present. Mr. Watrous explained that they would like to increase the size of their front porch so that they will be able to sit out there. Presently it is too small.

Mr. Watrous addressed the Standards of Proof:

1. The house is 36 years old, about the same age as other homes in their neighborhood. Replacing the existing porch and making it larger will make the house more appealing and be an enhancement to the character of the neighborhood.
2. He doesn't believe there is any other feasible method, as the present porch does not allow useful space for relaxation.
3. They don't believe the variance request is substantial. They only want to widen the porch by 24 inches and expand it to 6 feet long.
4. They don't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the variance is self-created, but they want to have a larger porch, such as other homes in the neighborhood have enlarged theirs.

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 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 Mr. Hall in Case #1527 to **grant** the Area Variance as requested with the condition be in substantial compliance with a survey dated November 23, 1976 (recertified 10-11-2003). 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 *Unanimously carried.*

The Area Variance request for Case #1527 is granted.

**Case #1528 – AREA VARIANCES – Your Name in Lights Sign Company (Martin Anthony)  
– Uno’s Pizzeria & Grill, 3974 NYS Route 31, Tax Map #055.-01-03.1:**

The applicant is requesting Area Variances, pursuant to Section 230-22 C.(1) to increase the number of wall signs from the two allowed to five. The property is located in the RC-1, Regional Commercial zoning district.

The secretary read the proof of publication.

Martin Anthony was present to represent the request for Uno’s Pizzeria & Grill.

Mr. Anthony explained that there are 5 existing signs, but the new zoning code only allows two. They would like to keep the same number of signs, but improve them with new LED signs.

Mr. Anthony addressed the Standards of Proof:

1. They don’t believe there will be any detriment to the character of the neighborhood. It is a commercial area.
2. They don’t believe there is any other feasible method. It’s a five sided building and they need the five signs.
3. They do not believe the variance request is substantial.
4. They don’t believe there will be any physical or environmental impact to the neighborhood.
5. The need for the variance is self-created.

Mrs. Stenham asked if they were eliminating the word Chicago in their new signage and Mr. Anthony said yes.

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 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.

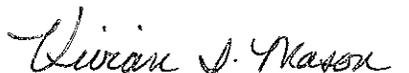
Chairman Mangan closed the hearing.

**MOTION** made by Deputy Chairman Smith in Case #1528 to **grant** the Area Variance as requested. 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 Area Variance request for Case #1528 is granted.

There being no further business, Deputy Chairman Smith adjourned the meeting at 8:20 P.M.

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