

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 14, 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 August 14, 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. Pleskach that the Minutes of the meeting of July 10, 2017 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *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 Wisnowski. *Carried.*

OLD BUSINESS: None

NEW BUSINESS:

Chairman Mangan announced that the applicant in Case #1675 has requested a delay and that this case will now be the last one on the agenda..

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

Case #1671 – SPECIAL PERMIT – Nicholas Layou, 8802 Norcross Drive, Tax Map #070.-03-04.0:

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

The secretary read the proof of publication.

Mr. Layou explained that seven years ago the federal government enacted a law that anyone handling the transfer of firearms obtain a Special Permit from their township. Anyone in this capacity does background checks before any transfers are performed. Mr. Layou added that he has been in law enforcement for 15 years. He's involved with three gun clubs and that is where the transfers will be done. What firearms he has are locked in a 670 pound safe monitored by motion detectors.

Deputy Chairman Wisnowski asked if there would be any sales at his house or if he will sell ammo and Mr. Layou said no to both. He would pick up guns at UPS and bring them back to the house.

Mr. Pleskach noted that these Special Permits are a standard process and others have been approved by the Zoning Board.

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 Special Permit request and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Deputy Chairman Wisnowski in Case #1671 to **approve** the Special Permit for a home occupation for the transfer of firearms. Motion was seconded by Mr. Pleskach.

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

The Special Permit in Case #1671 was **approved**.

(Mr. Layou took his place on the Board)

Case #1676 – AREA VARIANCES – Steven Sanford, 8525 Gaskin Road, Tax Map #019.-01-01.3:

The applicant is requesting Area Variances pursuant to Section 230-13 D.(4)(c)[2] to allow for a reduction in the side yard setback from 26.5 feet to 12 feet; Section 230-13 D.(4)(c)[4] to increase the allowable maximum height from 12 feet to 16 feet; and Section 230-13 D.(4)(c)[1] to allow for an accessory structure to be located in front of a principal structure from 206.0 feet to 56 feet 3 inches, to allow for construction of a garage. The property is located in the R-10, One-Family Residential zoning district.

The secretary read the proof of publication.

Chairman Mangan asked Mr. Sanford if he had a copy of the county's comments and Mr. Sanford said he did not. Chairman Mangan gave him a copy.

Mr. Sanford said he wants to build a garage. He explained that there is a private road that cuts through the property that serves six houses.

Chairman Mangan asked if both sides of the private road were a single property owned by him and Mr. Sanford said yes.

Mr. Sanford said he wants the garage to mirror the style of homes on the private road, but is limited as to where the garage can go because of a pool, septic and leach fields.

Mr. Sanford 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 will be in keeping with the style of the home.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. There is no other space on the lot to build a garage.
3. He doesn't believe the Area Variance requests are substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood. His neighbors do not have any objections.
5. The need for the Area Variances is self-created because he wants the garage.

Mr. Pleskach said according to the plat plan the concrete pad is in the right of way. Mr. Sanford said he has no paperwork to show exactly where the right of way is.

Mrs. Miller-Allgaier asked why he needed the height of 16 feet for the garage and Mr. Sanford said because it is needed for the pitch of the roof.

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 Variances and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Mr. Layou in Case #1676 to **approve** the Area Variances with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Miller-Allgaier.

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

The Area Variance in Case #1676 was **approved**.

Case #1677 – AREA VARIANCES – Matthew Kline and Jessica Senn, 8570 McNamara Drive, Tax Map #059.-06-08.0:

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. The property is located in the R 7.5 One-Family Residential zoning district.

The secretary read the proof of publication.

Matthew Kline explained that they have a corner lot and they want more usable space in their back yard and would like to put up a fence.

Mr. Kline 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 just want more usable space.
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 doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The Area Variance requests are self-created.

Jim Mills' farm backs up to Mr. Kline's property and he asked the fence would encroach on his property. Mr. Kline can only construct a fence on his own property.

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 Mr. Pleskach in Case #1677 to **approve** the Area Variances with the condition that it be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Layout.

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

The Area Variances in Case #1677 were **approved**.

Case #1678 – AREA VARIANCE – Kassis Superior Signs (Key Bank)/Cristina Caceres, 3935 NYS Route 31, Tax Map #021.-01-06.3:

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) to allow for a third freestanding sign on an RC-1 Site that only allows for two. The property is located in the RC-1, Regional Commercial zoning district.

The secretary read the proof of publication.

Cristina Caceres said Key Bank has relocated from farther west on NYS Route 31 to the HSBC building and they would like a pylon sign to be constructed in the parking lot so they will have a sign visible from NYS Route 31. They will move the dumpster to accommodate the sign.

Ms. Caceres 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 commercial area.
2. They don't believe there is any other feasible method than to obtain an Area Variance. The bank doesn't have an outlet off of NYS Route 31 and they want people to know they are there.
3. They do feel the Area Variance request is substantial, as they don't have a sign now.
4. They don't believe there will be any physical or environmental impact to the He believes neighborhood, as it will be similar to others in the area.
5. They don't feel the Area Variance is self-created, they just want one like they had at the other location.

Chairman Mangan commented that others don't have freestanding signs and that people can easily see the Key Bank sign on the building either going east or west on NYS Route 31. Their sign is easy to see and he questions the need for a freestanding sign.

Ms. Caceres said the bank wants something up in the air for people to see it from a distance.

Chairman Mangan said he didn't think it would add anything at all, that he would google the location of the bank and not look for a sign. M and T Bank next door doesn't have a freestanding sign.

Deputy Chairman Wisnowski commented that people who use Key Bank will know it's there and that others won't see the entrance and will keep going.

Mr. Pleskach noted that he thinks their need for the variance is self-created as they decided to move their bank location.

Mr. Layou commented that they had the freestanding sign at the other location.

Mrs. Miller-Allgaier inquired how anyone would see among the evergreens that are there.

Ms. Caceres explained that they want it poking out between the trees.

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.

MOTION was made by Deputy Chairman Wisnowski in Case #1678 to **deny** the Area Variance request. Motion was seconded by Mr. Pleskach.

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

The Area Variance in Case #1678 was **denied**.

Case #1679 – AREA VARIANCES – Nolan Wiginton, 92 Richardson Drive, Tax Map #102.-04-14.0:

The applicant is requesting Area Variances pursuant to Section 230-13 D.(4)(b)[1] to allow for a reduction in the front yard setback from 25 feet to 2.5 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 5 feet . This is to allow for a fence. The property is located in the R-10 One-Family Residential zoning district.

The secretary read the proof of publication.

Nolan Wiginton said he would like to put up a fence off the deck in the back to the side yard and across the front yard. They have three dogs and they want an area for them. The fence will be 18 feet from the road.

Mr. Wiginton 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 could understand that it might be a problem if the fence was going to be closer to the road.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. They don't have a back yard, so they need to put the fence in the front.
3. He doesn't believe 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 Variances is self-created because he wants the fence.

Mr. Layout asked if the stakes on the property were where the fence was actually going and Mr. Wiginton said yes, the fence will be 18 feet from the road and 2 ½ feet from the Town right of way.

Mr. Pleskach commented that 10 feet seems to be the standard distance, and Mr. Wiginton said his fence would be farther away than that.

Deputy Chairman Wisnowski asked if it would be no closer than his neighbor's chain link fence and Mr. Wiginton said yes, no closer.

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 asked if this was a recent survey that he presented and Mr. Wiginton said yes. Commissioner Territo asked if the fence would be chain link and Mr. Wiginton said yes.

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 Variances and there were none.

Chairman Mangan closed the hearing.

MOTION was made by Mr. Layout in Case #1679 to **approve** the Area Variances with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Miller-Allgaier.

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

The Area Variance in Case #1679 was **approved**.

Case #1675 – AREA VARIANCES – Pine Hollow Apartments/Vito Barletta, 4100-4109 Pine Hollow Drive, Tax Map #068.-08-12.0:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) to reduce the front yard setback from 25 feet to 19 feet, and Section 230-22 C.(1) to allow for a second freestanding sign when only one is allowed. The property is located in the R-APT Apartment zoning district.

The secretary read the proof of publication.

Chairman Mangan asked Vito Barletta how long the apartments have been there on a road with the same name and Mr. Barletta said since the mid 1980's.

Mr. Barletta 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 is a small sign 2 feet by 3 feet on an existing wall on the corner of the property.
2. He doesn't believe there is any other feasible method than to obtain Area Variances.
3. He believes the Area Variance requests are not substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. He feels the Area Variances are self-created.

Mr. Barletta said he cleaned up the corner of the lot, and put a sign against the wall so that people will know where the apartments are. There is another sign, but most places have two signs.

Deputy Chairman Wisnowski asked what the benefit is, and Mr. Barletta said to make it prettier to have a well looking complex sign.

Mr. and Mrs. Dadabo both felt the sign was unnecessary. The brick wall was put there by the for the name of the development.

Mr. Hawk said he saw no benefit for a second sign either.

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 requests and there were none. Chairman Mangan asked for those opposed to granting the Area Variance requests and there were four.

Chairman Mangan closed the hearing.

MOTION was made by Mrs. Miller-Allgaier in Case #1675 to **deny** the Area Variances. Motion was seconded by Deputy Chairman Wisnowski.

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

The Area Variances in Case #1675 were **denied**.

There being no further business, Chairman Mangan adjourned the meeting at 8:33 P.M.



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