

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
OCTOBER 10, 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 October 10, 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
	Vivian Mason	Member
	Chelsea Clark	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

All present participated in the Pledge of Allegiance.

MOTION made by Deputy Chairperson Miller-Allgaier that the Minutes of the meeting of September 12, 2022 be accepted as submitted. Motion was seconded by Mr. Frantzis. *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 November 14, 2022, Zoning Board of Appeals meeting, per the applicant's request.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller-Allgaier	- 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 November 14, 2022, Zoning Board of Appeals meeting, per the applicant's request.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller-Allgaier	- 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 at the September 12, 2022 meeting.

The applicant was not present.

Chairman Wisnowski made a motion to adjourn Case #1894 to the November 14, 2022, Zoning Board of Appeals meeting.

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

NEW BUSINESS:

Case #1897 – Andrew Selesky, 4014 Marder Road, Tax Map #026.-01-02.5.:

The applicant is requesting Area Variances, pursuant to Section 230-13 A.(4) – Lot and Structural Dimensional Requirements, for a reduction in the side yard setback from 25 feet to 3 feet and a reduction in the rear yard setback from 25 feet to 3 feet. This is to allow for a pole barn/garage. 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 his request for Area Variances.

Mr. Selesky explained his current garage is in need of repair and he is looking to move it out from behind the house for easier access.

Chairman Wisnowski asked the applicant if he was replacing the existing garage.

Mr. Selesky confirmed he is looking to replace the existing garage with a slightly bigger one.

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

Mr. Selesky 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. He stated it would be a new garage that fit in with the style in the area.
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 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.

Beth and Michael Jordon of 4012 Maider Road were 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 #1897 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	- in favor	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mr. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1898 – Josh Eames, 4412 Riverview Road, Tax Map #038.-01-28.0.:

The applicant is requesting Area Variances, pursuant to Section 230-13 A.(4) – Lot and Structural Dimensional Requirements, for a reduction in the front yard setback from 75 feet to 40 feet and a reduction in the west side yard setback from 25 feet to 12 feet. This is to allow for a pole barn. 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 his request for Area Variances.

Mr. Eames explained the property is currently his camp with no basement, closets or storage. He is looking to make this property his primary residence and is requesting the Area Variances to build a three bay garage for storage.

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

Mr. Eames 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, noting neighboring properties have similar garages.
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.

William Burchill of 4418 Riverview Road was in favor of granting the Area Variances, noting Mr. Eames has made great improvements to the property.

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 #1898 to approve the Area Variances as requested with the condition they 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	
	Mr. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:12 P.M.



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