

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
March 8, 2010

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 March 8, 2010.

Chairman Fennhahn called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Arthur Fennhahn	Chairman
	Charles V. Mangan	Deputy Chairman
	Eugene Young	Member
	Karen Liebi	Member
	David Hess	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	David Balcer	Town Planner

**MOTION** made by Deputy Chairman Mangan that the Minutes of the meeting of January 11, 2010 be accepted. *(The February 8<sup>th</sup> meeting was cancelled)* Motion was seconded by Mrs. Liebi. *Unanimously carried.*

**MOTION** made by Chairman Fennhahn 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. Hess. *Unanimously carried.*

**OLD BUSINESS:**

**Case #1355 - VARIANCE - Charles L. Hafner, 7265 Buckley Road (Tax map #107.-12-32.2):**

The applicant is seeking relief to install two freestanding signs. Sign "A" on the Taft Road side is proposed to be erected 1 foot 0 inches off the property line. A 24 foot reduction in the required 25 foot setback. Sign "B" on the Buckley Road side is proposed to be erected 6" (0.5 feet) off the property line. A 24 foot 6 inch reduction in the required 25 foot setback.

Neither the applicant or representative were present.

Chairman Fennhahn adjourned case #1355 to April 12, 2010.

**Case #1357 - VARIANCE - Peter Crissey for Big Bowl Chinese Restaurant, 5192 West Taft Road (Tax map # 117.-02-01.1):**

The applicant is proposing to increase the allowable size of an existing nonconforming sign. The

existing sign is 62.3 square feet in a zone that allows a maximum size of 32 square feet. The proposed new additional sign is 25.5 square feet, bringing the total sign area to 87.8 square feet. Applicant is seeking relief of 55.8 square feet.

*(Standards of proof given at the January 11, 2010 meeting)*

Chairman Fennhahn announced that the applicant has withdrawn his request.

**NEW BUSINESS:**

Chairman Fennhahn asked if all the members had visited the site and all said that they had.

**Case #1359 - VARIANCE - Amy Nichols, 1251 Tulip Street (Tax map #114-01-25.0):**

The applicant is seeking a variance to install a fence over 2 ½ feet tall in front of the building line on the Tulip Street front yard side to the property line. A 100% reduction from the required code requirement.

Chairman Fennhahn explained that property owners within 200 feet of their residence require notification of the applicants request. The Nichols residence is near the Salina town line. Those parcel owners need to be notified along with the Clay parcel owners and they were not. They will be sent notification for the next meeting to comply.

Chairman Fennhahn adjourned case #1355 to April 12, 2010.

**Case #1360 - SPECIAL PERMIT - John A. Hudson, 118 Fay Park Drive (Tax map #117-08-13.0):**

The applicant is seeking a Special Permit to allow a home occupation at the residence for a dealer in firearms.

John Hudson explained that he has been a dealer in firearms for twenty-five years. Generally, his business is to order arms upon request, pick them up and deliver them to the purchaser. He sells to policemen and people that he knows. When he retires he would like to contract sales to security businesses and small police departments. His safe is in his basement, bolted to the floor. He has glass block cellar windows and a police dog, so any guns he might have are secure. He has few guns on premise, since he picks up the ordered guns and if the purchaser does not take possession within 48 hours, the gun is returned. Rarely does anyone pick up the gun at his residence. He usually delivers them. In the past three years, perhaps nine people have come to the house for delivery. Purchasers are screened and a criminal check is done. If a person is disqualified, they do not get the gun. He does not deal in used guns or any hand guns, only rifles.

Deputy Chairman Mangan asked if he had a sign and if he sold any guns from his home, and Mr. Hudson said no to both questions.

Chairman Fennhahn asked Mr. Hudson if someone asked him to sell a gun for them would he do it. Mr. Hudson said he does not sell used guns because of the liability. Chairman Fennhahn

noted that a sign is permissible, but Mr. Hudson said he had no desire to have one. Chairman Fennhahn added that he has seen Mr. Hudson's residence and that he feels it seems secure.

Mr. Hudson concluded by stating that he sells by referral only and that he has to know the person. He also teaches people how to store guns safely.

Chairman Fennhahn asked Town Planner David Balcer if he had any comments and he said the Planning office sees no problem or concerns.

Chairman Fennhahn asked if there were any questions and there were none. Chairman Fennhahn asked for those in favor of granting the variance and those opposed and there was none.

Chairman Fennhahn closed the hearing.

**MOTION** was made by Mr. Young in Case #1359 that the Special Permit be granted. Motion was seconded by Deputy Chairman Mangan.

Roll call:	Chairman Fennhahn	- in favor	
	Deputy Chairman Mangan	- in favor	
	Mr. Young	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Hess	- in favor	<i>Unanimously carried.</i>

The Special Permit in Case #1360 is granted.

There being no further business, Chairman Fennhahn adjourned the meeting at 7: 24 P.M.

---

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