

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
MARCH 8, 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 March 8, 2021. Chairman Wisnowski called the meeting to order at 7:40 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 Marzocchi	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 February 8, 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. Miller-Allgaier. *Unanimously carried.*

**OLD BUSINESS:**

**Case #1632 – Eric Gaines, 3456 Horseshoe Island Road, Tax Map No. 012.-01-14.0:**

The applicant is seeking Area Variances pursuant to Section 230-13 A.(4) for a reduction in the front yard setback from the required 75 feet to 19 feet to allow for a fence; 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 4 feet; Section 230-13 A.(4) for a reduction in front yard setback from the required 75 feet to 37 feet to allow for a porch; Section 230-13 A.(4) for a reduction in front yard setback from the required 75 feet to 38 feet to allow for a garage Section 230-13 A.(4) for a reduction in side yard setback from the required 25 feet to 9.5 feet to allow for a garage; Section 230-13 A.(4) for a reduction in side yard setback from the required 25 feet to 10 feet to allow for an existing shed; Section 230-13 A.(4) for a reduction in rear yard setback from the required 25 feet to 3.5 feet to allow for an existing shed; and Section 230-13 A.(4) for a reduction in rear yard setback from the required 25 feet to 16.5 feet to allow for a porch. The property is located in the RA-100 Residential Agricultural District.

Proof of publication was read at the January 8, 2021 meeting.

The applicant was present.

Mr. Gaines presented copies of a new survey showing the approximate shoreline from the 1927 survey map and said he would like to adjust some of his requested Area Variances to follow this survey line.

Chairman Wisnowski asked Mr. Gaines if he was accepting the 1927 shoreline as the new property line.

Mr. Gaines said yes.

Chairman Wisnowski advised that since he is accepting this as his property line, two of his requested Area Variances will need to be re-advertised and suggested that he adjourn until the next meeting to vote on all items at the same time.

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 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 adjourned the case to April 12, 2021.

**Case #1823 – John Solazzo, 218 Blackberry Road, Tax Map No: 094.-02-10.0:**

Meeting was adjourned to March 8, 2021 at the February 8, 2021 meeting.

The applicant is seeking Area Variances pursuant to Section 230-13 D.(4)(b)[1] for a reduction 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 6 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.

The applicant and his son, John Solazzo Jr., were present.

Chairman Wisnowski asked that Mr. Solazzo explain his request for an Area Variance.

Mr. Solazzo stated that if he was to come in 10 feet, the shed would be inside his home.

Mr. Solazzo Jr. addressed the Standards of Proof:

1. They do not believe it to be an undesirable change to the character of the neighborhood. The Shed will not be seen from the road.
2. They believe there is no other feasible method than an Area Variance as without the Area Variance, the shed would collide with the house.
3. They do not believe the requested variance to be substantial as it will be less than 50% of the lot width.
4. They do not believe there will be any adverse effect to the neighborhood or environment.
5. Yes, the need for an Area Variance is self-created.

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

Mrs. Liebi asked if the shed would be 2 ½ feet from the back fence.

Mr. Solazzo said it would actually be 4 ½ feet from the back fence.

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 closed the hearing.

**MOTION** was made by Mrs. Liebi in Case #1823 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”, dated June 3, 1988. Motion was seconded by Mrs. Magaro-Dolan.

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 #1824 – Christina Lukaczyk, 3415 Route 31, Tax Map No: 019.-02-35.1:**

The applicant is seeking a Special Permit pursuant to Sections 230-13 D.(2)(d)[1] and 230-27 I.(2)(a) for a Home Occupation to allow for a hair salon (no employees). The property is located in the R-10, One-Family Residential District.

The proof of publication was read by the secretary.

The applicant was present.

Chairman Wisnowski asked Ms. Lukaczyk to explain her request for a Special Permit.

Ms. Lukaczyk explained that her sister would be doing hair out of the home. Ms. Lukaczyk has tried renting this property but due to the nature of the busy street, being on the corner of Gaskin Road and Route 31, it has not been ideal for a family. She is working with an architect and has a state permit to move the driveway and make it handicap accessible.

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

Mrs. Liebi asked if her sister would be living and working in the home.

Ms. Lukaczyk confirmed her sister would be living and working in the home.

Chairman Wisnowski asked Commissioner Territo if the home owner has to live in the home for this Special Permit to be granted.

Commissioner Territo stated this is acceptable, the owner of the property must apply for and be granted the Special Permit and the resident can do the home occupation.

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

Chairman Wisnowski asked for those in favor of granting the Special Permit and those opposed to granting the Special Permit.

Resident, Candace Holtsbery of 7434 Morgan Road was in favor of this Special Permit.

Chairman Wisnowski closed the hearing.

**MOTION** was made by Deputy Chairperson Miller-Allgaier in Case #1824 to approve the Special Permit as requested with the condition it be in substantial compliance with Exhibit "A", dated January 19, 2021 and under the condition that the applicant meet the two requirements from the Onondaga County Planning Board, OCPB Case Number Z-21-49. Motion was seconded by Mr. Lyons.

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 #1825 – Michael & Candace Holtsbery, 7708 Morgan Road, Tax Map No: 087.-01-39.1:**

The applicant is seeking a Use Variance pursuant to Section 230-17 C.(2) – Uses Allowed: Residential and animal care in one building (mixed use) to allow for dog grooming. The property is located in the I-1 Industrial District.

The proof of publication was read by the secretary.

Both applicants were present.

Chairman Wisnowski asked the applicants to describe their request for a Use Variance.

Mr. Holtsbery explained they are current residents of 7434 Morgan Road but being bought out by Byrne Dairy. They are in the process of closing on the home at 7708 Morgan Road, which is in the same zoning district as their current home. Mr. Holtsbery explained he would like to continue his home occupation of 20+ years and will make updates to the landscaping to approve the appearance of the home.

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

Chairman Wisnowski asked Commissioner Territo 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 Use Variance and those opposed to granting the Use Variance and there were none.

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mrs. Magaro-Dolan in Case #1825 to approve the Use Variance. Motion was seconded by Mr. Lyons.

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 #1826 – Nick Avicoli, 7839 Oswego Road, Tax Map No: 080.-01-16.1:**

The applicant is seeking an Area Variance pursuant to Section 230-21 E. for a reduction in parking spaces from 139 to 123 for the purpose of constructing a 4,000 square foot, two story building to be used for retail and office space. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary.

Timothy Coyer of Ianuzi & Roman's was present on behalf of the applicant along with Anthony Paone of Remax One, Real Estate. The applicant was not present.

Mr. Coyer explained the applicant is looking to have the required number of parking spaces reduced to 123.

Mr. Coyer addressed the Standards of Proof:

1. They do not believe it to be an undesirable change to the character of the neighborhood. They believe the Area Variance will allow the site to operate safer, eliminating cars from parking on the side of the road.
2. They do acknowledge there are other feasible methods, other than an Area Variance. They have done studies, however there is no significant difference between methods.
3. They do not believe the requested variance to be substantial as the new buildings will be closed during the restaurant's peak hours (6pm-close).
4. They do not believe there will be any adverse effect to the neighborhood or environment.
5. Yes, the need for an Area Variance is self-created.

Chairman Wisnowski asked Mr. Coyer how many employees would be working in the new building and require parking.

Mr. Coyer said the number of employees would be dictated once the Area Variance is approved or denied.

Mrs. Magaro-Dolan asked if this would be retail or office space.

Mr. Coyer said that they would like to have both office and retail space in the new building.

Mr. Paone noted that they would like to have a door on each side of the building to break up the entrances.

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

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

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

David George of 407 Wetzel Road asked Mr. Coyer if the traffic would be coming onto Wetzel Road, due to the fact that that street is already very busy with traffic from Avicelli's, the car wash and Bryant and Stratton College and he is concerned that eventually the heavy traffic in this area will cost someone their life as this Area Variance would likely double the potential customer base.

Mr. Coyer advised there would be no retail business in the new building after 6pm and noted they are looking to reduce the driveway entrances on Wetzel road from three to two.

Chairman Wisnowski asked for those in favor of granting the Area Variance and those opposed to granting the Area Variance.

Chairman Wisnowski asked Mr. George if he was opposed.

Mr. George said he was not necessarily opposed, he is just concerned for the safety.

Mr. Coyer ensured that they are working with the County and Department of Transportation to ensure the safety of residents.

Chairman Wisnowski closed the hearing.

**MOTION** was made by Mr. Lyons in Case #1826 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit "A," dated 01-26-2021. Motion was seconded by Mrs. Magaro-Dolan.

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 #1827 – Terry and Nicole Roehm, 4991 Windgate Road, Tax Map No: 107.-01-43.0:**

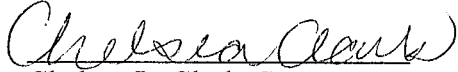
The applicant is seeking an Area Variance pursuant to Section 230-11 C. for a reduction in the side yard setback from 10 feet to 7 feet. This Area Variance falls under definitions, a lot three sided. This is to allow for an above ground pool.

Chairman Wisnowski asked if the applicants were present.

Applicants were not present.

Application was adjourned to the April 12, 2021 meeting.

There being no further business, Chairman Wisnowski adjourned the meeting at 8:55 P.M.

A handwritten signature in cursive script that reads "Chelsea Clark".

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