

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
October 8, 2018

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 Clay Town Hall, 4401 New York State Route 31, Clay, New York on October 8, 2018. 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
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Luella Miller-Allgaier Member

MOTION made by Mrs. Liebi that the Minutes of the meeting of September 10, 2018 be accepted as submitted. Motion was seconded by Mr. Layou. *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 Unlisted actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs, Liebi. *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).

Chairman Mangan announced that Michelle Caruso has requested an adjournment to the November meeting.

Chairman Mangan **adjourned** Case #1719 to November 12, 2018.

NEW BUSINESS:

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

Case #1724 – Joseph Ditota, 4460 Millstream Drive, Tax Map #070.-03-28.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[1] for a reduction in the front yard setback from 25 feet to 10 to allow for construction of a pool. The property is located in the R-10 One-Family District Residential.

The Secretary read the Proof of Publication.

Chairman Mangan noted that an Area Variance for a fence was approved some time ago.

Joseph Ditota agreed explaining that at the time he thought at that time it also applied to the pool, but later discovered the Area Variance was only for the fence. Now he needs a variance for the pool.

Mr. Ditota addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. It's a corner lot.
2. He doesn't believe there is any other feasible method than to obtain the Area Variance. Placing it elsewhere would interfere with the sliding door on the house.
3. He doesn't feel the Area Variance request is substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. The pool will be out of sight.
5. The need for the Area Variance is self-created.

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

Chairman Mangan asked for those in favor, there was one, Russ Mitchell, and for those opposed to granting the Area Variance request and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Mrs. Liebi in Case #1724 to approve the request with the condition that it be in substantial compliance with Exhibit "A". The motion was seconded by Mr. Layou.

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

The Area Variance in Case #1724 is **approved**.

Case #1725 - Martin and Kelly Miller, 5045 Audrey Drive, Tax Map #097.-02-14.0:

The applicants are requesting an Area Variance pursuant to Section 230-20 A.(1)(e)[1] to reduce the minimum required distance of 3 feet between an accessory building and a principal building to 0.1 feet for construction of a storage shed. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the Proof of Publication.

Chairman Mangan noted that the structure is already there, that it is not physically attached to the house, so it is not against the town code.

Martin Miller said yes, it is not attached. The replacement shed is adjacent to the house and thought they could build because of the New York code.

Mr. Miller addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. It complements the house with matching siding. He presented the Board with five letters of support from five neighbors.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. They need storage near the garage for a snow blower and other equipment.
3. He doesn't feel the Area Variance requests are substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created.

Deputy Chairman Wisnowski said he had concerns with the wrapping of siding on the shed to the house, but since it is not attached physically he is okay with 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 if anyone in the audience had any further questions and there were none.

Chairman Mangan asked for those in favor of granting the Area Variance and letters from Patricia Valentine, Mr. and Mrs. Sean O'hara, Michael and Jacqueline Calcagnino, Mr. and Mrs. David Allen and Mr. & Mrs. John Rogers wrote letters in favor (Sean O'hara also appeared in person). Chairman Mangan asked those opposed to granting the Area Variance and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Deputy Chairman Wisnowski in Case #1725 to approve the request with the condition that it be in substantial compliance with Exhibit "A". The motion was seconded by Mr. Layou.

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

The Area Variance in Case #1725 is **approved**.

Case #1726 – Glenn Stewart, 4337 Millwood Circle, Tax Map #086.-15-12.0:

The applicant is requesting Area Variances pursuant to Section 230-13 E.(4)(b)[1] for a reduction of the front yard setback from 25 feet to 16 feet and Section 230-20 B.(2)(b) for an increase of the height of a fence in a front yard in excess of the allowed 2 1/2 feet to allow for construction of a fence. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the Proof of Publication.

Glenn Stewart and Becky Slye appeared before the Board.

Chairman Mangan thanked them for staking out the fence enabling the Board to see where it would be constructed.

The applicants said they want to bring the fence out to square it off and provide safety and a larger yard for the children to play in.

Mr. Stewart addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. The fence will not extend beyond the front line created by the neighbor's house to the right of their property.
2. They don't believe there is any other feasible method than to obtain Area Variances. They need to cross the building line in order to square up the fence and provide a safe area for the children.
3. They don't feel the Area Variance requests are substantial. It is a relatively small area of the total property and well back from the street. They will landscape the street side.
4. They don't believe there will be any physical or environmental impact to the neighborhood. Once landscaped it will improve the area.
5. The need for the Area Variance is self-created.

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 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 Mrs. Liebi in Case #1726 to approve the request with the condition that it be in substantial compliance with Exhibit "A", a survey dated 0/13/1972. The motion was seconded by Deputy Chairman Wisnowski.

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

The Area Variance in Case #1726 is **approved**.

Case #1727 – Antonio Riccardo, 5464 Congelton Circle, Tax Map #077.-29-06.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 E.(4)(c)[4] to increase the height of a detached accessory structure from the allowed 12 feet to 16 feet, for construction of a shed. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the Proof of Publication.

Chairman Mangan commented that when he checked out this site the size of the shed was very evident from the street.

Antonio Riccardo admitted that he had started building it, because of where he lived previously a building permit was not required. As soon as he found out one was required in the Town of Clay he applied for one. He discovered there was a height restriction, but the placement of the shed was okay. He stated if the increase in height is not approved, he will need to make the shed larger.

Mr. Riccardo addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. He will paint it the same color as the house.
2. He's not aware of any other feasible method than to obtain Area Variances.
3. He doesn't feel the Area Variance requests are substantial. The shed will only take up a small portion of the property. He's just adding a structure for storage.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created. The gable style roof leads to a higher roofline than a sloped roof.

Mr. Layou said he respects that it would blend with the house but it stands out because of its height. While it may look nice, is it possible he could lessen the height and make the shed larger.

Mr. Riccardo said he didn't want to take up more yard space if he were to build it larger.

Deputy Chairman Wisnowski explained that by approving this the Board may set a precedence and in the future others may want the same thing, especially when he could make it larger instead.

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 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 Deputy Chairman Wisnowski in Case #1727 to deny the request. The motion was seconded by Mr. Layout.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Layout	- in favor	
	Mrs. Miller-Alligaer	- absent	<i>Carried.</i>

The Area Variance in Case #1727 is **denied**.

There being no further business, Chairman Mangan adjourned the meeting at 8:10 P.M.



Vivian I. Mason, Secretary

Zoning Board of Appeals

Town of Clay