

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
July 13, 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 Clay Town Hall, 4401 New York State Route 31, Clay, New York on July 13, 2020. 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 Chairman
	Karen Liebi	Member
	Dennis Lyons	Member
	Deborah Magaro-Dolan	Member
	Mark V. Territo	Commissioner of Planning
	Robert Germain	Attorney
	Vivian Mason	Secretary

MOTION made by Mrs. Liebi that the Minutes of the meeting of June 8, 2020 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 Type II actions, and will be given a negative declaration, unless otherwise advised by our attorney. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

OLD BUSINESS: NONE

NEW BUSINESS:

Case #1783 – Benjamin Kaye/Superior Self Storage, 4356 State Route 31, Tax Map #059.-01-13.1:

The applicant is requesting an Area Variance per Section 230-21 E. (required parking spaces) to allow for 10 parking spaces instead of 16, because a portion of the site is now being used for retail (1,000 square feet). The property is located in the HC-1 Highway Commercial District.

The Secretary read the Proof of Publication.

Neither the applicant nor representative for the applicant was present.

MOTION was made by Chairman Wisnowski to adjourn this case to next month. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

Case #1783 was adjourned to August 10, 2020.

Case #1784 – Christopher D. Solan, 219 Blackberry Road, Tax Map #086.-23-85.0:

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

The Secretary read the Proof of Publication.

Christopher Solan explained that he has a dilapidated garage and wants to replace it so that he can park his car in it. He is asking for an increase in height for the proposed garage to accommodate the pitch of the roof. He further explained that his original submittal for a height increase of the structure was more than the advertised height request, and after it was pointed out to him by Commissioner Territo, he changed the pitch of the roof and submitted a new drawing tonight with the changes, and he stated that the structure will be no more than 13 feet high.

Mr. Solan addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. The proposed garage will only nominally go over the allowed height. The siding will be the same as his house and he feels it will be an improvement to his property.
2. He doesn't believe there is any other feasible method than to obtain an Area Variance, as he has a cargo box on his car so he needs the added height. He also wants to be able to have a lift so that he can do oil changes on his own vehicles.
3. He does not feel the Area Variance request is substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created. The current garage is small and has been damaged by lightning strike. The bottom is rotting and is becoming unsafe. He also wants to be able to work on his cars and he can't park them in the current dilapidated one.

Chairman Wisnowski asked if there were any further 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 further 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 public hearing.

MOTION made by Mrs. Miller-Allgaier in Case #1784 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A", tonight's handout. Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1784 was approved.

Case #1786 – Michele Lennox, 7681 Linda Road, Tax Map #101.-03-01.0,

The applicant is asking for a Special Permit per Sections 230-13 D.(2)(d)[1] and 230-27 I.(2)(a) for a Home Occupation to have a one-chair hair salon. The property is located in the R-10 One-Family Residential District.

The Secretary read the Proof of Publication.

Michele Lennox explained that their house had an in-law apartment, a separate room downstairs. She would like to use that room for a one-chair hair salon, one customer at a time. There will be no parking on the street and she is not looking to attract new clients.

Mrs. Liebi asked what would be her days and hours of operation and Ms. Lennox said Monday, Wednesday and Thursday. Tuesday's hours would be 9 am to 2 pm, and Wednesday and Thursday would be most of the day until 9 pm.

Mrs. Liebi asked whether clients would use the front door to enter and Ms. Lennox said they would come in, then turn to the right after they walk in.

Mrs. Liebi asked if she planned on putting up a sign and Ms. Lennox said just a pair of scissors.

Mrs. Magaro-Dolan asked about advertising and chemical disposal. Ms. Lennox said she would not be doing any advertising and would do as needed regarding chemicals.

Chairman Wisnowski asked about how she would schedule and stagger clients and Ms. Lennox said it all depended on what each client was having done.

Chairman Wisnowski presented a letter to Ms. Lennox from Brittnie and Matthew Dygert who live on Bear Road, requesting that her Special Permit be denied because of traffic in that area.

Chairman Wisnowski asked if there were any further 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 further questions and there were none.

Chairman Wisnowski asked for those in favor and those opposed to granting the Special Permit requests and there were two in opposition (the letter received from the Dygerts).

Chairman Wisnowski CLOSED the public hearing.

MOTION made by Mrs. Magaro-Dolan in Case #1786 to approve the Special Permit as requested with the condition that it be in substantial compliance with Exhibit “A”. Motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Special Permit in Case #1786 was approved.

Case #1787 – Lindsey Jones, 8237 Justin Drive, Tax Map #071.-21-09.0:

The applicant is asking for Area Variances per Section 230-13 D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 12 ½ 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 7 feet (corner lots have two front yards) to allow for a fence in a front yard. The property is located in the R-10 One-Family Residential District.

The Secretary read the Proof of Publication.

Lindsey Jones explained that she has a corner lot and for the safety of her children she wants a 6-foot privacy fence, that will allow the swing set to remain behind it.

Ms. Lindsey addressed the Standards of Proof:

1. She doesn't believe there will be any negative or undesirable change to the character of the neighborhood.
2. She doesn't believe there is any other feasible method than to obtain Area Variances, as she wants to ensure the safety of her children.
3. She does not feel the Area Variance requests are substantial
4. She doesn't believe there will be any physical or environmental impact to the neighborhood and doesn't feel the fence will be too close to the road.
5. Because she wants the privacy fence, the need for the Area Variance is self-created.

Mrs. Liebi inquired about the pool and Mrs. Lindsey stated that it is up now and will be inside the fence.

Chairman Wisnowski asked if there were any further 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 further 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 public hearing.

MOTION made by Mr. Lyons in Case #1787 to approve the Area Variances as requested with the condition that they be in substantial compliance with Exhibit “A”. Motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1787 were approved.

Case #1788 - Steven Neshevich, 5164 Lyle Drive, Tax Map #074.-17-02.0:

The applicant is asking for Area Variances per Section 230-13 D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 10 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 7 feet (corner lots have two front yards) to allow for a fence in a front yard. The property is located in the R-10 One-Family Residential District.

The Secretary read the Proof of Publication.

Steven Neshevich said he would like to maximize his backyard space as he has children and would like them to have more room to play.

Mrs. Liebi advised Mr. Neshevich that he needs to update his survey so that it shows the shed and the pool.

Mr. Neshevich addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. It is simply an extension to his current setback to allow for more backyard space with the fence that is to be installed.
2. He doesn't believe there is any other feasible method than to obtain Area Variances.
3. He does not feel the Area Variance requests are substantial.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created.

Chairman Wisnowski asked if there were any further 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 further 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 public hearing.

MOTION made by Mrs. Liebi in Case #1788 to approve the Area Variances as requested with the condition that they be in substantial compliance with Exhibit “A”. Motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1788 were approved.

Case #1789 – Dazzling Smiles/James Hagan – Hagan Architects, P.C., 8195 Oswego Road, Tax Map #066.-01-43.2:

The applicant is asking for Area Variances per Section 230-16 B.(4)(c)[2] for a reduction in the side yard setback from 50 feet to 20 feet for an accessory structure (dumpster enclosure) and Section 230-16 B.(4)(c)[3] and 230-16 B.(5)(b) for a reduction in the rear yard setback when abutting residential, from 80 feet to 52 feet, to allow for an accessory structure (dumpster enclosure). The property is located in the HC-1 Highway Commercial District.

The Secretary read the Proof of Publication.

James Hagan of Hagan Architects, P.C. represented the applicant and stated that he appeared before the Board last month for Area Variances for a shed and addition, but ran into a problem with the location of the dumpster enclosure. Rather than adjourn the case and delay those requests they opted to appear this month to address placement of the dumpster enclosure. They believe it will hardly be seen at the proposed location.

Mr. Hagan addressed the Standards of Proof:

1. They don't believe there will be any negative or undesirable change to the character of the neighborhood. A 6-foot fence exists as a buffer at the South and East property lines, screening nearby properties. In addition, the existing and proposed landscaping trees will partially screen the dumpster enclosure.
2. Due to site constraints they don't believe there is any other feasible method than to obtain Area Variances. The only other place for it would be in front of the building, which is an undesirable option.

3. They do not feel the Area Variance requests are substantial. The location of the dumpster enclosure is proposed in a location with very little visual impact on the property, and is a somewhat minor physical element of the project.
4. They don't believe there will be any physical or environmental impact to the neighborhood. A 6-foot fence exists and the enclosure will only slightly modify the existing site conditions.
5. The need for the Area Variance is self-created, even though the property has existing non-conforming setbacks that have been subject to a changing code over the years. The applicant is attempting to improve the function of the property for their business, while attempting to comply with the code.

Mrs. Magaro-Dolan asked if the enclosure will be inside the fence and Mr. Hagan said yes.

Mrs. Miller-Allgaier noted that on their plan some parking spaces have been eliminated and Mr. Hagan said yes, but they reconfigured them and will also be adding some spaces.

Chairman Wisnowski asked if there were any further 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 further 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 public hearing.

MOTION made by Mrs. Magaro-Dolan in Case #1789 to approve the Area Variances as requested with the condition that they be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Area Variances in Case #1789 were approved.

Case #1790 – Ryan and Deanna Pleskach, 8524 Long Leaf Trail, Tax Map #056.-13-23.1:

The applicant is asking for an Area Variance per Section 230-13 E.(4)(c)[2] for a reduction in the side yard setback from 16 feet 5 inches to 3 feet to allow for an 8 foot by 16 foot shed. The property is located in the R-7.5 One-Family Residential District.

The Secretary read the Proof of Publication.

Ryan Pleskach explained that they bought the house in 2010. Because the garage is small, they need a shed. In order to conform with the building code, the only place they could put it is on top of the garage.

Mr. Pleskach addressed the Standards of Proof:

1. He doesn't believe there will be any negative or undesirable change to the character of the neighborhood. The shed's characteristics and color will match the existing house. They approached their neighbors and they had no problem with their request.
2. He doesn't believe there is any other feasible method than to obtain Area Variances. Given the size of the garage with the driveway location, a shed on the east side of the property is the only viable location for a shed to provide access to winter snow removal equipment. Their garage is too small for vehicles and the snow blower, and the steep pitch of the driveway makes it necessary to store vehicles in the garage during the winter.
3. He does not feel the Area Variance request is substantial. The shed characteristics remain the same, except that they are increasing it from 96 square feet to 128 square feet.
4. He doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created.

Chairman Wisnowski asked if there were any further 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 further 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 public hearing.

MOTION made by Mrs. Miller-Allgaier in Case #1790 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Lyons.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1790 was approved.

Case #1791 – Angela Hamlin, 3413 Linda Lane, Tax Map #018.-02-35.1:

The applicant is asking for an Area Variance per Section 230-13 D.(4)(c)[4] for an increase in the height of an accessory structure from the allowed 12 feet to 17 feet to allow for a pole barn/garage. The property is located in the R-10 One-Family Residential District.

The Secretary read the Proof of Publication.

Angela Hamlin explained that they want a pole barn as they have vintage cars they want to store. The pole barn will match the color of their house.

Ms. Hamlin addressed the Standards of Proof:

1. She doesn't believe there will be any negative or undesirable change to the character of the neighborhood. She talked to her neighbors and they had no problem with the construction of a pole barn.
2. Since she wants a place to store her cars, she doesn't believe there is any other feasible method than to obtain an Area Variance.
3. She does not feel the Area Variance request is substantial
4. She doesn't believe there will be any physical or environmental impact to the neighborhood.
5. The need for the Area Variance is self-created.

Mrs. Liebi commented that the garage will be set back far enough.

Chairman Wisnowski asked if there were any further 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 further 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 public hearing.

MOTION made by Mr. Lyons in Case #1791 to approve the Area Variance as requested with the condition that it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Miller-Allgaier.

Roll call:	Chairman Wisnowski	- in favor	
	Deputy Chairman Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Lyons	- in favor	
	Mrs. Magaro-Dolan	- in favor	<i>Unanimously carried.</i>

The Area Variance in Case #1791 was approved.

There being no further business, Chairman Wisnowski adjourned the meeting at 8:35 P.M.



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