

*APPROVED*  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**APRIL 8, 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 April 8, 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
	Karen Liebi	Member
	Ryan Frantzis	Member
	David Porter	Member

ABSENT:	Mark Territo	Commissioner of Planning & Development
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**OTHERS**

PRESENT:	John Marzocchi	Alternate Attorney
	Chelsea Clark	Secretary

All present participated in the Pledge of Allegiance.

**MOTION** made by Chairman Wisnowski that the Minutes of the meeting of March 11, 2024, be accepted as submitted. Motion was seconded by Deputy Chairperson 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 Deputy Chairperson Mason. *Unanimously carried.*

**OLD BUSINESS:**

**Case #1939 – Whitestone Development Partners, LLC. withdrew their request.**

**NEW BUSINESS:**

**Case #1942 – Mark D. and Elizabeth Copley, 4950 Peppermill Lane, Tax Map #107.-15-17.0.:**

The applicants are seeking Area Variances pursuant to Section 230-11 C. LOT, THREE-SIDED - A lot with only three property lines forming its boundaries. For purposes of enforcement, it shall have: no rear yard, two side yards and a front yard extending the entire width of the lot; and Section 230-13 D.(4)(c)[1] – Accessory Structures, for a reduction in the front yard setback from 25 feet to 7 feet; and Section 230-20 B.(2)(b) – Fences, for an increase in the height of a fence from the allowed 2 ½ feet to 4 feet (a corner lot has two front yards). This is to allow 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.

The applicant was present.

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

The applicant explained he would like to replace the existing fence that the previous home owner installed in the 1970s. He stated he has been fixing parts of the fencing for the last twenty years and he wants to replace it with a new plastic PVC fence.

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

Mr. Copley 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 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.

Jill Yerdon, 4967 Lantern Circle, stated the applicant's fence is butts-up to her property and the current fence is an eyesore that needs to be replaced. She added that she has no issue with the applicants request and is in favor of granting the Area Variances.

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

**MOTION** was made by Deputy Chairperson Mason in Case #1942 to **approve** the Area Variances as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Mr. Frantzis.

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

**Case #1943 – United Church of Christ, 215 Blackberry Road, Tax Map #086.-34-11.0.:**

The applicant is seeking Area Variances pursuant to Section 230-22 C.(1) Major Sign Standards for a reduction in the front yard setback from 25 feet to 3.4 feet, and an increase in the square footage of a sign to 38 square feet when 24 square feet is allowed. This is to allow replacement of an existing sign in-kind with new LED sign. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

Ben Johnson of United Church of Christ was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Johnson to explain their request for Area Variances.

Mr. Johnson stated the church wants to replace the existing sign from the year 2000. The proposed new sign would be in the same location and would be the same size as the existing sign and would allow scrolling messages during the day and would self-dim at night.

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 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.

Mrs. Liebi asked if the messages on the proposed new sign would be readable and if the applicant thought that it would create distraction for traffic.

Mr. Johnson stated he did not believe so as the nearby Liverpool School has a digital sign close to the road and it would be similar.

Chairman Wisnowski asked if anyone in the audience had any questions or comments.

Chris Solan, 219 Blackberry Road, stated he hates the current sign, adding that the proposed new sign does sound like an improvement. His concern is that the new sign would create more light pollution and he does not want a brighter or flashing light at night, as the current sign is so bright that he purchased blackout curtains for his home. Mr. Solan also stated that there are numerous accidents in that area and is concerned that it would be an added distraction for drivers. Mr. Solan asked what the purpose of the sign would be and what kind of announcements would be scrolling on the sign.

Mr. Johnson stated the church would like to advertise their nursery school as well as any church related events.

Mr. Solan asked how many lumens the new sign would be.

Mr. Johnson was unaware of the exact number of lumens but confirmed that the sign would be self-dimming at night and would be dimmer than the existing sign.

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

Chairman Wisnowski asked for those opposed to granting the Area Variances.

Nancy Solazzo, 218 Blackberry Road, is opposed to granting the area variances. Ms. Solazzo stated the church has been there for over 40 years and should not require advertising. Ms. Solazzo added that the area has a high number of accidents and sees the sign as a distraction for drivers passing by.

**MOTION** was made by Mrs. Liebi in Case #1943 to **approve** the Area Variances as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Frantzis.

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

**Case #1944 – Take 5, 7423 Oswego Road, Tax Map #104.-02-11.1.:**

The applicant is seeking Area Variances pursuant to Section 230-22 C.(1) Major Sign Standards – for an increase in the number of signs from the allowed 2 to 4; Sign #3 to have an increase in the square footage from 0 square feet to 27.69 square feet; and Sign #4 to have an increase in the square footage from 0 square feet to 50 square feet. This is to allow for brand recognition. The property is located in the LuC-1 Limited Use District for Gasoline Services.

The proof of publication was read by the secretary.

Peter Pavek of Quattro Development was present on behalf of the applicant.

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

Mr. Pavek stated the Take 5 opened about two months ago with standard signs and the applicant is looking to help increase business and mirror Take 5's corporate standards for signage.

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

Mr. Pavek 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.

Mrs. Liebi asked if the signage on the building was complete.

Mr. Pavek stated if the variances are approved, the signage and building will be complete.

Mrs. Liebi asked what the signage changes were.

The applicant stated they would add two new signs, one sign stating, "Stay in your car," and the other replacing the existing oil pan logo signage to a larger version.

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 #1944 to **approve** the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A". Motion was seconded by Deputy Chairperson Mason.

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

**Case #1945 – Nik and John Loannidis/Gardenview Diner, 3564 State Route 31, Tax Map #052.-02-09.1.:**

The applicant is seeking an Area Variance pursuant to Section 230-16 C.(4)(a)[1][b] - Site Perimeter Landscape Strip – a reduction in the Perimeter Landscape Strip for the whole parcel from 12 feet to 4 feet (a 30-foot reduction to 12 feet was approved June 12, 2023 re: Zoning Board Case #1916). This is to allow a restaurant. The property is located in the RC-1 Regional Commercial.

The proof of publication was read by the secretary.

Alex Samoray of Keplinger Freeman Associates was present on behalf of the applicant.

Chairman Wisnowski asked Ms. Samoy to explain the applicants request for an Area Variance.

Ms. Samoy stated that at the Town of Clay Planning Board meeting for their site plan approval they were made aware that they needed an area variance for the landscape strip in order to bring the parcel into compliance.

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

Ms. Samoy 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 will be vinyl fencing and spruce along the rear of the yard.
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.

Mrs. Liebi asked if the driveway would be one lane in and one lane out.

Ms. Samoy confirmed it would be one lane in and one lane out, adding that this was approved by NYS DOT.

Mrs. Liebi added that it would be difficult to get in and out of the property. Further asking if there were only two handicap parking spaces.

Ms. Samoy confirmed there were only two handicap parking spaces on the parcel.

Chairman Wisnowski asked if there was adequate room for snow removal.

Ms. Samoy confirmed they expanded the area for snow removal by the waste removal area.

Mrs. Liebi asked if the plow trucks and equipment from the next-door neighbor would be removed from the parcel and back on their own property.

Ms. Samoy stated it would be removed from this parcel.

Chairman Wisnowski asked if anyone in the audience had any questions or comments.

Ethel Castro, 8494 Bubbling Springs Drive, stated she cannot picture a restaurant on this parcel and is afraid of odors that may come from the proposed restaurant. Ms. Castro added that traffic on the access road travels at high speed and there is a lot of noise that comes from Route 31 along with unsightly views as it is. She is opposed to there being a restaurant on this parcel.

Ms. Samoy stated the applicant will be adding fencing and spruce trees to act as a buffer.

Chairman Wisnowski explained to Ms. Castro that the land use was already approved by the Town Board and that tonight's hearing was for the Area Variance for setbacks only.

Chairman Wisnowski asked for those in favor of granting the Area Variance.

Tom Fritz, 8480 Bubbling Springs Drive, stated this property is directly in front of his town house and he thinks it is a wonderful idea, he is in favor of granting the Area Variance.

Chairman Wisnowski asked for those opposed to granting the Area Variance.

Ms. Castro was opposed to the restaurant and granting of the area variance.

**MOTION** was made by Deputy Chairperson Mason in Case #1945 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	
	M Deputy Chairperson Mason	- in favor	
	Mrs. Liebi	- 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 6:58 P.M.



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