

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JULY 12, 2021**

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 July 12, 2021. Chairman Wisnowski called the meeting to order at 7:30 P.M. and upon the roll being called the following were:

PRESENT:	Edward Wisnowski, Jr	Chairman
	Luella Miller-Allgaier	Deputy Chairperson
	Karen Liebi	Member
	Deborah Magaro-Dolan	Member
	Dennis Lyons	Member
	Ryan Frantzis	Alternate Member
	John Marzocchi	Attorney
	Chelsea Clark	Secretary
	Mark V. Territo	Commissioner of Planning & Development

ABSENT: None

MOTION made by Chairman Wisnowski that the Minutes of the meeting of June 14, 2021 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 #1842 – Ryan McBride, 5127 Picnic Basket Place, Tax Map #074.-09-07.0:

The applicant is seeking Area Variances pursuant to Section 230-13 D.(4)(b)[1] and 230-B.(2)(b) for a reduction in the front yard setback from 25 feet to 14 feet and an increase of the height of a fence in a front yard from the allowed 2 ½ feet to no taller than 7 feet (a corner lot has two front yards) to allow for construction of a fence on a corner lot.

The proof of publication was read by the secretary.

Applicant, Ryan and Francesca McBride were present.

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

Mrs. McBride explained they are located on a corner lot with a pool and jungle gym and would like to add privacy for the use of their pool and for their children as the yard faces a main road.

Mrs. McBride addressed the Standards of Proof:

1. The applicant do not believe the requested Area Variances will create an undesirable change to the character of the neighborhood.
2. The applicant does not believe there is any feasible method other than 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 fence would go 16 feet down the side of the lot and 10 feet along the back of the lot.
5. Yes, the need for Area Variances is self-created.

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

Mrs. Liebi asked if the fence would go around and attach to the deck.

Mr. McBride said no, the fence will create an “L” shape.

Mrs. Liebi asked if the fence would encompass the pool.

Mr. McBride stated it will not encompass the pool, they are only wanting to add privacy to the pool and jungle gym. The pool meets the current code for above ground pools as it stands.

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 Variances and there were none.


The Zoning Board of Appeals received a letter from neighbors, Ellen and Tony Archino, in favor of granting the Area Variances.

Chairman Wisnowski closed the hearing.

MOTION was made by Mrs. Liebi in Case #1842 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	
	Mrs. Magaro-Dolan	- in favor	
	Mr. Lyons	- in favor	<i>Unanimously Carried.</i>

There being no further business, Chairman Wisnowski adjourned the meeting at 7:37 P.M.


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