

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
APRIL 11, 2022**

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 11, 2022. 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-Allgaier	Deputy Chairperson
	Karen Liebi	Member
	Vivian Mason	Member
	Chelsea Clark	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Ryan Frantzis Member

MOTION made by Deputy Chairperson Miller-Allgaier that the Minutes of the meeting of March 14, 2022 be accepted as submitted. Motion was seconded by Mrs. Liebi. *Unanimously carried.* Mrs. Mason abstained as she was not at the March meeting.

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 #1870 – Michael White, 8866 Henry Clay Boulevard, Tax Map #043.-01-29.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 A.(4) for a reduction in the side yard setback from 25 feet to 10 1/2 feet to allow for an addition, an attached garage. The property is located in the RA-100 Residential Agricultural District.

The proof of publication was read by the secretary.

The applicant, Michael White, was present.

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

Mr. White explained he is looking to build an attached garage at his home that he has owned for 27 years.

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

Mr. White 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 the Area Variance are self-created.

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

Mrs. Mason asked the applicant if there were two shed's on the property or just one.

Mr. White stated there is only one shed.

Mrs. Mason asked if the shed is on the same side as the proposed garage.

Mr. White confirmed it is on the same side as the proposed garage.

Mrs. Mason noted that if the applicant's Area Variance is granted, it will also include the existing shed.

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 Variance and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Mason in Case #1870 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A” and “B.” Motion was seconded by Deputy Chairperson Miller-Allgaier.

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

Case #1871 – Jerry Schmid, 7743 Treadmill Circle, Tax Map #086.-18.37.0.:

The applicant is seeking an Area Variance pursuant to Section 230-20 B.(2)(a) for an increase in the height of a fence from the allowed 7 feet to 8 feet. This will allow the replacement of the existing 8-foot 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, Jerry Schmid, was present.

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

Mr. Schmid explained he is looking to replacing the existing sixty foot fence that runs parallel with Morgan Road as there is a lot of traffic and the fencing provides privacy.

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

Mr. Schmid 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 the Area Variance are 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 Variance and those opposed to granting the Area Variance and there were none.

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1871 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A.” Motion was seconded by Mrs. Liebi

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

Case #1872 – Bryant & Stratton College, 7805 Oswego Road, Tax Map #085.-01 -02.5.:

The applicant is seeking an Area Variance pursuant to Section 230-16 C.(4)(a)[1][d] for an increase in cumulative lot coverage from 75% allowed to 82%, to allow parking lot expansion. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary.

Chris Andrzejewski of Milex Engineering was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Andrzejewski to explain the request for an Area Variance.

Mr. Andrzejewski explained the applicant is seeking to expand their parking lot to accommodate an additional twenty-two parking spaces.

Chairman Wisnowski asked Mr. Andrzejewski to address the Standards of Proof.

Mr. Schmid 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 it is an extension of a currently developed lot.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as the school has limited lot and there is no public or street parking available.
3. The applicant does not believe the requested Area Variance to be substantial as it would only create a 6% decrease in the green area.
4. The applicant does not believe there will be any adverse effect to the neighborhood as the increase in parking will require storm water management, which is not currently required.
5. Yes, the need for the Area Variance are self-created.

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

Mrs. Liebi stated that previously the applicant stated they would not need additional parking, as most of their students participated in online classes and asked Mr. Andrzejewski to explain what changed.

Mary Powell, real estate agent for the applicant, noted that at the time the applicant was not approved to provide Nursing classes and now they are, meaning there is now a need for in-person, hands-on labs and clinicals for students.

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.

David George, 4069 Wetzel Road, noted he lives across the street and he has headlights from the parking lot pointing into his living room. He also expressed concerns about snow removal as the applicant is currently pushing snow into the drainage area, causing flooding and drainage issues at his home.

Mr. Andrzejewski noted that drainage issues should improve with change as there is now a requirement for storm water management.

Ms. Powell stated she would address the snow plowing concern with the applicant.

Mr. George asked if they would be crossing sewer or gas lines.

Mr. Territo stated there would be no change to sewer or gas lines.

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

There being no further comments, Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1872 to approve the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A,” dated February 2, 2022. Motion was seconded by Deputy Chairperson Miller-Allgaier.

Roll Call:	Chairman Wisnowski	- in favor	
	Deputy Chairperson Miller-Allgaier	- 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 6:21 P.M.



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