

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 10, 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 Clay Town Hall, 4401 New York State Route 31, Clay, New York on August 10, 2020. Chairman Wisnowski called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Edward Wisnowski, Jr	Chairman
	Luella Miller-Allgaier	Deputy Chairperson
	Karen Liebi	Member
	Deborah Margaro-Dolan	Member
	Dennis Lyons	Member
	Robert Germain	Attorney
	Vivian Mason	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Mrs. Liebi that the Minutes of the meeting of July 13, 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 a Type II, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

OLD BUSINESS:

Case #1783 – Benjamin Kaye/Superior Self Storage, 4356 State Route 31, Tax Map #059.-01-13.1:

The applicant is requesting an Area Variance per Section 230-21 E. (required parking spaces) to allow for 10 parking spaces instead of 16, because a portion of the site is now being used for retail (1,000 square feet). The property is located in the HC-1 Highway Commercial District.

(The Secretary read the Proof of Publication at the July 13, 2020 meeting)

Once again, no one appeared to address this request.

Chairman Wisnowski adjourned Case #1783 to September 14, 2020.

NEW BUSINESS:

Case #1785 – Joshua Eames, 4412 Riverview Road, Tax Map #038.-01-28.0:

The applicant is asking for Area Variances pursuant to Section 230-13 A.(4) for a reduction in the

east side yard setback from 25 feet to 8 feet to allow for existing house and proposed deck; a reduction in the east side yard setback from 25 feet to 8 feet to allow for a pole barn; and a reduction in the rear yard setback from 25 feet to 15 feet for the proposed deck. This is to allow for construction of the pole barn and new deck. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

Joshua Eames explained that this is a 1950 existing camp on Riverview Road. He wants to seek Area Variances to allow the location of the house and allow him to build a deck and garage/pole barn. It is a narrow 50-foot lot.

Mr. Eames addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood.
2. He believes there is not any other feasible method than to obtain Area Variances.
3. He feels the Area Variance requests are 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 Variances is self-created.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor of granting the Area Variance requests and those opposed to granting the Area Variance requests and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1785 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Magaro-Dolan.

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 #1785 are **approved**.

Case #1792 – Wegman’s Food Markets, Inc., 4979 West Taft Road, Tax Map #107.-20-01.1:

The applicant is asking for an Area Variance pursuant to Section 230-22 C.(1) to increase the square footage of a wall sign from the allowed 216 square to feet 264.7 square feet, to allow for relocation of an existing, lighted, channel letter wall sign. The property is located in the RC-1 Regional Commercial District.

The Secretary read the proof of publication.

Architect Craig Polhames representing Wegman’s and Dean Panos of Blink Fitness were present. Mr. Polhames explained that they need to move the Blink Fitness sign as the Dollar Tree is going in there also.

Mr. Polhames addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. The sign is in character with the surrounding commercial district and is not immediately visible to the adjacent residential district due to a tree line separating the two.
2. They believe there is not any other feasible method than to obtain an Area Variance. The sign proposed by Mr. Panos is the approved sign of his Franchiser, Blink Fitness, and he must use their agreed upon dimensions.
3. They believe the Area Variance request is not substantial. The proposed signage will have no connection to the ground, will not require any earth to be moved or the erection of any additional structures. The work will not increase or create any new non-conformities to the dimensional requirements, and the extra 48 square feet is only 1.8% more than what is allowed.
4. They believe there won’t be any physical or environmental impact to the neighborhood. The proposed signage is in character with the adjoining commercial entities and the RC-1 district. The new signage is blocked from view to the adjacent residential district, and any light the sign produces at night will be negligible compared to the lighted parking lot.
5. They don’t believe the need for the Area Variance is self-created because Mr. Panos is the Lessee and must work within the strict signage requirements of his Franchiser.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor of granting the Area Variance request and Tyrese Bryant on behalf of Wegman’s explained that Wegman’s had allowed the bigger sign, but now the Dollar Tree is going in. They are in favor of this request. Chairman Wisnowski asked for those opposed to granting the Area Variance request and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1792 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mrs. Magaro-Dolan.

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 #1792 is **approved**.

Case #1793 – Dean Loveless, 4016 Bay Park Drive, Tax Map #085.-05-19.0:

The applicant is asking for an Area Variance pursuant to Section 230-13 D.(4)(c)[2] for a reduction in the side yard setback from 8 feet to 3 feet to allow for construction of a shed. The Property is located in the R-10 One-Family Residential District.

The Secretary read the proof of publication.

Dean Loveless said he would like the location of the storage shed so he can have access between the shed and the house.

Mr. Loveless addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. It will be the same color as the house.
2. He believes there is not any other feasible method than to obtain an Area Variance.
3. He feels the Area Variance request is not substantial.
4. He believes there won't be any physical or environmental impact to the neighborhood. It will blend in with the neighborhood.
5. He believes the need for the Area Variance is self-created.

Deputy Chairperson Miller-Allgaier asked how long the shed has been there and Mr. Loveless said a couple of months.

Chairman Wisnowski asked if it could be moved back further and Mr. Loveless said that it would inhibit the view.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor granting the Area Variance request and those opposed to granting the Area Variance request and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1793 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mrs. Magaro-Dolan.

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 #1793 is **approved**.

Case #1794 – Legacy Sports Park, LLC/Jessica Haskins, 8701 Henry Clay Boulevard, Tax Map #029.-01-08.0:

The applicant is asking for an Area Variance pursuant to Section 230-22 C.(1) for a reduction in the front yard setback from 25 feet to 17 feet to allow for construction of a freestanding sign. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

Joseph Mastroianni, P.E. explained that the name for Santaro Park is being changed to Legacy Park. They want to reduce the front yard setback for the location of the sign, so they don't have to take down any trees.

Mr. Mastroianni addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood.
2. They believe there is not any other feasible method than to obtain an Area Variance. To meet the required setback of 25 feet would place the sign behind the existing fence and reduce its visibility.
3. They believe the Area Variance request is not substantial. They are only requesting an 8-foot reduction in the setback, which will not impact anything in the area.
4. They believe there won't be any physical or environmental impact to the neighborhood.
5. They believe the need for the Area Variance is self-created.

Mrs. Liebi asked if they would be replacing part of the fence and Mr. Mastroianni said they would be fixing it up.

Chairman Wisnowski asked if they had purchased the park and Mr. Mastroianni said yes.

Commissioner Territo asked if they planned on lighting the sign and Mr. Mastroianni said no.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor granting the Area Variance request and those opposed to granting the Area Variance request and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Magaro-Dolan in Case #1794 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairperson Miller-Allgaier.

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 #1794 is **approved**.

Case #1795 - T.C. Syracuse Development Associates, LLC, 7209 Morgan Road, Tax Map #114.-01-02.3:

The applicant is asking for Area Variances pursuant to Section 230-22 C.(1) to increase the number of freestanding signs from the allowed two to four, Section 230-22 C.(1) to increase the square footage of two freestanding signs from the allowed 32 square feet to 88 square feet and Section 230-22 C.(1) to increase the square footage for the third and fourth freestanding signs from 0 square feet to 88 square feet. This is to allow for construction of signage, which provides better visibility of the facility and its access. The property is located in the I-1 Industrial District.

The Secretary read the proof of publication.

Frank Pavia of T.C. Syracuse Development Associates, LLC and Carla Reyes of the sign company were present.

Chairman Wisnowski noted that the first part of the request, increasing the number of signs from 2 to 4 was not needed, as advised by the Planning Department, and thus is removed from this Area Variance request.

Mr. Pavia addressed the Standards of Proof (a more detailed statement is in the file):

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. It is in keeping with the character of the community.
2. They believe there is not any other feasible method than to obtain Area Variances. The variances are the only viable mechanisms by which to achieve facility and access visibility.
3. They believe the Area Variance requests are not substantial

4. They believe there won't be any physical or environmental impact to the neighborhood. The internal illumination will avoid adverse light spillage onto neighboring properties consistent with the other industrial properties located in the I-1 Industrial District.
5. They believe the need for the Area Variances is self-created.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor granting the Area Variance requests and those opposed to granting the Area Variance requests and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1795 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairperson Miller-Allgaier.

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 #1795 are **approved**.

Case #1796 – Darlyn J. Frass, 8028 Henry Clay Boulevard, Tax Map #071.-02-9.0:

The applicant is asking for Area Variances pursuant to Section 230-13 A.(4) for a reduction in the front yard setback from the allowed 75 feet to 51.0 feet and Section 230-13 A.(4) for a reduction in the side yard setback from the allowed 25 feet to 0.4 feet, to allow for construction of a garage. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

Daryln Frass explained that they moved from Morgan Road where they had a two car garage for 52 years, but their new home has no garage and they would like to build one.

Ms. Frass addressed the Standards of Proof:

1. She believes there will not be any negative or undesirable change to the character of the neighborhood. It will be an attractive garage and be an extension to the house.
2. She believes there is not any other feasible method than to obtain Area Variances. Her parents are elderly and the garage will allow them to enter the house safely.
3. She feels the Area Variance requests are substantial. The house next to them is quite a ways away.

4. She believes there won't be any physical or environmental impact to the neighborhood.
5. She believes the need for the Area Variances is self-created.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor granting the Area Variance requests and Russ Mitchell, Chairman of the Planning Board commented that Ms. Frass is a displaced person (the warehouse project caused her to move from Morgan Road home of 52 years) and that she holds no animosity towards the Town. Chairman Wisnowski asked for those opposed to granting the Area Variance requests and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1796 to approve the Area Variances 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 Variances in Case #1796 are **approved**.

Case #1797 – Denise Castro, 4135 Mesa Lane, Tax Map #068.-05-09.0:

The applicant is asking for an Area Variance pursuant to Section 230-13 E.(4)(b)[2] for a reduction in the side yard setback from the allowed 10 feet to 7.094 feet to allow for construction of a sunroom addition. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the proof of publication.

Bill Johnston of Comfort Windows represented the applicant. He explained that Ms. Castro wants an enclosed porch on the east side of her house.

Mr. Johnston addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. The installation of the sunroom will not inhibit sight lines of neighboring properties on either side. It will have no impact on pedestrian safety. The form and materials will be consistent with existing properties. There will be plenty of room for a first responder.

2. They believe there is not any other feasible method than to obtain an Area Variance. Putting it on the rear of the home is not an option as it is a mansard roof with a 2-foot cantilever, and it is not practical to put it elsewhere.
3. They feel the Area Variance request is not substantial. The sunroom will allow the homeowner a peaceful enjoyment of private property.
4. They believe there won't be any physical or environmental impact to the neighborhood. The materials and architectural form are consistent with the existing building and surrounding houses. The sunroom will make the property more valuable.
5. They believe the need for the Area Variance is self-created.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor granting the Area Variance request and those opposed to granting the Area Variance request and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1797 to approve the Area Variances 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 Variances in Case #1797 are **approved**.

Case #1798 – Alvina B. Vail, 4448 Oak Orchard Road, Tax Map #043.-01-37.0:

The applicant is asking for an Area Variance pursuant to Section 230-13 A.(4) for a reduction in the side yard setback from the allowed 25 feet to 22 feet 6 inches to allow for construction of a breezeway and garage addition. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

Robert Vail, Alvina Vail's son, explained that they want a breezeway and garage. His mother has always had to go outside and down stairs to do her laundry and this will make it easier for her.

Alvinia Vail addressed the Standards of Proof:

1. She believes there will not be any negative or undesirable change to the character of the neighborhood. She is only asking for 2 ½ feet.

2. She believes there is not any other feasible method than to obtain an Area Variance.
3. She feels the Area Variance request is not substantial
4. She believes there won't be any physical or environmental impact to the neighborhood.
5. She believes the need for the Area Variances is self-created.

Mrs. Liebi asked if the breezeway would be enclosed and Mr. Vail said yes.

Chairman Wisnowski asked if there were any comments or questions and there were none.

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

Chairman Wisnowski asked if anyone in the audience had any questions and there were none.

Chairman Wisnowski asked for those in favor granting the Area Variance request and Russ Mitchell was in favor. Chairman Wisnowski asked for those opposed to granting the Area Variance request and there were none.

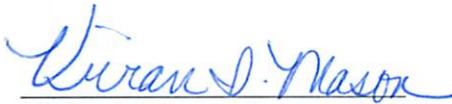
Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Magaro-Dolan in Case #1798 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairperson Miller-Allgaier.

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 #1798 are **approved**.

There being no further business, Chairman Wisnowski adjourned the meeting at 8:20 P.M.



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