

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
December 9, 2024

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 December 9, 2024. 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
	Vivian Mason	Deputy Chairperson
	Ryan Frantzis	Member
	David Porter	Member
	Karen Liebi	Member

ABSENT: None

OTHERS

PRESENT:	Robert Germain	Attorney
	Chelsea Clark	Secretary

All present participated in the Pledge of Allegiance.

MOTION made by Deputy Chairperson Mason that the Minutes of the meeting of October 14, 2024, be accepted as submitted. The November meeting was cancelled due to no business. 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 #1961 – Clay Hospitality, LLC/Neil Patel, State Route 31 (behind Wegmans) Tax Map #021.-01-05.6.:

The applicant is requesting an Area Variance pursuant to Section 230-16 C.(5)(b)[4][a] Maximum Height – for an increase in allowable height from 50 feet to 54 feet and two inches to allow for construction of a four-story hotel. The property is located in the RC-1 Regional Commercial Zoning District.

Mike Ritchie of Costich Engineering was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Ritchie to explain the applicants request for an Area Variance.

Mr. Ritchie explained that the applicant is looking to build a hotel, applicant was previously in front of the Town of Clay Town Board and Planning Board. The applicant is looking for the small accent portion of the building to be 54 feet, 4 feet taller than the allowable height. Mr. Ritchie noted that the height of the rest of the building would be 47 feet.

Chairman Wisnowski asked Mr. Ritchie to address the standards of proof.

Mr. Ritchie 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 the surrounding buildings are also commercial and they are only requesting a small portion of the building to be above the allowed height.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as this design is consistent with the hotels national branding.
3. The applicant does not believe the requested Area Variance to be substantial as it is only a small portion of the building, approximately 8%.
4. The applicant does not believe there would be any adverse effect to the neighborhood as it would not be seen by any residential properties, there would be no light pollution or run off.
5. Yes, the need for 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 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 #1961 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 Mason	- in favor
	Mrs. Liebi	- in favor
	Mr. Frantzis	- in favor
	Mr. Porter	- in favor <i>Unanimously Carried.</i>

Case #1962 – Eastern Shore Park (Greg Fishel), 4709 Crossroads Park Drive, Tax Map #115.-01-01.1.:

The applicant is requesting an Area Variance pursuant to Section 230-22 C.(1) Major Sign Standards - for an increase in the allowable square footage of a freestanding sign from 32 square feet to 60 square feet, for business recognition. The property is located in the I-1 Industrial Zoning District.

The applicant was present.

Chairman Wisnowski asked Mr. Fishel to explain their request for an Area Variance.

Mr. Fishel explained Eastern Shore is requesting signage that is simple but modern and LED illuminated, adding that only the wave of the logo and the text would be illuminated at night. Eastern Shore would use this as their main sign to mark their location and the sign would be 37 feet 3 inches from the property line.

Chairman Wisnowski asked Mr. Fishel to address the standards of proof.

Mr. Ritchie 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 the sign would be similar to other signs in the area.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as the building does not have façade for signage and is set off the road, covered by trees.
3. The applicant does not believe the requested Area Variance to be substantial.
4. The applicant does not believe there would be any adverse effect to the neighborhood as it would be similar to other signs in the area.
5. Yes, the need for 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 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 #1962 to **approve** the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”. Motion was seconded by Deputy Chairperson Mason.

Roll Call:	Chairman Wisnowski	- in favor
	Deputy Chairperson Mason	- in favor
	Mrs. Liebi	- in favor
	Mr. Frantzis	- in favor
	Mr. Porter	- in favor

Unanimously Carried.

Case #1963 – Scott Merle, 8835 Gaskin Road, Tax Map #017.-01-11.0.:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(a)[2] Lot Width to reduce the lot width from 75 feet to 70 feet to allow for construction of a house. The property is located in the R-10 One-Family Residential Zoning District.

The applicant was present.

Chairman Wisnowski asked Mr. Merle to explain their request for an Area Variance.

Mr. Merle explained he purchased the property that gets wider by the river and he would like to subdivide to be able to build two homes on the property.

Chairman Wisnowski asked Mr. Merle to address the standards of proof.

Mr. Merle 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 and believes it would add value as one of the homes would be approximately \$900k and the other would be approximately \$500k, adding curb appeal to 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 would be any adverse effect to the neighborhood but rather bring value to the neighborhood.
5. Yes, the need for Area Variance is self-created.

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

Deputy Chairperson Mason asked the applicant if he would be splitting the lots at a later time.

Mr. Merle said yes, he would be splitting the lots at another meeting.

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. Porter in Case #1963 to **approve** the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”. Motion was seconded by Deputy Chairperson Mason.

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

Case #1964 – Bryant & Stratton/James Schneider (Charles Signs, Inc.), 7805 Oswego Road, Tax Map #085.-01-02.5.:

The applicant is requesting Area Variances pursuant to Section 230-22 C.(1) Major Sign Standards – for a reduction in the front yard set-back from 25 feet to 5.5 feet, an increase in the square footage of a freestanding sign from 0 square feet to 36 square feet, and an increase in the maximum allowable number of freestanding signs from (2) two to (3) three in an RC-1 site to allow for a new freestanding sign. The property is located in the RC-1 Regional Commercial Zoning District.

James Schneider of Charles Signs Inc., was present on behalf of the applicant.

Chairman Wisnowski asked Mr. Schneider to explain the applicants request for Area Variances.

Mr. Schneider explained they are requesting area variances to allow for an LED message board. The applicant noted that the lot was subdivided previously, creating a unique lot and the need for Area Variances to allow for a sign.

Chairman Wisnowski asked Mr. Schneider to address the standards of proof.

Mr. Schenider 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 it would be similar to other signs in the area.
2. The applicant does not believe there is any feasible method other than the requested Area Variances as the sign would be used for marketing purposed and promoting course offerings.
3. The applicant does believe the requested Area Variances to be substantial.
4. The applicant does not believe there would be any adverse effect to the neighborhood.
5. Yes, the need for 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 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 Deputy Chairperson Mason in Case #1964 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
	Deputy Chairperson Mason	- in favor
	Mrs. Liebi	- in favor
	Mr. Frantzis	- in favor
	Mr. Porter	- in favor

Unanimously Carried.

Case #1965 – Lorraine Quackenbush, 8003 Fir Drive, Tax Map #078.-13-58.0.:

The applicant is requesting an Area Variance pursuant to Section 230-13 D.(4)(c)[4] Maximum Height of Detached Structure to allow for an increase in the maximum allowable height of the structure from the allowed 12 feet to 19 feet for construction of a secondary garage for auto/boat and furniture storage. The property is located in the R-10 One-Family Residential Zoning District.

The applicant was present.

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

Ms. Quackenbush explained she is looking to build a detached garage in her backyard with the garage door facing Caughdenoy Road. She added a majority of the garage would be inside her fencing. The applicant plans to have a virtual golf simulator inside the proposed garage, requiring 12 feet in height, as well as using the garage for furniture storage. The proposed garage would not have a driveway and be used mostly for seasonal storage.

Chairman Wisnowski asked Ms. Quackenbush to address the standards of proof.

Ms. Quackenbush 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 Caughdenoy Road is not zoned residential and it would be similar to other buildings in the area.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as the height is needed to allow for loft storage.
3. The applicant does believe the requested Area Variance to be substantial.
4. The applicant does not believe there would be any adverse effect to the neighborhood as the garage would be located in the applicants fenced in yard and there would be no driveway to the garage.
5. Yes, the need for Area Variance is self-created.

Chairman Wisnowski asked if there were any further comments or questions from the Board and there were none.

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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 #1965 to **approve** the Area Variance as requested with the condition it be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Porter.

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

There being no further business, Chairman Wisnowski adjourned the meeting at 6:24 P.M.



Chelsea Clark, Secretary
Zoning Board of Appeals
Town of Clay