

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
SEPTEMBER 12, 2022**

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 12, 2022. 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
	Ryan Frantzis	Member
	Karen Liebi	Member
	Vivian Mason	Member
	Chelsea Clark	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

All present participated in the Pledge of Allegiance.

MOTION made by Mrs. Liebi that the Minutes of the meeting of August 8, 2022 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. Mason. *Unanimously carried.*

OLD BUSINESS:

Case #1868 – Chick-fil-A, Inc., 3920 Brewerton Road and 110 East Taft Road, Tax Map #118.-01-01.1 and 118.-01-02.0.:

The applicant is requesting the following Area Variances pursuant to Sections: 230-16 E.(4)(b)[1] Front Yard - a reduction in the front yard setback from the property line from 50 feet to 8.5 feet, to allow for the principal structure; 230-19 A.(5) Principal Structure - a reduction in the highway overlay on Route 11, for a principal structure, from 140 feet to 64.8 feet to allow for a Chick-fil-A restaurant building; 230-19 A.(5) Parking Area - a reduction in the highway overlay on South Bay Road from the required 70 feet to 55.3 feet to allow for parking; 230-16 E.(5)(a) Perimeter Landscape - a reduction in the south perimeter landscape strip from 15 feet to 8.9 feet for a canopy; 230-16 E.(4)(b)[2][a] Side Yard Minimum - a reduction in the north side yard setback from 25 feet to 4.8 feet for the principal structure; 230-16 E.(5)(a) Perimeter Landscape Strip - a reduction in the north perimeter landscape strip from 15 feet to 0 feet; 230-16 E.(5)(a) Perimeter Landscape Strip - a reduction in the south perimeter landscape strip from 15 feet to 0 feet; and 230-16 E.(4)(b)[2][b] Total Both Sides - a 50 foot combining of both sides required with 34.2 feet proposed. The property is located in a LuC-2 Limited Use District for Restaurants.

The proof of publication was read by the secretary at the May 9, 2022 meeting.

Chairman Wisnowski made a motion to adjourn Case #1868 to the October 10, 2022, Zoning Board of Appeals meeting, per the applicant’s request.

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

Case #1888 – Cabin Cove Development. LLC, Horseshoe Island Road, Tax Map #'s 014.-01-14.1, 014.-02-14.0, 014.-02-16.0, and 014.-02-17.0.:

The applicant is seeking the following Area Variances pursuant to Section 230-13 A.(4) – Dimensional Requirements – Lot Area: a reduction in the required minimum lot size of 100,000 square feet (2.29 acres) to 74,052 square feet for Lot #5 and Lot #6 (1.7 acres each); – a reduction in the required minimum lot size of 100,000 square feet (2.29 acres) to 69,696 square feet for Lot #7 and Lot # 8 (1.6 acres each); – a reduction in the required minimum lot size of 100,000 square feet (2.29 acres) to 56,628 square feet for Lot #9 (1.3 acres); a reduction in the required minimum lot size of 100,000 square feet (2.29 acres) to 65,340 square feet for Lot #11 (1.5 acres) and Section 230-13 A.(4) – Dimensional Requirements – Lot Width: a reduction in the required minimum required 250 feet to 222.36 feet for Lot #5; a reduction in the required minimum required 250 feet to 137.95 feet for Lot #6; a reduction in the required minimum required 250 feet to 126.18 feet for Lot #7; a reduction in the required minimum required 250 feet to 235.7 feet for Lot #8; and a reduction in the required minimum required 250 feet to 199.85 for Lot #32. This is to allow for a sub-division to create 30 residential building lots. The properties are located in the RA-100 Residential Agricultural District.

The proof of publication was read by the secretary at the August 8, 2022 meeting.

Chairman Wisnowski made a motion to adjourn Case #1888 to the October 10, 2022, Zoning Board of Appeals meeting, per the applicant’s request.

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

NEW BUSINESS:

Case #1889 – Karlene Liranzo & Andrew St. Laurent, 224 Fay Park Drive, Tax Map #117.-07-11.0.:

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 0 feet and Section 230-20 B.(2)(b) for an increase in the height of a fence from the allowed 2 1/2 feet to a maximum of 7 feet in a front yard, to allow for a fence. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

The applicants were present.

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

Mr. St. Laurent explained that they measured from their foundation and there would be no concerns of visibility impairment or inadequate space for snow removal. He added that neighboring properties are similar or closer to the road than their proposed fence.

Chairman Wisnowski asked the applicants to address the Standards of Proof.

Mr. St. Laurent addressed the Standards of Proof:

1. The applicants do not believe the requested Area Variances will create an undesirable change to the character of the neighborhood.
2. The applicants do believe there are feasible methods other than the requested Area Variances, however they would like to get as much use of their property as possible.
3. The applicants do believe the requested Area Variances to be substantial.
4. The applicants do not believe there will be any adverse effect to the neighborhood.
5. Yes, the need for the Area Variances is self-created.

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

Mrs. Mason complimented the applicants on doing their homework and providing pictures to the board.

Mrs. Liebi added that the applicants were well prepared.

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 was one.

Karen Reeves, 228 Fay Park Drive, asked if 0 feet meant the applicant's fence would be on the edge of the road and if so, she was concerned about visibility.

Chairman Wisnowski stated that 0 feet is the stake line and the stakes are considerably far back from the road.

Mr. St. Laurent stated he could show Ms. Reeves the photos showing the stake line.

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 in Case #1889 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mrs. Mason.

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

Case #1891 – Moyers Corners Fire Department, 8044 Oswego Road, Tax Map #068.-07-12.0.:

The applicant is seeking Area Variances pursuant to Section 230-22 C.(1) – Major Sign Standards: for an increase in the allowable square feet of a freestanding sign from 24 square feet to 39 1/2 square feet; an increase in the height of a freestanding sign from a maximum of 6 feet to 7 1/2 feet; and a reduction in the front yard setback from 25 feet to 0 feet, to allow for front yard signage. The property is located in the RA-100 /GOV/Residential Agricultural District/Government Overlay.

The proof of publication was read by the secretary.

Dave Razzante of Metropolitan Signs, Inc. and Geoffrey Maes from Moyers Corners Fire Department were present.

Chairman Wisnowski recused himself due to a potential conflict.

Deputy Chairperson Miller-Allgaier asked the applicants to explain their request for Area Variances.

Mr. Razzante explained the applicant is looking to add an LED sign to the existing sign, noting that the foundation and poles will remain the same.

Deputy Chairperson Miller-Allgaier asked the applicant to address the Standards of Proof.

Mr. Razzante 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 believe there are feasible methods other than the requested Area Variances, as all LED message signs require a Special Permit per Town Code.
3. The applicant does believe the requested Area Variances to be substantial as requested.
4. The applicant does not believe there will be any adverse effect to the neighborhood as there are similar signs in the area.
5. Yes, the need for the Area Variances is self-created.

Deputy Chairperson Miller-Allgaier asked if there were any further comments or questions from the Board.

Mrs. Liebi asked the applicant if they realized with the new message board that people will be reading this as they are driving by.

Mr. Maes advised they were aware and that a series of messages would scroll across the LED sign including: time and temperature, amber alerts, weather alerts, safety messages, fire department events, announcements, member recognition, as well as recruitment messages. The fire department would also be willing to add Town messages.

Mrs. Liebi asked if they would be readable or flashing.

Mr. Razzante explained the messages would be shown in intervals, which are adjustable.

Deputy Chairperson Miller-Allgaier asked Commissioner Territo if he had any comments or questions and he had none.

Deputy Chairperson Miller-Allgaier asked if anyone in the audience had any questions or comments and there was one.

Deputy Chairperson Miller-Allgaier 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, Deputy Chairperson Miller-Allgaier closed the hearing.

MOTION was made by Mrs. Mason in Case #1891 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mr. Frantzis.

Roll Call:	Chairman Wisnowski	- Abstained	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Motion Carried.</i>

Case #1892 – Kimbrook Plaza, LLC, 3584 NYS Route 31, Tax Map #052.-02-11.8.:

The applicant is seeking Area Variances pursuant to Section 230-22 C.(1) – Major Sign Standards: for an increase in the square footage of existing free standing sign from the 128 square feet to 226 square feet (the existing sign is 206 square feet) and an increase in the height of a freestanding sign from the allowable 25 feet to 31 feet. This is to allow the plaza name on the Route 31 side. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary.

Dave Razzante of Metropolitan Signs, Inc. was present on behalf of the applicant.

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

Mr. Razzante explained the applicant is looking to create an exact duplicate of the non-illuminated, signage on the existing column to match the Route 57 side.

Chairman Wisnowski asked that they were looking to have the sign uniform on both sides.

Mr. Razzante confirmed they are looking to create a uniform look on both sides of the column.

Chairman Wisnowski asked Mr. Razzante to address the Standards of Proof.

Mr. Razzante addressed the Standards of Proof:

1. The applicants do not believe the requested Area Variances will create an undesirable change to the character of the neighborhood as the signage will be attached to the existing column.
2. The applicants do not believe there are feasible methods other than the requested Area Variances, as they need the Area Variances to create a cohesive look on both sides of the column.
3. The applicants do believe the requested Area Variances to be substantial.
4. The applicants do not believe there will be any adverse effect to the neighborhood.
5. Yes, the need for the 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 Mr. Frantzis in Case #1892 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. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1893 – Katherine Rivers, 5336 Amalfi Drive, Tax Map #078.-04-30.0.:

The applicant is seeking Area Variances pursuant to Sections 230-13 E.(4)(c)[1] for a reduction in the front yard setback from 25 feet to 5 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 7 feet (corner lots have two front yards). This is to allow for 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.

Ms. Rivers explained she is looking to replace an existing fence installed by the previous owner. She noted the current fence is falling over.

Chairman Wisnowski asked the applicant to address the Standards of Proof.

Ms. Rivers 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; she believes it will be an improvement as the current fence is falling over and she would like to replace with new fencing.
2. The applicant do not believe there are feasible methods other than the requested Area Variances; she would like to be able to use her yard to the fullest while keeping her dog safe.
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; she believes it will approve the aesthetics.

5. Yes, the need for the Area Variances is self-created.

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

Mrs. Liebi asked the applicant if she would be removing all of the existing wooden fence.

Ms. Rivers confirmed all the existing wooden fence would be removed and replaced with vinyl fencing.

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 there was one.

Shane Sloan, 5420 Lucknow Drive, was in favor of granting the Area Variances.

Chairman Wisnowski asked for 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 #1893 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mr. Frantzis.

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

Case #1894 – Jacques Bourdon, 7982 Morgan Road, Tax Map #082.-01-42.1.:

The applicant is seeking an Area Variance pursuant to Section 230-17 C.(4)(b)[1][a] – Front Yard Minimum, for a reduction in the front yard setback from 200 feet to 50 feet to allow for a covered porch addition. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

The applicant was not present.

MOTION was made by Chairman Wisnowski to adjourn Case # 1894 to the October 10, 2022, Zoning Board of Appeals meeting.

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

Case #1895 – Kimberly Sloan, 5420 Lucknow Drive, Tax Map #077.-31-01.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 E.(4)(c)[1] for a reduction in the front yard setback from 25 feet to 10 feet [an Area Variance, Case #1866, was granted February 14, 2022 to allow a reduction in the front yard setback from 25 feet to 20 feet] and Section 230-20 B.(2)(b) for an increase of the height of a fence in a front yard from the allowed 2 1/2 feet to no taller than 7 feet [an Area Variance, Case #1866, was granted February 14, 2022 to allow an increase in the height of a fence in a front yard from the allowed 2 1/2 feet to no taller than 7 feet] (a corner lot has two front yards). This is to allow construction of a privacy fence on a corner lot. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

Shane Sloan, husband of the applicant, was present.

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

Mr. Sloan stated the current area is too small and they would like to keep the chairs away from the existing pool, noting they installed too large of a pool causing the congestion.

Chairman Wisnowski asked the applicant to address the Standards of Proof.

Mr. Sloan 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 are feasible methods other than the requested Area Variances.
3. The applicant does 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 the Area Variances is self-created.

Chairman Wisnowski asked the applicant how close the fencing would be from the retaining wall.

Mr. Sloan stated 15 feet from the retaining wall, in line with the tree trunks.

Chairman Wisnowski asked if the fence would be on top of the retaining wall.

Mr. Sloan explained it would be inside of the retaining wall, closer to the house.

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 was one.

Chairman Wisnowski asked for those in favor of granting the Area Variances and there was one.

Katherine Rivers, 5336 Amalfi Drive, was in favor of granting the Area Variances.

Chairman Wisnowski asked for 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. Frantzis in Case #1895 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. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1896 – Mark Weiss, 4913 NYS Route 31, Tax Map #046.-01-25.0.:

The applicant is seeking Area Variances pursuant to Section 230-17 D.(4)(b)[1][a] - Front Yard Minimum for a reduction in the front yard setback from 200 feet to 20 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 four feet, to allow for a fence. The property is located in the I-2 Industrial 2 District.

The proof of publication was read by the secretary.

The applicant was present.

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

Mr. Weiss explained he is looking to increase the fence height to provide security for his dog as well as creating enough space for a cottage garden for his wife.

Chairman Wisnowski asked the applicant to address the Standards of Proof.

Mr. Weiss 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, there are power lines to the East and vacant property to the West.
2. The applicant does not believe there are feasible methods other than the 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 the 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. Mason in Case #1896 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. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:48 P.M.



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