

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 10, 2011

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 January 10, 2011.

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
	Eugene Young	Member
	Karen Liebi	Member
	Mark Smith	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark Territo	Commissioner of Planning & Development

MOTION made by Mr. Young that the Minutes of the meeting of December 13, 2010 be accepted. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Mangan to adopt the 2011 scheduling calendar, which states the filing dates of when a completed application is to be received from an applicant for a variance, a special permit, or an interpretation. Motion was seconded by Deputy Chairman Fennhahn. *Unanimously carried.*

Chairman Mangan appointed Arthur Fennhahn as Deputy Chairman for the year 2011.

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. *Unanimously carried.*

OLD BUSINESS:

Case #1387 - USE VARIANCE - Marcos Diego, 4511 Buckley Road - (Tax map #087.-01-28.0):

The applicant is seeking a use variance to allow a commercial nursery/greenhouse for the retail sale of plants.

(Standards of proof were given at the December 13, 2010 meeting.)

Chairman Mangan asked if there were any additional comments or questions regarding this case, and there were none. He asked Commissioner Territo if he had any comments and he had none.

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

Chairman Mangan closed the hearing.

MOTION was made by Mr. Smith in Case #1388 to **deny** the use variance. Motion was seconded by Mr. Young.

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

Chairman Mangan noted that the Town Board is currently considering a change to this zone to allow this type of activity, through a special permit. He said that he believes a public hearing regarding this change is scheduled for January 19, 2011.

The variance request in Case #1387 is **denied**.

Case #1391 - VARIANCE - Stephen Sabel, 5378 Bear Road (Tax map #101.-02-01.0):

The applicant is seeking an area variance for a proposed front deck. The existing house is non-conforming in the required front yard setback of 25 feet at 22± feet. The proposed deck will reduce the setback to 15.05 feet. Also, the house is existing non-conforming in the required Highway Overlay District front yard setback of 115 feet at 47± feet. The proposed deck will reduce the setback to 39 feet 5 inches.

(The secretary read the proof of publication at the December 13, 2010 meeting.)

Chairman Mangan commented that the Onondaga County Planning Board sent a letter regarding this case.

Stephen Sabel explained that he would like to construct a deck on his house to allow easier access to his home. The footers are in, but the deck has not been built yet.

Mr. Sabel addressed the standards of proof:

1. He believes the deck will be an improvement to the neighborhood.
2. Due to the construction of his home this is the most feasible place to put the deck. To remodel would be costly.
3. He does not feel the variance is substantial for the non-conforming house.

Chairman Mangan made note that the house had been built before the highway overlay was changed.

4. He believes there will be no adverse impact on the neighborhood.
5. He feels the need for the variance is self-created.

Chairman Fennhahn asked the applicant if he had any plans to enclose it or add a roof on in the future and Mr. Sabel said no.

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

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor and those opposed to granting the variance and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Mr. Young in Case #1391 to grant the variance as requested with the following conditions: 1} That no roof be constructed, and 2} that construction be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Smith.

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

The variance request in Case #1391 is granted.

NEW BUSINESS:

Chairman Mangan asked the board members if they all had visited the site and all answered in the affirmative.

Case #1393 - VARIANCE - Jules J. Maderos, 4478 Riverview Road (Tax map #038.-01-44.0):

The applicant is seeking variances for two side yard setbacks to build a new residence. On the west, the applicant is seeking to reduce the required 25 foot setback to 8 feet zero inches. On the east side, the applicant is seeking to reduce the required 25 foot setback to 6 feet zero inches.

Jules Maderos explained that he would like to build a new single family ranch home on his lot. A house already exists, but has deteriorated and he'd like to replace it using some of the same footprint.

Chairman Mangan asked Mr. Maderos what the current setbacks were for the present home and he answered 17 feet on the west side and 10 feet on the east side. Chairman Mangan then asked about the garage to the front and Mr. Maderos said that was closer than 10 feet to the side yard. Chairman Mangan asked if the garage would remain and Mr. Maderos said that it would.

Mr. Young asked if it was going to 9 feet for the garage and Mr. Maderos said yes. Mr. Young asked what the width of the house would be and Mr. Maderos said 58 feet.

Mr. Maderos said he is requesting the setbacks, as the construction of a house is limited by a narrow lot, power lines and guide wires, the location of the garage and the river. The planned location of the new home pulls the house away from the river by about 25 feet, and puts it more in line with the neighbors houses on either side, opening up the view currently blocked by his current home. The setback on the west side is about the same as his neighbor's setback for his newly constructed house. As for the east side setback, only the garage would need the full 6 foot setback. The new house will actually be located four feet further away than the existing house's setback on the east side. Instead of being the current 10 feet distance from the property line, the new house will sit 14 feet away. The extreme point of build out would be 3.5 feet, still less than the existing house setback. To summarize this, Mr. Maderos stated that the west setback would be only 9 feet more than the existing setback, the east setback for the garage only 4 feet more than the existing setback, and the east setback for the house four feet less than the existing setback.

Mr. Maderos addressed the standards of proof:

1. Since he feels his house is an eyesore to the neighborhood, he believes the new house will produce a positive change to the nearby properties.
2. Because of the traditionally narrow lots and the power lines running through the center of the property they are severely limited in the areas to build. Also, building near the road would completely block access to the existing garage so he feels there is no other feasible method than building the house at the proposed location in the lot.
3. He doesn't feel the variance is substantial, since typically the lots on Riverview Road are long and narrow and are built close to the property lines.
4. He believes there will be no adverse environmental impact on the neighborhood. Any concerns will be addressed by landscaping, gutters, and French drains, which will be a help to neighbors with their runoff.
5. Since he wants to replace the old camp/home that is nearing the end of its life, he does feel the need for the variance is self-created.

Mrs. Liebi asked what he intended to do with the large attic and Mr. Maderos said since there will be no basement, he will use it for storage.

Chairman Mangan commented that he felt the requested setback for the west side is substantial.

Mr. Maderos said he spent two years looking at plans for a newly constructed home for the narrow lot and couldn't come up with any solution other than what he is presenting. He added that neither neighbor is concerned with the close proximity to the property lines.

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

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor of granting the variance and Russ Widener of 4476 Riverview Road on the west side spoke in favor. Chairman Mangan asked for those opposed to granting the variance and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Mr. Young in Case #1393 to grant the variance as requested, with the condition that the house be built in compliance with Exhibit "A", and the Survey Plan Exhibit "B". Motion was seconded by Mrs. Liebi.

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

The variance request in Case #1393 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:00 P.M.



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

