

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**October 8, 2012**

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 October 8, 2012.

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
	Arthur Fennhahn	Deputy Chairman
	Karen Liebi	Member
	Mark Smith	Member
	Brian Hall	Member
	Anne Stenham	Alternate Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

**MOTION** made by Deputy Chairman Fennhahn that the Minutes of the meeting of September 10, 2012 be accepted. Motion was seconded by Ms. Liebi. *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 dedermined to be Type II actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mr. Smith. *Unanimously carried.*

**OLD BUSINESS:**

**Case #1468 – AREA VARIANCE - North Area Family YMCA, 4775 Wetzel Rd., Tax Map # 083.-01-22.2:**

The applicant is requesting an Area Variance pursuant to Section 230-14A.(5)(a) to allow for a reduction in the perimeter landscape strip from 25 feet to 16.58 feet and to allow for a parking lot expansion. The property is located in the REC-1 zoning district.

*(The proof of publication was read at the September 10, 2012 meeting. Standards of proof were given also at that meeting.)*

Chairman Mangan noted that the Planning Department received a letter from Frances Midlar who is asking that a privacy fence be installed along the parking lot between their property and the location of the new parking spaces.

Kirk Narburgh, representing the YMCA, stated the YMCA doesn't feel parking on the street is a problem. The YMCA doesn't like it, so to accommodate and be a good neighbor, they sat down and reviewed the problem. The quick option was to add sixteen new parking spaces, which due to the delay in their request (because their request was adjourned a month) they may have to lay asphalt next year, as asphalt season is nearly over.

Chairman Mangan commented that removing the growth on the buffer affects the neighboring parcel and that is what the Board is looking at.

Mr. Narburgh explained that they are just trying to comply; if they don't get the Area Variance, they won't put in the sixteen spaces; and if they get the Area Variance and are required to put in the privacy fence, they won't put in the added parking.

Chairman Mangan asked Commissioner Territo if he had any comments and he had none.

Chairman Mangan asked if anyone had any comments and Sandra Hesson wondered if the county or the state should be contacted to have no parking signs put up along Wetzel Road.

Commissioner Territo explained that the County would have the authority as to whether or not to the no parking signs would be installed, and that they are waiting for the outcome of this hearing.

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

Chairman Mangan closed the hearing.

**MOTION** made by Mr. Smith in Case #1468 to grant the Area Variance with the condition that a 7 foot privacy fence be installed the length of the parking lot. Motion was seconded by Mr. Hall.

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

The Area Variance in Case #1468 is granted.

**NEW BUSINESS:**

Chairman Mangan asked the board members if they all visited the sites and all stated that they had.

**Case #1467 – AREA VARIANCE - Jean Marie Russo, Newbury Place, Tax Map Number 061.-01-08.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4) to allow for a reduction in the front yard setback from 75 feet to 25 feet, and a reduction in the side yard setbacks from 25 feet to 15 feet to allow for the construction of a single family dwelling. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of publication.

Alex Wisniewski, representing the applicant, gave a brief overview of Ms. Russo's request. She owns a lot near the Newbury development, which was not included with the other lots in the Newbury Woods Development. This lot is zoned RA-100 and doesn't meet the zoning code setbacks for its size. They are asking for similar setbacks like the other homes in the Newbury Woods development. This lot was land locked until the road for the new development was constructed.

Mr. Wisniewski addressed the standards of proof:

1. They believe it will not create any detrimental change to the character of the neighborhood or nearby properties. They would be in conformance with the surrounding properties.
2. This is an existing non-conforming lot, so they believe there is no other feasible method.
3. They do not believe the request is a substantial variance request.

*Chairman Mangan commented that considering the zoning classification of the lot, he feels the request is substantial.*

4. They believe there will be no environmental impact on the neighborhood. The drainage is in place.
5. They believe the need for the variance is not self-created.

Chairman Mangan asked Commissioner Territo if he had any comments, and he noted that if the applicant wanted to add any accessory structures she may need a variance.

Chairman Mangan asked if there were any further comments or questions and Francis Sochia stated she objects, because she feels her well water table will be affected. Chairman Mangan asked if the houses presently there have affected it and she reiterated that she feels that since the lot is so close to her, it will affect her water table.

Mr. Wisniewski stated they he feels her well will not be affected by this house. This lot and the Newbury Place lots are supplied with public water.

Cary Garcia said he wasn't sure how close their property was to this lot, because they are on a well also and have concerns.

Mr. Wisnewski said he didn't believe they would be affected.

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

Chairman Mangan closed the hearing.

**MOTION** made by Mr. Hall in Case #1467 to grant the Area Variance with the condition that construction be in substantial compliance with Exhibit "A" dated August 20, 2012. Motion was seconded by Ms. Liebi.

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

The Area Variance in Case #1467 is granted.

**Case # 1470 – AREA VARIANCE - Pinecrest Manor Apartments, LLC, 7300 Cedar Post Road, Tax Map Number 107.-20-04.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 H.(4) to reduce the minimum land area per dwelling unit, to allow 4 extra dwelling units. The property is located in the R-APT Apartment zoning district.

The Secretary read the proof of publication.

Frank Harrison and Joseph Janowski, Jr. were present to represent the applicant.

Mr. Harrison explained that there are four units that are the difference of what was originally approved by the Town Board in the 1970's. The density allows for 382 units, however 386 units were constructed. Since 1977 all 386 units have been rented.

Mr. Harrison addressed the standards of proof:

1. They believe there will not be a detrimental change to the character of the neighborhood. The 386 units have been there for 35 years.
2. They believe there is no other feasible method. Although they could turn the 4 units back into bicycle garages, they would have to evict the tenants to do that.
3. They do not believe the variance requests are substantial. The units have been there for 35 years.
4. They believe there will be no environmental impact on the neighborhood
5. They believe the need for the variance is self-created.

Chairman Mangan asked Commissioner Territo if he had any comments, and he said that the Planning Department needs to know if the additional units will meet the building code.

Chairman Mangan asked if there were any further comments or questions and there were none. Chairman Mangan asked for those in favor of granting the variance and Janice Bewley, Jecenia Bresett, and Jenna and Tammy Isabelle were in favor. Chairman Mangan asked for those opposed to the granting of the Area Variance and there were none.

Chairman Mangan closed the hearing.

**MOTION** made by Ms. Liebi in Case #1470 to grant the Area Variance as requested. Motion was seconded by Mr. Smith.

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

The Area Variance in Case #1470 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:17 P.M.



Vivian I. Mason  
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