

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**January 14, 2019**

The organizational and regular meeting of the Zoning Board of Appeals of the Town of Clay, County of Onondaga, state of New York, was held at the Clay Town Hall, 4401 New York State Route 31, Clay, New York on January 14, 2019. 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
	Edward Wisnowski, Jr	Deputy Chairman
	Karen Liebi	Member
	Nicholas Layou	Member
	Luella Miller-Allgaier	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

**ORGANIZATIONAL MEETING:**

**MOTION** made by Chairman Mangan to accept the 2019 Scheduling Calendar, which states the filing dates of when a completed application is to be submitted by an applicant to the Planning Department. Motion seconded by Mr. Layou. *Unanimously carried.*

**MOTION** made by Chairman Mangan designating the second Monday of each month as the regular meeting of the Zoning Board of Appeals. Motion seconded by Mr. Layou. *Unanimously carried.*

**MOTION** made by Chairman Mangan appointing Edward Wisnowski, Jr. as Deputy Chairman. Motion seconded by Mr. Layou. *Unanimously carried.*

**MOTION** made by Chairman Mangan appointing Vivian Mason as Secretary to the Zoning Board of Appeals. Motion seconded by Mr. Layou. *Unanimously carried.*

Chairman Mangan acknowledged that Robert Germain was appointed by the Town Board as the attorney for the Zoning Board of Appeals.

Chairman Mangan also noted that the Proofs of Publication for the Zoning Board of Appeals cases will be in the Tuesday edition of the Post Standard, the week prior to the meeting.

**REGULAR MEETING:**

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of December 10, 2018 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *Unanimously carried.*

**OLD BUSINESS:**

**Case #1719 – Angelo & Michelle Caruso, 7520 Plum Hollow Circle, Tax Map #083.1-01-01.0:**

The applicant is requesting Area Variances pursuant to Section 230-13 D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 0 feet and Section 230-20 B.(2)(b) for an increase the height of a fence from the allowed 2 ½ feet to 5 feet, to allow for construction of a fence. The property is located in an R-10 One-Family Residential District.

*(Proof of Publication was read by the Secretary at the September 10, 2018 meeting. Standards of Proof were also addressed at that meeting.)*

*The applicant was not present and had again asked for an adjournment.*

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 closed the hearing.

**MOTION** was made by Mr. Layou in Case #1719 to deny without prejudice the Area Variance requests. The motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1719 is denied without prejudice.

**NEW BUSINESS:**

Chairman Mangan asked if all the Board members had visited the sites, and all said that they had.

**Case #1734 – Signarama Syracuse/NOVA, 4425 Buckley Road, Tax Map #086.-19-04.2:**

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) for an increase in the square footage of an Electronic Message Center Wall Sign from 46 Square feet to 78 square feet. The property is located in the R-APT Apartment District.

The Secretary read the Proof of Publication.

Todd LaFlamme of Signarama Syracuse represented NOVA (Northern Onondaga Volunteer Ambulance). He explained there is an existing channel letter sign and below it they want to add an Electronic Message Center wall sign 38” by 128”, which they will dim the sign’s light at night.

Mrs. Liebi said she was glad to hear they took the neighboring residents into consideration and will adjust the light output at night.

Mr. LaFlamme addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. The messages and displays will be generated with professionalism and at night time use will be on a timer during later hours.
2. He doesn't believe there is any other feasible method than to obtain Area Variance, because this technology is the most efficient method to promote and display a multitude of messages, such as community events, training messages, etc.
3. He doesn't feel the Area Variance requests are substantial. This is an emergency service company with a large property and building, typical of these facilities, whereas the sign space is minor in comparison.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. The sign will be mounted to the building so there will be no digging.
5. The need for the Area Variance is self-created in an effort to promote public awareness, health and safety events, and community fundraisers and gatherings.

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

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

Chairman Mangan asked if anyone in the audience had any further questions and there were none.

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

Chairman Mangan closed the hearing.

**MOTION** was made by Mr. Layout in Case #1734 to approve the Area Variance as requested with the condition that it be in substantial compliance with a computer sketch drawing dated 10/22/2018 labeled Exhibit "A". The motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layout	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1734 is approved.

**Case #1735 – Michael Cecilia, 4351 Cross Creek Drive, Tax Map #069.-22.25.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[3] for a

reduction of the rear yard setback from 10 feet to 4 feet for the installation of an in ground pool. The property is located in the R-10 One-Family Residential District.

The Secretary read the Proof of Publication.

Monica Cecilia explained that they want to install a pool.

Mrs. Cecilia addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. Their property doesn't back up to another residential property.
2. They don't believe there is any other feasible method than to obtain Area Variances, as the existing patio will not allow the pool to be constructed closer to the house and a smaller pool will not provide the recreation benefit they seek.
3. They do feel the Area Variance requests are substantial. They are only asking for 6 feet which is only 5% of the total 120 foot property depth..
4. They don't believe there will be any physical or environmental impact to the neighborhood. There are many residential pools on the street.
5. Yes, the need for the Area Variance is self-created.

Chairman Mangan asked if there were any further comments or questions from the Board and Mr. Layou asked who was installing the pool and Mrs. Cecilia said Cannon Pools.

Mrs. Liebi asked what was going to be eliminated and Mrs. Cecilia said maybe the swingset. Mrs. Liebi then commented that their shed was not noted on the survey.

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

Chairman Mangan asked if anyone in the audience had any further questions and Jolie Bower said property on the other side flooded and standing water can cause a water problem and would the Board be setting precedence by allowing these variances. Chairman Mangan said they would not be setting precedence.

Mrs. Cecilia said they would be removing the dirt from their property which will be excavated for the pool.

Jeff LaMon of Cannon Pools said he works closely with Joe from planning and there will be no problems.

The owner of the property behind the Cecilia's offered to sell them a piece of his land and Commissioner Territo stated that parcel can never be subdivided and that he would have to sell it in one piece, as it has to stay forever wild.

Chairman Mangan asked for those in favor of granting the Area Variance request and there were none. Chairman Mangan asked for those opposed to granting the Area Variance request and there were two, Jolie and Richard Bower were opposed.

Chairman Mangan closed the hearing.

**MOTION** was made by Deputy Chairman Wisnowski in Case #1735 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A", dated 10-31-2007 with an added drawing. The motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layou	- in favor	
	Mrs. Miller-Alligaer	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1735 is approved.

There being no further business, Chairman Mangan adjourned the meeting at 7:50 P.M.



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