

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
DECEMBER 13, 2021**

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 December 13, 2021. 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
	Ryan Frantzis	Member
	John Marzocchi	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Chairman Wisnowski that the Zoning Board of Appeals will meet every second Monday, commencing at 6:00 P.M. for the year 2022. Motion was seconded by Deputy Chairperson Miller-Allgaier. *Unanimously carried.*

MOTION made by Chairman Wisnowski that the Minutes of the meeting of November 8, 2021 be accepted as submitted. Motion was seconded by Deputy Chairperson Miller-Allgaier. *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 #1858 – Ryan McBride, 5127 Picnic Basket Place, Tax Map #074.-09-07.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 D.(4)(b)[1] for a reduction in the front yard setback from 25 feet to 0 feet [an Area Variance, Case #1842, was granted to allow a reduction in the front yard setback from 25 feet to 14 feet] and Section 230-20 B.(2)(b) for an increase of the height of a fence in a front yard from the allowed 2 1/2 feet to no taller than 7 feet [an Area Variance, Case #1842, was granted to allow an increase in the height of a fence in a front yard from the allowed 2 1/2 feet to no taller than 7 feet] (a corner lot has two front yards). This is to allow construction of a privacy fence on a corner lot. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary at the November 8, 2021 meeting.

Applicant, Ryan McBride was present.

Mr. McBride provided a new survey that included photos with white flags marking where the proposed fence would be. The fence would allow line of sight to the corner.

Mr. McBride addressed the standards of proof at the November 8, 2021 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.

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

MOTION was made by Deputy Chairperson Miller-Allgaier in Case #1858 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	
	Deputy Chairperson Miller-Allgaier	- in favor	
	Mrs. Liebi	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1859 – Syracuse Lawn Maintenance/Todd Fritzen, 4664 Wetzel Road, Tax Map #087.-01-12.0.:

The applicant is seeking Area Variances pursuant to Section 230-17 C.(4)(b)[1][b] for a reduction in the front yard setback from 50 feet to 30 feet (Maltage Drive); Section 230-17 C.(4)(b)[2] for a reduction in the east side yard setback from 25 feet to 10 feet; and Section 230-17 C.(4)(b)[2] for a reduction in the south side yard setback from 25 feet to 10 feet, to allow for construction of a 60' x 80' building. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary at the November 8, 2021 meeting.

The applicant was not present.

Chairman Wisnowski adjourned Case #1859 to the January 10, 2022 meeting.

NEW BUSINESS:

Case #1860 – Joseph Rinefierd, 4648 & 4650 State Route 31, Tax Map #064.-01-36.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 A.(4) for a reduction in the side yard setback from 50 feet to 25 feet; Section 230-19 A.(5) for a reduction in the required highway overlay of 165 feet to 124 feet; Section 230-19 A.(5) for a reduction in the designated highway setback for parking from the required 90 feet to 44 feet; and Section 230-22 C.(1) for a reduction in the minimum setback for a freestanding sign from 25 feet to 5 feet (the existing sign is 2.7 feet and in the highway right-of-way). This is to allow for replacement of greenhouses with state of the art ones, the removal and moving of the existing freestanding sign, and construction of a new on-site 33 vehicle parking area. The property is located in the RA-100 Residential Agricultural District.

The proof of publication was read by the secretary.

The applicant, Joseph Rinefierd and Mark Weiss of M.V. Weiss and Associates were present.

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

Mr. Weiss stated that the applicant purchased the greenhouses and they will have the same use but he would like to modernize the facility to make it more energy efficient. The applicant is requesting several Area Variances to make the lot safer. The applicant is looking to increase parking spaces from 18 to 32 and wishes to have the parking lot as a one-way in and one-way out setup.

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

Mr. Weiss 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 but rather improve the character.
2. The applicant does not believe there is any feasible method other than the requested Area Variances due to the pond.
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 and would instead improve 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 there would be a retaining wall.

Mr. Weiss confirmed there would be a retaining wall.

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.

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

MOTION was made by Mrs. Liebi in Case #1860 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-Allgaier.

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

Case #1861 – VIP Structures, Inc., corner of Morgan Road and Wetzel Road, Tax Map #087.-01-01.1.:

The applicant is seeking Area Variances pursuant to Section 230-17 C.(4)(b)[1][a] for a reduction of the front yard setback from 200 feet to 100 feet; Section 230-17 C.(5)(a) for a reduction of the front perimeter landscape strip on Wetzel Road from 100 feet to 30 feet; and Section 230-17 C.(5)(a) for a reduction of the front perimeter landscape strip on Morgan Road from 100 feet to 50 feet. This is to allow for construction of a new 21,000 square foot commercial building, associated parking and storm water management facilities. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

Applicant Vince Raymond and Scott Freeman of Keplinger Freeman Associates were present.

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

Mr. Raymond explained he is the regional manager for VIP Structures and they are looking to build headquarters in New York State to respond to emergencies and be on Storm Duty.

Mr. Freeman added they would use the North portion of the for a regular utility service company. The applicants like the 11.84 acres of Clay for its close proximity to the highway which makes it a desirable site for the company. There would be 100+ trucks on site, with a proposed 160 total parking spaces. Mr. Freeman added that neighboring properties are similar to this plan.

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

Mr. Freeman 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 they are similar to surrounding properties.
2. The applicant does not believe there is any feasible method other than the requested Area Variances as it would be unusable for their needs without the 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 it is similar to other properties in the area.
5. Yes, the need for Area Variances is self-created.

Chairman Wisnowski asked the applicant if there were additional parking spaces for personal use vehicles.

Mr. Freeman stated there would be two entry points, one for the utility trucks that would be fenced in and one for the employee parking lot. Work trucks would be stacked, approximately 160 utility trucks on the lot at a time, noting there would not be 160 trucks moving in and out of the lot per day but rather for major storm events.

Chairman Wisnowski asked about the warehouse use.

Mr. Freeman stated there would be six service bays and a truck area for tooling up and de-tooling.

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

Mrs. Liebi asked that with the pavement area for the trucks and the wetland in the back of the property, where the run-off water would go.

Mr. Raymond stated they are treating the water with regulations, man-made treatment, filters, pipes and gravel, asphalt and filter strips.

Mrs. Liebi asked if they would lay down drainage fabric.

Mr. Raymond said they would to help the water move to the wetland at a controlled rate.

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.

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

MOTION was made by Mr. Frantzis in Case #1861 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-Allgaier.

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

There being no further business, Chairman Wisnowski adjourned the meeting at 6:37 P.M.

Chelsea Clark

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