

TOWN OF CLAY

ZONING BOARD OF APPEALS AGENDA

The Regular Meeting of the Town of Clay Zoning Board of Appeals will be held on **April 8, 2024 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. PLEDGE OF ALLEGIANCE
- D. **MOTION** approving the Minutes of the Previous Meeting as written.
- E. 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 OR HER CASE.

MOTION 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.

- F. **OLD BUSINESS:** (Case #1939 - Whitestone Development Partners, LLC withdrew their request.)

G. NEW BUSINESS:

Case: #1942
Zone: R-10
Tax #: #107.-15-17.0

Applicant: **Mark D. and Elizabeth Copley**
Location: **4950 Peppermill Lane**
Relief Sought: **Area Variances**: The applicant is seeking Area Variances for a lot with only three property lines forming its boundaries (for purposes of enforcement, it shall have no rear yard, two side yards and a front yard extending the entire width of the lot); and, for a reduction in the front yard setback from 25 feet to 7 feet; and, for an increase in the height of a fence from the allowed 2 ½ feet to 4 feet (a corner lot has two front yards). This is to allow construction of a fence.

Per Town Ordinance Number: **Section 230-11 C. LOT, THREE-SIDED; Section 230-13 D.(4)(c)[1] – Accessory Structures; and Section 230-20 B.(2)(b) – Fences**

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

Case: **#1943**
Zone: **R-7.5**
Tax #: **#086.-34-11.0**

Applicant: **United Church of Christ**
Location: **215 Blackberry Road**
Relief Sought: **Area Variances**: The applicant is seeking Area Variances for a reduction in the front yard setback from 25 feet to 3.4 feet, and an increase in the square footage of a sign to 38 square feet when 24 square feet is allowed. This is to allow replacement of an existing sign in-kind with new LED sign.

Per Town Ordinance Number: **Section 230-22 C.(1) Major Sign Standards**

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

Case: **#1944**
Zone: **LuC-1**
Tax #: **#**

Applicant: **Take 5**
Location: **7423 Oswego Road**
Relief Sought: **Area Variances**: The applicant is seeking Area Variances for an increase in the number of signs from the allowed 2 to 4; Sign #3 to have an increase in the square footage from 0 square feet to 27.69 square feet; and Sign #4 to have an increase in the square footage from 0 square feet to 50 square feet. This is to allow for brand recognition.

Per Town Ordinance Number: **Section 230-22 C.(1) Major Sign Standards**

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

Case: #1945
Zone: RC-1
Tax #: #052.-02-09.1

Applicant: **Nik and John Loannidis/Gardenview Diner**
Location: **3564 State Route 31**
Relief Sought: **Area Variances:** The applicant is seeking an Area Variance for a reduction in the Perimeter Landscape Strip for the whole parcel from 12 feet to 4 feet (a 30-foot reduction to 12 feet was approved June 12, 2023 re: Zoning Board Case #1916). This is to allow a restaurant.

Per Town Ordinance Number: **Section 230-16 C.(4)(a)[1][b] - Site Perimeter Landscape Strip**

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

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H. OTHER BUSINESS

I. ADJOURN MEETING