

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 14, 2023

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 August 14, 2023. 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
	Karen Liebi	Member
	Vivian Mason	Member
	Ryan Frantzis	Member
ABSENT:	Luella Miller	Deputy Chairperson

OTHERS

PRESENT:	Robert Germain	Attorney
	Chelsea Clark	Secretary
	Mark Territo	Commissioner of Planning & Development

All present participated in the Pledge of Allegiance.

MOTION made by Mrs. Mason that the Minutes of the meeting of July 10, 2023, 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 Mrs. Liebi. *Unanimously carried.*

OLD BUSINESS:

Case #1924 – David Poulsen, 101 Heins Avenue, Tax Map No. 099.-05-10.0.:

The applicant is seeking Area Variances pursuant to Section 230-11 C. – Definition: Lot 3-sided, for a reduction in the west side yard setback from 10 feet to 3 feet and a reduction in the north side yard setback from 10 feet to 3 feet. This is to allow for a shed. The property is located in the R-10 One-Family Residential District.

The proof of publication was read by the secretary at the July 10, 2023, Zoning Board of Appeals meeting.

The applicant was present.

Public hearing was closed at the July 10, 2023, meeting.

MOTION was made by Mrs. Mason to **approve** the Area Variances 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	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1925 – St. Joseph’s Imaging (Jamie Bracy, Agent) 8200 Oswego Road, Tax Map No. 067.-01-01.6.:

The applicant is seeking an Area Variance pursuant to Section 230-22 C.(1) – Major Sign Standards – to install a second free standing sign on the property. This is to identify the remaining businesses on the property. This property is located in the O-2 Office District.

The proof of publication was read by the secretary at the July 10, 2023, Zoning Board of Appeals meeting.

There was no applicant present.

MOTION was made by Chairman Wisnowski to **adjourn** Case #1925 to the September 11, 2023, meeting. Motion was seconded by Mrs. Mason.

Roll Call:	Chairman Wisnowski	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

NEW BUSINESS:

Case #1926 – Josh Fellows, 8403 Gaskin Road, Tax Map #019.-01-23.0.:

The applicant is seeking an Area Variance, pursuant to Section 230-13 D.(4)(c)[4] – Maximum Height, for an increase in the height of an accessory structure from the allowed 12 feet to 16.5 feet to allow for construction of a pole barn/garage. 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 the applicant to explain his request for an Area Variance.

Mr. Fellows stated he is looking to build a pole barn style garage behind his house and in order to have the correct pitch for the roof, he needs more than 12 feet, so he is requesting 16.5 feet, which is slightly more than needed but leaves space as a precaution.

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

Mr. Fellows 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.
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 an Area Variance is self-created.

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

Mrs. Liebi asked the applicant if the proposed garage would be to the left or the right of the home.

The applicant stated the proposed garage would be directly behind his house and would not be visible from the road.

Mrs. Liebi asked if there would be a driveway going back to the garage.

Mr. Fellows stated eventually he would like to put a driveway leading to the garage.

Mrs. Liebi asked if the applicant was going to use the proposed garage to store his excavating business equipment.

Mr. Fellows advised it would be for personal use to store his racecar, as he currently rents storage space and would like to be closer to home.

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.

MOTION was made by Mr. Frantzis in Case #1926 to **approve** the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”. Motion was seconded by Mrs. Mason.

Roll Call:	Chairman Wisnowski	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1927 – Robert Antalek, 8016 Evesborough Drive, Tax Map #078.-08-40.0.:

The applicant is seeking an Area Variance, pursuant to Section 230-13 E.(4)(c)[2] – Side Yard Setback for Detached Accessory Structure, for a reduction in the west side yard setback from 7.5 feet to 4.5 feet to allow for construction of a pool deck. The property is located in the R-7.5 One-Family Residential District.

The proof of publication was read by the secretary.

The applicant was present.

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

Mr. Antalek stated he is looking to add a pool deck to his existing above-ground pool to limit access points to create a safer space for his children.

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

Mr. Antalek 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.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as this is the safest option in order to limit access points.
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 an 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 Variance and those opposed to granting the Area Variance and there were none.

MOTION was made by Mrs. Mason in Case #1927 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	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1928 – Mark DeWolf, 203 Allen Road, Tax Map #110.-01-19.1.:

The applicant is seeking a Use Variance, pursuant to Section 230-13 D.(2) – Uses Allowed and Section 230-23 D.(2) – Non-conforming Use Requirements, for the expansion of a non-conforming use, to allow for an addition to a personal vehicle storage accessory structure (garage). 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. DeWolf to explain his request for a Use Variance.

Mr. DeWolf stated he resides approximately one-mile from the property/garage and is looking to build an addition in order to store additional cars.

Chairman Wisnowski asked Mr. DeWolf to address the Use Variance questions.

Mr. DeWolf addressed the Use Variance questions:

1. The applicant states without the addition to the existing garage, he would need to pay a monthly storage fee to an offsite storage facility, causing financial hardship.
2. The applicant stated that there is more than enough space on the property to allow for an addition to the existing garage.
3. The applicant does not believe the requested Use Variance would negatively impact the neighborhood.
4. The alleged hardship 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 stated that in order for a Use Variance to be granted, the applicant needs to meet all criteria and since the proposed Use Variance is self-created, it could not be approved.

MOTION was made by Chairman Wisnowski in Case #1928 to **deny** the Use Variance as the criteria have not been met. Motion was seconded by Mr. Frantzis.

Roll Call:	Chairman Wisnowski	- in favor	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

Case #1929 – J.W. Didado Electric, LLC/Dan Sublett, 7822 Morgan Road, Tax Map #087.-01-01.1.:

The applicant is seeking an Area Variance, pursuant to Section 230-17 C.(4)(c)[4] – Maximum Height: Same as Principal Structure, for an increase in the maximum height of an accessory structure from the allowed 30 feet to 45 feet, to allow for a flagpole. The property is located in the I-1 Industrial 1 District.

The proof of publication was read by the secretary.

Alex Samoray of Keplinger Freeman Associates was present on behalf of the applicant.

Chairman Wisnowski asked Ms. Samoray to explain the applicant’s request for an Area Variance.

Ms. Samoray stated the applicant is looking to increase the height of a flagpole for a project that is already under construction to allow for an additional 15 feet in height.

Chairman Wisnowski asked Ms. Samoray to address the Standards of Proof.

Ms. Samoray addressed the Standards of Proof:

5. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood.
6. Ms. Samoray stated the applicant could proceed with the 30 feet allowed, if necessary.
7. The applicant does not believe the requested Area Variance to be substantial.
8. The applicant does not believe there will be any adverse effect to the neighborhood.
9. Yes, the need for an 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 Variance and those opposed to granting the Area Variance and there were none.

MOTION was made by Mrs. Liebi in Case #1929 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	
	Mrs. Liebi	- in favor	
	Mrs. Mason	- in favor	
	Mr. Frantzis	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 6:27 P.M.



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