

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
MARCH 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 March 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
	Karen Liebi	Member
	Ryan Frantzis	Member
	Vivian Mason	Member
	Robert Germain	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Luella Miller-Allgaier Deputy Chairperson

All present participated in the Pledge of Allegiance.

MOTION made by Mrs. Liebi that the Minutes of the meeting of February 13, 2023 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. Liebi. *Unanimously carried.*

OLD BUSINESS:

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 withdraw Case #1888, per the applicant's request.

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

NEW BUSINESS:

Case #1908 – Quattro Development, LLC/Take 5 Oil Change, 7423 Oswego Road, Tax Map #104.-02-11.1.:

The applicant is seeking Area Variances pursuant to Section 230-16 D.(4)(b)[2] - Side Yard Minimum – for a reduction in the side yard setback from 25 feet to 22 feet; Section 230-19 A.(5) – Designated Highway Setback – for a reduction in the designated highway overlay from 140 feet to 99.2 feet; and 230-16 D.(5)(a) – Perimeter Landscape strip – for a reduction in the Perimeter Landscape strip on Oswego Road from 20 feet to 2 feet; for a reduction in the Perimeter Landscape strip on Long Branch Road from 20 feet to 10 feet; for a reduction in the Perimeter Landscape strip on the west from 20 feet to 2.6 feet; and for a reduction in the Perimeter Landscape strip on the south from 20 feet to 13.2 feet, to allow for a Take 5 Oil Change. The property is located the LuC-1 Limited Use District for Gasoline Services.

The proof of publication was read by the secretary.

Ken Hurley of Bergmann P.C. was present on behalf of the applicant.

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

Mr. Hurley explained the applicant is looking to build a 1,610 square foot, Take 5 Oil Change, building on the 31 acre parcel and have a tenth of an acre allow for a grass area.

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

Mr. Hurley 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 their request is similar to neighboring properties.
2. The applicant does not believe there is any feasible method other than the requested Area Variances due to the configuration of the parcel.
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 what the hours of operation would be.

Mr. Hurley stated they would be open standard workday hours Monday through Friday, approximately 9:30 A.M. to 9:30 P.M. and approximately 9 A.M. to 6 P.M. on the weekends, noting that the business would only be doing oil changes, windshield wiper changes and is not considered a full-service station.

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 #1908 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	
	Mr. Frantzis	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1909 – McKenzie Strongs, 4810 Reval Court, Tax Map #096.-06-16.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 E.(4)(b)[1] - Front Yard Minimum – for a reduction in the front yard setback from 25 feet to 22 feet and Section 230-13 E.(4)(c)[3] - Accessory Structure Rear Yard Setback – for a reduction in the rear yard setback from 10 feet to 5 feet. This is to allow for the installation of an oval 12 x 24 foot above ground pool and to allow an existing fence to be brought into compliance. 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 her request for Area Variances.

Ms. Strongs explained she is looking to have an oval shaped, 12’ x 24’, above ground pool installed in her fenced in backyard.

Ms. Strongs 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 both neighboring properties have fenced in backyards with pools.
2. The applicant does not believe there is any feasible method other than the requested Area Variances due to the size of the parcel, adding that 12' x 24' is the smallest above ground pool you can purchase.
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 Area Variances are 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 #1909 to approve the Area Variances as requested with the condition it be in substantial compliance with Exhibit "A". Motion was seconded by Mrs. Liebi.

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

Case #1910 – Lori A. Blasi, 7413 Bay Chapel Circle, Tax Map #107.-21-30.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 D.(4)(c)[2] - Accessory Structure Side Yard Setback – for a reduction in the side yard setback from 9 feet to 6 feet to allow for a shed. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant was present.

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

Ms. Blasi explained she would like to install a four-post pavilion in her backyard for additional shade for her grandchild.

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

Ms. Blasi 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.
2. The applicant does not believe there is any feasible method other than the requested Area Variance due to the location of the parcel.
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 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 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 #1910 to approve the Area Variance 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	
	Mr. Frantzis	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1911 – Ron Peckham, 115 Shoreview Drive, Tax Map #085.-06-62.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 E.(4)(b)[2] – Accessory Structure Side Yard Minimum, for a reduction in the side yard setback from 7.4 feet to 1.5 feet to allow for construction of a deck, stairs and supports, and a retaining wall to allow circulation around the entirety of the building. The property is located in the R-7.5 One-Family Residential District.

The applicant was present along with Vincent Ryan of Keplinger Freeman Associates.

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

Mr. Ryan explained the applicant is looking to install a retaining wall for a walk-out being added to the first floor of the property.

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

Mr. Ryan 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.
2. The applicant does not believe there is any feasible method other than the requested Area Variance. It would be too steep and unsafe to install stairs.
3. The applicant does believe the requested Area Variance to be substantial, however it will not change the appearance of the property.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. Yes, the need for Area Variance is self-created.

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

Mrs. Liebi asked if the applicant had spoken to the neighbor who was 18 inches away from the line.

Mr. Ryan stated yes; Mr. Peckham has spoken with the neighbor and there are no conflicts.

Mrs. Liebi asked how the applicant would be maintaining the 18 inches between properties. Would this area be kept up with a weedwhacker.

Mr. Peckham stated there is no grass in this area, it is mulched with a plant bed.

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. Mason in Case #1911 to approve the Area Variance 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	
	Mr. Frantzis	- 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 6:20 P.M.



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