

**TOWN OF CLAY**  
**ZONING BOARD OF APPEALS AGENDA**

The next regular meeting of the Town of Clay Zoning Board of Appeals will be held on **June 12, 2023 at 6:00 PM** in the Clay Town Hall Located at 4401 New York State Route 31, Clay, New York

- A. PRE-AGENDA MEETING – *Jury Room* – 5:30 PM
- B. CALL THE MEETING TO ORDER – 6:00 PM
- C. PLEDGE OF ALLEGIANCE
- D. **MOTION** approving the Minutes of the Previous Meeting as written.
- E. HEARING FORMAT ANNOUNCEMENT:

ALL MATTERS HEARD BY THIS ZONING BOARD OF APPEALS ARE IN THE FORM OF A PUBLIC HEARING. EVERYONE DESIRING TO BE HEARD WILL BE HEARD. BEFORE SPEAKING, YOU ARE ASKED TO STATE CLEARLY YOUR NAME AND ADDRESS.

THERE ARE THREE TYPES OF MATTERS THAT COME BEFORE THIS BOARD. THEY ARE SPECIAL PERMIT, VARIANCES AND INTERPRETATIONS. THE APPLICATION WILL BE DENIED UNLESS THE APPLICANT HAS PROVEN HIS CASE.

**MOTION** FOR THE PURPOSE OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW (SEQR), ALL NEW ACTIONS TONIGHT WILL BE DETERMINED TO BE TYPE II ACTIONS, AND WILL BE GIVEN A NEGATIVE DECLARATION, UNLESS OTHERWISE ADVISED BY OUR ATTORNEY.

**F. OLD BUSINESS:**

Case: #1915  
Zone: RC-1  
Tax #:117.-02-47.0

Applicant: **Splash Car Wash 4S-Buckley LLC**  
Location: **7190-7092 Buckley Road**

The Applicant has asked that this adjourned case for a car wash be withdrawn.

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Case: #1916  
Zone: RC-1  
Tax #: 052.-02-09.1

Applicant: **Gardenview Diner/Nik Loannidis**  
Location: **3564 Route 31**  
Relief Sought: **Area Variances**: The applicant is seeking Area Variances for a reduction in the front yard setback from 165 feet to 137 feet; a reduction in the east side yard setback from 75 feet to 70 feet; a reduction in the west side yard setback from 75 feet to 22 feet; a reduction in the required 75 parking spaces to 60 parking spaces; a reduction in the front yard setback from 90 feet to 59 feet; and a reduction in the Perimeter Landscape Strip from 30 feet to 12 feet. This is to allow construction of a 3,200 square foot diner and associated parking.

Per Town Ordinance Number: **Sections: 230-19 A.(5) - Designated Highway Setback; 230-16 C.(4)(a)[2][b] - Side Yard Setback; 230-16 C.(4)(a)[2][b] - Side Yard Setback; 230-21 E.- Required Parking; 230-19 A.(5) - Designated Highway Setback; and 230-16 C.(4)(a)[1][b] - Site Perimeter Landscape Strip**

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (Y)	Negative _____	Granted _____
Date Sent <u>3/23/2023</u>	Positive _____	Denied _____
Received ( )	Hearing Closed _____	Conditions(Y/N)

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**F. NEW BUSINESS:**

Case: #1919  
 Zone: **I-1**  
 Tax #: **087.-01-45.1**

Applicant: **David Stern**  
 Location: **7818 Morgan Road**  
 Relief Sought: **Use Variance:** The applicant is seeking a Use Variance for a Photo Studio and residential use on one property (mixed use). This is to allow for a Photo Studio (in a detached garage) and residential use on one property (mixed use).

Per Town Ordinance Number: **230-17 C.(2) - Uses allowed: Residential Use and Photo Studio on the property (mixed use)**

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (N)	Negative _____	Granted _____
Date Sent _____	Positive _____	Denied _____
Received ( )	Hearing Closed _____	Conditions(Y/N)

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Case: #1920  
 Zone: **R-7.5**  
 Tax #: **074.-06-09.0**

Applicant: **Thomas Femano for Gerard Lowe**  
 Location: **5068 Hackberry Lane**  
 Relief Sought: **Area Variance:** The applicant is seeking a Area Variance for a reduction in the front yard setback from 25 feet to 19 feet to allow for an addition/3-Season Room.

Per Town Ordinance Number: **230-13 E.(4)(b)[1] – Front Yard Minimum**

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (N)	Negative _____	Granted _____
Date Sent _____	Positive _____	Denied _____
Received ( )	Hearing Closed _____	Conditions(Y/N)

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Case: #1921  
 Zone: **R-10**  
 Tax #: **099.-02-33.0**

Applicant: **Kelly Salanger**  
 Location: **104 Williams Street**  
 Relief Sought: **Area Variances:** The applicant is seeking Area Variances to allow for a reduction in the front yard setback from 25 feet to 1.5 feet and an increase in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet (corner lots have 2 front yards) This is to allow a fence.

Per Town Ordinance Number: **230-13 D.(4)(b)[1] – Front Yard Minimum and 230-20 B.(2)(b) – Height of a Fence in a Front Yard**

OCPB Report Required (N) Date Sent _____ Received ()	SEQR Type <u>Type II</u> Negative _____ Positive _____ Hearing Closed _____	Board Action _____ Granted _____ Denied _____ Conditions(Y/N)
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Case: **#1922**  
 Zone: **R-7.5**  
 Tax #: **094.-08-09.0**

Applicant: **Shana Richards**  
 Location: **99 Bayberry Circle**  
 Relief Sought: **Area Variance:** The applicant is seeking Area Variances for a reduction in the front yard setback from 25 feet to 9 feet and Section 230-20 B.(2)(b) – Fences, for an increase in the height of a fence in a front yard from the allowed 2 ½ feet to 6 feet (corner lots have 2 front yards). This is to allow for construction of a shed and a fence.

Per Town Ordinance Number: **230-13 E.(4)(b)[1] – Front Yard Minimum and 230-20 B.(2)(b) – Height of a Fence in a Front Yard**

OCPB Report Required (N) Date Sent _____ Received ()	SEQR Type <u>Type II</u> Negative _____ Positive _____ Hearing Closed _____	Board Action _____ Granted _____ Denied _____ Conditions(Y/N)
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**G. OTHER BUSINESS**

**H. ADJOURN THE MEETING**