

APPROVED  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**November 9, 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 November 9, 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 Chairperson
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	John Marchozzi	Attorney
	Vivian Mason	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

**MOTION** made by Mrs. Liebi that the Minutes of the meeting of October 12, 2020 be accepted as submitted. Motion was seconded by Deputy Chairperson Miller-Allgaier. *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:**

None

**NEW BUSINESS:**

**Case #1800 – Timothy Bragan, 4924 Trawler Course, Tax Map #088.-24-08.0:**

The applicant is seeking Area Variances pursuant to Section 230-13 D.(4)(b)[1] for an increase in the front yard setback from 25 feet to 3 feet, and Section 230-20 B.(2)(b) for an increase in the height of a fence in a front yard from 2 ½ feet to a maximum of 7 feet, to allow for an extension of a fence in a front yard for children’s safe play. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the Secretary.

Neither the applicant or a representative was present.

Chairman Wisnowski adjourned Case #1800 to December 14, 2020.

**Case #1811 – Roger Crouse, 4258 Anguilla Drive, Tax Map #054.-18-02.1:**

The applicant is requesting an Area Variance pursuant to Section 230-13 G.(4)(d)[2] for a reduction in the side yard setback from 20 feet to 2.5 feet to allow for a shed. The property is located in the R-TH Town House District.

The proof of publication was read by the Secretary.

Roger Crouse explained that his lot is only 46 feet in width and there was an asphalt pad and that's where he placed the shed.

Mr. Crouse addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. It does not hamper line of sight, water movement or damage the environment. It has been there for years on the asphalt.
2. He believes there is not any other feasible method than to obtain an Area Variance.
3. He believes the Area Variance request is not substantial. There has been a permitted asphalt pad for several years with no adverse effect and the shed is on this pad.
4. He believes there won't be any physical or environmental impact to the neighborhood.
5. Yes, the need for the Area Variance is self-created as the shed was installed without knowledge of the codes.

Mrs. Liebi asked if the pad was there before the shed and Mr. Crouse said yes.

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 questions and there were none.

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

Chairman Wisnowski closed the hearing.

**MOTION** was made by Deputy Chairperson Miller-Allgaier in Case #1811 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit "A", the proposed location survey (the shed has to be moved a little). 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 Variance in Case #1811 is **approved**.

**Case #1812 – Scott L. Montani, 6015 Wood Duck Path, Tax Map #041.3-02-03.1:**

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[2] for a reduction in the side yard setback from 41 feet to 25 feet to allow for construction of a shed. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the Secretary.

Scott Montani explained that he had a lot line adjustment which changed the required setbacks, making them greater. There is also a pond next door and because of the pond any other placement of the shed would be unsightly.

Mr. Montani addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. It's going in a large empty space.
2. He believes there is not any other feasible method than to obtain an Area Variance, because the pond's location would force him to put the shed in the middle of the lot.
3. He believes the Area Variance request is not substantial.
4. He believes there won't be any physical or environmental impact to the neighborhood.
5. Yes, 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 questions and there were none.

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

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mrs. Liebi in Case #1812 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, 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 #1812 is **approved**.

**Case #1813 – Smajo Muminovic, 5550 Rockhampton Path, Tax Map #077.-24-02.0:**

The applicant is requesting Area Variances pursuant to Section 230-13 E.(4)(b)[1] 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

allowable height of a fence in a front yard from 2 1/2 feet to 6 feet (a corner lot has two front yards) to allow for of a fence. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the Secretary.

Attorney Alan Willmes represented the applicant, who was also present. Attorney Willmes explained that the shape of the lot is unique and the applicant would like to utilize as much of the lawn as possible and put up a privacy fence.

Attorney Willmes addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. The fence will not obstruct any vision of nay traffic and will make the property worth more.
2. They believe there is not any other feasible method to have a fence for privacy without obtaining Area Variances.
3. They believe the Area Variance requests are not substantial. It is only a few feet on one side of the house and will not obstruct view of traffic passing through the neighborhood.
4. They believe there won't be any physical or environmental impact to the neighborhood.
5. Yes, the need for the Area s 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 questions and there were none.

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

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mr. Lyons in Case #1813 to approve the 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, 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 #1813 are **approved**.

**Case #1814 – Larry Argiro, 120 Lawdon Street, Tax Map #111.-03-10.0:**

The applicant is requesting Area Variances pursuant to Section 230-13 D.(4)(c)[2] for a reduction in the side yard setback from 7 1/2 feet to 5 feet, and Section 230-13 D.(4)(c)[3] for a reduction in the rear yard setback from 10 feet to 5 feet, to allow for a shed which will be a more efficient storage for yard equipment. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the Secretary.

Larry Argiro explained that he wants a shed for storage. He has talked to his neighbors and they are not opposed to it.

Mr. Argiro 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 than to obtain Area Variances.
3. He believes the Area Variance requests are substantial.
4. He believes there won't be any physical or environmental impact to the neighborhood.
5. Yes, the need for the Area Variances is self-created. It will make a more efficient usage.

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 questions and there were none.

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

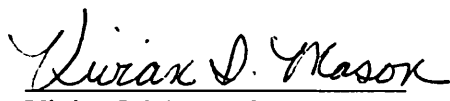
Chairman Wisnowski closed the hearing.

**MOTION** was made by Mrs. Magaro-Dolan in Case #1814 to approve the 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, 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 #1814 are **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