

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
July 10, 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 July 10, 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	Deputy Chairperson
	Karen Liebi	Member
	Vivian Mason	Member

ABSENT: Ryan Frantzis Member

OTHERS

PRESENT:	Robert Germain	Attorney
	Chelsea Clark	Secretary
	Mark Territo	Commissioner of Planning & Development

All present participated in the Pledge of Allegiance.

MOTION made by Mrs. Liebi that the Minutes of the meeting of June 12, 2023, be accepted as submitted. Motion was seconded by Mrs. Mason. *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 #1917 – Amerco Real Estate, 8015 Oswego Road, Tax Map #080.-01-01.0.:

The applicant is seeking an Area Variance, pursuant to Section 230-16 C.(5)(b)[4][b] – Maximum Height, for an increase in the height of a structure from the allowed 35 feet to 41 feet 10 inches. This is to allow for expansion of the existing UBox operation to help provide a service to upcoming businesses and residences moving to our area. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary at the May 8, 2023, meeting.

The applicant was present.

The applicant provided an updated drawing showing the proposed changes to the building.

The standards of proof were addressed at the May 8, 2023, meeting.

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.

MOTION was made by Mrs. Mason in Case #1917 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”. Motion was seconded by Deputy Chairperson Miller.

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

Case #1921 – Kelly Salanger, 104 Williams Street, Tax Map #099.-02-33.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 D.(4)(b)[1] – Front Yard Minimum, for a reduction in the front yard setback from 25 feet to 1.5 feet, and Section 230-20 B.(2)(b) – Height of a Fence in a Front Yard, 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 fence. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary at the June 12, 2023, meeting.

The applicant was present.

The applicant provided a drawing showing where the proposed fencing would go on the property.

The standards of proof were read at the June 12, 2023, meeting.

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.

Ron Powell, 100 Williams Street, was present and stated he has no concerns with the proposed fencing.

Chairman Wisnowski asked for those in favor of granting the Area Variances and those opposed to granting the Area Variances and there were none.

MOTION was made by Deputy Chairperson Miller 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	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

NEW BUSINESS:

Case #1923 – Marie Ariola, 7742 Bainbridge Drive, Tax Map No. 088.-14-01.0.:

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 10 feet, and Section 230-20 B.(2)(b) – Height of a Fence, 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 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 her request for Area Variances.

Ms. Ariola explained she is looking to replace and bring to code an existing fence that has been in place on the property for over 40 years.

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

Ms. Ariola 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 and that it would improve the appearance of the property.
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.
5. Yes, the need for 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.

MOTION was made by Mrs. Liebi in Case #1923 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.

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

Case #1924 – David Poulsen, 101 Heins Avenue, Tax Map No. 099.-05-10.0.:

The applicant is seeking Area Variances pursuant to Section 230-11 C. – Definition: Lot 3-sided, for a reduction in the west side yard setback from 10 feet to 3 feet and a reduction in the north side yard setback from 10 feet to 3 feet. This is 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 his request for Area Variances.

Mr. Poulsen explained he would like to put a shed in the back corner of his property, leaving enough space to be able to maintain and service the shed.

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

Mr. Poulsen 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.
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 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 there were none. Chairman Wisnowski asked for those for those opposed to granting the Area Variances and there was one.

Neighbor, Tammy Huntley, 105 Heins Avenue, stated she is opposed to granting the Area Variances as it would be very close to her fence and she is concerned about snow collection and the negative impact it may have on the integrity of her fencing.

Mr. Poulsen advised Ms. Huntley that the application stated he is requesting 3 feet but he really wants 5 feet.

Ms. Huntley is opposed to 5 feet as well.

Chairman Wisnowski noted that the code allows for 10 feet.

Ms. Huntley stated she would have no problem with the allowed 10 feet.

MOTION was made by Chairman Wisnowski to adjourn Case #1924 to the August 14, 2023, meeting. Motion was seconded by Deputy Chairperson Miller.

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

Case #1925 – St. Joseph’s Imaging (Jamie Bracy, Agent) 8200 Oswego Road, Tax Map No. 067.-01-01.6..:

The applicant is seeking an Area Variance pursuant to Section 230-22 C.(1) – Major Sign Standards – to install a second free standing sign on the property. This is to identify the remaining businesses on the property. This property is located in the O-2 Office District.

The proof of publication was read by the secretary.

There was no applicant present.

MOTION was made by Chairman Wisnowski to adjourn Case #1925 to the August 14, 2023, meeting. Motion was seconded by Deputy Chairperson Miller.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller	- 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 6:26 P.M.



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