

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
MAY 10, 2021**

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 May 10, 2021. 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 Magaro-Dolan	Member
	Dennis Lyons	Member
	Robert Germain	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Chairman Wisnowski that the Minutes of the meeting of April 12, 2021 be accepted as submitted. Motion was seconded by Mrs. Magaro-Dolan. *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 #1632 – Eric Gaines, 3456 Horseshoe Island Road, Tax Map No. 012.-01-14.0:

Chairman Wisnowski read the following revision on Case #1632 as follows:

6. 230-13 A.(4) – a reduction in side yard setback from the required 25 feet to 10 feet to allow for an existing shed.

7. 230-13 A.(4) – a reduction in rear yard setback from the required 5 feet to 1.0 feet to allow for an existing shed with the condition the temporary portion of the existing shed be removed.

Chairman Wisnowski asked if there were any further comments or questions from the Board and there were none.

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

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

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

Chairman Wisnowski closed the hearing.

MOTION was made by Chairman Wisnowski in Case #1632 to approve the revised Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mrs. Liebi.

Roll Call:	Chairman Wisnowski	- 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>

NEW BUSINESS:

Case #1834 – Pack Rat Storage, 4717 Wetzel Road Tax Map #082.-01-04.1.:

The applicant is seeking an Area Variance pursuant to Section 230-17 C.(4)(b)[1][a] for a reduction in the front yard setback from 200 feet to 115 feet off of a county highway to allow for the construction of storage units. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

Chad Parks, applicant, and Tim Coyer of Ianuzi & Romans, P.C. were present.

Chairman Wisnowski asked Mr. Coyer to explain their request for an Area Variance.

Mr. Coyer explained the applicant is looking to put in storage units. The applicant would like to put in a landscape strip and a driveway along the west side of the buildings.

Mr. Coyer addressed the Standards of Proof:

1. They do not believe it to be an undesirable change to the character of the neighborhood as the surrounding properties are also commercial/industrial.
2. They do not believe there is any feasible method other than an Area Variance due to the size and shape of the property.
3. Yes, they believe the requested Area Variance to be substantial.
4. They do not believe there will be any adverse effect to the neighborhood or environment as this is an allowed use of the property.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board.

Mrs. Liebi stated that the proposed plan is a tight squeeze on the property.

Mr. Coyer stated the map is a rough sketch to see what they would be able to fit on the property.

Mr. Parks added that this property is over 7 acres in total.

Chairman Wisnowski asked if the applicant considered the 75 feet needed for Emergency turnaround access at the end of each lane.

Mr. Coyer advised that all lanes would be paved and/or have gravel and traffic would be able to drive around the lanes/buildings. The applicant is looking to pave in front of the building line.

Mr. Territo added that the applicant is permitted 15 feet around the perimeter.

Town Attorney, Robert Germain, advised the applicant to show the perimeter and landscape on the map once revised.

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

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

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

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1834 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit "A." Motion was seconded by Deputy Chairperson Miller-Allgaier.

Roll Call:	Chairman Wisnowski	- in favor
	Deputy Chairperson Miller-Allgaier	- in favor
	Mrs. Liebi	- in favor
	Mrs. Magaro-Dolan	- in favor
	Mr. Lyons	- against

Motion Carried.

Case #1835 – Crossroads Commons, LLC, 4705, 4709, 4713 Crossroads Park, Tax Map #115.-01-01.1.:

The applicant is seeking Area Variances pursuant to Section 230-17 C.(4)(b)[1][a] for a reduction in the front yard setback from 200 feet to 173 feet, to allow for an existing principal structure; Section 230-17 C.(4)(b)[2] for a reduction in the north side yard setback from 25 feet to 15 feet to allow for an existing principal structure; and Section 230-17 C. (4)(c)[2] for a reduction in the north side yard setback from 25 feet to 4 feet to allow for an existing accessory structure. This is to allow for existing non-conforming structures due to a new lot line. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

Tim Coyer of Ianuzi & Romans, P.C. was present on behalf of the applicant.

Chairman Wisnowski asked that Mr. Coyer explain their request for Area Variances.

Mr. Coyer explained that the applicant is looking to sell the West building and in order to do so they need to the Area Variances to separate the lots.

Mr. Coyer addressed the Standards of Proof:

1. They do not believe it to be an undesirable change to the character of the neighborhood. All lots are already existing; they are not creating anything new.
2. They do not believe there is any feasible method other than Area Variances.
3. They do believe the requested Area Variances to be substantial.
4. They do not believe there will be any adverse effect to the neighborhood or environment. The property has been sitting as-is for years.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board and there were none.

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

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

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

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Magaro-Dolan in Case #1835 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Deputy Chairperson, Miller-Allgaier.

Roll Call:	Chairman Wisnowski	- 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>

Case #1836 – William D. McConnell, Jr., 9681 Beaver Watch Path, Tax Map #041.3-05-02.0.:

The applicant is seeking a Special Permit pursuant to Section 230-13 D.(2)(d)[1] for a Home occupation – firearms and Section 230-27 I.(2) Standards of review, to allow for transfer of firearms. The property is located in the R-10 One-Family Residential District.

The applicant, William McConnell, Jr. and co-owner Derek Jockey were present.

Chairman Wisnowski asked the applicant to explain the request for a Special Permit.

Mr. McConnell advised they are requesting a Special Permit in order to sell and transfer firearms to consumers who are federally licensed with a completed background check. They are not looking to change the appearance of the property and will be conducting mainly online sales. There would be no more than one customer at a time.

Chairman Wisnowski asked if there were any further comments or questions from the Board.

Mrs. Magaro-Dolan asked the applicant if they would be adding any signage.

Mr. McConnell there will be no signage at the house, only online advertising. They are requesting the Special Permit for temporary use as they plan to purchase a retail building.

Mrs. Liebi asked the applicant where the firearms would be secured.

Mr. McConnell stated they will be locked in a gun safe.

Mrs. Liebi asked if he had a security system.

Mr. McConnell said he has a watch dog.

Mr. Jockey advised they have looked into a three camera security system that will monitor the property 24/7.

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

Chairman Wisnowski asked if anyone in the audience had any questions or comments.

Resident Cheryl Iorio of 7551 Glencrest Ave., asked if the firearms would be delivered and dropped on the porch if no one were home.

Mr. McConnell advised there would be no delivery without a signature.

Ms. Iorio asked if the currier knows what is being delivered.

Mr. Jockey advised that the currier is aware that the package cannot be delivered without recipient signature.

Chairman Wisnowski asked for those in favor of granting the Special Permit and those opposed to granting the Special Permit and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1836 to approve the Special Permit as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Deputy Chairperson, Miller-Allgaier.

Roll Call:	Chairman Wisnowski	- 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>

Case #1837 - Byrne Dairy/Sonbyrne Sales, Inc., 7454 & 7456 Morgan Road, Tax Map Numbers 105.-01-08.0, 105.-01-09.0, 105.-01-10.0, & 105.-01-11.1.:

The applicant is seeking Area Variances pursuant to Section 230-22 C.(1) for an increase in the number of wall/canopy signs to five, when only two are allowed as follows: Sign #3.] a wall sign on the west elevation from zero square feet to 49 square feet for the Byrne Dairy store; Sign #4.] an additional canopy sign on the north elevation from zero square feet to 28 square feet to go over the gas pumps; and Sign #5.] an additional canopy sign on the south elevation from zero square feet to 28 square feet to go over the gas pumps. This is to allow additional signage. The property is in the LuC-1, Limed Use District for Gasoline Services.

The proof of publication was read by the secretary.

Erin Brown of 171 Route 5, Weedsport, was present of behalf of the applicant.

Chairman Wisnowski asked that Ms. Brown explain their request for Area Variances.

Ms. Brown stated they are looking for additional signage to mirror the Buckley Road location, keeping the look similar to other locations in the area. The lot size of this location is similar to the Buckley Road location however the building size is slightly larger and they would like the additional signage to be able to advertise services.

Ms. Brown addressed the Standards of Proof:

1. They do not believe it to be an undesirable change to the character of the neighborhood. This is already approved for retail and fueling and will be similar to other retail signage in the area.
2. They do not believe there is any feasible method other than Area Variances.
3. They do not believe the requested Area Variances to be substantial as the signage will be identical to the Buckley Road location.
4. They do not believe there will be any adverse effect to the neighborhood or environment. The signage will be attached to the building.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board.

Deputy Chairperson Miller-Allgaier asked if this was the first one in the area with a car wash.

Ms. Brown confirmed this will be the first location with a car wash.

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

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

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

Chairman Wisnowski closed the hearing.

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1837 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Deputy Chairperson, Miller-Allgaier.

Roll Call:	Chairman Wisnowski	- 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>

Case #1838 – Mathew Vaughn, 4018 Bel Harbor Drive, Tax Map #085.-06-29.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 E.(4)(c)[4] for an increase in the height of a detached accessory structure from the allowed 12 feet to 14 feet to allow for construction of a garage/pole barn. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

Bill Vouger was present on behalf of the applicant.

Chairman Wisnowski asked that Mr. Vouger explain the request for an Area Variance.

Mr. Vouger explained that the applicant is looking to build a garage next to the home, parallel to the road.

Mr. Vouger addressed the Standards of Proof:

1. He does not believe it's an undesirable change to the character of the neighborhood as the applicant is only requesting an additional two feet in height.
2. He does not believe there is any feasible method other than an Area Variance due to the need for a roof pitch.
3. No, he does not believe the request to be substantial as they are only requesting an additional two feet.
4. They do not believe there will be any adverse effect to the neighborhood or environment as this is an allowed use of the property.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board.

Mr. Lyons asked if there would be two driveways.

Mr. Vouger stated he believes the applicant would be adding an additional driveway.

Mr. Territo advised Mr. Vouger that the applicant would need to propose what he wants to do with the driveways to the Highway Department and apply for a Town Driveway Permit.

Mrs. Magaro-Dolan asked what the current height of the existing shed is.

Mr. Vouger stated the existing shed is 9 feet.

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

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

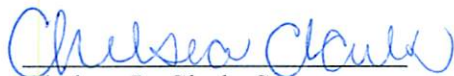
Chairman Wisnowski asked for those in favor of granting the Area Variance and those opposed to granting the Area Variances and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1838 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mrs. Liebi.

Roll Call:	Chairman Wisnowski	- 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>

There being no further business, Chairman Wisnowski adjourned the meeting at 8:01 P.M.



Chelsea L. Clark, Secretary
Zoning Board of Appeals
Town of Clay