

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
November 12, 2012

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 Town Hall of Clay, 4401 State Route 31, New York on November 12, 2012.

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
	Karen Liebi	Member
	Mark Smith	Member
	Brian Hall	Member
	Anne Stenham	Alternate Member
	Vivian Mason	Secretary
	John Marzocchi	Acting Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Arthur Fennhahn Deputy Chairman

MOTION made by Ms. Liebi that the Minutes of the meeting of October 8, 2012 be accepted. Motion was seconded by Mr. 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 Type II actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Ms. Liebi. *Carried.*

OLD BUSINESS:

None.

NEW BUSINESS:

Chairman Mangan asked the board members if they all visited the sites and all stated that they had.

Case # 1466 – Area Variance - Matthew Rahlaski, 7457 Morgan Road, Tax Map Number 104.-03-14.0:

The applicant is requesting an Area Variance pursuant to Section 230-16 B.(4)(a)[1] to allow for a reduction in the lot area from 80,000 square feet to 24,000 square feet. The property is located in the HC-1 Highway Commercial zoning district.

The secretary read the proof of publication.

Chairman Mangan explained that since the applicant had not received his zone change request from the Town Board to have the property a HC-1 Highway Commercial zoning district, this case could not be heard.

Case # 1471 – Area Variances - Kenneth Maines, 4175 Rancho Park Drive, Tax Map Number 068.-19-01.0:

The applicant is requesting Area Variances pursuant to Sections 230-13 E.(4)(c)[1] and 230-20 B.(2)(b) to reduce the required front yard setback from 25 feet to 7.5 feet, and to increase the allowable height of a fence in a front yard from 2.5 feet to 6 feet, on a three-sided lot. The property is in the R-7.5 One Family Residential zoning District.

The secretary read the proof of publication.

Kenneth Maines explained that the fence that dates back to 1995 was down due to a construction project. When he replaced it he inadvertently placed it on Town property. Now he wants to put it back where it was in 1995.

Chairman Mangan pointed out that the reason the applicant is here is because his property is a three cornered lot.

Mr. Maines added that the fence will line up with his neighbor's fence.

Mr. Maines addressed the Standards of Proof:

1. They believe that 17 years of this 6 foot fence at this location has not changed the character of the neighborhood.
2. They want the security of the six foot fence and to also provide safety because of the 36 to 38 inch pond/waterfall someone could fall into it. A six foot fence at the three foot offset from the side foundation would cut through the pond and would not achieve security. A three foot fence outside the pond would be a useless security measure. They believe the Area Variance request is the most feasible method.
3. They do not believe the variance request is substantial. The rear property six foot fence installed 2-4 years ago would line up with their 1995 fence.
4. They believe there will be no environmental impact of the neighborhood.
5. The need for the variance is 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 for those in favor (Vincent DeJoseph of 4190 Rancho Park Drive was in favor) and those opposed to the granting of the variance and none were opposed.

Chairman Mangan closed the hearing.

MOTION made by Mr. Smith in Case #1471 to grant the variance as requested with the condition that construction be in substantial compliance with Exhibit "A" dated 2012. Motion was seconded by Mr. Hall.

Roll call: Chairman Mangan - in favor

Deputy Chairman Fennhahn	- absent	
Mrs. Liebi	- in favor	
Mr. Smith	- in favor	
Mr. Hall	- in favor	
Ms. Stenham	- in favor	<i>Carried.</i>

The Area Variance in Case #1471 is granted.

Case # 1472 – Area Variances - Gary Bell/Northside Collision, 7422 Oswego Road, Tax Map Number 10403-10.0:

The applicant is requesting Area Variances pursuant to Section 230-16 B.(4)(b)[2] and 230-16 B.(5)(a) to allow for a reduction in the side yard setback from 50 feet to 34.6 feet, and a reduction in the landscape strip from 20 feet to 9.6 feet. The property is located in the HC-1 Highway Commercial zoning district.

The secretary read the proof of publication.

Scott Jones, of Northside Collision, stated that they need to expand to clear up the increased business, so they need an addition and more parking.

Mr. Jones addressed the Standards of Proof:

1. The addition will face north and no residential or commercial properties will be affected, so they believe there will be no change in the character of the neighborhood.
2. They need additional space for a work area, spray booth and additional parking so they believe there is no other feasible method.
3. They do not believe the variance request is substantial.
4. They believe there will be no environmental or detrimental impact to the neighborhood.
5. The need for the variance is 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 for those in favor and those opposed to the granting of the variance and there were none.

Mr. Jones commented that their request to reduce the landscape strip from 20 feet to 9.6 feet is incorrect. The site plan shows that they are asking for a reduction in the landscape strip from 20 feet to 5 feet.

Chairman Mangan noted that their request needs to be re-advertised. (A change less than that which was advertised would not need to be re-advertised, but anything greater must be advertised.)

Chairman Mangan adjourned the hearing to December 10, 2012.

There being no further business, Chairman Mangan adjourned the meeting at 7:50 P.M.

Vivian I. Mason
Zoning Board of Appeals
Town of Clay