

TOWN OF CLAY
ZONING BOARD OF APPEALS AGENDA

The next regular meeting of the Town of Clay Zoning Board of Appeals will be held on **May 9, 2022 at 6:00 PM** in the Clay Town Hall Located at 4401 New York State Route 31, Clay, New York

- A. PRE-AGENDA MEETING – *Jury Room* – 5:30 PM
- B. CALL THE MEETING TO ORDER – 6:00 PM
- C. MINUTES OF THE PREVIOUS MEETING
- D. HEARING FORMAT ANNOUNCEMENT:

ALL MATTERS HEARD BY THIS ZONING BOARD OF APPEALS ARE IN THE FORM OF A PUBLIC HEARING. EVERYONE DESIRING TO BE HEARD WILL BE HEARD. BEFORE SPEAKING, YOU ARE ASKED TO STATE CLEARLY YOUR NAME AND ADDRESS.

THERE ARE THREE TYPES OF MATTERS THAT COME BEFORE THIS BOARD. THEY ARE SPECIAL PERMIT, VARIANCES AND INTERPRETATIONS. THE APPLICATION WILL BE DENIED UNLESS THE APPLICANT HAS PROVEN HIS CASE.

FOR THE PURPOSE OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW (SEQR), ALL NEW ACTIONS TONIGHT WILL BE DETERMINED TO BE TYPE II ACTIONS, AND WILL BE GIVEN A NEGATIVE DECLARATION, UNLESS OTHERWISE ADVISED BY OUR ATTORNEY.

E. **OLD BUSINESS:** None

F. **F. NEW BUSINESS:**

Case: #1868
Zone: LuC-2
Tax #: 118.-01-01.1 & 02.0

Applicant: **Chick-fil-A, Inc.**
Location: **3920 Brewerton Road & 110 East Taft Road**
Relief Sought: **Area Variances:** The applicant is seeking eight Area Variances: #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; #2] 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; #3] 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; #4] Perimeter Landscape - a reduction in the south perimeter landscape strip from 15 feet to 8.9 feet for a canopy; #5] Side Yard Minimum - a reduction in the north side yard setback from 25 feet to 4.8 feet for the principal structure; #6]

Perimeter Landscape Strip - a reduction in the north perimeter landscape strip from 15 feet to 0 feet; #7] Perimeter Landscape Strip - a reduction in the south perimeter landscape strip from 15 feet to 0 feet; and #8] Total Both Sides - a 50 foot combining of both sides required with 34.2 feet proposed to construct a Chick-fil-A drive-thru restaurant

Per Town Ordinance Numbers: Sections 230-16 E.(4)(b)[1], 230-19 A.(5), 230-19 A.(5), 230-16 E.(5)(a), 230-16 E.(4)(b)[2][a], 230-16 E.(5)(a), 230-16 E.(5)(a), & 230-16 E.(4)(b)[2][b]

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (Y)	Negative <u>X</u>	Granted _____
Date Sent <u>4/14/2022</u>	Positive _____	Denied _____
Received ()	Hearing Closed _____	Conditions(Y/N)

Case: #1873
 Zone: RA-100
 Tax #: 013.-01-37.5

Applicant: **John & Sandra Ditro**
 Location: **9588 Horseshoe Island Road**
 Relief Sought: **Area Variances**: The applicant is seeking Area Variances for a reduction in the south side yard setback from 25 feet to 12.1 feet (expansion of existing building), a reduction in the south side yard setback from 25 feet to 15 feet (garage) to allow for a building expansion and construction of a garage.

Per Town Ordinance Number: Section 230-13 A.(4)

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (N)	Negative <u>X</u>	Granted _____
Date Sent _____	Positive _____	Denied _____
Received ()	Hearing Closed _____	Conditions(Y/N)

Case: #1874
 Zone: O-1
 Tax #: 054.-01-03.1

Applicant: **Robert Aluzzo**
 Location: **8302 Oswego Road**
 Relief Sought: **Area Variances**: The applicant is seeking an Area Variance for a reduction of the minimum front yard setback from the required 25 feet to 4 feet to allow for a freestanding sign.

Per Town Ordinance Number: Section 230-22 C.(1)

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (N)	Negative <u>X</u>	Granted _____
Date Sent _____	Positive _____	Denied _____

Case: #1875
Zone: O-1
Tax #: 054.-01-11.2

Applicant: **Robert Aluzzo**
Location: **8258 Oswego Road**
Relief Sought: **Area Variances:** The applicant is seeking Area Variances for a reduction in the side yard setback from 6 feet to 2.5 feet and 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.

Per Town Ordinance Number: **Section 230230-15 A.(4)(b)[2][a] & 230-15 A.(5)(a)**

OCPB Report	SEQR Type <u>Type II</u>	Board Action _____
Required (N)	Negative <u>X</u>	Granted _____
Date Sent _____	Positive _____	Denied _____

G. OTHER BUSINESS

H. ADJOURN THE MEETING