

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 14, 2015

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 September 14, 2015. 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
	Edward Wisnowski	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark Territo	Commissioner of Planning & Development
ABSENT:	Mark Smith	Deputy Chairman
	Ryan Pleskach	Member

MOTION made by Mrs. Liebi that the Minutes of the meeting of August 10, 2015 be accepted as submitted. Motion was seconded by Mr. Wisnowski. *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 Mrs. Liebi. *Carried.*

OLD BUSINESS: None

NEW BUSINESS:

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

Case #1581 – AREA VARIANCE - Donald R. Meixner for Frank and Erin Facciolo, 7900 Morgan Road, Tax Map #082.-01-35.0:

The applicant is requesting an Area Variance pursuant to Section 230-19 A.(5) to allow for a reduction in the highway overlay from 140 feet to 71 feet for the purpose of constructing a wheelchair ramp. The property is located in the RA-100 Residential Agricultural district.

The Secretary read the proof of Publication.

Donald Meixner of Access CNY, appeared on behalf of the Faccialos. It is their intention to have a wheelchair ramp constructed on their 1950's home to allow a young child to go places. The county road requires a bigger arterial setback so they need an Area Variance. The ramp will be 28 feet long and 4 feet wide to the front door. They are trying to blend it with the home and will be constructed out of pressure treated wood.

Mr. Meixner 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 can always be removed in the future.
2. They don't believe there is any other feasible method than to obtain an Area Variance, as an alternative would be a lift which would be expensive.
3. They don't believe the Area Variance request is substantial. It is an average size ramp. The house is 47 feet from the street and the ramp protrudes 9 feet from the house and is approximately 31 feet in length.
4. They believe there will be no physical or environmental impact to the neighborhood. The ramp cannot divert water or redirect snow drifts in an area that would affect the highway or adjacent property.
5. They want the ramp, so the need for the Area Variance is self-created.

Chairman Mangan noted that there are other houses in the neighborhood even closer to the road. As a county road, a greater arterial setback is required.

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 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 made by Mrs. Liebi in Case #1581 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Wisnowski.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- absent	
	Mrs. Liebi	- in favor	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- absent	<i>Carried.</i>

The Area Variance in Case #1581 is **approved**.

Case #1582 – AREA VARIANCE - James M. Lioto for Anthony Quattropani, 5737 Boulia Drive, Tax Map #077.-13-47.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(b)[1] to allow for a

reduction in a front yard setback from 25 feet to 22.5 feet for construction of a porch with overhang (Accessory structure, attached). The property is located in the R-10 One-Family Residential zoning district

The secretary read the Proof of Publication.

James Lioto of J & R Lawns and Landscaping represented the home owner. They would like to construct a portico over a concrete stoop.

Mr. Lioto addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood,
2. They don't believe there is any other feasible method than to obtain an Area Variance.
3. They don't believe the variance request is substantial.
4. They believe there will be no physical or environmental impact to the neighborhood.
5. Because they want the overhang the need for the Area 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 if anyone in the audience had any 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 made by Mr. Wisnowski in Case #1582 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- absent	
	Mrs. Liebi	- in favor	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- absent	<i>Carried.</i>

The Area Variance in Case #1582 is **approved**.

Case #1583 – AREA VARIANCE - Steven Sanford, 8525 Gaskin Road, Tax Map #019.-01-01.3:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[2] to allow for a

reduction in the side yard setback from 26.5 feet to 10 to allow for a shed. The property is located in the R-10 One-Family Residential zoning district.

The secretary read the Proof of Publication.

Chairman Mangan noted the applicant has a fair amount of land, but is close to his next door neighbor.

Steven Sanford explained that he wants the shed closer to the pool to store pool equipment. The shed will also have solar panels to provide solar heating for the pool.

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. The shed will be constructed to match the style and color of the existing residence. The area nearest to the shed on the adjacent property is lawn and would not affect their use of their property.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance. The location of the shed is to provide storage of pool equipment and to have solar panels on it to provide solar heating for the pool.
3. He doesn't believe the variance request is substantial.
4. He believes there will be no physical or environmental impact to the neighborhood.
5. Because they want the shed the Area 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 if anyone in the audience had any 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.

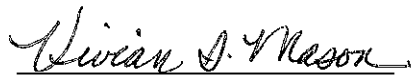
Chairman Mangan closed the hearing.

MOTION made by Mrs. Liebi in Case #1583 to **approve** the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A", a survey dated 8/30/2014. Motion was seconded by Mr. Wisnowski.

Roll call:	Chairman Mangan	- in favor	
	Deputy Chairman Smith	- absent	
	Mrs. Liebi	- in favor	
	Mr. Wisnowski	- in favor	
	Mr. Pleskach	- absent	<i>Carried.</i>

The Area Variance in Case #1583 is **approved**.

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



Vivian I. Mason, Secretary

Zoning Board of Appeals

Town of Clay