

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
AUGUST 9, 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 August 9, 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
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	John Marzocchi	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT:	Luella Miller-Allgaier	Deputy Chairperson
	Ryan Frantzis	Alternate Member

MOTION made by Chairman Wisnowski that the Minutes of the meeting of July 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. Magaro-Dolan. *Unanimously carried.*

OLD BUSINESS:

None

NEW BUSINESS:

Case #1841 – Ellen Huber, 4937 West Taft Road, Tax Map #107.-14-29.0.:

The applicant is seeking a Special Permit pursuant Section 230-13 E.(2)(d)[1] for a Home Occupation to allow for an alteration and tailor business. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant's Mother, Anna SiWi and neighbor, Brandi Yarman (4943 West Taft Road) were present on behalf of the applicant.

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

Ms. Yarman stated the applicant lives out of town, the applicants Mother, Anna SiWi who resides in the home is from Indonesia and does not speak fluent English. The applicant is requesting the Special Permit so Ms. SiWi can do tailor work at the home. She has no current clients and any new clients would be taken one at a time.

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

Mr. Lyons asked the applicant if there would be any signage.

Ms. Yarman said yes, the applicant would like signage.

Chairman Wisnowski informed the applicant they would need to apply for signage separate from this Special Permit.

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.

Ms. Yarman voiced that she was in favor of granting the Special Permit.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Magaro-Dolan in Case #1841 to approve the Special Permit 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	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously Carried.</i>

Case #1843 – Kyle Rafferty/Salt City Sheds, 8191 Oswego Road, Tax Map #066.-01-43.3.:

The applicant is seeking an Area Variance to pursuant to Section 230-21 E. to decrease the minimum required parking spaces for a retail site from 6 per 1,000 square feet to 1 per 1,000 square feet, to allow for an outdoor retail display of sheds. The property is located in the HC-1 Highway Commercial District.

The proof of publication was read by the secretary.

Tim Coyer of Ianuzi & Romans Land Surveying PC was present on behalf of the applicant.

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

Mr. Coyer stated the site was small, under one acre and would be used only to display new sheds. There would be no employees working on-site, viewings of display sheds would be by appointment only. Any purchases made by customers would be ordered, there would be no moving of sheds at this site. They are asking for a total of 10 parking spaces for use of this site.

Mr. Coyer addressed the Standards of Proof:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood as sheds are for display purposes only.
2. The applicant does not believe there is any feasible method other than requested Area Variance, due to the size of the lot.
3. The applicant does believe the requested Area Variance to be substantial as they are requesting a large percentage of reduced parking.
4. The applicant does not believe there will be any adverse effect to the neighborhood as they are not changing the site.
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 Variance and those opposed to granting the Area Variance and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1843 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mrs. Magaro-Dolan.

Roll Call:	Chairman Wisnowski	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously Carried.</i>

Case #1844 - Benjamin Kyle/Superior Self Storage, 4356 State Route 31, Tax Map #066.-01-43.3.:

The applicant is seeking an Area Variance pursuant to Section 230-21 E. to allow for 10 parking spaces instead of the required 16 parking spaces, because a portion of the site will now be used for retail. The property is located in the HC-1 Highway Commercial District.

The proof of publication was read by the secretary.

Ross Ireland was present on behalf of the applicant.

Chairman Wisnowski asked the Mr. Ireland to explain his request for an Area Variance.

Mr. Ireland stated he purchased this property from the applicant approximately three to four weeks ago and was taking the necessary steps to get the property in code. He stated there is not a lot of in and out traffic on a daily basis, estimating 20 to 23 customers per day.

Mr. Ireland addressed the Standards of Proof:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood.
2. The applicant does not believe there is any feasible method other than requested Area Variance.
3. The applicant does not believe the requested Area Variance to be substantial as the store front is approximately 1,000 square feet.
4. The applicant does not believe there will be any adverse effect to the neighborhood as they are not changing the site.
5. Yes, the need for Area Variances is self-created.

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

Attorney Marzocchi asked the applicant if it was an LLC, INC, CORP., etc. that purchased the property.

Mr. Ireland stated it is an LLC, Nuclear Storage II.

Attorney Marzocchi asked the applicant how he was affiliated with the LLC.

Mr. Ireland said his is an affiliate owning 50%.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions.

Mr. Territo asked Attorney Marzocchi if Mr. Ireland needed to sign something since the applicant for this Area Variance is listed as the previous owner, Benjamin Kyle.

Attorney Marzocchi stated the Zoning Board could grant the Area Variance to Mr. Ireland and list the updated paperwork as a condition.

Mr. Territo informed Mr. Ireland that they also needed to submit a permit for the signage that is currently on the building as it was never completed by the previous owner.

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 Variance and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1844 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A,” and with the condition the paperwork is updated with the new property owner’s name. Motion was seconded by Mrs. Liebi.

Roll Call:	Chairman Wisnowski	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously Carried.</i>

Case #1845 – J & J Smoke Shop/Cristina Caceres (Kassis Signs), 7879 Oswego Road, Tax Map #080.-01-08.0.:

The applicant is seeking an Area Variance pursuant to Section 230-22 C.(1) to allow for an increase in the square footage of a wall sign from the allowed 17.92 square feet to 34 square feet to allow for business identification. The property is located in the RC-1 Regional Commercial District. The proof of publication was read by the secretary.

The applicant, Christina Caceres of Kassis Signs was present.

Ms. Caceres addressed the Standards of Proof:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood as the plaza is zoned commercial/retail and will be similar to other signage in the plaza.
2. The applicant does not believe there is any feasible method other than requested Area Variance due to the square footage. The applicant wants signage to look proportionate to the store front.
3. The applicant does not believe the requested Area Variance to be substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood as the plaza is zoned commercial/retail.
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 asked the applicant if the signage they are requesting would be the same size as the current banner hanging in the window.

Ms. Caceres stated the banner is a little smaller than the requested signage and that the new signage would be similar to the current Subway sign.

Chairman Wisnowski asked the applicant if the top and bottom of the requested sign would line up with the Subway sign.

Ms. Caceres stated it would and noted that the sign would be red and not illuminate.

Mrs. Magaro-Dolan asked the applicant to clarify the square footage.

Ms. Caceres stated she wrote her note wrong and misspoke, she confirmed that the sign would be a total of 34 square 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 Variance and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Magaro-Dolan in Case #1845 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	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously Carried.</i>

Case #1846 – Michael J. Abbey, 8816 Norcross Drive, Tax Map No. 070.-03-01.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 D.(4)(b)[1] to allow for a reduction in the front yard setback from 25 feet to 14 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 1/2 feet to a maximum of 7 feet (this corner lot has three front yards.) to allow for construction of a fence. The property is located in the R-10 One-Family Residential District.

The applicant was present.

Chairman Wisnowski asked the applicant to explain his request for Area Variances.

Mr. Abbey stated he would like to install a fence inside the tree line of his backyard as his property is a corner lot with three front yards.

Mr. Abbey addressed the Standards of Proof:

1. The applicant does not believe the requested Area Variances will create an undesirable change to the character of the neighborhood.
2. The applicant does not believe there is any feasible method other than requested Area Variances.
3. The applicant does not believe the requested Area Variances to be substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood due to the requested Area Variances.
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 asked the applicant why he is requesting a fence when there is a tree barrier.

Mr. Abbey stated to keep his dogs contained.

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 Variance and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mr. Lyons in Case #1846 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit "A." Motion was seconded by Mrs. Magaro-Dolan.

Roll Call:	Chairman Wisnowski	- 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 8:00 P.M.



Chelsea L. Clark, Secretary

Zoning Board of Appeals

Town of Clay