

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
May 8, 2017

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 May 8, 2017.

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
	Ryan Pleskach	Member
	Nicholas Layou	Member
	Luella Miller-Allgaier	Alternate Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

MOTION made by Mr. Layou that the Minutes of the meeting of April 10, 2017 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *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 Unlisted actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mr. Pleskach. *Unanimously carried.*

OLD BUSINESS:

Case #1658 – AREA VARIANCES - Fox Automotive Group, 3687 NYS Route 31, Tax Map #020.-01-05.3 & 020.-01-06.1:

The applicant is requesting Area Variances pursuant to Section 230-16 B.(5)(a) to allow for a reduction of the perimeter landscape strip on the eastern property line from 20 feet to 5 feet, and a reduction of the perimeter landscape strip on the western property line from 20 feet to 5 feet to allow for site improvements for the new automobile dealership. The property is located in the HC-1 Highway Commercial zoning district.

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

Chairman Mangan closed the hearing.

MOTION made by Mr. Pleskach in Case #1658 to **approve** the Area Variance for a reduction of the perimeter landscape strip on the eastern property line from 20 feet to 5 feet with the condition that it be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Layou.

Roll call: Chairman Mangan - in favor
Deputy Chairman Wisnowski, Jr. - in favor
Mrs. Miller-Allgaier - in favor
Mr. Pleskach - in favor
Mr. Layou - in favor *Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1658 to **approve** the Area Variance for a reduction of the perimeter landscape strip on the western property line from 20 feet to 5 feet with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Layou.

Roll call: Chairman Mangan - in favor
Deputy Chairman Wisnowski, Jr. - in favor
Mrs. Miller-Allgaier - in favor
Mr. Pleskach - in favor
Mr. Layou - in favor *Unanimously carried.*

The Area Variances in Case #1658 are **approved**.

NEW BUSINESS:

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

Case #1659 – AREA VARIANCES - Elise and Joshua Mulvaney, 8450 Big Cone Path, Tax Map #056.-14-01.0:

The applicant is requesting Area Variances pursuant to Section 230-13 E.(4)(b)[1] to allow for a reduction in the front yard setback from 25 feet to 10 feet and Section 230-20 B.(2)(b) to increase the height of a fence in a front yard from the allowed 2.5 feet to 6 feet (corner lots have two front yards). This is to allow for a fence and a shed. The property is located in the R 7.5 One-Family Residential zoning district.

The Secretary read the proof of Publication.

Joshua Mulvaney said they want to put up a PVC vinyl fence and maintain the 6 foot height in their front yards also. They have a corner lot.

Mr. Mulvaney addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. They submitted addresses of other homes in the neighborhood that also have fences above 2 and ½ feet.
2. They don't believe there is any other feasible method than to obtain the Area Variances because of the irregular shape of their lot. The fence will not cause a line of sight issue.
3. They don't believe the Area Variance requests are substantial.

4. They don't believe there will be any physical or environmental impact to the neighborhood
5. They believe the Area Variances are not self-created because they have two front yards.

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 questions and Sherry Smith inquired as to where the fence was being placed on the property and Mr. Mulvaney showed her his survey.

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 made by Mr. Layou in Case #1659 to **approve** the Area Variances as requested with the condition that they be in substantial compliance with Exhibit "A", a survey dated June 4, 2014. Motion was seconded by Mr. Pleskach.

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

The Area Variance in Case #1659 is **approved**.

Case #1660 – AREA VARIANCE - Marshall and Sara Bailey, 4433 Oak Orchard Road, Tax Map #032.-01-03.1:

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4), for a reduction in the side yard setback from 25 feet to 10 feet for construction of an outbuilding. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of Publication.

Marshall Bailey explained that he has a lot of yard equipment and would like a building accessible from his driveway. The house was constructed sideways on the lot and he doesn't want to have to move the pool.

Mr. Marshall addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood and feels it is consistent with other buildings in the area. The building

will also be over 250 feet from the road, as his driveway is 250 feet long. It will be hidden by trees for most of the year.

2. He doesn't believe there is any other feasible method than to obtain an Area Variance, as placing it elsewhere would not make it accessible from the driveway, and the pool.
3. He believes the Area Variance request is not a substantial change to the code.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood
5. Because he needs a storage building he believes the Area Variance is self-created.

Mr. Pleskach inquired about the green cap and Mr. Marshall said it is a propane tank and that it will have to be moved.

Mrs. Miller-Allgaier asked what the height of the building would be, and Mr. Marshall said not as high as the house.

Mr. Layou advised the applicant to be aware there is a height restriction.

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 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 made by Mrs. Miller-Allgaier in Case #1660 to **approve** the Area Variance as requested. Motion was seconded by Deputy Chairman Wisnowski.

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

The Area Variance in Case #1660 is **approved**

Case #1661 – AREA VARIANCES - Bonnie Marini, 7452 Oswego Road, Tax Map #094.-22-01.0:

The applicant is requesting an Area Variance pursuant to Section 230-15 A.(5)(a) & (b) for a reduction the rear yard setback from 40 feet to 22.5 feet; Section 230-15 A.(5)(a) for a reduction in the landscape perimeter strip on the south side from 15 feet to 13.3 feet; and Section 230-15 A.(5)(a)

for a reduction in the landscape perimeter strip on the north side from 15 feet to 14.7 feet. This is for construction of an addition and a parking lot expansion. The property is located in the O-1 Neighborhood Office zoning district.

The Secretary read the proof of Publication.

Tim Coyer of Ianuzi and Romans Land Surveying, P.C. represented the applicant. The business is Shear Perfection. They would like to construct a 1400 square foot addition and improve the parking area.

Chairman Mangan noted that they will be cutting down the width of the buffer with the residential property to the rear of the business and he has concerns with that.

Mr. Coyer addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood, as the applicant is requesting Area Variances to make property improvements that will improve the overall look of the property.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance due to the size of the site.
3. He believes the Area Variance requests are not substantial.
4. They don't believe there will be any physical or environmental impact to the neighborhood.
5. They believe the Area Variance is self-created.

Mr. Layou voiced concern about any parking spots that could be lost on the site with the addition.

Mr. Pleskach asked about the applicant sharing the driveway with her neighbor and Mr. Coyer said there wasn't much cooperation there.

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 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 made by Mr. Pleskach in Case #1661 to **approve** the Area Variance for a reduction in the landscape perimeter strip on the south side from 15 feet to 13.3 feet. Motion was seconded by Mr. Layou.

Roll call: Chairman Mangan - in favor
Deputy Chairman Wisnowski, Jr. - in favor
Mrs. Miller-Allgaier - in favor
Mr. Pleskach - in favor
Mr. Layou - in favor *Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1661 to **approve** the Area Variance for a reduction in the landscape perimeter strip on the north side from 15 feet to 14.7 feet. Motion was seconded by Mr. Layou.

Roll call: Chairman Mangan - in favor
Deputy Chairman Wisnowski, Jr. - in favor
Mrs. Miller-Allgaier - in favor
Mr. Pleskach - in favor
Mr. Layou - in favor *Unanimously carried.*

MOTION made by Mr. Pleskach in Case #1661 to **deny** the Area Variance for a reduction the rear yard setback from 40 feet to 22.5 feet. Motion was seconded by Mr. Layou.

Roll call: Chairman Mangan - in favor
Deputy Chairman Wisnowski, Jr. - in favor
Mrs. Miller-Allgaier - in favor
Mr. Pleskach - in favor
Mr. Layou - in favor *Unanimously carried.*

Two Area Variances in Case #1661 are **approved** and one **denied**.

Case #1662 – AREA VARIANCES - John Russo, 5137 Lyle Drive, Tax Map #074.-16-15.0:

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 12 feet and Section 230-20 B.(2)(b) for an increase in the height of a fence in a front yard from the allowed 2.5 feet to 6 feet (corner lots have two front yards). This is to allow for construction of a fence. The property is located in the R-10 One-Family Residential zoning district.

The Secretary read the proof of Publication.

John Russo stated that he would like to have a 6 foot privacy fence installed.

Chairman Mangan commented that the applicant's landscaping was beautiful.

Mr. Russo addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. They are looking to be able to fence in more usable yard space.

2. He doesn't believe there is any other feasible method than to obtain Area Variances.
3. He believes the Area Variance requests are substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood
5. He believes the Area Variances are 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 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 made by Mr. Layou in Case #1662 to **approve** the Area Variances with the condition that they be in substantial compliance with Exhibit "A", a survey dated 11/7/2013 with the drawn in lines for the fence. Motion was seconded by Mrs. Miller-Allgaier.

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

The Area Variance in Case #1662 is **approved**.

Case #1663 – SPECIAL PERMIT - Timothy Manning, 7979 Oswego Road, Tax Map #081.-01-03.0:

The applicant is requesting a Special Permit pursuant to Section 230-27 I.(2)(a) and Section 230-13 A.(2)(d)[1] for a home occupation for a hair salon. The property is located in the RA-100 Residential Agricultural zoning district.

The Secretary read the proof of Publication.

Timothy Manning of Marcellus said they would like to obtain a Special Permit to have a hair salon.

Chairman Mangan asked if they planned to live there and Mr. Manning said yes.

(Previously there was a Special Permit for a salon at this location, but a Special Permit desists upon change of ownership and does not remain with the property.)

Chairman Mangan asked if he planned to replace any equipment and Mr. Manning said no, just replace and repair the fence and improve the parking. There would be no other modifications otherwise.

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 did not ask for any questions from the audience or for those in favor or against the granting of the Special Permit as there was no longer anyone present.

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Wisnowski in Case #1663 to **approve** the Special Permit. Motion was seconded by Mr. Layou.

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

The Special Permit in Case #1663 is **approved**

There being no further business, Chairman Mangan adjourned the meeting at 8:20 P.M.



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