

*APPROVED*  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**September 9, 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 September 9, 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
	David Porter	Member
ABSENT:	Ryan Frantzis	Member
	Mark Territo	Commissioner of Planning & Development
OTHERS		
PRESENT:	Robert Germain	Attorney
	Chelsea Clark	Secretary

All present participated in the Pledge of Allegiance.

**MOTION** made by Deputy Chairperson Mason that the Minutes of the meeting of August 12, 2024, be accepted as submitted. Motion was seconded by Mrs. Liebi. *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:**

None.

**NEW BUSINESS:**

**Case #1958 – Diane Goodwin, 4946 Astilbe Path, Tax Map #116.1-04-05.0.:**

The applicant is requesting an Area Variance pursuant to Section 230-18 H.(1)(d) – Waivers of PDD Standards, for a reduction in the south side yard setback from 8.5 feet to 5 to allow construction of a swimming pool. The property is located in the PDD Planned Development Zoning 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. Goodwin explained she would like to install a small swimming pool and privacy fence. The pool would be shallow, ranging from 3 ½ feet to 4 ½ feet in depth and give the resident the opportunity to exercise and enjoy retirement in her backyard.

Chairman Wisnowski asked Ms. Goodwin to address the standards of proof.

Ms. Goodwin 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 the pool would not be visible to neighbors.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as the pool is the smallest available in the specification book.
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 as Cannon Pools and Spas will ensure the environment will be protected.
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 added that Commissioner Territo/Town Planning did not provide any questions or concerns.

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

Cheryl Hawa, 4944 Winterstreet Drive, stated she is the neighbor directly behind the applicant and expressed concerns regarding drainage as she believes any runoff or backwash from the pool will flood her foundation.

Mrs. Liebi asked the applicant if there was a drain or culvert on her property.

Ms. Goodwin stated there is a drain at the neighbors' property.

Chairman Wisnowski explained to Ms. Hawa that the applicant would be required to control any drainage from her property and address any drainage issues, should they arise.

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

Janet Rathburn, 4760 Freestone Road, was in favor of granting the Area Variance.

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

Ms. Hawa was opposed to granting the Area Variance.

**MOTION** was made by Mrs. Liebi in Case #1958 to **approve** the Area Variance as requested with the condition it 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. Porter	- in favor	<i>Unanimously Carried.</i>

**Case #1959 – Victor and Cheryl Cosme, 3735 Pendulum Path, Tax Map #052.-16-06.0.:**

The applicants are requesting an Area Variance pursuant to Section 230-11 C. Lot, Three Sided, for a reduction in the west side yard setback from 10 feet to 3 feet (three sided lots have two side yards). This is to allow for construction of a pool deck. The property is located in the PDD Planned Development Zoning District.

The proof of publication was read by the secretary.

The applicants were present.

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

Mr. Cosme explained they would like to install a wrap-around deck for their existing pool.

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

Mr. Cosme 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 the deck would be inside the fenced backyard.
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.

Deputy Chairperson Mason asked if the deck was already built.

Mr. Cosme confirmed the deck is already built as he didn't realize it wasn't to code until Town of Clay Code Enforcement came to the property to do the inspection, therefore resulting in their building permit being revoked.

Chairman Wisnowski added that Commissioner Territo/Town Planning did not provide any questions or concerns.

**ZONING BOARD OF APPEALS – September 9, 2024**

**Town of Clay**

**Page 4 of 4**

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 for those opposed to granting the Area Variance and there were none.

**MOTION** was made by Mr. Porter in Case #1959 to **approve** the Area Variance as requested with the condition it 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. Porter	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:12 P.M.



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