

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
May 11, 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 May 11, 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
	Brian Hall	Member
	Edward Wisnowski	Member
	Vivian Mason	Secretary
	John Marzocchi	Attorney
	Mark Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

MOTION made by Deputy Chairman Smith that the Minutes of the meeting of April 13, 2015 be accepted as submitted. Motion was seconded by Mr. Hall. *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 Deputy Chairman Smith. *Carried.*

OLD BUSINESS: None

NEW BUSINESS:

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

Case #1566 – AREA VARIANCE - Jeffrey T. Passino, 9087 Oneida River Park Drive, Tax Map #033.-01-05.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4) to reduce the side yard setback from 25 feet to 7 feet, to allow for construction of a deck. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of Publication.

Mr. Passino stated that he wants to construct an upper deck on the back portion of an existing deck, with stairs to the lower deck.

Mr. Passino 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 deck will be in the rear of the house.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance because the sliding glass door is beyond the setback line where the proposed deck is to be constructed.
3. He doesn't believe the variance request is substantial, because the proposed deck is being started at the corner of the house.
4. He believes there will be no physical or environmental impact to the neighborhood. Since the deck will be in the rear of the house, it will not be seen from the road.
5. Mr. Passino doesn't believe the need for the variance is self-created, because the original foundation was used and the house was rebuilt with sliding glass doors in the same place as the original structure.

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 Area Variance requests and there were none.

Chairman Mangan closed the hearing.

MOTION made by Mr. Wisnowski in Case #1566 to **approve** the Area Variance as requested. Motion was seconded by Deputy Chairman Smith.

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

The Area Variance in Case #1566 is **approved**.

Case #1567 – AREA VARIANCE - Valerie Dolan, 8205 Laurie Lane, Tax Map #067.-03-13.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 E.(4)(c) for a reduction in the side yard setback from 10 feet to 4 feet, to allow for a pool. The property is located in the R-7.5 One-Family Residential zoning district.

The Secretary read the proof of Publication.

Joseph Dolan explained that they are replacing a pool. They are going to put in an 18 foot pool and trying to fit it on the property. They are also trying to correct a previous problem with the placement of the original pool.

Mr. Dolan 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 pool in place at the moment is on the property line. Any other placement for the new pool will be better.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance, because the new pool will be a safer distance from the house.
3. He doesn't believe the variance request is substantial. It is only a 6 foot difference.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Yes, the need for the variance is self-created, because they want to replace the pool.

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 Area Variance requests and there were none.

Chairman Mangan closed the hearing.

MOTION made by Mr. Hall in Case #1567 to **approve** the Area Variance as requested. Motion was seconded by Mr. Wisnowski.

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

The Area Variance in Case #1567 is **approved**.

Case #1568 – AREA VARIANCE - Carl Nicita, Jr., 7754 Bainbridge Drive. Tax Map #088.-12-14.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 E.(4)(c) for a reduction in the side yard setback from 10 feet to 3 feet to allow for a shed. The property is located in the R-7.5 One-Family Residential zoning district.

The Secretary read the Proof of Publication.

Carl Nicita, Jr. said he wants to place a shed in the corner of his lot as it is the only clear space

because of shrubs and trees.

Mr. Nicita, Jr. addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. It will not affect the neighbors
2. He doesn't believe there is any other feasible method than to obtain an Area Variance because of the trees and shrubs.
3. He doesn't believe the variance request is substantial.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Yes, the need for the variance is self-created, because he needs a larger shed for his equipment and personal belongings.

Mr. Hall asked what Mr. Nicita, Jr. planned to put between the shed and the fence, as he had concerns that there might not be enough space to keep it cleared of growth.

Mr. Nicita, Jr. said he planned on putting stone there, so there would be no growth.

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 Area Variance requests and there were none.

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Smith in Case #1568 to **approve** the Area Variance as requested. Motion was seconded by Mr. Wisnowski.

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

The Area Variance in Case #1568 is **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:50 P.M.



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