

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
May 11, 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 State Route 31, New York on May 11, 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 **May 11, 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 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)
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None.

MOTION made by Mrs. Deputy Chairperson Miller-Allgaier that the Minutes of the meeting of March 9, 2020 be accepted as submitted (due to the pandemic no meeting was held in April). Motion was seconded by Mrs. Magaro-Dolan. *Unanimously carried. (5-0)*

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. Lyons. *Unanimously carried. (5-0)*

OLD BUSINESS: None

NEW BUSINESS:

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

Case #1776 – MyAnna Thompson, 7562 Glencrest Avenue, Tax Map #096.-03-27.0:

The applicant is requesting a Special Permit per Section 230-13 E.(2)(d)[1] for a Home Occupation for a self-employ nail station. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the proof of Publication.

MyAnna Thompson stated that she wants to operate a nail station in her home. Her hours of operation will be 10:00 A.M. to 6:00, she will handle one client at a time and by appointment only.

Mrs. Magaro-Dolan asked if she would have walk-ins and Mrs. Thompson said she would not, by scheduling only. Mrs. Magaro-Dolan asked if she was licensed and the applicant said yes.

Mrs. Liebi asked about parking space in their driveway and Mrs. Thompson said they have enough room. Mrs. Liebi advised the applicant that a two square foot sign was allowed.

Mrs. Magaro-Dolan asked about disposal of chemicals, and Mrs. Thompson said that they have a container for them and that the chemicals will be disposed at the County site appropriately. They also have a dehumidifier.

Mr. Lyons asked if she would be phasing in this business and Mrs. Thompson said yes, as she needs time to set up.

Mrs. Liebi asked if clients would be using the front door and Mrs. Thompson said no, they would use a lower entrance that is also wheelchair accessible.

Mrs. Magaro-Dolan asked if she would be doing any advertising and she said no, strictly word of mouth.

Chairman Wisnowski asked if there were any other 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 Mrs. Liebi in Case #1776 to approve the Special Permit for a Home Occupation as requested. 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 Special Permit in Case #1776 is **approved**.

Case #1777 – Molly Soucy, 101 Linda Road, Tax Map #101.-03-12.0:

The applicant is requesting Area Variances per Sections 230-13 D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 0 feet and Section 230-20 B.(2)(b) for an increase in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet to allow for a fence. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the proof of Publication.

Molly Soucy explained that they have a partial fence, but want to enclose the yard to enable them to safely let their child play in the yard. They need to add fencing to accomplish that and need to increase the allowed three feet height in a front yard to six feet.

Mrs. Soucy addressed the Standards of Proof:

1. She believes there will not be any negative or undesirable change to the character of the neighborhood. They are just adding to the existing fence.
2. She believes there is not any other feasible method.
3. She believes 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. Magaro-Dolan asked if it would be a chain link fence and Mrs. Soucy said yes. She then asked if there would be a gate, and Mrs. Soucy said yes, at the side and at the back.

Chairman Wisnowski asked if there were any other 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 Mrs. Miller-Allgaier in Case #1777 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". 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 Variances in Case #1777 are **approved**.

Case #1778 – Jean M. Smiley, 8487 Gaskin Road, Tax Map #019.-01-04.0:

The applicant is requesting an Area Variance per Section 230-13 D.(4)(c)[1] for a reduction in the front yard setback from 109.7 feet to 46.5 feet to allow for a detached accessory structure (garage)

to be constructed in front of an existing principal structure. The property is located in the R-10 One-Family Residential District.

The Secretary read the proof of Publication.

Jean Smiley said they would like a two and a half car garage. They wanted to buy land next door, but they were not able to do that. They have a leech field and are limited as to where to put a garage, so it needs to be in front of the house.

The neighbor Judith Battelle, via e-mail, said she had no objection to the requests for the Area Variances the Smiley’s want.

Mrs. Smiley addressed the Standards of Proof (a more complete explanation is in the file):

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. The garage will be constructed to be aesthetically pleasing and landscaped to tie the house and garage together. The neighbors will not be able to see it and have no objections.
2. They believe there is not any other feasible method. There is not enough room on either end of the house to accommodate the addition of a garage in line with the house.
3. They believe the Area Variance request is not substantial. The garage will not block any sight lines to the roadway and will be visually consistent with the neighborhood.
4. They believe there won’t be any physical or environmental impact to the neighborhood. Water run-off will be absorbed into the yard and surrounding landscaping.
5. They believe the need for the Area Variances is self-created.

The question was asked if there would be another road cut and Mrs. Smiley said no they intended the cut to the garage from their driveway.

Chairman Wisnowski asked if there were any other 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 Mrs. Magaro-Dolan in Case #1778 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 #1778 is **approved**.

Case #1779 – Mark Sperduti, 8225 Molson Way, Tax Map #069.-03-39.0:

The applicant is requesting Area Variances per Sections 230-D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 20 feet and Section 230-20 B.(2)(b) for an increase in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet to allow for a fence in a front yard on a corner lot (corner lots have two front yards). The property is located in the R-10 One-Family Residential District.

The Secretary read the proof of Publication.

Mark Sperduti explained that they have a large tree that they want to keep within the new fence they are proposing for their property.

Mr. Sperduti 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.
3. He believes the Area Variance requests are not substantial. He’s only asking for a few feet.
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 closed the hearing.

MOTION was made by Mrs. Miller-Allgaier in Case #1779 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 #1779 are **approved**.

Case #1780 – Michael Adams, 4790 Black Oak Drive, Tax Map #096.-04-08.0:

The applicant is requesting Area Variances per Sections 230-13 E.(4)(c)[2] for a reduction in the side yard setback from 8 feet to 5 feet and Section 230-13 E.(4)(c)[3] for a reduction in the rear yard setback from 10 feet to 5 feet to allow for a replacement of a 10’ by 10’ metal shed with a 12’ by 14’ wooden shed. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the proof of Publication.

Michael Adams explained that they have a ten by ten foot shed in the back yard that needs to be replaced. They want one that is aesthetically pleasing.

Mr. Adams addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. The existing shed will be replaced with a nicer one.
2. He believes there is not any other feasible method because of its size. He wants to tuck it into the corner of the back yard.
3. He believes the Area Variance request is not substantial. He is just moving the location of the shed over to the corner of the back yard.
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 other 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 Mr. Lyons in Case #1780 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. 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 #1780 is **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