

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JUNE 13, 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 June 13, 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
	Ryan Frantzis	Member
	Vivian Mason	Member
	Chelsea Clark	Secretary
	Robert Germain	Attorney
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: Karen Liebi Member

MOTION made by Deputy Chairperson Miller-Allgaier that the Minutes of the meeting of May 9, 2022 be accepted as submitted. Motion was seconded by Mr. Frantzis. *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 Mr. Frantzis. *Unanimously carried.*

OLD BUSINESS:

Case #1868 – Chick-fil-A, Inc., 3920 Brewerton Road and 110 East Taft Road, Tax Map #118.-01-01.1 and 118.-01-02.0.:

The applicant is requesting the following Area Variances pursuant to Sections: 230-16 E.(4)(b)[1] Front Yard - a reduction in the front yard setback from the property line from 50 feet to 8.5 feet, to allow for the principal structure; 230-19 A.(5) Principal Structure - a reduction in the highway overlay on Route 11, for a principal structure, from 140 feet to 64.8 feet to allow for a Chick-fil-A restaurant building; 230-19 A.(5) Parking Area - a reduction in the highway overlay on South Bay Road from the required 70 feet to 55.3 feet to allow for parking; 230-16 E.(5)(a) Perimeter Landscape - a reduction in the south perimeter landscape strip from 15 feet to 8.9 feet for a canopy; 230-16 E.(4)(b)[2][a] Side Yard Minimum - a reduction in the north side yard setback from 25 feet to 4.8 feet for the principal structure; 230-16 E.(5)(a) Perimeter Landscape Strip - a reduction in the north perimeter landscape strip from 15 feet to 0 feet; 230-16 E.(5)(a) Perimeter Landscape Strip - a reduction in the south perimeter landscape strip from 15 feet to 0 feet; and 230-16 E.(4)(b)[2][b] Total Both Sides - a 50 foot combining of both sides required with 34.2 feet proposed. The property is located in a LuC-2 Limited Use District for Restaurants.

Chairman Wisnowski adjourned Case #1868 to the July 11, 2022, Zoning Board of Appeals meeting.

Case #1875 – Robert Aluzzo, 8258 Oswego Road, Tax Map #054.-01-11.2.:

The applicant is seeking Area Variances pursuant to Section 230230-15 A.(4)(b)[2][a] for a reduction in the side yard setback from 6 feet to 2.5 feet and Section 230-15 A.(5)(a) for a reduction of the perimeter landscape strip from 15 feet to 2.5 feet, to allow for an attached garage bay addition to provide indoor/enclosed vehicle parking for elderly veteran neighbor. The property is located in the O-1 Neighborhood Office District.

The proof of publication was read by the secretary at the May 9, 2022 meeting.

The applicant along with Steve Calocerinos of Calocerinos Engineering, PLLC, were present.

Mr. Calocerinos explained the applicant is looking to build a single car garage that would be used by his father who lives at the property next door. The applicant owns both adjacent properties.

Chairman Wisnowski asked Mr. Calocerinos to address the Standards of Proof:

Mr. Calocerinos 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 applicant is the owner of the adjacent properties.
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 as the properties range from residential to commercial.
5. Yes, the need for the 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.

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

MOTION was made by Mrs. Mason in Case #1875 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	
	Mr. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

NEW BUSINESS:

Case #1876 – Jason Hart (315 Fencing) for Kelly Thornton & Stephen Hiscock, 8347 Datum Lane, Tax Map #052.-20-06.0.:

The applicant is seeking Area Variances pursuant to Section 230-18 I.(2) - Dimensional Controls, for a reduction in the front yard setback from 20 feet to 10 feet and Section 230-20B.(2)(b) for an increase in the height of a fence in a front yard from the allowed 2 ½ feet to four feet, to allow for a fence. The property is located in the PDD Planned Development District.

The proof of publication was read by the secretary.

Jason Hart of 315 Fencing was present.

Chairman Wisnowski asked Mr. Hart to explain his requests for Area Variances.

Mr. Hart explained they are requesting the Area Variances to be able to keep the existing fence at its current location since it is a completed project at this time and the fence does not cause any obstruction of view.

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

Mr. Hart 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 and there would be no obstruction of view.
2. The applicant does not believe there is any feasible method other than the requested Area Variances. The applicant would need to remove and reinstall the fence.
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.
5. Yes, the need for the 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.

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

MOTION was made by Mr. Frantzis in Case #1876 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	
	Mr. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1877 – Douglas Seib, 3738 Theodolite Drive, Tax Map #052.-14-14.0.:

The applicant is seeking an Area Variance pursuant to Section 230-18 I.(2) - Dimensional Controls, for a reduction in the front yard setback from 25 feet to 20 feet to allow for a porch addition in a front yard. The property is located in the PDD Planned Development District.

The proof of publication was read by the secretary.

The applicant, nor anyone on behalf of the applicant, were present.

Chairman Wisnowski adjourned Case #1877 to the July 11, 2022, Zoning Board of Appeals meeting.

Case #1878 – Craig S. Kulzer, 708 Shaver Avenue, Tax Map #101.-02-23.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13 D.(4)(c)[1] & 230-20 A.(1)(e)[3] – Accessory Structure, for a reduction in the front yard setback from 25 feet to 22 feet, to allow for construction of a storage shed. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant was present.

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

Mr. Kulzer explained he lives on a small, corner lot and this is the only available space for a shed.

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

Mr. Kulzer 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. Most of the homes in the area have sheds.
2. The applicant does not believe there is any feasible method other than the requested Area Variance due to other structures on the property.
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 is 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.

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

MOTION was made by Mr. Frantzis in Case #1878 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	
	Mr. Frantzis	- in favor	
	Mrs. Mason	- in favor	<i>Unanimously Carried.</i>

Case #1879 – Elaina Pirro, 5284 West Taft Road, Tax Map #117.-09-20.0.:

The applicant is seeking an Area Variance pursuant to Section 230-19 A.(5) – Designated Highway Setback, for a reduction in the front yard setback from 140 feet to 125 feet, to allow for an addition and a covered porch. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant was present.

Chairman Wisnowski asked Ms. Pirro to explain her request for an Area Variance.

Ms. Pirro stated she is looking to put an addition on the front of her home as they have outgrown its current size and they would like to remain in the home.

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

Ms. Pirro 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 other homes on W. Taft Road sit closer to the road than her home.
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 is 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.

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

MOTION was made by Mrs. Mason in Case #1879 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	
	Mr. Frantzis	- 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