

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 12, 2013

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 August 12, 2013.

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	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 July 8, 2013 be accepted as submitted. 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:

NONE.

NEW BUSINESS:

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

Case #1495– AREA VARIANCES – Tracy Hagar, 9642 White Tail Path, Tax Map #041.2-01-10.0:

The applicant is requesting Area Variances pursuant to Sections 230-13 D.(4)(c)[1] and 230-20 B.(2)(b) to allow for a reduction in the front yard setback from 25 feet to 2 feet, and an increase in the height of a fence in a front yard from 2.5 feet to 4 feet to allow for construction of a fence. This property is in a R-10 One-family Residential zoning district.

Tracy Hagar explained that he wants to move the fence so that they can have the whole back yard and increase the height so that he will have a secure area for their son and their dog. They have a large dog, so they need the higher fence.

Mr. Hagar addressed the Standards of Proof:

1. He doesn't believe there will be any change to the character of the neighborhood. The fence is high quality and will match the trim on the house. The four foot high fence will create a safe area for children and pets to enjoy without obstructing visibility for traffic or neighbors.
2. He believes the Area Variance requests are the most feasible method to give them the additional 2500 square feet of secured space to run and play outdoors.
3. He does not believe the variance request is substantial, since they are only asking for an increase of 1.5 feet higher than the allotted height for a front yard fence.
4. He believes there will be no environmental impact on the neighborhood. The fence is only 4 feet high and is slated so it allows visibility for oncoming traffic.
5. The need for the variance is self-created, although they believed they had done their due diligence and understood the restrictions of the lot when they entered into the contract to purchase it.

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

Chairman Mangan 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 variances, and there were none.

Chairman Mangan closed the hearing.

MOTION made by Ms. Liebi in Case #1495 to grant the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairman Fennhahn.

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

The Area Variances in Case #1495 are **granted**.

Case #1496 – AREA VARIANCES – Donald Wehrung, Lot 4, Ethel Road, Tax Map #038.-01-04.0:

The applicant is requesting Area Variances pursuant to Sections 230-13 A.(4); 230-20 J.(4)(a); and 230-11 C. to allow for the reduction in the side yard setback from 25 feet to 10 feet; a reduction in the rear yard setback from 40 feet to 25 feet; using the definition of a shoreline lot to allow for the construction of a house. This property is in a RA-100 Residential Agricultural zoning district.

Donald Wehrung explained that he wanted to build a small house for a potential buyer, but wanted to put it further to one side of the lot to allow more lawn area. The lot has been vacant for years. The trailer on it belongs to a neighbor, so that will be removed.

Mr. Wehrung addressed the Standards of Proof:

1. It's an overgrown lot and he believes a home will make a desirable change to the character of the neighborhood.

- I. He believes the Area Variance requests are the most feasible method in order to construct a home, otherwise the house would be narrow, only 20 feet wide.
- II. He does not believe the variance request is substantial.
- III. He believes there will be no environmental impact. It will be an improvement to the neighborhood.
- IV. The need for the variance is self-created.

Mr. Smith inquired about a septic system and noted that a letter had been received from a nearby property owner who didn't object to the variances, but had concern for the proper management of sewage.

Mr. Wehrung stated that it would be up to the county and engineers, but it will probably be a septic system in the front yard. There are several ways to do it.

Ms. Liebe asked about erosion since it is on the river.

Mr. Wehrung said he had plans to address that (a retaining wall), but he had to go to the Department of Environmental Conservation about that.

Mr. Wehrung said he might need a 15 foot variance for the front yard setback so that he could line up the house aesthetically with the neighboring houses.

Commissioner Territo commented that Mr. Wehrung won't be able to shift the house without an additional variance.

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

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

Chairman Mangan asked for those in favor of granting the variances and Lori and Robert Smith of Ethel Road said they were in favor. Chairman Mangan asked for those opposed to granting the variances, and there were none.

Chairman Mangan closed the hearing.

MOTION made by Mr. Smith in Case #1496 to grant the Area Variance with the condition construction be in substantial compliance with Exhibit "A". Motion was seconded by Ms. Liebi.

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

The Area Variances in Case #1496 are **granted**.

There being no further business, Chairman Mangan adjourned the meeting at 8:05 P.M.

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