

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 14, 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 February 14, 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
	Robert Germain	Attorney
	Chelsea Clark	Secretary
	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 January 10, 2022 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 #1859 – Syracuse Lawn Maintenance/Todd Fritzen, 4664 Wetzel Road, Tax Map #087.-01-12.0.:

The applicant is seeking the following Area Variances: #1 - pursuant to Section 230-17 C.(4)(b)[1][b] for a reduction in the west front yard setback from 50 feet to 30 feet (Maltage Drive) to allow for a pre-fab storage building; #2 - pursuant to Section 230-17 C.(4)(b)[2] for a reduction in the east side yard setback from 25 feet to 10 feet to allow for a pre-fab storage building; and #3 - pursuant to Section 230-17 C.(5)(a) for a reduction in the front perimeter landscape strip from 100 feet to 70 feet, to allow for construction of a 60' x 80' building and associated improvements. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

The applicant, Todd Fritzen was present.

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

Mr. Fritzen explained the original plan had the building horizontally on the property and he wanted to make the building vertical having the building East to West instead of North to South.

Mr. Fritzen 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 the surrounding properties are mainly industrial.
2. The applicant does not believe there is any feasible method other than the requested Area Variances due to the nature of the building use.
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. There will be no increase in traffic to the neighborhood.
5. Yes, the need for Area Variances 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 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 Deputy Chairperson Miller-Allgaier in Case #1859 to approve the Area Variances 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	<i>Unanimously Carried.</i>

Case #1865 – Chris Fratini, 4179 Chariot Lane, Tax Map #081.-01-20.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 E.(4)(c)[3] for a reduction in the rear yard setback from 10 feet to 4 feet to allow for an in-ground pool. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant, Chris Fratini was present.

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

Mr. Fratini explained they would like to install a pool in their back yard and in order to make an in ground pool fit an Area Variance is required.

Mr. Fratini 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 are many other pools in the area.
2. The applicant does not believe there is any feasible method other than the requested Area Variance due to the lot size and existing patio.
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 Mrs. Liebi in Case #1865 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	<i>Unanimously Carried.</i>

Case #1866 – Kimberly Sloan, 5420 Lucknow Drive, Tax Map #077.-31-01.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 E.(4)(c)[1] for a reduction in the front yard setback from 25 feet to 20 feet; Section 230-13 E.(4)(c)[2] for a reduction in the side yard setback from 10 feet to 7 feet; and Section 230-20 B.(2)(b) for an increase in the height of a fence on a corner lot from the allowed 2 1/2 feet to not more than 7 feet maximum (corner lots have two front yards), to allow for a pool and a fence installation. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant's husband, Shane Sloan was present.

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

Mr. Sloan stated they are looking to move their pool to the north for a safe walkway to allow for movement around a proposed deck, diving board and fire pit.

Mr. Sloan 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 there are several similar in the area and movement of the pool will not create an obstruction of view.
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. There will be no change to the slopes or runoffs.
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.

Deputy Chairperson Miller-Allgaier asked if the jungle gym was theirs and if it would be inside the fencing.

Mr. Sloan stated yes, it was their jungle gym and the fencing would enclose all mechanisms.

Chairman Wisnowski asked if the trees are outside of the fence.

Mr. Sloan confirmed the trees will remain outside of the fencing.

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 #1866 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	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:18 P.M.



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