

**APPROVED**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**February 14, 2011**

The regular meeting of the Zoning Board of Appeals of the Town of Clay, County of Onondaga, and State of New York was held at the Town Hall of Clay, 4401 State Route 31, and New York on February 14, 2011.

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
	Arthur Fennhahn	Deputy Chairman
	Eugene Young	Member
	Karen Liebi	Member
	Mark Smith	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of January 10, 2011 be accepted. Motion was seconded by Mr. 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.*

**MOTION** made by Chairman Mangan that the second Monday of each month be the designated meeting dates for the Zoning Board of Appeals. Motion was seconded by Deputy Chairman Fennhahn. *Unanimously carried.*

**OLD BUSINESS:**

NONE.

**NEW BUSINESS:**

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

**Case #1394 - VARIANCE - Robert Brown, 9934 Fancher Road (Tax map #040.-01-15.1):**

The applicant is seeking a reduction in the front yard setback from 25 feet to 10 feet to allow for a new garage and second floor addition.

The secretary read the proof of publication.

Chairman Mangan noted that the Board has received a referral notice from the Onondaga County Planning Board regarding the applicant's application.

Robert Brown explained that his existing garage burned down and he wants to construct a new one further back and attach it to the house, plus build a second floor.

Chairman Mangan commented that the applicant's request would extend the property's nonconformance.

Mr. Brown addressed the standards of proof:

1. He believes it will be an improvement to the character of the neighborhood.
2. He wants to attach the new garage to the house and since he wants to add a second floor he feels this is the most feasible location for the garage.
3. He feels the variance is substantial.
4. He believes there will be no adverse or environmental impact on the neighborhood.
5. He stated that the need for the variance is self-created.

Chairman Mangan asked Commissioner Territo if he had any comments and he said he had no comment.

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor and those opposed to granting the variance and there was none.

Chairman Mangan closed the hearing.

**MOTION** was made by Mrs. Liebi in Case #1394 to grant the variance as requested with the condition that construction be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Young.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Fennhahn	- in favor	
	Mr. Young	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Smith	- in favor	<i>unanimously carried.</i>

The variance request in Case #1394 is granted.

**Case #1395 - VARIANCE - Deborah Gebhardt, 8405A Bramble Bush Circle (Tax map #057.-03-07.0):**

The applicant is seeking a reduction in the front yard setback and an increase in height requirement to allow for the installation of a fence.

The secretary read the proof of publication.

Chairman Mangan asked if the fence is already up and Ms. Gebhardt said yes. She explained that she tried to get a permit to replace the deteriorating fence. The Town Planner, David Balcer told her he didn't see any problem with replacing the gate, but she came home to discover her friends had torn down the old fence, so she told them to go ahead and replace it. She presented a petition her neighbors had passed stating they had no objections to the fence or its height.

Ms. Gebhardt addressed the standards of proof:

1. The previous fence was there for twenty years and she simply replaced it, so it does not change the character of the neighborhood.
2. Since the fence is already built, there is no other feasible method.
3. She does feel the variance is substantial.
4. There will be no adverse impact on the neighborhood as the fence has been there for twenty years with no problems.
5. She believes that the need for the variance is self-created.

Chairman Mangan noted that since the applicant has given the Board new information, referring to the fact that the fence had been there for twenty years, and the neighbors' petition, stating they are not adverse to it being there, the Board members would like time to evaluate it. He would like to adjourn this hearing.

Chairman Mangan asked Commissioner Territo if he had any comments and he said he had none.

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor of granting the variance and Cynthia Horton and Stacey Elkins, residents of Bramble Bush Circle, were in favor. Chairman Mangan asked for those opposed to granting the variance and there were none.

Chairman Mangan adjourned the hearing to March 14, 2011.

**Case #1396 - VARIANCE - Salvation Army, 3818 & 3906 Brewerton Road (Tax map #118.-01-07.1 & 118.-01-08.1 :**

The applicant is seeking a reduction in the side yard setback from 50 feet to 20 feet to allow for the construction of an overhang addition.

The secretary read the proof of publication.

Chairman Mangan noted that the Board has received a referral notice from the Onondaga County Planning Board regarding the applicant's application.

Engineer John Caruso, of Passero Associates, represented the applicant. He explained that they are renovating and restoring the building. There will be a donation drop off area and a retail operation. Drop off items will be cleaned up and go to sales. They want a covered drop off area with enough room so that people can bring in donations and have easy access and not do damage to their vehicles during the process.

John Caruso addressed the standards of proof:

1. The surrounding area is commercial, so they believe there will be no change in the character of the neighborhood. Also, the Town Board and the Planning Board agreed to this use.
2. They tried other designs, but feel this is the best plan to best accommodate their patrons.
3. They do feel the variance is substantial.
4. They don't believe there will be any adverse or environmental impact on the neighborhood.
5. He stated that the need for the variance is self-created.

Deputy Chairman Fennhahn asked what hours they would be open, and Mr. Caruso said nine to nine, Monday through Saturday.

Chairman Mangan asked if there were any further questions and there were none. Chairman Mangan asked for those in favor and those opposed to granting the variance and there were none.

Chairman Mangan closed the hearing.

**MOTION** was made by Mr. Smith in Case #1396 to grant the variance with the condition that construction be in substantial compliance with Exhibit "A", dated October 2010. Motion was seconded by Deputy Chairman Fennhahn.

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

The variance request in Case #1396 is granted.

**Case #1399 - INTERPRETATION - NOCO Distribution, LLC, 4480 Steelway Boulevard (Tax map #105.-01-06) :**

The applicant is seeking an interpretation of Section 230-17 C(2) of the Zoning Code; the applicant is requesting a quantitative definition of "large quantities of material".

The secretary read the proof of publication.

Chairman Mangan asked who was present to present their case and neither the applicant nor a representative were there.

Chairman Mangan asked Commissioner Territo to call the applicant and find out if they will be present at the March meeting, or if they are withdrawing their request.

Chairman Mangan adjourned Case #1399 to March 14, 2011.

There being no further business, Chairman Mangan adjourned the meeting at 8:07 P.M.

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