

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 13, 2020

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 13, 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	Chairman
	Luella Miller-Algaier	Deputy Chairperson
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	Vivian Mason	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None.

Organizational Meeting:

MOTION made by Chairman Wisnowski to accept the 2020 Scheduling Calendar, which states the filing dates of when a completed application is to be received from an applicant for the Zoning Board of Appeals. Motion was seconded by Mrs. Miller-Allgaier. *Unanimously carried.*

MOTION was made by Chairman Wisnowski designating the second Monday of each month as the Regular Meeting of the Zoning Board of Appeals. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION was made by Chairman Wisnowski to appoint Mrs. Miller-Allgaier as the Deputy Chairperson of the Zoning Board of Appeals. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

MOTION was made by Chairman Wisnowski appointing Vivian Mason as Secretary for the Zoning Board of Appeals. Motion was seconded by Mrs. Magaro-Dolan. *Unanimously carried.*

Chairman Wisnowski acknowledged that Robert Germain was appointed by the Town Board as Zoning Board of Appeals attorney.

Chairman Wisnowski announced that the Proof of Publication for matters heard before the Zoning Board of Appeals will be published in the Tuesday addition of the Post Standard the week before the meeting.

Regular Meeting:

MOTION made by Ms. Liebi that the Minutes of the meeting of December 9, 2019 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

Case #1773 – Dazzling Smiles/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] & 230-16 B.(5)(b) for a reduction in the rear yard setback from 80 feet to 65 feet, to allow for an addition to the existing building and Section 230-16 B.(4)(c)[3] & 230-16 B.(5)(b) for a reduction in the in the rear yard setback from 80 feet to 30 feet for the shed. This is to allow for an addition to an existing building and a detached accessory structure (shed). The property is located in the HC-1 Highway Commercial District.

The Secretary read the proof of publication.

Jim Hagan of Hagan Architects, P.C. pointed out via the site plan the addition and changes that the applicant, Dr. Amandeep Arora, would like to make to his building, Dazzling Smiles. Inside and outside renovations have been made, but he would also like an addition to store dental equipment as he closed his Syracuse location and wants to close his Utica location. The existing building is non-conforming and an Area Variances are needed to construct an 18 feet by 44 feet addition, 797 square feet and a shed 10 feet by 15 feet behind their building. There is a fence between his business and the mobile home court. With the added paving there will be 34 parking spaces. Mr. Hagan pointed out the changes inside the building and added that the addition will look like the rest of the building.

Mr. Hagan addressed the Standards of Proof:

1. They believe this proposal will do little to effect nearby properties, as this is a minor expansion of an existing business. In addition, a six-foot fence exists as a buffer at the South and East property lines, screening nearby properties, so 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 due to the site constraints. The addition is being proposed in the area which impacts the zoning requirements the least.
3. They believe the Area Variance request is not substantial, because the proposed addition is a somewhat minor modification to an existing non-conforming building.

4. They believe there won't be any physical or environmental impact to the neighborhood. There will be no change in use or intensity of use.
5. They believe the need for the Area Variances is self-created, but a large part of it is due to changes in the Town Code.

Chairman Wisnowski asked if they would be adding trees to their parcel and Mr. Hagan said they would like to move trees.

Deputy Chairperson Miller-Allgaier asked if the storage shed would be heated and Mr. Hagan said not at this time.

Chairman Wisnowski asked from the standpoint of a Fire Chief if the passage from different areas of the building were easily accessible to the exits, in case of a fire and Mr. Hagan 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 requests 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 #1773 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A", dated 2-10-28-2014. Motion was seconded by Deputy Chairman 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 #1773 is **approved**.

Case #1774 – Vari-Tech, LLC/Frank V. Carioti, 4545 Wetzel Road. Tax Map #082.-01-19.0.

The applicant is requesting Area Variances per Section 230-17 C.(4)(b)[1][a] for a reduction in the front yard setback from 200 feet to 95.8 feet; Section 230-17 C.(4)(b)[2] for a reduction in the west side yard setback from 25 feet to 0.8 feet; and Section 230-17 C.(4)(b)[2] for a reduction in the east side yard setback from 25 feet to 15.4 feet. This is to allow for construction of a new metal building and to allow for an existing metal frame building to remain. The property is located in the I-1 Industrial District.

The Secretary read the proof of publication.

Tim Coyer of Ianuzi and Romans Land Surveying, P.C. stated that the parcel is on the north side of Wetzel Road and is surrounded by Industrial zoning. The existing metal frame building is non-conforming. They have no idea how the building got built, so they trying to clean up the non-conforming condition, as it is 0.8 feet off the property line. They also want to construct a 24 feet by 40 feet metal building behind the existing metal frame building.

Mr. Coyer addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. These requests represent existing conditions.
2. They believe there is not any other feasible method to increase the size of the structure than to obtain an Area Variance. The only other way would be to remove the existing structures.
3. They believe the Area Variance request is substantial
4. He believes there won't be any physical or environmental impact to the neighborhood. Again, these requests represent existing conditions.
5. They believe the need for the Area Variances is self-created.

Mrs. Liebi inquired about the existing materials etc. that are on the property and Mr. Coyer said they plan on putting them in the shed and cleaning up the property.

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 request and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1774 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A", dated 10-28-2019. Motion was seconded by Mrs. Liebi.

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 #1774 is **approved**.

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

Vivian I. Mason

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