

TOWN OF ONONDAGA

ZONING BOARD OF APEALS

JOHN ELLEMAN, CHAIRMAN
MITCHELL CARMODY
BÉNÉDICTE DORAN
RONALD RYAN
CAROL SCHATTNER
NADINE BELL, ATTORNEY
ROSEMARY RILEY, SECRETARY

Minutes of June 17, 2025

PRESENT:

John Elleman, Chairman
Ron Ryan
Carol Schattner
Mitchell Carmody
Bénédicte Doran

Attorney: Stacy Maris
Rosemary Riley, Secretary

Kathleen Fay, Applicant
Jerry Fay, Applicant

Chairman Elleman called the meeting to order on Tuesday, June 17, 2025 at 7:05 p.m.

PUBLIC HEARING

1. **Fay, Francis - 4216 Fay Road (004.-06-34.0)**

We will start with the Francis Fay matter. Chairman Elleman asks me, as Board Secretary, to read into the record the public notice that was published regarding the Fay matter. It reads as follows:

The application of Francis Fay, as applicant, for Area Variance relief from Section 285-4 of the Zoning Law of the Town of Onondaga to construct a 1,280 square feet “Accessory Structure” that is in the excess of 50% of the size of the Principal Structure on property located in the Town of Onondaga at 4216 Fay Road, Tax Map No. 004.-06-34.0 in the One-Family Residential District R-1.

Chairman Elleman notes that the Board’s file contains proof of publication on June 8, 2025. Also, the applicant completed the short form Environmental Assessment indicating that, if the relief was granted, it would have no adverse environmental impacts. The Chairman also notes that the Board referred this matter over to the County Planning Board on June 5th. Chairman Elleman notes for the Fays that there are official things we need to do to make a proper record. We will have your hearing tonight, and we will complete all the information that we might ask from you. Ultimately, for us to make a decision on your request, we will have to hear back from the County Planning Board. Once they give their recommendation we can vote. We cannot vote at the end of tonight, but I expect that we will be able to vote at our next regular

meeting, which is 2 weeks from tonight. We should have the County Planning Board's recommendation by then and should be able to make a final decision. Often times you won't have to attend the second meeting. But first we will have an opportunity to ask you a few questions about what you are planning to do. My understanding from speaking with the Board members, some of whom have been up to view the property, and who may or may not have some questions. Mitchell Carmody acknowledged that he had been to the property but had done so quietly and didn't speak with anyone because he didn't want to bother anyone.

Chairman Elleman asks Ron Ryan if he has any questions for the Fays. Mr. Ryan notes that he knows that the applicant has been dealing with this permit process since April and appreciates the applicant's patience as we work through the government bureaucracy that they have been through. Mr. Ryan advises the Fays that since he was able to help them with the application process, he will have to excuse himself from the vote but thinks that the Board is very well aware of what you have been through and knows they are very appreciative of your patience. Unfortunately, there are certain criteria that we must go through even though it was our fault that those things were delayed.

Kathleen Fay asks whether a decision will be made at the next County Planning Board meeting. Chairman Elleman advises that, according to our information, the County Planning Board will meet on July 2nd. So, we should have their recommendation back in time for our first meeting in July at which time we will be lawfully able to make a final decision for you. Kathleen Fay asks about who makes up the county planning board. Chairman Elleman explains that it is a group of people who make up that Board and that there are certain situations, as in this case, where the property is located relative to county roads, where the county gets a chance to take a peek at things and tell the towns if there is a problem. Honestly, with what you are looking for, the County is not going to be concerned about this.

Jerry Fay asks if they have to attend our next meeting. Chairman Elleman responds that their attendance is not necessary. He believes that this will be the last meeting they need to attend. Kathleen Fay asks whether someone will get back to them as to the outcome of the meeting. Chairman Elleman advises that when you ask for an Area Variance, and we will assume that after we ask a few questions here that we are good to go, and when the County makes their recommendation, we then can vote. For example, if we vote to approve what you ask for, that decision will get reported to the Codes office generally by mid-day the day after the meeting. We try to let them know so that if you want to pull your permit the next afternoon, you can. You may want to call first to make sure someone is there to help you out and then you can go ahead and get your permit. Again, we don't need you to come in for that second meeting. Ms. Fay asks whether they will need to pull their permit themselves, or could their contractor do it for them? Chairman Elleman advises that it could be either one. Ron Ryan interjects that regardless of what the county Planning Board comes back and says, this Board has the right to take that into consideration and can overrule them. Chairman Elleman continues and says that it is nice that the Towns retain the ultimate final say.

Chairman Elleman has a general question of the Fays. Are you going to put electricity out to the proposed structure or is there any reason that you would want any plumbing out there? Kathleen Fay responds that they don't have any reason to have any plumbing in the proposed structure. Right now, they are planning to have just storage in the structure. She says that they would like to have a light in the building someday but that would be the extent of it. Jerry Fay continues that they may have someone run underground electrical at some point because otherwise they would have to have battery operated lights in order to see in the structure. Kathleen Fay advises that they are not going to have heat or water but that it would be nice to have a light in there.

Chairman Elleman makes note of the position of the proposed structure. He inquires whether the proposed location was because it was the optimal location for it in this case. Kathleen Fay explains that there is a slope to the back of the yard so they decided to put the new

structure where the current shed is, which will be torn down, and that it is a flat area. As you go up the driveway, if you keep going straight, you will go right to the structure. You wouldn't have to go up a hill or anything like that. Chairman Elleman wants to confirm that you are not able to see the structure from the road. The Fays explain that the Church next door cannot see it. Behind the structure is a vacant lot. It's up on a hill and is not something that can be seen from the road. There are also 50' evergreen trees that are on the property. Chairman Elleman states that those were the only questions he had for the Fays. The significance of the size of the property relative to the size of what you are planning and the fact that it is blocked from visibility were items that concerned me. Our typical approval would certainly allow electricity; we typically have some constraints that shouldn't be a problem, like no plumbing and can't be used as a living facility. The Fays confirm that no one will be living in the proposed structure. The Chairman asks if the Board members have any questions.

The Chairman asked Stacy Maris if she had anything to ask and she said that she wanted to clarify that since the Proposed Structure is 50% of the primary structure, she wanted to confirm the square footage. Ms. Marris checked Onondaga Image Mate today and it said that the first-floor primary structure square footage is 1,680. She also asks whether the garage space counts. This is necessary so we can get the percentages correct. Image Mate says that there was no existing garage, but the application says that there is a garage. Ms. Fay answered that there is a garage. It is a bi-level house which means that the garage is underneath the house. Stacy Maris asks if the Fays know if both levels are the same square footage? The Fays answered yes, they are the same square footage. Chairman Elleman interjects that it looks like a 27 x 49 rectangle and half of the garage below adds into it. Either way it's over 50%.

Chairman Elleman says that he thinks that the Board has all their questions answered. At this point, based upon the fact that we don't have any further questions, I think we just have to wait and vote at our next meeting. Kathleen Fay wants to confirm that July 2nd will be the date that their matter will be decided. The Chairman advises that July 1st, is our next regularly scheduled date. Since the County Planning Board will meet on July 2nd, we wouldn't have their recommendation at our July 1st meeting. Since we don't have any new applications to review at our next meeting, Chairman Elleman suggests that instead of meeting on Tuesday, July 1st, that the Board reconvene on July 8th so we can have the County Board's recommendation in hand so that a vote can be done. Then the Fays can check with the Codes Office to get their permit. The Chairman asks if we have the Fay's contact information. The Fays advise that the Codes Office does have their telephone number and email information. The Chairman further explains to the Fays that unless you hear from us, we are going to meet on July 8th and make a decision. If something comes up and we have to meet on the 1st of July (which would be a normal meeting), we will reach out to you and let you know. If that occurs, we wouldn't be able to make a decision until July 15th. That's why we want to move the meeting to July 8th so we can get a decision made sooner than July 15th. The Chairman further confirms that the Fays will not have to attend the July 8th meeting.

The Chairman thanks the Fays for submitting such a complete application which makes our process easier.

Ron Ryan points out an email from the County Planning Board advising that they do not have to review this matter. Stacy Maris clarifies this by saying that the County had sent a follow-up email correcting themselves and advising that they do indeed need to review this application because of its size.

The Board will now break into Executive Session.

When the Board meeting reconvenes, Chairman Elleman makes a motion to approve the meeting minutes of June 3, 2025. Bénédicte Doran seconds the motion.

The motion was unanimous (5-0).

A motion was made by the Chairman and seconded by Bénédicte Doran to adjourn the meeting. The meeting adjourned at 7:35 p.m.

Respectfully Submitted,

Rosemary Riley
Secretary