

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
April 13, 2015

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 April 13, 2015.

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
	Mark Smith	Deputy Chairman
	Karen Liebi	Member
	Brian Hall	Member
	Edward Wisnowski	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	James Condon	Building Inspector

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of March 9, 2015 be accepted as submitted. Motion was seconded by Deputy Chairman Smith. *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 Mrs. Liebi. *Unanimously carried.*

OTHER BUSINESS:

Original Case #1503 – Barrett Paving Materials, Inc., 4530 Wetzel Road is respectively requesting a six month extension of their existing Special Permit to have a Temporary Office Trailer on their property to use as offices.

Fred Meyers representing Barrett Paving stated that he realizes this is the last extension. They have pricing and plans they are working on for a new building extension.

Chairman Mangan asked Mr. Condon if he had any comments and he confirmed that this is the last extension for the Special Permit.

MOTION was made by Deputy Chairman Smith to grant a six month extension in Case #1503, to allow for a Temporary Office Trailer on their property to use as offices. Motion was seconded by Mrs. Liebi.

Roll call: Chairman Mangan - in favor
Deputy Chairman Smith - in favor
Mrs. Liebi - in favor
Mr. Hall - in favor
Mr. Wisnowski - in favor *Unanimously carried.*

The six month extension in Case #1503 is **approved**.

OLD BUSINESS:

Case #1560 – SPECIAL PERMIT – Hoa D. Trinh, 4882 West Taft Road, Tax Map #116.-01-11.1:

The applicant is requesting a Special Permit pursuant to Section 230-13 D.(2)(d)[1] for a home occupation, to allow in home tailoring and alterations. The property is located in the R-10 One-Family Residential zoning district.

(The Proof of Publication was read by the Secretary at the March 9, 2015 meeting)

Andy Trinh, the son of the applicant, explained that his father would like a Special Permit to do alterations and tailoring in his home.

Chairman Mangan noted that the Onondaga County Planning Board has concern for a turn-around for vehicles so customers will not be backing out onto Taft Road.

Andy Trinh confirmed that there are two entrances to the parcel and that they plan to keep the driveways cleared of snow during the winter months. They also plan to widen the driveway and mark them clearly as an entrance and an exit.

Chairman Mangan asked how many customers they anticipated and Andy Trinh said three to four daily. They are going to make the garage into his father's working space.

Mr. Hall pointed out that the County stated that no parking or backing of vehicles into the county right-of-way will be permitted.

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

Chairman Mangan asked Mr. Condon if he had any comments and he confirmed that the applicant has a turn-around for entering and exiting the residence.

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 Special Permit request and there were none.

Chairman Mangan closed the hearing.

MOTION made by Mr. Hall in Case #1560 to **approve** the Special Permit with the condition that it be for tailoring and alterations only. Motion was seconded by Deputy Chairman Smith.

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

The Special Permit in Case #1560 is **approved**.

Case #1561 – AREA VARIANCES - Dean T. Porter, 9735 Ethel Road, Tax Map #038.-01-08.1:

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4) to reduce the front yard setback from 75 feet to 30 feet and to reduce the side yard setback from 25 feet to 14 feet to allow for the construction of a pole barn. The property is located in the RA-100 Residential Agricultural zoning district.

(The Proof of Publication was read by the Secretary at the March 9, 2015 meeting)

Chairman Mangan explained that this hearing was adjourned at the previous meeting on March 9th as there were only three members present, and the County had recommended disapproval. If the Zoning Board was to approve Mr. Porter's Area Variance request a super majority vote is required, so Chairman Mangan asked the applicant to adjourn his case to tonight's meeting.

Mr. Porter said that he would like to build a pole barn so that he has a garage and storage place for his boat and equipment. Their home is a small camp and they'd like to keep their grounds neat, thus the need for a storage building.

Mr. Porter addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood.
2. He doesn't believe there is any other feasible method than to obtain Area Variances.
3. He doesn't believe the Area Variance requests are substantial.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Yes, the need for the Area Variances is self-created.

Mr. Porter added that his neighbor is not opposed to the pole barn.

Mr. Hall asked the applicant where his septic was located and Mr. Porter stated that it's behind the house and that the pole barn will have no impact on the leach field.

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

Chairman Mangan asked Mr. Condon if he had any comments and he advised the applicant that since this site contains federal wetlands and is in a Flood Plain area he needs to also contact the Army

Corp. of Engineers and the New York State Department of Environmental Conservation.

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

Chairman Mangan asked for those in favor of granting the Area Variance and there is a letter in the file from a neighbor who is not opposed to the requested front and side yard setbacks. Chairman Mangan asked for those opposed to granting the Area Variance requests and there were none.

Chairman Mangan closed the hearing.

MOTION made by Mr. Wisnowski in Case #1561 to **approve** the Area Variances as requested. Motion was seconded by Deputy Chairman Smith.

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

The Area Variances in Case #1561 are **approved**.

NEW BUSINESS:

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

Case #1564 – AREA VARIANCE - Donald & Linda Bellefeuille/David Grasso, Esquire, 7954 Walnut Place, Tax Map #081.-12-11.0:

The applicants are requesting an Area Variance pursuant to Section 230-03 E.(4)(b)[1] to reduce the front yard setback from 25 feet to 22.4 feet, to allow for an existing structure to remain; the house was constructed in 1970 over the building line in error. The property is located in the R-7.5 One-Family Residential zoning district

The Secretary read the Proof of Publication.

Attorney David Grasso explained that this house was built in 1970 and through an oversight the builder build it cockeyed and part of it was over the building line. With the sale of this home the Title Company discovered this error. On behalf of the seller and buyer, Attorney Grasso, is seeking a variance to allow this oversight by the builder.

Attorney Grasso 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 house has been there since 1970.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance. Again, the house has been this way since 1970

3. He does not believe the variance request is substantial.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. The need for the variance is self-created, but the house was purchased this way.

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

Chairman Mangan asked Mr. Condon 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. Liebi in Case #1564 to **approve** the Area Variance as requested. Motion was seconded by Mr. Smith.

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

The Area Variance in Case #1564 is **approved**.

Case #1565 – AREA VARIANCE - David Irwin, 3771 Marder Road, Tax Map #024.-01-20.2:

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4) for a reduction in the front yard setback from 75 feet to 70 feet, to allow for a shed. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the Proof of Publication.

Mr. Irwin explained that the shed is 20 feet by 12 feet and is used mostly to store wood.

Mr. Irwin addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. No one has complained about it.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance, due to the location of the leach fields.
3. He doesn't believe the Area Variance request is substantial. It's a small shed.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Yes, 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 Mr. Condon 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 request and there were none.

Chairman Mangan closed the hearing.

MOTION made by Deputy Chairman Smith in Case #1565 to **approve** the Area Variance as requested. Motion was seconded by Mrs. Liebi.

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

The Area Variance in Case #1565 is **approved**.

There being no further business, Chairman Mangan adjourned the meeting at 7:58 P.M.



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