

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 14, 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 September 14, 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 Margaro-Dolan	Member
	Dennis Lyons	Member
	John Marzocchi	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 August 10, 2020 be accepted as submitted. Motion was seconded by Mr. Lyons. *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 #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 at the July 13, 2020 meeting)

For the third month in a row neither the applicant nor a representative appeared before the Board.

Chairman Wisnowski adjourned Case #1783 to October 12, 2020.

NEW BUSINESS:

Case #1799 – Chenaga Restaurant Properties, LLC/IHop, (Greg Fishel, Allied Signs, 4211 NYS Route 31, Tax Map #028.-01-45.1:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) to increase the number of wall signs from the allowed two to four and Section 230-22 C.(1) to increase the square footage for the third and fourth wall signs from 0 square feet to 22.34 square feet, to allow for 2 additional wall signs for business recognition. This property is located in the RC-1 Regional Commercial District.

The Secretary read the Proof of Publication.

Greg Fishel of Allied signs represented the applicant, the IHop restaurant. He explained that they are building one in front of Great Northern Mall and they would like a sign at the building entrance and one on each other elevation a total of four walls. They will be internally illuminated and be small compared to other wall signs on businesses in the area.

Mr. Fishel addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. The signs will be facing other commercial businesses in the area. The signs are similar to the others and actually smaller.
2. They believe due to the location of the parcel signs on all elevations would make business recognition greater coming from all directions and obtaining Area Variances to allow four signs is the most feasible method.
3. They feel the Area Variance requests are not substantial, as the signs are similar or smaller than other businesses in the area. There are only four letters in the name of the restaurant.
4. They believe there won't be any physical or environmental impact to the neighborhood.
5. Yes, the need for the Area Variances is self-created.

Mr. Fishel explained that at the Planning Board meeting they determined they actually were asking for five signs tonight.

Commissioner Territo explained that this Board can approve Area Variances for less than what was advertised, but not greater than advertised. He asked Mr. Fishel if he would like to postpone tonight's request for the additional sign and have the Board adjourn this case to October, so an additional legal ad could be published. Otherwise, they would have to pay for an additional Area Variance request. Mr. Fishel said he didn't want an adjournment.

Deputy Chairperson Miller-Allgaier therefore noted that the architectural arc, which would be a fifth sign, would be removed from Exhibit "A", since only four signs were advertised.

Chairman Wisnowski asked if there were any 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 Mrs. Magaro-Dolan in Case #1799 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairperson 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 Variances in Case #1799 are **approved**.

Case #1801 – Mary Cooper, 3462 Horseshoe Island Road, Tax Map #012.-01-12.0:

The applicant is requesting Area Variances pursuant to Section 230-13 A.(4) for a reduction in the front yard setback from 75 feet to 8 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 3 1/2 feet. This is to allow for an existing fence. This property is located in the RA-100 Residential Agricultural District.

The Secretary read the Proof of Publication.

Mary Cooper explained that they want to move an existing fence because of a tree and power lines, which will put it behind the tree.

Chairman Wisnowski noted that their fence is over the building line.

Commissioner Territo commented that he advises the applicant to draw the fence on her Exhibit. The Board returned their copies to the applicant so that she could edit the survey and come back before the Board at the October meeting.

MOTION was made by Chairman Wisnowski to adjourn Case #1801 to the October 12, 2020 meeting. Motion was seconded by Deputy Chairperson 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>

Case #1801 is **adjourned** to October 12, 2020.

Case #1802 – Jack Howard, 8111 Portobello Way, Tax Map #068.-28-10.0:

The applicant is requesting an Area Variance pursuant to Section 230-13 E.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 18 feet to allow for a covered front deck. This property is located in the R-7.5 One-Family Residential District.

The Secretary read the Proof of Publication.

Jack Howard explained that he would like to add a covered porch to his home for protection from the weather when entering his front door.

Mr. Howard addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. He believes it will be an improvement to his home.
2. He believes there is not any other feasible method than to obtain an Area Variance, because in order to add the porch to the front of his home he would be building over the building line.
3. He feels the Area Variance request is not substantial. It is just a covered porch.
4. He believes there won't be any physical or environmental impact to the neighborhood. It will not be blocking the view.
5. Yes, the need for the Area Variance is self-created.

Mrs. Magaro-Dolan asked if he intended to build a side walk to the road to the driveway and Mr. Howard said eventually, he would build it to the driveway.

Chairman Wisnowski asked if there were any 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 #1802 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A", a survey dated 7/17/1985. Motion was seconded by Deputy Chairperson 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 #1802 is **approved**.

Case #1803 – John L. Morrissey, 3941 Maider Road, Tax Map #024.-01-19.3:

The applicant is requesting an Area Variance pursuant to Section 230-13 A.(4) for an increase in the height of an accessory structure from the allowed 25 feet to 28 feet to allow for construction of a garage. This property is located in the RA-100 Residential Agricultural District.

The Secretary read the Proof of Publication.

John Morrissey and his wife Karen Vanderburgh were present.

Mr. Morrissey explained that they would like an external storage building for a tractor and other items which includes a fifth wheel, which would require a 14-foot high door opening.

Mr. Morrissey addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. There are no close residents to his property.
2. Because storing the fifth wheel requires more clearance, he believes there is not any other feasible method than to obtain an Area Variance.
3. He feels the Area Variance request is not substantial since he is only asking for 3 feet.
4. He believes there won't be any physical or environmental impact to the neighborhood. It will not block anyone's view.
5. Yes, the Area Variance is self-created.

Chairman Wisnowski asked if there were any 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 #1803 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 #1803 is **approved**.

Case #1804 – Marlo Grandy, 4085 Rusty Pine Lane, Tax Map #056.-07-07.0:

The applicant is requesting Area Variances pursuant to Section 230-13 E.(4)(b)[1] for a reduction in the front yard setback from the allowed 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 1/2 feet to 6 feet (corner lots have more than one front yard). This is to allow for an existing fence, shed and pool. This property is located in the R-7.5 One-Family Residential District.

The Secretary read the Proof of Publication.

Marlo Grandy explained that he had a pool installed, and didn't realize his property has two front yards. His parcel is a corner lot and has what is considered three sides instead of four. They are trying to sell the house and discovered the pool is over the building line. As for the shed, it could be moved.

Marlo Grandy addressed the Standards of Proof:

1. He believes there will not be any negative or undesirable change to the character of the neighborhood. The pool is the only thing on that side of the street. There is a clear field of vision.
2. He believes there is not any other feasible method than to obtain Area Variances, as the pool is already there.
3. He feels the Area Variance requests are not substantial. It's not a detriment to safety.
4. He believes there won't be any physical or environmental impact to the neighborhood. The pool has been there for 12 years.
5. Yes the need for the Area Variances is self-created.

Chairman Wisnowski asked if there were any 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 Mrs. Liebi in Case #1804 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	- against	
	Mrs. Liebi	- in favor	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Carried.</i>

The Area Variances in Case #1804 are **approved**.

Case #1805 – Romer W. Rodriguez Ortiz, 4470 NYS Route 31, Tax Map #059.-01-19.1:

The applicant is requesting Area Variances pursuant to Section 230-13 A.(4) for a reduction in the west front yard setback from 75 feet to 39 feet and Section 230-19 A.(5) for a reduction in the front yard designated highway overlay from 165 feet to 117 feet, to allow for construction of a deck and garage. This property is located in the RA-100 Residential Agricultural District.

The Secretary read the Proof of Publication.

Romer and Mary Ortiz just purchased the property and it has no garage. They would like to construct a three car garage and add a covered porch to the front entrance of the home.

Mrs. Ortiz addressed the Standards of Proof:

1. They believe there will not be any negative or undesirable change to the character of the neighborhood. They feel it will be an improvement.
2. They believe there is not any other feasible method than to obtain Area Variances.
3. They feel the Area Variance requests are not substantial.
4. They believe there won't be any physical or environmental impact to the neighborhood.
5. Yes, the need for the Area Variances is self-created.

Chairman Wisnowski asked if there were any 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 #1805 to approve the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairperson 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 Variances in Case #1805 are **approved**.

Case #1806 – Sandra and Nancy Radecki, 3537 Bonstead Road, Tax Map #016.-01-07.1:

The applicant is seeking Area Variances pursuant to Section 230-13 A.(4) for a reduction in the front yard setback from 75 feet to 50 feet; Section 230-13 A.(4) for a reduction in the side yard setback from 25 feet to 4 feet; and Section 230-13 A.(4) for a reduction in the rear yard setback from 25 feet to 15 feet, to allow for construction of an above ground pool. This property is located in the RA-100 Residential Agricultural District.

The Secretary read the Proof of Publication.

Commissioner Territo explained that the applicants are reconsidering how they want to proceed on this request.

MOTION was made by Chairman Wisnowski to adjourn Case #1806 to October 12, 2020. Motion was seconded by Deputy Chairperson 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>

Case #1806 is **adjourned** to October 12, 2020.

There being no further business, Chairman Wisnowski adjourned the meeting at 8:17 P.M.



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