

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 10, 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 September 10, 2018. Deputy Chairman Wisnowski 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

MOTION made by Mrs. Liebi that the Minutes of the meeting of August 13, 2018 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *Unanimously carried.*

MOTION made by Deputy Chairman Wisnowski 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. *Unanimously carried.*

OLD BUSINESS:

NONE

NEW 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.

Michelle Caruso explained that she wants to put an aluminum fence around her house.

Mrs. Caruso addressed the Standards of Proof:

1. She doesn't believe there will be any negative or undesirable change to the character of the neighborhood. There would be no obstruction. There are other houses up Wildcreek out as far as their request. Her house sits further away than others.

2. She doesn't believe there is any other feasible method than to obtain Area Variances.
3. She doesn't feel the Area Variance requests are substantial because their house sets further back from the road than others. There is plenty of area to the road.
4. She doesn't believe there will be any physical or environmental impact to the neighborhood. She feels it will be an enhancement. Others in the area achieved years ago with no request. There are many fences in the neighborhood similar to their request.
5. The need for the Area Variances is self-created.

Mr. Layou noted that their street is wider than most Town Roads and that their request for a 0 foot setback gave him concerns that in the winter the snow plow would throw snow against the fence and damage it.

Mrs. Caruso said that wouldn't be a problem.

Mr. Layou asked the applicant if she would be willing to move the 0 foot request to 5 feet instead.

Mrs. Caruso said there would never be a problem with the 80 foot road.

Chairman Mangan said he shared Mr. Layou's concerns. Every year mailboxes get knocked down, and he doesn't feel the fence should be so close to the road.

Mr. Layou commented that in the long term, the Town needs to do due diligence on the Town's part. With that thought in mind, and the concerns of some members of the Board, he suggested their request for a reduction of the setback be 25 feet to 5 feet rather than 25 feet to 0 feet. Would she like the Board to vote tonight or would she like the case adjourned to the October meeting so that she could think about it.

Ms. Caruso opted for an adjournment.

MOTION was made by Mr. Layou in Case #1719 to adjourn the hearing at the request of the applicant to the October 8, 2018 meeting. The motion was seconded by Mrs. Miller-Alligaer.

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>

Case #1719 is adjourned to October 8, 2018 meeting.

Case #1720 – Robin A. Kubicki, 222 Blackberry Road, Tax Map #094.-02-12.0:

The applicant is requesting Area Variances pursuant to Section 230-13 E.(4)(c)[2] for a reduction in the side yard setback from 9 feet to 5 feet and Section 230-13 E.(4)(c)[3] for a reduction in the rear yard setback from 10 feet to 7 feet to allow for construction of a shed. The property is located in an R-7.5 One-Family Residential District.

Proof of Publication was read by the Secretary.

Robin Kubicki explained that they would like to build a shed as they have a small back yard and have no storage space except in the garage.

Ms. Kubicki addressed the Standards of Proof:

1. She doesn't believe there will be any negative or undesirable change to the character of the neighborhood. It is a 12' by 14' shed and only the neighbors will see it.
2. She doesn't believe there is any other feasible method than to obtain Area Variances.
3. She doesn't feel the Area Variance requests are substantial. She is only asking for a reduction of 9 feet to 5 feet and 10 feet to 7 feet.
4. She doesn't believe there will be any physical or environmental impact to the neighborhood. It is in the back yard and there is a greenspace behind the house.
5. The need for the Area Variance is self-created.

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

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

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

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

MOTION was made by Mrs. Liebi in Case #1720 to approve the request with the condition that it be in substantial compliance with Exhibit "A", a Survey dated 9/29/17. The motion was seconded by Chairman Mangan.

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 #1720 is approved.

Case #1721 – James M. Renna, 9938 Fancher Road, Tax Map #040.-01-14.1:

The applicant is requesting Area Variances pursuant to Section 230-13 A.(4) for a reduction in the front yard setback from 75 feet to 14 feet and Section 230-13 A.(4) for a reduction in the side yard setback from 25 feet to 7 feet, for construction of a garage. The property is located in the RA-100 Residential Agricultural District.

Proof of Publication was read by the Secretary.

Angela Renna explained that she wants to correct the figures from last time.

Chairman Mangan noted that when the applicant previously acquired Area Variances there were erroneous figures on the survey that weren't caught.

Ms. Renna said that is pretty much the same, but just clarifying the figures for the 26 by 28 foot garage.

Ms. Renna addressed the Standards of Proof:

1. She doesn't believe there will be any negative or undesirable change to the character of the neighborhood.
2. She doesn't believe there is any other feasible method than to obtain Area Variances.
3. She doesn't feel the Area Variance requests are substantial.
4. She 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 asked if there were any further comments or questions and there were none.

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

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

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

MOTION was made by Mrs. Miller-Alligaer in Case #1721 to approve the request with the condition that it be in substantial compliance with Exhibit "A", a Survey dated 4/2/2001. 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	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1721 are approved.

Case #1722 – Henry T. Wilcox, Jr., 8 Appletree Lane, Tax Map #086.-34-26.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 E.(4)(b)[2][a] for a reduction in the side yard setback from 8 feet to 3 feet for construction of an attached garage. The property is located in an R-7.5 One-Family Residential District.

Proof of Publication was read by the Secretary.

Henry T. Wilcox, Jr. explained that he wants to have an attached garage constructed, to protect them from the elements and saving them from brushing the snow off their car.

Mr. Wilcox 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 feels it will increase the value of the property.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. He wants a permanent structure.
3. He doesn't feel the Area Variance requests are substantial as they are minimal. They will still be within their property line.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. The design is such it blends with the present house design.
5. They need for the Area Variance is self-created.

Mr. Layou asked about the pitch of the roof for the garage and Mr. Wilcox said it would be the same as the roof on the other side of the house.

Chairman Mangan noted that the applicant had drawn the proposed attached garage on the side of the house where there was no driveway.

Mr. Wilcox said it was drawn on the wrong side that it should be on the other side of the house where the driveway is located.

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

Deputy Chairman Wisnowski asked sked Commissioner Territo if he had any comments and he had none.

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

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

MOTION was made by Chairman Mangan in Case #1722 to grant as requested, based on the revised drawing, with the garage at the end of the current driveway. 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 - in favor *Unanimously carried.*

The Area Variances in Case #1722 are approved.

Case #1723 – Joel Wenk (David Leung- Property Owner), 3964 Thrush Lane, Tax Map #054-.03-25.0:

The applicant is requesting an Area Variance pursuant to Section 230-18 H.(1) for a reduction in the front yard setback from 25 feet to 15 feet, to allow for an existing front deck and stairs to remain. The property is located in an PDD, Planned Development District.

Proof of Publication was read by the Secretary.

Joel Wenk, the Attorney representing the property owner David Leung, stated that the current deck and stairway is to remain.

Mr. Wenk 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 front deck and staircase were added in 1995 and have been in the same location for 23 years.
2. They don't believe there is any other feasible method than to obtain Area Variances. It would be cost prohibitive to remove and replace it.
3. They don't feel the Area Variance requests are substantial as they are minimal.
4. They don't believe there will be any physical or environmental impact to the neighborhood.
5. They need for the Area Variance is self-created.

Deputy Chairman Wisnowski commented that the owner is trying to sell the property.

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

Deputy Chairman Wisnowski asked Commissioner Territo if he had any comments and stated that they will still have to obtain a building permit.

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

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

MOTION was made by Mrs. Liebi in Case #1723 to approve the requests with the condition that it be in substantial compliance with Exhibit "A", a Survey dated 6/26/2018. The motion was seconded by Mrs. Miller-Alligaer .

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 Variances in Case #1723 are approved.

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



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