

APPROVED  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
December 9, 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 December 9, 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
	Karen Liebi	Member
	Luella Miller-Allgaier	Member
	Deborah Magaro-Dolan	Member
	Robert Germain	Attorney
	Vivian Mason	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Nicholas Layou Member

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of November 11, 2019 be accepted as submitted. Motion was seconded by Mrs. Miller-Allgaier. *Carried. (4-0)*

**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 Mrs. Liebi. *Carried. (4-0)*

**OLD BUSINESS:**

None.

**Case #1770 - Immanuel Evangelical Lutheran Church/Rev. R.S. Yost, 4947 NYS Route 31, Tax Map #046.-01-21.1:**

The applicant is requesting Area Variances per Section 230-22 C.(1) for a reduction in the front yard setback from 25 feet to 8 feet and Section 230-23 C.(2) for an alteration of an existing nonconforming sign to make it conforming. This is to replace an existing sign. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

David Razzante of Metropolitan Signs, Inc. and Reverend Yost were present. Mr. Razzante explained that the bottom section of the church's existing sign is dilapidated and they want to replace it with a LED message sign.

Mr. Razzante addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. Only the bottom section of the existing sign will be changed.

2. In order to replace the dilapidated portion of the sign there is not any other feasible method to build than to obtain Area Variances and make the sign conforming.
3. They feel the Area Variance requests are substantial
4. They believe there won't be any physical or environmental impact to the neighborhood. Only the bottom of the sign is being replaced.
5. They believe the need for the Area Variances is self-created because they want to change the bottom of the sign to an electronic reader board.

Mrs. Liebi asked if the message would scroll too fast for people to read and Mr. Razzante said it is a small section of the sign and it will be readable. It will be used for advertising community events, dinners and happenings.

Mrs. Magaro-Dolan asked if it would be double sided and Mr. Razzante said yes.

Chairman Wisnowski asked if there were any comments or questions and Linda Carella from the church said they do a lot of community events and they want it to be easier for people to know about them.

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 requests and there were none.

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mrs. Liebi in Case #1770 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A" dated 7-29-2019. Motion was seconded by Mrs. Miller-Allgaier.

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

The Area Variances in Case #1770 are **approved**.

**Case #1771 – Kim Seymour/Clayscapes Pottery, Inc., 7426 Morgan Road, Tax Map #105.-01-08.0:**

The applicant is requesting an Interpretation per Section 230-11 C. of the definition of "Manufacturing" and "Wholesale" as it relates to the applicant's proposed use of Clayscapes Pottery. The applicant seeks a determination that its intended use of the property located within an I-1

Industrial zoning district fits within the definition of manufacturing/wholesale and the allowable related accessory uses. The property is located in the I-1 Industrial District.

The Secretary read the proof of publication.

Matthew Napierala, P.E. of Napierala Consulting represented the applicant. He explained that the facility is mostly going to be used for manufacturing and wholesale with only 10% being minor retail sales, and a portion to be used for hands-on events to learn pottery making.

Mrs. Miller-Allgaier asked where the entrance would be and Mr. Napierala said off of Steelway Boulevard.

Don Seymour of Clayscapes Pottery spoke up, saying they would be utilizing the signal light onto Morgan Road.

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 closed the hearing.

**MOTION** was made by Chairman Wisnowski in Case #1771 that the definition does fit the intended use of manufacturing/wholesale. Motion was seconded by Mrs. Miller-Allgaier.

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

**Case #1772 – Michael Affinito, 4755 Oak Orchard Road, Tax Map #032.-02-10.7:**

The applicant is requesting an Area Variance per Section 230-13 A.(4) for a reduction in the side yard setback from 25 feet to 9 feet for construction of a pole barn. The property is located in the RA-100 Residential Agricultural District.

The Secretary read the proof of publication.

Michael Affinito and Kaitlin Rankin were present and Michael Affinito explained that they have an existing pole barn that they would like to push out 20 feet, increase the ceiling height, and raise the roof to 16 feet.

Mr. Affinito addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. They want to keep it nice.

2. He believes there is not any other feasible method to increase the size of the structure 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.
5. He believes the need for the Area Variances is self-created.

Mrs. Liebi asked how many entrances the pole barn would have, and Mr. Affinito said there would be three overhead doors. Mrs. Liebi then asked what he would be using the pole barn for and Mr. Affinito said storage.

Mrs. Miller-Allgaier asked what kind of equipment he planned to store and Mr. Affinito said a boom lift, truck and step up van.

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 there was one, Russ Mitchell who said he was familiar with the property. 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. Miller-Allgaier in Case #1772 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	
	Mrs. Liebi	- in favor	
	Mr. Layou	- absent	
	Mrs. Miller-Allgaier	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Carried.</i>

The Area Variance in Case #1772 is **approved**.

There being no further business, Chairman Wisnowski adjourned the meeting at 7:55 P.M.



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