

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 13, 2023

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 February 13, 2023. 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
	Vivian Mason	Member
	Robert Germain	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Ryan Frantzis Member

All present participated in the Pledge of Allegiance.

MOTION made by Deputy Chairperson Miller-Allgaier that the Minutes of the meeting of January 9, 2023 meeting 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:

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 April 10, 2023, 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	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

NEW BUSINESS:

Case #1905 – Scott Merle (for Steven and Shannon Houston), 8717 Oswego Road, Tax Map #018.-01-09.0.:

The applicant is seeking Area Variances pursuant to Section 230-19 A.(5) - Highway Overlay District - Designated Highway Setback, for a reduction in the Designated Highway Setback from 140 feet to 82 feet to allow for an addition. The property is located the R-10 Regional Commercial District.

The proof of publication was read by the secretary.

Scott Merle of Merle Builders and Steve Sehnert of Applied Earth Technologies were present.

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

Mr. Sehnert explained the builder Scott Merle is looking to add a small addition in the front of the home for homeowner’s expanding family. The new addition would match the current finish of the house and blend in seamlessly.

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

Mr. Sehnert 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 the requested Area Variances; if the applicant put the addition on the side of the home it would be in code violation and if they put the addition on the back of the property it would conflict with the existing sewage, which would cost the applicant a substantial amount of money to have moved.
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 as it is similar to other properties in the area.
5. Yes, the need for Area Variances are self-created.

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

Mrs. Liebi asked if the front door was remaining where it currently is.

Mr. Merle noted the floor plan was provided to the board.

Mrs. Liebi asked if the door was moving to the side.

Mr. Merle said yes, there are currently two entrances one on the front and one on the side. The front entrance is being removed and the side entrance will be the primary door.

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 #1905 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit “A,” and that the applicant must contact the Onondaga County Health Department’s Bureau of Public Health Engineering to confirm the location of the existing sewage disposal system to ensure it will not be impacted by the proposed addition. Motion was seconded by Deputy Chairperson Miller-Allgaier.

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

Case #1907 – Laura Kinne, 9537 Horseshoe Island Road, Tax Map #013.-01-37.9.:

The applicant is seeking Area Variances pursuant to Section 230-13 A. (4) - Principal structure and attached accessory structures, for a reduction in the front yard setback from 75 feet to 53 feet; a reduction in the north side yard setback from 25 feet to 14.7 feet; and a reduction in the south side yard setback from 25 feet to 14.7 feet, to allow for construction of a house and attached 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 her request for Area Variances.

Ms. Kinne explained she wants to build a new home with a small attached garage for her elderly mother to have her closer so she is able to care for her.

Chairman Wisnowski asked Ms. Kinne to address the Standards of Proof.

Ms. Kinne 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 a brand new home.
2. The applicant does not believe there is any feasible method 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 and believes it would help beautify the neighborhood.
5. Yes, the need for Area Variances are self-created.

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

Mrs. Liebi stated there was a fire hydrant close to the property already and asked if sanitation was already in place.

Ms. Kinne noted not at this time but it will be.

Mrs. Liebi asked if the septic would be raised and have new pipelines.

Ms. Kinne explained the property is not in a flood zone and everything needing to be installed would be new.

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.

Robert Duclos, 9590 Horseshoe Island Road, stated that he lives kiddy corner to this property and it would be consistent with other homes in the area. He is 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 Mrs. Liebi in Case #1907 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	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:16 P.M.



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