

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**October 14, 2019**

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 October 14, 2019. 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
	Nicholas Layou	Member
	Luella Miller-Allgaier	Member
	John Marzocchi	Attorney
	Vivian Mason	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

**MOTION** made by Mrs. Miller Allgaier that the Minutes of the meeting of September 9, 2019 be accepted as submitted. Motion was seconded by Mr. Layou. *Carried. (3-0)*

**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 Mr. Layou. *Carried. (3-0)*

**OLD BUSINESS:**

**Case #1764 – Giovanni Canzano, 5057 Bear Road, Tax Map #089.-01-11.3:**

The applicant is seeking an Interpretation for the definition of an *accessory structure* compared to *portable storage unit* to clarify the requested building permits to be granted or denied. The property is located in the RA-100 Residential Agricultural Zoning District.

The Secretary read the proof of publication. *(It was also read at the September 9 meeting.)*

The applicant's attorney, Stephen Lance Cimino stated that they consider a storage unit an acceptable accessory structure and have submitted their opinions regarding that conclusion.

Chairman Wisnowski said he felt a portable storage unit was not an accessory structure.

Attorney Cimino argued that the applicant owns three and one half acres of land, and forever wild is behind him, and that no one would see his storage as it is maintained and hidden by vegetation.

Chairman Wisnowski asked the audience for those in favor and those opposed the applicant's request and there were none. However, there were two letters the Town received in opposition and Chairman Wisnowski handed those copies to Attorney Cimino. Attorney Cimino stated he felt nothing in the letters defined anything pertaining to the Interpretation.

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 said the Board wants to review the comments and the submitted material, and that they would make their decision at the November meeting.

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mr. Layout in Case #1763 that the Board's decision will be at the next meeting. The motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- absent	
	Mr. Layout	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Carried.</i>

The decision for the Interpretation in Case #1763 will be given at the November 14, 2019 meeting.

**NEW BUSINESS:**

Chairman Wisnowski asked if all the Board members had visited the sites, and all said that they had.

**Case #1765 – Heidi Macko, 8597 VanHoesen Road, Tax Map #061.-02-04.0:**

The applicant is seeking an Area Variance per Section 230-13 A.(4) for a reduction in the front yard setback from 75 feet to 55 feet for construction of a garage. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

Heidi Macko said she would like a standard two car garage. She would also use it for dry storage.

Ms. Macko addressed the Standards of Proof:

1. She believes there will not be any negative or undesirable change to the character of the neighborhood. The existing residence is located 19.9 +/- feet from the front property line.
2. She believes there is not any other feasible method to build than to obtain Area Variance because the existing grades are too steep and the existing septic system is located behind the proposed garage.
3. She feels the Area Variance request is not substantial. It's 75 feet to 55 feet.
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 and those opposed to granting the Area Variance request and there were none.

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mr. Layou in Case #1765 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A" the survey. The motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- absent	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Carried.</i>

The Area Variance in Case #1765 is **approved**.

**Case #1766 - Jason M. Premo, 3552 NYS Route 31, Tax Map #052.-02-08.1:**

The applicant is seeking Area Variances per Section 230-16 C.(4)(a)[2][b] for a reduction in the east side yard setback from 75 feet to 25 feet; Section 230-16 C.(4)(a)[2][b] for a reduction in the west side yard setback from 75 feet to 65 feet; Section 230-16 C.(4)(a)[2][c] for a reduction in the rear yard setback from 75 feet to 35 feet; and Section 230-16 C.(5)(c)[4] for an increase in the height of a building from the allowed 14 1/3 feet to 22 feet to allow for construction of a pole barn (an accessory to an office building). The property is located in the RC-1 Regional Commercial District.

The Secretary read the proof of publication.

Jason Premo said he is in the process of purchasing the property. The primary use will be an administrative office for contracting snow plowing. He wants to add a pole barn for storage, but the setbacks are the requirements for an RC-1 of five acres or more, and this parcel is only one acre. Therefore he needs Area Variances.

Mr. Premo addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. The Area Variances would allow for a new pole barn to be built on a portion of the property that is barely visible from all four sides.
2. He believes there is not any other feasible method to build than to obtain Area Variance because the lack of storage space would leave him no other option other than to leave tools and equipment exposed to the elements, or unattractively covered by tarps or temporary shelter.

3. He feels the Area Variance request is not substantial. He feels the reduction in the rear and side yard setbacks requested would bring new setbacks into better proportion with similarly sized lots with other zoning designation (NC-1=25 feet, HC-1=50 feet).
4. He believes there won't be any physical or environmental impact to the neighborhood. As stated, the structure will not be obviously visible, it will not emit any smoke, light, or other undesirable emission, and will be designed with appropriate stormwater runoff mitigation.
5. He believes the need for the Area Variances is not self-created because RC-1 setbacks were assigned considering the standard lot size of greater than 5 acres. The lot in question is 1.03 acres, with a width of 167 feet. 75 foot setbacks do not leave enough space to build.

Mrs. Miller-Allgaier asked how many snow plows and Mr. Premo said ten or so, but the bulk of the storage is stakes and cones, but there will also be 10 to 12 plow blades, tools and a truck. There will be ten to twelve blades in storage. Outside sub-contractors would pick up the blades.

Mr. Layou said just daily business, no fleet of trucks?

Mr. Premo said the daily business would consist of mostly the office and paperwork. Randy Cramer is the sub-contractor.

Darleen Avery Fritz of Bubbling Springs Drive asked if the trees would remain and Mr. Premo said yes. Also, the private owners keep the blades for the season. Any lighting will not face them.

Mike Daugnault of Riverine Road who owns Town Houses behind the property questioned the height of the pole barn. Mr. Premeo explained that it is 30 feet by 60 feet and needs the 22 feet as the roof is peaked and is needed for this size pole barn. It's a standard structure and he noted that the trees are higher than the roof.

Darleen Avery Fritz asked if construction would be this season and Mr. Premo said spring time.

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 and those opposed to granting the Area Variance request and there were none.

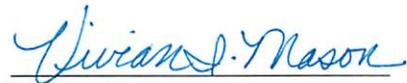
Chairman Wisnowski closed the hearing.

**MOTION** was made by Mrs. Miller-Allgaier in Case #1766 to approve the Area Variances as requested with the condition that they be in substantial compliance with Exhibit "A". The motion was seconded by Mr. Layou.

Roll call:	Chairman Wisnowski, Jr.	- in favor	
	Mrs. Liebi	- absent	
	Mr. Layou	- in favor	
	Mrs. Miller-Allgaier	- in favor	<i>Carried.</i>

The Area Variances in Case #1766 are **approved**.

There being no further business, Chairman Wisnowski adjourned the meeting at 8:00 P.M.



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