

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JUNE 14, 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 June 14, 2021. Chairman Wisnowski called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Edward Wisnowski, Jr	Chairman
	Luella Miller-Allgaier	Deputy Chairperson
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	Ryan Frantzis	Alternate Member
	John Marzocchi	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Chairman Wisnowski that the Minutes of the meeting of May 10, 2021 be accepted as submitted. Motion was seconded by Mrs. Magaro-Dolan. *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 #1839 - KFC/Quick Service Realco, LLC, 7601 Oswego Road, Tax Map #093.-03-41.0.:

The applicant is seeking Area Variances pursuant to Section 230-21 E. Required Parking, to reduce parking from the required 42 to 25 spaces and Section 230-16 C.(4)(a)[1][b] & [c] to reduce the required rear perimeter landscape buffer from 80 feet to 7 feet. This is to allow for parking and perimeter landscape reductions. The property is located in the RC-1 Regional Commercial District.

The proof of publication was read by the secretary.

Adam Fishel of Marathon Engineering was present on behalf of the applicant.

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

Mr. Fishel explained that the applicant is looking to open a KFC where there was previously a Bruegger's Bagels, which also had a drive-thru. The required number of parking spaces is not feasible with the lot size, therefore they are looking to decrease the rear perimeter landscape buffer to allow for more parking spaces. In addition, the applicant would like to remove the current dumpster and add a larger dumpster enclosure in the rear of the property. The applicant will not remove any adult trees in the back of the property and the privacy fence will remain.

Mr. Fishel addressed the Standards of Proof:

1. They do not believe the requested Area Variances will create an undesirable change to the character of the neighborhood as the previous use was also a restaurant with a drive-thru.
2. They do not believe there is any feasible method other than requested Area Variances due to the size of the lot.
3. Yes, they believe the requested Area Variances to be substantial.
4. They do not believe there will be any adverse effect to the neighborhood as the previous use of the property and proposed use would be the same.
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. Magaro-Dolan asked if any of the tree buffer would be removed.

Mr. Fishel stated they would not be removing any mature trees, only removing and cleaning up weeds and brush.

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 Variances and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Magaro-Dolan in Case #1839 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
	Mrs. Magaro-Dolan	- in favor
	Mr. Lyons	- in favor

Unanimously Carried.

Case #1840 - Lee Roberts, 7854 Oswego Road, Tax Map #081.-13-11.1.:

The applicant is seeking an Area Variance pursuant to Section 230-22 C.(1) Sign Standards, to increase the square footage of a freestanding sign from the allowed 24 square feet to 32 square feet, to allow a fourth tenant to the freestanding sign. The property is located in the O-1 Neighborhood Office District.

The proof of publication was read by the secretary.

Applicant, Lee Roberts was present.

Chairman Wisnowski asked Mr. Roberts to explain his request for an Area Variance.

Mr. Roberts explained there are currently three tenants and he is looking to add a fourth tenant who requests signage to advertise services in the building.

Mr. Roberts addressed the Standards of Proof:

1. He does not believe the Area Variance will create an undesirable change in the neighborhood.
2. He does not believe there is any feasible method other than an Area Variance.
3. No, he does not believe the requested Area Variance to be substantial. The sign will be 2' by 4', a total of eight square feet.
4. He 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. Magaro-Dolan stated Mr. Roberts noted they would like to accommodate a fourth tenant and asked if there is a possibility of more tenants.

Mr. Roberts said they could but he has no plans to do so.

Mrs. Magaro-Dolan asked if they were at their limit of signs.

Mr. Roberts said yes, for sure.

Chairman Wisnowski asked Commissioner Territo if he had any comments or questions.

Mr. Territo asked the applicant if they would be adding any additional signage to the building.

Mr. Roberts stated no, only the signage requested and inside the building, not on the exterior.

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

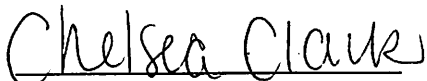
Chairman Wisnowski asked for those in favor of granting the Area Variance and those opposed to granting the Area Variances and there were none.

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1840 to approve the Area Variance 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	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 7:42 P.M.



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