

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
SEPTEMBER 13, 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 September 13, 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
	Luella Miller-Allgaier	Deputy Chairperson
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	Ryan Frantzis	Alternate Member
	Robert Germain	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 August 9, 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. Liebi. *Unanimously carried.*

Chairman Wisnowski noted there was an additional item on tonight's agenda.

**MOTION** made by Chairman Wisnowski that all Zoning Board of Appeals meetings will be held at 6:00 P.M., effective October 2021. Motion was seconded by Mrs. Liebi. *Unanimously carried.*

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Case #1847 – Thomas & Cheryl Rogers, 8535 Gaskin Road, Tax Map #019.-01-01.2.:**

The applicants are seeking Area Variances pursuant to Section 230-13 D.(4)(c)[4] for an increase in the height of a detached accessory structure from 12 feet to 16 feet, and Section 230-13 D.(4)(c)[1] to allow for an accessory structure in front of an existing principal structure. This to allow for construction of a garage. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

Applicant, Cheryl Rogers was present.

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

Ms. Rogers explained they would like to build a garage for storage purposes.

Ms. Rogers 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.
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 Variances and those opposed to granting the Area Variances and there were none.

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

**MOTION** was made by Mrs. Magaro-Dolan in Case #1847 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” 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 #1848 – Eric Mitchell, 7717 Bainbridge Drive, Tax Map #088.-16-01.0.:**

The applicant is seeking Area Variances pursuant to Section 230-13 E.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 3.9 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 seven feet for construction 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.

The applicant was present.

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

Mr. Mitchell explained he moved to this home for more space for his children and dog. He would like to install a fence for their safety.

Mr. Mitchell 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 as it will be built to neighborhood standards.
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.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski asked the applicant if he was aware that the diagram provided showed him building over an easement for the power and phone company.

The applicant was unaware.

Chairman Wisnowski advised the applicant he would need to drop from four (4) panels to three (3) panels to build inside of the easement.

The applicant agreed.

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.

Neighbor Stephen Quarter, 4961 Moses Drive, noted that the fence would block his view, making him unable to see down the road and noted there is nothing similar in the area.

Chairman Wisnowski noted the only reason the applicant needs the requested Area Variances is because he lives on a corner lot, giving the home two front yards. He further advised, if approved, the fence will be approximately six-feet less than the requested application due to the easement.

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

Neighbor, Stephen Quarter of 4961 Moses Drive, was against granting the Area Variances.

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

**MOTION** was made by Mr. Lyons in Case #1848 to approve the Area Variances with the exception that the applicant reduce the fence from four (4) panels to three (3) panels to build outside of the easement. This would reduce the Variance to a request of 10+/- feet instead of 3.9 feet. 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 #1849 – James G., Denise A. and Joseph R. Lupp, 9 Pine Ridge Circle, Tax Map #099.-02-14.0.:**

The applicants are seeking an Area Variance pursuant to Section 230-13 D.(4)(c)[4] to allow for an increase in the height of an accessory structure from the allowed 12 feet to 18 feet for construction of a pole barn. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

Applicants James and Denise Lupp were present.

Chairman Wisnowski asked the applicants to explain the request for an Area Variance.

Mr. Lupp explained they would like to build a pole barn behind their current garage and need an Area Variance for the pole barn to be 18 feet in height.

Mr. Luppa 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 it will blend in with existing structures.
2. The applicant does not believe there is any feasible method other than the requested Area Variance.
3. The applicant does not believe the requested Area Variance to be substantial as there is ample space and the height will be consistent with other structures in the area.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. Yes, the need for an Area Variance is self-created.

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

Deputy Chairperson Miller-Allgaier asked what the applicant would be doing with the pole barn.

Mr. Luppa stated he is going to retire and would like to restore an old car.

Chairman Wisnowski asked if this would be for personal use.

Mr. Luppa confirmed it would be strictly for personal use.

Mrs. Liebi asked the applicant if the run-off would impact neighboring properties.

Mr. Luppa stated it would not, the gutters would run off in the back of his property to the drainage area.

Mrs. Magaro-Dolan asked if he planned to pave the driveway leading to the garage and pole barn.

Mr. Luppa noted it was currently stone and dirt and he may or may not pave down the road, depending on cost but assured he would not be making the driveway any larger than it is now.

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.

Neighbor, Debbie Fitzgerald of 44 Pine Ridge Circle, spoke against granting the Area Variance stating that pole barns are geared more toward business needs and not kid-safe or family oriented as it will increase traffic in the area.

Mrs. Magaro-Dolan asked Ms. Fitzgerald to explain what she meant in regards to increasing traffic.

Ms. Fitzgerald stated that, in her opinion, pole barns are usually used for business purposes.

Chairman Wisnowski reiterated Mr. Luppa would be using the pole barn for personal use only.

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

Neighbor, Debbie Fitzgerald of 44 Pine Ridge Circle, was opposed to granting the Area Variance.

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

**MOTION** was made by Deputy Chairperson Miller-Allgaier in Case #1849 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A.” 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 #1850 – Jean Versace, 3546 Gaskin Road, Tax Map #065.-01-08.0.:**

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 10 feet and a reduction in the southeast corner of the side yard from 25 feet to 5 feet for a proposed garage; Section 230-13 A.(4) for a reduction in the north side yard setback from 25 feet to 5 feet for a proposed garage; and Section 230-13 A.(4) for a reduction in the south side yard setback from 25 feet to 6 feet for an existing structure. This is to allow for construction of a garage, and to bring an existing structure into compliance. The property is located in the RA-100 Residential Agricultural District.

The proof of publication was read by the secretary.

The applicant was present.

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

Ms. Versace stated she would like to build a garage so she can store her vehicle, boat, snow blower, lawn mower, etc., noting there are no close neighbors and there is a tree line on both sides of the property.

Ms. Versace 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.
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 #1850 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Ms. 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>

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