

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
October 12, 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 October 12, 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
	Edward Wisnowski	Member
	Ryan Pleskach	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark Territo	Commissioner of Planning & Development
ABSENT:	Karen Liebi	Member

**MOTION** made by Mr. Pleskach that the Minutes of the meeting of September 9, 2015 be accepted as submitted. Motion was seconded by Deputy Chairman Smith. *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 Deputy Chairman Smith. *Carried.*

**OLD BUSINESS:**

Chairman Mangan moved the adoption of a resolution pursuant to Town Law Section 267-a (12) reopening the application of SMSA Limited Partnership d/b/a Verizon Wireless for the purpose of exploring alternative locations for the wireless telecommunications facility proposed. A public hearing will be scheduled and conducted once alternative sites within the reasonably defined propagation area are identified. Motion was seconded by Deputy Chairman Smith. *Carried.*

**NEW BUSINESS:**

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

**Case #1584 – AREA VARIANCE - Randall Plucinik, Jr., 8403 Gaskin Road, Tax Map #019.-01-23.0:**

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[2] to allow for a reduction in the side yard setback from 9 feet to 3 feet for construction of a shed. The property is located in the R-10 One-Family Residential zoning district.

The Secretary read the proof of Publication.

Randall Plucinik, Jr. explained that they have a foundation and would like to put a premade shed on it.

Chairman Mangan inquired as to whether the foundation was the concrete pad and whether there were any nearby neighbors that would be affected and Mr. Plucinik said no.

Mr. Plucinik 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 are using tarps to cover things now that would go in the shed, thus improving appearances of the property.
2. They don't believe there is any other feasible method than to obtain an Area Variance, as an alternative would be a basement that is damp. They have no garage. To place the shed elsewhere would put it in the middle of the yard or over the septic tank.
3. They don't believe the Area Variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood. They will be removing items from the driveway.
5. They feel the Area Variance is not self created because it is a narrow lot.

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 #1584 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Wisnowski.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- absent	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- in favor	<i>Carried.</i>

The Area Variance in Case #1584 is **approved**.

**Case #1585 – AREA VARIANCE - Anne M. & Kevin R. Kelly, 8514 Newbury Place, Tax Map #061.-05-15.0:**

The applicant requesting an Area Variance pursuant to Section 230-13 B.(4)(c)[3] to allow for a reduction in the rear yard setback from 15 feet to 6 feet for construction of a shed. The property is located in the R-40 One-Family Residential zoning district.

The secretary read the Proof of Publication.

Kevin Kelly explained that they have a concrete pad where they would like to put a shed.

Mr. Kelly addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. It is a small building and will match all architecturally.
2. They don't believe there is any other feasible method than to obtain an Area Variance, because of the concrete pad under the original pool and fence permit. It's all level ground 5 feet and further from the property line.
3. They don't believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood.
5. In the sense that the poured concrete is 6 feet from the back property line it is self created, however, all grounds have been graded accordingly.

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. Wisnowski in Case #1585 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairman Smith.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- absent	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- in favor	<i>Carried.</i>

The Area Variance in Case #1585 is **approved**.

**Case #1586 – AREA VARIANCE - Sami Khouri, 7683 Dominion Pkwy., Tax Map #088.-17-07.0:**

The applicant is requesting an requesting an Area Variance pursuant to Section 230-13 E.(4)(b)[2] to allow for a reduction in the side yard setback from 10.1 feet to 3 feet for construction of a covered deck. The property is located in the R-7.5 One-Family Residential zoning district.

The secretary read the Proof of Publication.

Chairman Mangan noted that the applicant was granted an Area Variance on June 8, 2009 for the deck and at that time the Board granted that Area Variance with the condition that it would not be enclosed nor would they be allowed to have a roof over it.

Sam Khouri, son of Sami Khouri explained that his father would like to construct a roof to cover the deck.

Chairman Mangan also noted that Mr. Khouri has started to construct a roof.

His son stated that he had stopped his father from doing it. He further stated that his father would like the roof canopy and that they would install gutters to direct the water to the drainage area in the back yard.

Sam Khouri 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 think it will look nice.
2. They don't believe there is any other feasible method than to obtain an Area Variance. They considered an awning, but were concerned about the wind.
3. They don't believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood, as they will have gutters to divert the water into a drain..
5. They believe the Area Variance is self-created.

Mr. Pleskach commented that both of the neighbors that are opposed noted drainage issues.

Mr. Khouri replied that everything would go into a storm drain in the back yard.

Mr. Pleskach voiced concerns for winter and the snow.

Mr. Khouri said he didn't see that being an issue.

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 granting the Area Variance requests and there were none. Chairman Mangan asked for those opposed to granting the Area Variance and James Rauz spoke in behalf of his mother Margaret Rauz who is objecting to the roof as she feels it will create a larger problem regarding water and snow on her property. Chairman Mangan also made note of an email from Peter and Kathy Cifaratta who are also opposed to the granting of the Area Variance as they feel it will compound already existing drainage problems.

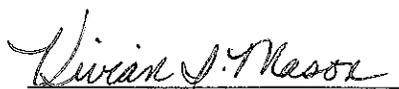
Chairman Mangan closed the hearing.

**MOTION** made by Deputy Chairman Smith in Case #1586 to **deny** the Area Variance based on the previous variance given in 2009. Motion was seconded by Mr. Wisnowski.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- in favor	
	Mrs. Liebi	- absent	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- in favor	<i>Carried.</i>

The Area Variance in Case #1586 is **denied**.

There being no further business, Chairman Mangan adjourned the meeting at 8:03 P.M.

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