

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
April 12, 2010

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 April 12, 2010.

Chairman Fennhahn called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Arthur Fennhahn	Chairman
	Charles V. Mangan	Deputy Chairman
	Eugene Young	Member
	Karen Liebi	Member
	Mark Smith	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	David Balcer	Town Planner

Chairman Fennhahn announced that David Hess has been appointed to the Planning Board and welcomed Mark Smith who is the new member on the Zoning Board of Appeals.

MOTION made by Deputy Chairman Mangan that the Minutes of the meeting of March 8, 2010 be accepted. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION made by Chairman Fennhahn 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 Mr. Young. *Unanimously carried.*

OLD BUSINESS:

Case #1355 - VARIANCE - Charles L. Hafner, 7265 Buckley Road (Tax map #107.-12-32.2):

The applicant is seeking relief to install two freestanding signs. Sign "A" on the Taft Road side is proposed to be erected 1 foot 0 inches off the property line. A 24 foot reduction in the required 25 foot setback. Sign "B" on the Buckley Road side is proposed to be erected 6" (0.5 feet) off the property line. A 24 foot 6 inch reduction in the required 25 foot setback.

Chairman Fennhahn explained that this case will not be heard tonight. The applicant's lawyer has requested an adjournment to the May 10, 2010 meeting.

Case #1359 - VARIANCE - Amy Nichols, 1251 Tulip Street (Tax map #114-01-25.0):

The applicant is seeking a variance to install a fence over 2 ½ feet tall in front of the building line on the Tulip Street front yard side to the property line. A 100% reduction from the required code requirement.

Amy Nichols stated that they have improved the property with the intention of selling the house, but have found that any family with children has concerns for safety on this street, if the fence can't be taller than the allowed two and one half feet.

Chairman Fennhahn asked the applicant what height fence she would like.

Ed Ferris, the builder, said they would like to install a seven foot stockade fence. They removed the rickety fence.

Deputy Chairman Mangan inquired further about the fence and the builder said it would be a pressure treated solid stockade fence. Deputy Chairman Mangan asked about the neighbor's chain link fence and the builder said they offered to remove it, but if not they will back their fence up to it.

Ms. Nichols addressed the standards of proof:

1. They have made improvements to the home, so it is a desirable change to the neighborhood.
2. They believe there is no other feasible method, as they consider the taller fence a safety factor.
3. They feel the variance is substantial.
4. They believe there will be no adverse impact on the neighborhood.
5. They believe the need for the variance is self-created.

Chairman Fennhahn asked Mr. Balcer, Town Planner, if he had any comments and he said it makes the variance more palatable since there is an industrial zone across the street.

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

Chairman Fennhahn closed the hearing.

MOTION was made by Deputy Chairman Mangan in Case #1359 to grant the variance approving the fence up to a height of seven feet. Motion was seconded by Mrs. Liebi.

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

The variance request in Case #1359 is granted.

NEW BUSINESS:

Chairman Fennhahn asked if all the members had visited the site and all said that they had.

Case #1361 - VARIANCES - Donald Grimsley, 5320 & 5332 West Taft Road (Tax map #117-10-02.1 & #117-10-03.1):

The applicant is seeking multiple variances too erect a two-story addition to the existing office building on the parcel.

The secretary read the proof of publication.

Hal Romans, Surveyor, explained that Mr. Grimsley owned one piece of property, where he has an insurance office. He has since purchased the adjoining parcel and these two parcels have now been combined and the Town Board has granted a zone change for an Office District. After getting the zone change, they had the Town come out to see about bringing the property up to code so that they can build a two story addition to the insurance office.

Deputy Chairman Mangan asked why they purchased the other property and Mr. Romans said the insurance office is on a narrow lot and they needed the adjoining property to have enough land to secure a Office District zone change.

Chairman Fennhahn asked if they had any plans to tear down the residential home on the adjoining property and Mr. Romans said no, that it is rented and the family would like to remain living there.

Deputy Chairman Mangan noted that there are two businesses and Mr. Romans said yes, a small business in addition to the insurance office.

Chairman Fennhahn inquired about the parking and Mr. Romans said there are 23 spaces and the parking will not be going any further back on the property.

Mr. Romans continued by going over the variance requests. The offset of the addition is minimal. There will be no changes to the house, the structure is sound and Mr. Grimsley has good tenants. The variance for the increased square footage is substantial. Most of the insurance business is done over the phone.

Chairman Fennhahn asked how many employees Mr. Grimsley had and Mr. Romans said six or seven.

Mr. Romans said that with regard to the sign variance, the initials AG on the sign pushes the size over the allowed square footage, but without it the sign doesn't look well visually.

Deputy Chairman Mangan asked if the variance for the arterial setback affects the district and Mr. Romans said no it would not.

Mr. Romans addressed the standards of proof:

1. They believe there will no change in the character of the neighborhood. Hinderwadles is to the left and they will continue the evergreens down the property line which will screen the property.
2. They feel there is no other feasible method, as
3. The variance is substantial.
4. They believe there will be no adverse impact on the neighborhood.
5. Mr. Romans stated that the need for the variance is self-created.

Chairman Fennhahn asked Mr. Balcer, Town Planner, if he had any comments and he said the Planning Office feels the variances are unpalatable since this proposal continues the non-conformity of the 'use' and the 'structure' potentially there on this property in perpetuity. This is probably the only time the Town will have the opportunity to bring this property close to conformity to the Zoning Code. If the house were removed it would be more palatable.

Chairman Fennhahn asked if there were any further questions and there were none. Chairman Fennhahn asked for those in favor of granting the variances and there was one, Michael Burst, who said he was insured by Mr. Grimsley and is a close friend. Chairman Fennhahn asked for those opposed to granting the variances and there were none.

Chairman Fennhahn closed the hearing.

MOTION was made by Mr. Young in Case #1361 to grant the variance with the condition that the construction be in accordance with Exhibit 2 and the landscaping also be in accordance with Exhibit 2 and be installed by the applicant.. Motion was seconded by Mrs. Liebi.

Roll call: Chairman Fennhahn - in favor
Deputy Chairman Mangan - against

Deputy Chairman Mangan said he was voting against these variance requests because the applicant was significantly increasing the non-conforming status of the property, particularly the requested increased gross floor square footage.

Mr. Young - in favor
Mrs. Liebi - in favor
Mr. Smith - in favor *Carried.*

The variance request in Case #1361 is granted.

There being no further business, Chairman Fennhahn adjourned the meeting at 8:40 P.M.