

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
MARCH 11, 2024

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 11, 2024. 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
	Vivian Mason	Deputy Chairperson
	Ryan Frantzis	Member
	David Porter	Member

ABSENT:	Karen Liebi	Member
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OTHERS

PRESENT:	John Marzocchi	Alternate Attorney
	Chelsea Clark	Secretary
	Mark Territo	Commissioner of Planning & Development

All present participated in the Pledge of Allegiance.

MOTION made by Chairman Wisnowski that the Minutes of the meeting of February 12, 2024, 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. Mason. *Unanimously carried.*

OLD BUSINESS:

None.

NEW BUSINESS:

Case #1936 – Randy Collins, 9930 Fancher Road, Tax Map #040.-01-16.1.:

The applicant is seeking an Area Variance pursuant to Section 230-13 A.(4) – Front Yard Minimum and Section 230-23 C.(2) – Non-conforming Structure Requirements - Structural Alterations, Renovations and Additions, for a reduction in the front yard setback from 75 feet to 4.5 feet. This is to allow an addition and to bring a non-conforming structure into compliance. The property is in the RA-100 Agricultural Residential District.

The proof of publication was read by the secretary.

The applicant was present.

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

The applicant explained he is looking to add-on an extra 800 square feet for an extra bedroom.

Chairman Wisnowski asked the applicant to address the standards of proof.

Mr. Collins 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.
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 an 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 questions or comments 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 #1936 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	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	
	Mr. Porter	- in favor	<i>Unanimously Carried.</i>

Case #1937 – Piotr Zhushma, 22 Mirage Lane, Tax Map #075.-01-36.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 A.(4)(b)[1] – Front Yard Minimum, for a reduction in the front yard setback from 25 feet to 20 feet, to allow a porch with a roof to the front of the house. The property is in the R-15 – One-Family Residential District.

The proof of publication was read by the secretary.

The applicant was present.

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

The applicant explained he would like to add a porch with a roof to the front of his property.

Chairman Wisnowski asked the applicant to address the standards of proof.

Mr. Zhushma 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.
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 an 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 questions or comments 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 Mr. Frantzis in Case #1937 to **approve** the Area Variance 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	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	
	Mr. Porter	- in favor	<i>Unanimously Carried.</i>

Case #1938 – Daniel F. Gullotto, 3710 Maider Road. Tax Map #022.-01-04.1.:

The applicant is seeking an Area Variance pursuant to Section 230-13 A.(4) – Lot and Structure Requirements, for a reduction in the side yard setback from 25 feet to 18 feet to allow a detached garage. The property is in the RA-100 Agricultural Residential District.

The proof of publication was read by the secretary.

The applicant was present.

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

The applicant explained he is looking to build a detached garage next to his house for convenience.

Chairman Wisnowski asked the applicant to address the standards of proof.

Mr. Gullotto 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 as there are similar structures in his area.
2. The applicant does not believe there is any feasible method other than the requested Area Variance due to the placement of his house on 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 an 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 questions or comments 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 Mr. Frantzis in Case #1938 to **approve** the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Porter.

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

Case #1939 – Whitestone Development Partners, LLC, 3715 State Route 31, Tax Map #020.-01-05.1.:

The applicant is seeking Area Variances pursuant to Section 230-13 H.(4)(a) – Residential Lot & Structure Dimensions and Requirements - for an increase in the allowed number of dwelling units to 260 when only 249 is allowed (the requested variance is to allow a total of 11 additional two-bedroom dwelling units) and Section 230-21 E. Required Parking and Loading Spaces - for a reduction in the required number of parking spaces from 520 to a proposed 430 to allow new apartment buildings. The property is in the R-APT Apartment District.

The proof of publication was read by the secretary.

Ben Harrell of CHA Consulting, Inc., was present on behalf of the applicant.

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

Mr. Harrell stated the applicant is looking to reduce the number of parking spaces as if they abided by the code there would be more parking spaces than bedrooms. He added that the parcel is in a commercial neighborhood with similar properties that are denser.

Chairman Wisnowski asked Mr. Harrell to address the standards of proof.

Mr. Harrell 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 neighboring properties are dense commercial properties.
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 as granting the Area Variances would increase green space.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski stated that garage parking in apartment complexes are typically used for storage rather than parking.

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 questions or comments.

Mr. Territo asked how many garage units they were proposing.

Mr. Harrell stated they are proposing 188 garage units.

Mr. Territo asked if that was included in the parking spaces.

Mr. Harrell confirmed the 188 spaces were included.

Chairman Wisnowski asked if anyone in the audience had any questions or comments and there were none.

MOTION was made by Chairman Wisnowski to **refer** Case #1939 to the Town of Clay Planning Board. Motion was seconded by Mrs. Mason.

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

Case #1940 – Peter Quinn, 9520 Horseshoe Island Road, Tax Map #013.-02-08.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 A.(4) – Lot & Structure Dimensional Requirements – for a reduction in the front yard setback from 75 feet to 31.8 feet; a reduction in both side yard setbacks from 25 feet to 9 feet; a decrease the lot area from the required 100,000 square feet to 20,049.16 square feet and a decrease in the required lot width of 250 feet to 120 feet to allow construction of a new single-family home. The property is in the RA-100 Agricultural Residential District.

The proof of publication was read by the secretary.

Tim Coyer of Ianuzi & Romans Land Surveying, P.C., was present on behalf of the applicant.

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

Mr. Coyer explained the applicant is looking to build a new home on a non-conforming, existing parcel, similar to other homes in the area.

Chairman Wisnowski asked Mr. Coyer to address the standards of proof.

Mr. Coyer 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 the new build would be further back than the existing home.
2. The applicant does not believe there is any feasible method 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 Area Variances is self-created.

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

Mrs. Mason asked if the applicant would be demolishing the existing house.

Mr. Coyer confirmed the existing house would be demolished.

Chairman Wisnowski asked Commissioner Territo if he had any questions or comments 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. Mason in Case #1940 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	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	
	Mr. Porter	- in favor	<i>Unanimously Carried.</i>

Case #1941 – Splash Car Wash, 3610 State Route 31, Tax Map #052.-02-11.6.:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) – Major Sign Standards - for an increase in the number of wall/canopy signs to seven, when only two are allowed: Sign #3 a wall sign (logo) on the North elevation from zero square feet to 41.5 square feet; Sign #4 a wall sign (logo) on the East elevation from zero square feet to 41.5 square feet; Sign #5 a wall sign (CAR WASH) on the West elevation from zero square feet to 37.3 square feet; Sign #6 a wall sign (MAT CLEANING ROOM) on the East elevation from zero square feet to 9.8 square feet; Sign #7 a wall sign (FREE VACUUMS) on the East elevation from zero square feet to 30 square feet and Section 230-22 C.(2) – Minor sign standards- Size of Minor Signs: 4 directional signs of 6.4 square feet each proposed when a maximum of 4 square feet each are allowed. This is to allow for additional signage. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary.

Rania Kassis of Kassis Superior Signs was present on behalf of the applicant.

Chairman Wisnowski asked the Ms. Kassis to explain the applicants request for Area Variances.

Ms. Kassis explained the applicant is looking to install signs on each side of the building, adding the logo to each side and installing signage to identify the free vacuum station and mat cleaning room.

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

Ms. Kassis addressed the Standards of Proof:

6. The applicant does not believe the requested Area Variances will create an undesirable change to the character of the neighborhood as it will be similar to other commercial buildings in the area.
7. The applicant does not believe there is any feasible method other than the requested Area Variances.
8. The applicant does not believe the requested Area Variances to be substantial.
9. The applicant does not believe there will be any adverse effect to the neighborhood.
10. 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 questions or comments 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 Mr. Frantzis in Case #1941 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	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	
	Mr. Porter	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:35 P.M.



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