

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 14, 2013

The organizational and 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 January 14, 2013.

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
	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: None.

Organizational Meeting:

MOTION made by Chairman Mangan to accept the 2013 Scheduling Calendar, which states the filing dates of when a completed application is to be received from an applicant and the designation of the second Monday of each month at the regular meeting of the Zoning Board of Appeals. Motion was seconded by Ms. Liebi. *Unanimously carried.*

Chairman Mangan appointed Arthur Fennhahn as the Deputy Chairman.

Chairman Mangan noted that Robert Germain is the Zoning Board of Appeals attorney; Vivian Mason is to be the recording secretary and proofs of publication will now be advertised in the Tuesday edition of The Post Standard.

Regular Meeting:

MOTION made by Ms. Liebi that the Minutes of the meeting of December 12, 2012 be accepted as submitted. 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 Deputy Chairman Fennhahn. *Unanimously carried.*

OLD BUSINESS:

None.

NEW BUSINESS:

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

Chairman Mangan explained that although this is technically a new case, it is a case that was heard at the December 10, 2012 meeting. He apologized for his comments at that time that the survey was wrong. He was in error, as the survey was correct.

Case #1476 - AREA VARIANCE – Keith Naples, 3740 Pendulum Path, Tax Map Number 052.-15-12.0:

The applicant is requesting an Area Variance pursuant to Section 230-18 H.(1)(d) to allow for a reduction in the side-yard setback from 7.5 feet to 5 feet to allow for an existing shed. The property is located in the PDD, Planned Development District zoning district.

The secretary read the proof of publication.

Keith Naples explained that since the December meeting he has knocked down part of the shed.

Mr. Naples addressed the Standards of Proof:

1. He doesn't believe there will be any change to the character of the neighborhood. The shed has been there over ten years.
2. He believes the Area Variance request is the most feasible method as he needs to bring the property up to code.
3. They do not believe the variance request is substantial. He is asking for less than 3 feet.
4. They believe there will be no environmental impact of the neighborhood. The property is well maintained.
5. The need for the variance is self-created. However the shed was constructed by the previous owner.

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 granting the variances, and there were none.

Chairman Mangan closed the hearing.

MOTION made by Mr. Hall in Case #1476 to grant the Area Variance as requested. Motion seconded by Mr. Smith.

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

The Area Variance in Case #1476 is granted.

Case #1477 – AREA VARIANCES – Joel Chido, 8766 Van Hosen Road, Tax Map #047.-01-02:

The applicant is requesting Area Variances to make an alteration to a non-conforming structure. The property is located in the I-2 Industrial 2 district.

Chairman Mangan noted that the Industrial zoning classification came after the house was built.

Joel Chido explained that the previous owner built a car port. He would like to close it in and make it another room.

Mr. Chido addressed the standards of proof:

1. He doesn't believe there will be any change to the character of the neighborhood. The addition will be an improvement.
2. He believes the Area Variance request is the most feasible method. He can't place the addition anywhere else.
3. They do not believe the variance request is substantial.
4. They believe there will be no environmental impact of the neighborhood.
5. The need for the variance is self-created, but they would like to add on to their home.

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

There was no longer any audience.

Chairman Mangan closed the hearing.

MOTION was made by Ms. Liebi to grant the Area Variances as requested, with the condition that construction be in substantial compliance with their survey dated March 26, 2007. Motion was seconded by Deputy Chairman Fennhahn.

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

The Area Variances in Case #1477 are granted.

There being no further business, Chairman Mangan adjourned the meeting at 7:40 P.M.

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