

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
June 9, 2025

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 June 9, 2025. Chairperson Mason called the meeting to order at 6:00 P.M. and upon the roll being called the following were:

PRESENT:	Vivian Mason	Chairperson
	Ryan Frantzis	Member
	David Porter	Member
ABSENT:	Karen Liebi	Member
	Robert Germain	Attorney
OTHERS		
PRESENT:	Neil Germain	Attorney
	Chelsea Clark	Secretary
	Joseph Grispino	Code Enforcement Commissioner

All present participated in the Pledge of Allegiance.

MOTION made by Chairperson Mason that the Minutes of the meeting of April 14, 2025, and May 12, 2025, be accepted as submitted. Motion was seconded by Mr. Frantzis. *Unanimously carried.*

MOTION made by Chairperson Mason 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 Mr. Frantzis. *Unanimously carried.*

OLD BUSINESS:

Case #1971 – Alexa Dickson, 7783 Tirrell Hill Circle, Tax Map #088.-17-39.0.:

The applicant is seeking Area Variances pursuant to Section 230-20 A.(3)(a) – Animal/Pets Residential District - requesting to harbor or maintain farm animals (chickens) as pets and Section 230-20 A.(3)(b) – Animals/Pets RA-100 Zone District - for a reduction of lot area from the required 5 acres to 0.30 acres in an R-7.5 Zone District to maintain chickens as pets.

Mr. Frantzis read the following findings:

1. The Board has determined the application for an area variance is a Type II actions for the purpose of SEQRA compliance, and no further action is required.
2. The Subject Property is Zoned R-7.5. This is a residential zone that permits “Domestic” animals as defined in the Code but prohibits most Farm Animals which require a minimum of 5 acres. The applicant’s property consists of approximately 62 x 209 feet.

3. According to the Code, Chickens are classified as Farm Animals. Raising of Farm Animals requires at least 5 acres of land.

Mr. Frantzis read the Standards of Proof:

1. Will granting the variance produce an undesirable change in neighborhood character?

Yes. If the variance is granted, the applicant will be able to raise farm animals in a thickly settled residential area and this activity could result in an undesirable change such as additional odor and noise associated with the activity.

2. Whether the benefit can be achieved by other means feasible to the applicant.

We recognize though it may be financially difficult to relocate to a larger property, the applicant could do so.

3. Whether the request is substantial.

Yes. The area variance requested is for a lot that is less than 1 acre, where the Town Code requires at least 5 acres of land for this activity.

4. Whether granting the application may have adverse physical or environmental effects.

Yes. If this request is granted, the resulting activity could result in additional odor and noise in a tight residential area.

5. Is the alleged hardship self-created?

Yes. The applicant is attempting to house farm animals in a residential zone that does not allow the use.

MOTION was made by Mr. Frantzis in Case #1971 to **deny** the Area Variances. Motion was seconded by Mr. Porter.

Roll Call:	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Application denied.</i>

NEW BUSINESS:

Case #1973 – Jennifer M. Dunbar, 7392 Henry Clay Blvd., Tax Map #106.-04-17.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 A.(4) – Principal structure and attached accessory structures - a reduction in the front yard setback from the required 75 feet to 65 feet, a reduction in the side yard setback from the required 25 feet to 15 feet, and a reduction in the side yard (2nd) setback from the required 25 feet to 15 feet for construction of a building addition to main house and garage. The property location is in the RA-100 Residential Agricultural Zoning District.

The proof of publication was read by the secretary.

Maryann Dennis (mother of the applicant) was present on behalf of the applicant.

Chairperson Mason asked Ms. Dennis to explain the request for Area Variances.

Ms. Dennis stated they are looking to build an addition to handle excess storage and provide privacy for herself (applicant's aging mother).

Chairperson Mason asked Ms. Dennis to address the Standards of Proof.

Ms. Dennis 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 neighboring properties are apartments.
2. The applicant does not believe there is any feasible method other than the requested Area Variances as the property is long and narrow.
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.
5. Yes, the need for Area Variances is self-created.

Chairperson Mason asked if there were any further comments or questions from the Board and there were none.

Chairperson Mason asked Code Enforcement Commissioner Grispingo if he had any questions or comments.

Mr. Grispingo stated they are looking for an “in-law suite” in a single-family residence.

Ms. Dennis agreed.

Chairperson Mason asked if anyone in the audience had any questions or comments and there were none.

Chairperson Mason asked for those in favor of granting the Area Variances and there were none.

Chairperson Mason asked for those opposed to granting the Area Variances and there were none.

The hearing was closed.

MOTION was made by Mr. Frantzis in Case #1973 to **approve** the Area Variances as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Porter

Roll Call:	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously carried.</i>

Case #1974 – Deborah A. Magaro-Dolan, 207 Riverdale Road, Tax Map #093.-01-12.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 E.(4)(c)[2] – Accessory structures, detached – a reduction in the side yard setback from the required 7.5 feet to 3 feet, and Section 230-13 E.(4)(c)[3] – Accessory structures, detached – a reduction in the rear yard setback from the required 10 feet to 3 feet to replace existing 8 x 10 shed with new 10 x 16 shed in the same location. The property location is in the R-7.5 One-Family Residential Zoning District.

The proof of publication was read by the secretary.

The applicant and her husband, Steven Dolan were present.

Chairperson Mason asked the applicant to explain the request for Area Variances.

Mr. Dolan explained they are looking to replace their existing 8' x 10' shed with a 10' x 16' shed in the same location on the property.

Chairperson Mason asked the applicant to address the Standards of Proof.

Mr. Dolan 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 the new shed will be closer to the property and blend in better.
2. The applicant does not believe there is any feasible method other than the requested Area Variances.
3. The applicant does not believe the requested Area Variances to be substantial as it will only take up 2% of the property.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. Yes, the need for Area Variances is self-created.

Chairperson Mason asked if the requested set back is on the West side of the property.

The applicant confirmed, yes located on the West side.

Chairperson Mason asked if there were any further comments or questions from the Board and there were none.

Chairperson Mason asked Code Enforcement Commissioner Grispino if he had any questions or comments, and he had none.

Chairperson Mason asked if anyone in the audience had any questions or comments and there were none.

Chairperson Mason asked for those in favor of granting the Area Variances and there were none.

Chairperson Mason asked for those opposed to granting the Area Variances and there were none.

The hearing was closed.

MOTION was made by Mr. Porter in Case #1974 to **approve** the Area Variances as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Frantzis.

Roll Call:	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously carried.</i>

Case #1976 – Robert Seniecle, 8867 Canter Drive, Tax Map #017.-01-03.0.:

The applicant is seeking Area Variance pursuant to Section 230-13 D.(4)(b)[1] – Principal structure and attached accessory structures – a reduction in the front yard setback from minimum requirement of 25 feet to 7.5 feet for construction of a 16 x 26 garage. The property location is in the R-10 One-Family Residential Zoning District.

The proof of publication was read by the secretary.

The applicant was present.

Chairperson Mason asked the applicant to explain the request for an Area Variance.

Mr. Seniecle explained he would like to build an attached garage for additional storage.

Chairperson Mason asked the applicant to address the Standards of Proof.

Mr. Seniecle 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 that it will add value to the property.
2. The applicant does not believe there is any feasible method other than the requested Area Variance other than a smaller structure which would not fit his need.
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.

Chairperson Mason asked if the requested set back is on the West side of the property.

The applicant confirmed, yes located on the West side.

Chairperson Mason asked if the applicant was increasing the size of an existing garage or building a new garage.

Mr. Seniecle stated he was looking to build a new garage.

Chairperson Mason asked Code Enforcement Commissioner Grispino if he had any questions or comments, and he had none.

Chairperson Mason asked if anyone in the audience had any questions or comments and there were none.

Chairperson Mason asked for those in favor of granting the Area Variance and there were none.

Chairperson Mason asked for those opposed to granting the Area Variance and there were none.

The hearing was closed.

MOTION was made by Mr. Porter in Case #1976 to **approve** the Area Variance as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Frantzis.

Roll Call:	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously carried.</i>

Case #1978 – Neil Warner, 11 Mallard Path, Tax Map #094.-21-63.0.:

The applicant is seeking Area Variance pursuant to Section 230-13 E.(4)(c)[3] – Accessory structures, detached – a reduction in the rear yard setback from the required 10 feet to 3 feet for construction of a 10 x 14 storage shed. The property location is in the R-7.5 One-Family Residential Zoning District.

The proof of publication was read by the secretary.

The applicant was present.

Chairperson Mason asked the applicant to explain the request for an Area Variance.

Mr. Warner stated he is looking to reduce the setback and build a new shed to replace the existing shed.

Chairperson Mason asked the applicant to address the Standards of Proof.

Mr. Warner 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 he is looking to replace an old shed with a new shed.
2. The applicant does not believe there is any feasible method other than the requested Area Variance as other options would take up a large amount of space in the back yard.
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.

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Chairperson Mason asked if there were any further comments or questions from the Board and there were none.

Chairperson Mason asked Code Enforcement Commissioner Grispino if he had any questions or comments, and he had none.

Chairperson Mason asked if anyone in the audience had any questions or comments and there were none.

Chairperson Mason asked for those in favor of granting the Area Variances and there were two in the audience who raised their hand in favor.

Chairperson Mason asked for those opposed to granting the Area Variances and there were none.

The hearing was closed.

MOTION was made by Mr. Frantzis in Case #1978 to **approve** the Area Variance as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Mr. Porter.

Roll Call:	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously carried.</i>

There being no further business, Chairperson Mason adjourned the meeting at 6:20 P.M.



Chelsea Clark, Secretary
Zoning Board of Appeals
Town of Clay