

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
June 8, 2020

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 NYS Route 31, on June 8, 2020.

**PLEASE TAKE NOTICE** that the Town of Clay, in response to the continuing emergency circumstances caused by the Covid-19 pandemic and consistent with the New York State Governor's Executive Orders, including but not limited to, Executive Order 202.1 conducted its Zoning Board Meeting on **June 8, 2020** commencing at 7:30 P.M. **The public was not allowed to attend** the meeting, and was encouraged to offer its written comments in one of the three following ways: 1.) Email: [planning@townofclay.org](mailto:planning@townofclay.org) 2.) Fax: (315) 622-7259 3.) Mail: Town of Clay, Planning and Development, 4401 NYS Route 31, Clay, New York 13041. They were advised to remit responses no later than June 8, by 10:00 A.M. All comments will be entered into the record and were distributed to all the Board members. All meetings of the Town will be recorded and later transcribed. The transcriptions will be made available on line upon review. Each case was held individually.

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

PRESENT:	Edward Wisnowski	Chairman
	Luella Miller-Algaier	Deputy Chairperson
	Karen Liebi	Member (via remote)
	Deborah Magaro-Dolan	Member (via remote)
	Dennis Lyons	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney (via remote, webex)
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None.

**MOTION** made by Ms. Liebi that the Minutes of the meeting of May 11, 2020 be accepted as submitted. Motion was seconded by Deputy Chairperson Miller-Allgaier. *Unanimously carried.*

**MOTION** made by Chairman Wisnowski 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 Mrs. Liebi. *Unanimously carried.*

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Case #1781 – Dazzling Smiles/Jim Hagan – Hagan Architects P.C., 8195 Oswego Road, Tax Map #066.-01-43.2:**

The applicant is requesting Area Variances per Sections 230-16 B.(4)(b)[3] and 230-16 B.(5)(b) for a reduction in the rear yard setback when abutting a residential district from 80 feet to 54' 5" feet to allow for an addition to the main structure, and Sections 230-16 B.(4)(c)[3] and 230-16 B.(5)(b) for a reduction of the rear yard setback when abutting a residential district from 80' to 30' to allow for an accessory structure. This is to allow for an expansion of business and added storage. The property is located in the HC-1 Highway Commercial District.

The Secretary read the Proof of Publication.

Jim Hagan, representing Dazzling Smiles noted that they had received Area Variances from this board but when they went before the Planning Board, they reviewed their Site Plan and found they need to change some things. The doctor's key associate is moving in to Dazzling Smiles also and they need to rethink the office operations. The former positioning of the addition on the north side is not favorable so they want to move it to the south side, so they need to seek Area Variances to do that. The building existed prior to ordinances being enacted, and the parcel consists of nine tenths of an acre. Also, brought to his attention that morning was the dumpster enclosure. They had decided to shift things and put the shed on the dumpster pad, which caused a problem with the dumpster enclosure. Now they will need to come back for an additional Area Variance for that. He addressed parking stating they will have 31 parking places and the staff will have a separate entrance.

It had been suggested by Commissioner Territo that they hold off on the Area Variances tonight and the Town would re-advertise and adjourn this to July, but Mr. Hagan said they want to continue with these tonight and he would discuss things with his client regarding the dumpster, that perhaps they could find an alternative.

Mr. Hagan addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. It is a minor expansion. A six-foot fence exists as a buffer at the south and east property lines screening nearby properties. They are seeking an alternative for the dumpster.
2. They believe there is not any other feasible method due to site constraints.
3. They believe the Area Variance request is not substantial. It is just a minor modification to an existing non-conforming building.
4. They believe there won't be any physical or environmental impact to the neighborhood. Again, they are only slightly modifying existing site conditions not the use or intensity of use.
5. They believe the need for the Area Variances is self-created, but also no because the building was built before the existing code.

Chairman Wisnowski asked if anyone had any questions and Mr. Lyons asked if the previous Area Variances the Board approved in Case #1773 were no longer needed and Mr. Hagan said they were not needed if these requests are approved.

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

Chairman Wisnowski closed the hearing.

**MOTION** was made by Deputy Chairperson Miller-Allgaier in Case #1781 to approve the Area Variances as requested with two conditions: 1.) they be in substantial compliance with Exhibit “A”, which will be modified, with the dumpster being crossed out and that such action be approved and signed by Mr. Hagan, and 2.) that the approved Variances in Case #1773 be terminated. Motion was seconded by Mr. Lyons.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1781 are **approved**.

**Case #1782 – Toby Ambriati, 101 Sagamore Drive South, Tax Map #086.-07-89.0:**

The applicant is requesting an Area Variance per Section 230-23 C.(2) for a reduction in the front yard setback from 35 feet to 26.3 feet to allow for a non-conforming structure and an addition. This to allow a covered porch addition. The property is located in the R-7.5 One Family Residential District.

The Secretary read the Proof of Publication.

Toby Ambriati explained that he has six-foot by six-foot stone stairs in front of his home and would like to replace it with a covered deck almost the same size (6’ by 7’).

Mr. Ambriati addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. In fact, he believes it will be an improvement.
2. He believes there is not any other feasible method, as it is for the front entrance to their home.
3. He believes the Area Variance request is not substantial
4. He believes there won’t be any physical or environmental impact to the neighborhood.
5. He believes the need for the Area Variance is self-created.

Chairman Wisnowski asked if anyone had any questions and Mrs. Liebi asked if the covered porch would be enclosed and Mr. Ambriati said no.

Mrs. Marago-Dolan asked if he will be putting in a sidewalk to the front step structure. He said yes and it will be from the driveway, not the street.

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

Chairman Wisnowski closed the hearing.

**MOTION** was made by Deputy Chairperson Miller-Allgaier in Case #1782 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Lyons.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1782 is **approved**.

There being no further business, Chairman Wisnowski adjourned the meeting at 8:05 P.M.



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