

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
OCTOBER 11, 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 October 11, 2021. Chairman Wisnowski called the meeting to order at 6:00 P.M. and upon the roll being called the following were:

|          |                        |  |
|----------|------------------------|--|
| PRESENT: | Edward Wisnowski, Jr   | Chairman                               |
|          | Luella Miller-Allgaier | Deputy Chairperson                     |
|          | Karen Liebi            | Member                                 |
|          | Ryan Frantzis          | Alternate Member                       |
|          | Robert Germain         | Attorney                               |
|          | Chelsea Clark          | Secretary                              |
|          | Mark V. Territo        | Commissioner of Planning & Development |

ABSENT: Deborah Magaro-Dolan Member

**MOTION** made by Chairman Wisnowski that the Minutes of the meeting of September 13, 2021 be accepted as submitted. Motion was seconded by Mrs. Liebi. *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 #1851 – Robert Aluzzo, 4993 Route 31, Tax Map #046.-01-13.1.:**

The applicant is seeking Area Variances pursuant to Section 230-17 D.(4)(b)[1][a] for a reduction in the front yard setback (New York State highway) from 200 feet to 57 feet; Section 230-19 A.(4)(b)[2] for a reduction in the lot frontage from 200 feet to 164.94 feet; Section 230-19 A.(4)(b)[2] for a reduction in the depth of a lot from 200 feet to 161.79 feet; Section 230-19 A.(5) for a reduction in the front yard highway overlay from 165 feet to 90 feet; and Section 230-17 D.(5)(a) for a reduction on the front yard perimeter strip from 100 feet to 57, to allow for a 2,500 square foot warehouse. The property is located in the I-2 Industrial 2 District.

The proof of publication was read by the secretary.

Steve Calocerinos, of Calocerinos Engineering, PLLC, was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Calocerinos to explain the request for the Area Variances.

Mr. Calocerinos explained the applicant would like to build a product warehouse (50x50) and due to the size of the lot, variances are required. He noted this is residual, industrial zoned land surrounded by residential owned property and the applicant would like to set the building back to be in line with existing neighboring properties.

Mr. Calocerinos 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. The applicant would like placement of the new building to be equal to adjacent structures and the building will resemble a residential garage.
2. The applicant does not believe there is any feasible method other than requested Area Variances due to the lot size.
3. The applicant does not believe the requested Area Variances to be substantial as neighboring properties are similar in size.
4. The applicant does not believe there will be any adverse effect to the neighborhood as the building will be a garage-style structure, similar to those in the area. The building would be used for storage purposed so there would not be a lot of activity.
5. Yes, the need for Area Variances is self-created.

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

Mrs. Liebi noted that the proposed septic layout was very large for a storage building.

Mr. Calocerinos explained that Onondaga County requires the septic system to accommodate 220 gallons a day.

Mrs. Liebi asked if the building would have a lot of use.

Mr. Calocerinos stated the applicant is a contractor and it would be used for building supplies.

Mrs. Liebi asked if the applicant planned on purchasing the property for sale next to the site.

Mr. Calocerinos said not that he is aware of, he believes that property to be under contract.

Deputy Chairperson Miller-Allgaier asked if he had an example of what the finished building would look like.

Mr. Calocerinos handed out a packet with similar style structures to the Board members and attorney, stating the finished product would look like a detached garage.

Mrs. Liebi asked why there were so many parking spaces for a storage building.

Mr. Calocerinos explained that amount of parking spaces is required, per code.

Mrs. Liebi asked if there would be any fencing.

Mr. Calocerinos stated not at this time.

Mrs. Liebi noted there is gravel shown on the proposed plan which usually indicates parking or storage.

Mr. Calocerinos said that will be used for a maneuvering space.

Chairman Wisnowski asked if moving the building to the back area of the property would reduce the setback size of the warehouse.

Mr. Calocerinos explained they did look at placing the building further back however, the applicant prefers the building be placed up front to keep it consistent with other properties in the area and noted that the septic is best with the proposed layout, as they would be utilizing the septic from the previous home that was on this property.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions.

Mr. Territo asked what the lot depth is on the East side.

Mr. Calocerinos noted it may have been max depth, he didn't recall and would have to look into it further.

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. Liebi Case #1851 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit "A." Motion was seconded by Deputy Chairperson Miller-Allgaier.

|            |                                    |            |                             |
|------------|------------------------------------|------------|-----------------------------|
| Roll Call: | Chairman Wisnowski                 | - in favor |                             |
|            | Deputy Chairperson Miller-Allgaier | - in favor |                             |
|            | Mrs. Liebi                         | - in favor |                             |
|            | Mr. Franctiz                       | - in favor | <i>Unanimously Carried.</i> |

**Case # 1852 – David M. Caggy and Ashalee N. Caggy, 4258 Steppingstone Lane, Tax Map #068.-17-05.0.:**

The applicants are seeking an Interpretation pursuant to Section 230-11 C. (Definitions) and Section 230-20 A.(3)(b) to permit honeybees to live in a beehive on the owner's property. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

Attorney Joshua Werbeck of Bosquet Holstein, PLLC and applicant, David Caggy were present.

Chairman Wisnowski asked Mr. Werbeck to explain the applicants need for an interpretation.

Mr. Werbeck asked that Honeybees not be defined as farm animals as nothing defines them as such. Per code, horses, cows and sheep are listed as examples of farm animals and bees do not fit into these examples. Honeybees are insects that already exist in the town and are similar to birds and bird houses. Honeybees are not dangerous or aggressive unless provoked and have existed in this location for the entire season with no reported injury. Honeybees are positive for the community by pollinating and bringing families together. There are hundreds of home beehives and the applicant asks that the Board will interpret the code classifying bees as insects and not farm animals, so that this hobby can continue.

Mr. Caggy added that he has been bee-keeping for four years and that it is not an uncommon hobby that is allowed in New York City. He has had two hives at his home for seven months and has been stung four times due to his mistake as a handler. His children have not been stung and play in the backyard with the hives present.

Chairman Wisnowski stated the Board would take the information given and provide findings and a decision at next month's Zoning Board of Appeal's meeting.

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

Deputy Chairperson Miller-Allgaier asked if the bees produced honey.

Mr. Caggy confirmed they do produce honey and it is shared with friends and family, not sold for a profit. There is no money being made from the honey produced.

Mrs. Liebi asked the applicant if his children play outside without a barrier.

Mr. Caggy noted his children do play in the yard without any barrier.

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.

Beverly Mayvette, 4255 Vine Meadow Road, asked the Board if this interpretation would open code to other farm animals.

Chairman Wisnowski confirmed this would only apply to honeybees.

Ms. Mayvette asked if allowed, would it affect real estate in the area.

Deputy Chairperson Miller-Allgaier stated that it would be similar to purchasing a home next to an industrial zoned property, they are not required to tell you if you don't ask.

Neighbor, Robert Petracara, 8052 Fox Run Circle, asked that the Board if the honeybees are insects, is a zoning permit required.

Chairman Wisnowski read the definition of Farm vs. Domestic Animal from the Town of Clay code book. Bees are not listed as domestic animals.

Mr. Petracara noted that he appreciated Mr. Caggy but he cannot support bringing any more bees to the area due to people's allergies and increasing the volume of bees in the neighborhood. He is not in favor of this request.

Ms. Mayvette asked if there was a limit of hives per property.

Chairman Wisnowski stated he is unsure, there are bee regulations within the department of agriculture who would oversee that.

Mr. Caggy noted there are bee inspectors and they come out to inspect the hives once a year.

Mary Petracara, 8052 Fox Run Circle, stated her grandchildren, neighbors' children, as well as herself have all been stung this year. She stated they cannot even be outside without being swarmed by bees. She is unable to say for sure if they are bees from Mr. Caggy's hive, however she stated they have never had this issue prior.

Rachel Dreitlein, 8055 Fox Run Circle, said she is highly allergic to bees and saw approximately 7-8 last year but has seen a huge increase this year.

Dean Rocco, 4254 Stepping Stone Lane, stated the current hives are about two to three feet behind the fence surrounding his property and he has yet to see more than ten bees. His children play in his backyard and in Mr. Caggy's yard to play with their children and have never been stung.

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

Findings and decision will be presented at the next Zoning Board of Appeals meeting.

**Case # 1853 – Pack Rat Storage/Chad Parks, 4717 Wetzel Road, Tax Map #082.-01-04.1.:**

The applicant is seeking Area Variances pursuant to Section 230-17 C.(5)(a) for a reduction of the front yard perimeter landscape strip setback from 100 feet to 85 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 7 feet, to allow for site development. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

Tim Coyer of Ianuzi and Romans, PC was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Coyer to explain the applicants request for Area Variances.

Mr. Coyer stated that the applicant submitted the original application in May and they are now presenting a better design for maneuvering vehicles around the building and would like to install a chain link fence.

Mr. Coyer 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 due to the size of the property and to ensure adequate fire and emergency access.
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.

Mr. Frantiz asked if this set up was sufficient for fire and emergency access.

Mr. Coyer confirmed it was adequate turn around for emergency access and was handled with the applicants engineers.

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 Mr. Franctiz in Case #1853 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Deputy Chairperson Miller-Allgaier.

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|------------|------------------------------------|------------|-----------------------------|
| Roll Call: | Chairman Wisnowski                 | - in favor |                             |
|            | Deputy Chairperson Miller-Allgaier | - in favor |                             |
|            | Mrs. Liebi                         | - in favor |                             |
|            | Mr. Franctiz                       | - in favor | <i>Unanimously Carried.</i> |

**Case #1854 – Liverpool Village Animal Hospital, 7270 Buckley Road, Tax Map #112.-07-14.0.:**

The applicant is seeking an Area Variance pursuant to Section 230-22 C.(1) (Major Sign Standards) for a reduction in the front yard setback from 25 feet to 3 feet to allow for a roadside illuminated monument freestanding sign. The property is located in the O-1 Neighborhood Office District.

The proof of publication was read by the secretary.

John Yard of The Image Press was present on behalf of the applicant.

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

Mr. Yard stated they are looking to reduce the setback to allow for an illuminated monument freestanding sign. The existing sign is four-feet wide and the new sign would be seven feet in width, double sided, similar to neighboring businesses.

Mr. Yard 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 be similar to other signs in the area.
2. The applicant does not believe there is any feasible method other than requested Area Variance to ensure the sign is visible by traffic in both directions.
3. The applicant does not believe the requested Area Variance to be substantial.
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.

Mrs. Liebi asked if they would be using the existing pillars for the new sign.

Mr. Yard stated no, the old pillars would be removed.

Douglas Wojcik, Owner of Liverpool Village Animal Hospital was present and noted that the Liverpool office is a satellite location of their Cicero clinic and the proposed sign is a replica of Cicero’s location. They would like the signs to match so it is more easily recognizable.

Chairman Wisnowski asked if the lights on the old sign extended out.

Mr. Yard stated they did not extend out.

Deputy Chairperson Miller-Allgaier asked if the height will be taller than the old sign.

Mr. Yard said it would be shorter, around five feet, two inches.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions.

Mr. Territo asked how many square feet the sign would be.

Mr. Yard stated the sign would be twenty-one square feet.

Mr. Territo noted they were allowed up to twenty-four feet so this is all good.

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 Deputy Chairperson Miller-Allgaier in Case #1854 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mr. Franctiz.

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|------------|------------------------------------|------------|-----------------------------|
| Roll Call: | Chairman Wisnowski                 | - in favor |                             |
|            | Deputy Chairperson Miller-Allgaier | - in favor |                             |
|            | Mrs. Liebi                         | - in favor |                             |
|            | Mr. Franctiz                       | - in favor | <i>Unanimously Carried.</i> |

**Case #1855 – Maja Enterprises, LLC, 4655 Crossroads Park, Tax Map #115.-01-04.0.:**

The applicant is seeking an Area Variance pursuant to Section 230-17 C.(4)(b)(2) for a reduction in the side yard setback from 25 feet to 18 feet to allow for warehouse expansion. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.



Neal Zinsmeyer, Jr. of Napierala Consulting was present on behalf of the applicant.

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

Mr. Zinsmeyer stated the applicant is looking to fill in the loading dock area to square up the building and adding space to the building. The building met the setbacks at the time it was constructed. The proposed addition now triggers the need for the variance.

Mr. Zinsmeyer 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 is an existing industrial building.
2. The applicant does not believe there is any feasible method other than requested Area Variance.
3. The applicant does not believe the requested Area Variance to be substantial as it would only be a 16% increase.
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 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 Variance and there were none.

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

**MOTION** was made by Mrs. Liebi in Case #1855 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit "A." Motion was seconded by Mr. Frantiz.

|            |                                    |            |                             |
|------------|------------------------------------|------------|-----------------------------|
| Roll Call: | Chairman Wisnowski                 | - in favor |                             |
|            | Deputy Chairperson Miller-Allgaier | - in favor |                             |
|            | Mrs. Liebi                         | - in favor |                             |
|            | Mr. Frantiz                        | - in favor | <i>Unanimously Carried.</i> |

**Case #1856 – Universal Windows Direct, 7989 Oswego Road, Tax Map #081.-01-04.0.:**

The applicant is seeking Area Variances pursuant to Section 230-22 C.(1) for an increase in the number of signs from the allowed two to four; an increase in the square footage of sign #2 from the allowed 16 square feet to 48 square feet; an increase in the square footage in sign #3 from 0 square feet to 48 square feet; and an increase in the square footage in sign #4 from 0 square feet to 48 square feet, to allow for a new tenant.

The proof of publication was read by the secretary.

James Hickey of Charles Signs was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Hickey to explain the applicants request for Area Variances.

Mr. Hickey explained the applicant has taken over a small lot and was utilizing existing signage along with adding a painted sign. The applicant wasn't aware it wasn't allowed and now they are following protocol.

Mr. Hickey 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 is consistent with neighboring businesses.
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 as it is consistent with neighboring businesses.
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 Deputy Chairperson Miller-Allgaier in Case #1856 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mrs. Liebi.

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|------------|------------------------------------|------------|-----------------------------|
| Roll Call: | Chairman Wisnowski                 | - in favor |                             |
|            | Deputy Chairperson Miller-Allgaier | - in favor |                             |
|            | Mrs. Liebi                         | - in favor |                             |
|            | Mr. Franctiz                       | - in favor | <i>Unanimously Carried.</i> |

There being no further business, Chairman Wisnowski adjourned the meeting at 7:08 P.M.



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