

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**November 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 November 8, 2010.

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
	Eugene Young	Member
	Mark Smith	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	David Balcer	Town Planner

ABSENT:	Arthur Fennhahn	Deputy Chairman
	Karen Liebi	Member

**MOTION** made by Mr. Young that the Minutes of the meeting of October 11, 2010 be accepted. Motion was seconded by Mr. Smith. *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 Mr. Young. *Carried.*

Chairman Mangan explained that there are no new cases for this meeting. There were three cases presented to the Town for this meeting, however, through an oversight these cases were not published in a timely manner. They will be discussed at the next meeting in December. He apologized for the error on their part.

**OLD BUSINESS:**

**Case #1383 - VARIANCE - Maureen Murphy, 8510 Fathom Drive, (Tax map #052.1-26-11.4):**

The applicant is seeking a variance to decrease the front yard setback for a shed on the Fathom Drive side from 20 feet to 17 feet and on the Theodolite Drive side from 25 feet to 15 feet.

*(The proof of publication was read at the September 13, 2010 meeting, and the standards of proof were given at the October 11, 2010 meeting.)*

Chairman Mangan gave a brief overview, explaining that the shed had been there for approximately 20 years.

**MOTION** was made by Mr. Young in Case #1383 approving the variance as requested with the express condition that if the shed is torn down, moved or replaced for any reason, the variance will forever terminate. Any new or relocation of a shed will require Town permission. Also, it is expressly noted this Resolution does not in any way grant either express or implied consent to violate any specific language of any recorded Easement on behalf of any entity outside the Town. The applicant expressly acknowledged the fact the location of this structure may violate terms of the sanitary easement, and has agreed to indemnify and hold the Town harmless as a result of this action and location of the shed. Motion was seconded by Mr. Smith.

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

The variance request in Case #1383 is granted.

**NEW BUSINESS:**

**Other business - Clay Hotel, 4985 New York State Route 31:**

The applicant is requesting the last extension of an existing nonconforming use at 4985 New York State Route 31.

David Condra asked the Board for an extension for the existing nonconforming use to allow him time to finish or sell the building.

Chairman Mangan explained that this will be the last extension given to him.

Town Planner, David Balcer suggested that if the applicant cannot get it finished or sold, he could approach the Town Board for a zone change before the six months elapses.

**MOTION** was made by Mr. Smith to grant the request for the last extension for six months of the existing nonconforming use at 4985 New York State Route 31. Motion was seconded by Mr. Young.

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

The six month extension is granted.

There being no further business, Chairman Mangan adjourned the meeting at 7:40 P.M.

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