

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
September 10, 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 September 10, 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
	John Marzocchi	Acting Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

Chairman Mangan announced that Anne Stenham was appointed by the Town Board to act as an alternate and temporarily replace a member who is not able to be at the meeting.

**MOTION** made by Deputy Chairman Fennhahn that the Minutes of the meeting of August 13, 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 determined 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 # 1463 – AREA VARIANCE - Richard Lawrence, 5451 Congelton Circle, Tax Map Number 077.-27-31.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13E. (4)(b)[2] to allow for a reduction in the side yard setback from 13.5 feet to 10 feet to allow for the construction of an addition. The property is located in the R-7.5 zoning district.

*(Standards of proof were given at the August 13, 2012 meeting.)*

Chairman Mangan asked if the applicant or anyone representing him was present, and there was no one present.

Chairman Mangan asked if there were any comments or questions and there were none.

Chairman Mangan closed the hearing.

**MOTION** made by Ms. Liebi in Case #1463 to **deny** the Area Variance request. 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 #1463 is **denied**.

**NEW BUSINESS:**

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

**Case #1465 – AREA VARIANCE - Kirk Mulverhill, 8189 Gatewood Dr., Tax Map Number 074.-03-10.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 D(4)(b)[1] to allow for a reduction in the front yard setback from 25 feet to 22 feet to allow for the construction of a porch addition. The property is located in the R-10 zoning district.

The Secretary read the proof of publication.

Kirk Mulverhill gave a brief overview. He explained that he has an existing porch that he wants to convert to an enclosed mud room. He then wants to build an extension from the mud room to the end of the house which would become the porch.

Chairman Mangan asked if the structure would be sided and Mr. Mulverhill said yes. The existing porch would become the mud room and the porch would be the extension.

Mr. Mulverhill addressed the standards of proof:

1. They believe it will not create any detrimental change to the character of the neighborhood or nearby properties.
2. They want the mud room to help them save energy and prevent drafts and add an extension for a porch, so they believe there is no other feasible method
3. They do not believe the request is a substantial variance request; they are only asking for 3.5 feet.
4. They believe there will be no environmental impact on the neighborhood. The mud room and porch addition will not obstruct anyone's view.
5. They believe the need for the variance is self-created.

Mr. Smith asked what percentage would be enclosed and Mr. Mulverhill said 6 feet by 14 feet would be the screened in porch, and the mud room would be 6 feet by 12 feet.

Chairman Mangan asked if the mud room will be in the front door area and Mr. Mulverhill said yes.

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

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 Jason Fleury of Hackberry Lane said he was in favor. Chairman Mangan asked for those opposed to the granting of the Area Variances and there were none.

Chairman Mangan closed the hearing.

**MOTION** made by Mr. Hall in Case #1465 to grant the Area Variance with the condition that construction be in substantial compliance with Exhibit "A". Motion was seconded by Ms. Liebi.

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

The Area Variance in Case #1465 is granted.

**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 Secretary read the proof of publication.

Lisa Wennberg, of Kiplinger Freeman Landscaping, 6320 Fly Road, East Syracuse, was there to represent the applicant. She explained that the YMCA is proposing adding additional parking on the west side to help alleviate parking problems there are experiencing. They will remove about 8 and one-half feet of vegetation and create 15 parking spaces.

Ms. Wennberg addressed the standards of proof:

1. They believe there will not be any detrimental change to the character of the neighborhood. It will be similar to what is already there.
2. They looked at other options, but they would have to remove a utility pole. Wetlands prevent them from adding parking in another area and the north side is a recreation area. They believe there is no other feasible method than the one they are proposing.
3. They do not believe the variance request is substantial. They are only asking for 8 and one-half feet.
4. They believe there will be no environmental impact on the neighborhood.
5. They believe the need for the variance is self-created.

Mr. Smith asked if they had considered moving the volley ball court to create parking there and Ms. Wennberg said she did not know if they had considered that.

Chairman Mangan noted that adding 15 spaces will not eliminate the parking problem.

Chairman Mangan asked if there were any further comments or questions and Joyce Melvin Crump said she did not believe the property in question belongs to the YMCA and is questioning the property line. She also stated that 50 cars park on the side of Wetzel Road, so 15 parking spaces aren't going to alleviate much of the problem.

Chairman Mangan explained that the Board has a survey map and a legal description that shows that the property belongs to the YMCA and that is what the Board must deal with.

Chairman Mangan asked if there were any other comments or questions and Joyce Melvin Crump said she was not in favor of the YMCA's proposal. Leroy Armstrong said he lives across the road from the YMCA and noted that there is a major problem with parking. He asked if there were any other places to add additional parking that would not require a variance, and Ms. Wennberg said that it would cost the YMCA more money. Ray Svobota, who also lives across the street, commented that he doesn't believe the 15 additional spaces will help. They will still park on Wetzel Road. John Midler, who lives on the west side of the YMCA said cutting the landscaping strip will affect him, lights, pollution, etc.

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

Chairman Mangan asked for those in favor of granting the variance and there were none. Chairman Mangan asked for those opposed to the granting of the Area Variance and Joyce Melvin Crump, Francis and John Midler, and Ray Svobota were opposed.

Chairman Mangan stated that the Board has questions regarding alternative parking.

**MOTION** made by Chairman Mangan in Case #1468 to adjourn the hearing to October 8, 2012. 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 #1468 is adjourned to October 8, 2012.

**Case # 1469 – AREA VARIANCE - Adele Commisso, 4165 Chariot Lane, Tax Map Number 081.-01-13.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13E.(4)(c)[3] to allow for a reduction in the rear yard setback from 10 feet to 8 feet to allow for the construction of a shed. The property is located in the R-7.5 zoning district.

The Secretary read the proof of publication.

Joseph Commisso stated that they would like to construct a shed.

Chairman Mangan commented that the applicant has already put in the concrete pad and Mr. Commisso said yes they had, plus a mini ramp leading up to it. That's why they need the variance. When he installed it, he didn't know there was a 10 foot rear yard setback.

Mr. Commisso addressed the standards of proof:

1. They share a border with commercial property, so they believe so there will not be a detrimental change to the character of the neighborhood.
2. Since they have already installed the concrete pad and ramp, they believe there is no other feasible method. He feels adding another concrete pad to the existing one would be a problem when it gets cold in the winter.
3. They do not believe the variance requests are substantial.
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 had none.

Deputy Chairman Fennhahn said he didn't believe two pieces of concrete pad would be a problem in the cold.

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 Brad Page said he had no issue with it. 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 Mr. Smith in Case #1469 to grant the Area Variance as requested with the condition that construction be in substantial compliance with Exhibit "A", dated 3-11-06. 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 #1469 is granted.

There being no further business, Chairman Mangan adjourned the meeting at 8:25 P.M.

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Vivian I. Mason  
Zoning Board of Appeals  
Town of Clay