

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 8, 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 September 8, 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
	Karen Liebi	Deputy Chairperson
	David Porter	Member
	Mary Lou DesRosier	Member
	Michael Becker	Alternate Member

ABSENT:	Ryan Frantzis	Member
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OTHERS

PRESENT:	Neil Germain	Attorney
	Chelsea Clark	Secretary
	Brian Bender	Planning & Development Commissioner

All present participated in the Pledge of Allegiance.

MOTION made by Deputy Chairperson Liebi that the Minutes of the meeting of August 11, 2025, be accepted as submitted. Motion was seconded by Mrs. DesRosier. *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 Deputy Chairperson Liebi. *Unanimously carried.*

OLD BUSINESS:

None.

NEW BUSINESS:

Case: #1986 – David Meleski, 4764 Norstar Blvd., Apt. 228, Tax Map #096.-01-01.0.:

The applicant is seeking a Special Permit pursuant to Section 230-13 H.(2)(d)[1] – Home Occupation, and Section 230-27 I.(2)(a) – Standards of Review, to allow the transfer of ammo and firearms to purchasers of on-line firearm items. The property location is in R-APT Apartment Zoning District.

The proof of publication was read by the secretary.

The applicant was present.

Chairperson Mason asked the applicant to explain his request for a Special Permit.

Mr. Meleski explained he wants to get his Federal Firearms License to purchase and transfer firearms for himself, friends and family.

Deputy Chairperson Liebi asked the applicant if he had permission for a home occupation/federal firearms license to transfer firearms from the property owner, Norstar Apartments.

Mr. Meleski said they know of his profession and know he owns firearms, but they are unaware of this request.

Chairperson Mason asked if he had a safe in his apartment.

Mr. Meleski confirmed he has a gun safe and that this license would allow him to receive firearms, send firearms to gunsmiths for repair, and transfer firearms.

Chairperson Mason asked if he would deliver the firearms to the recipient or if they recipient would come to his apartment.

Mr. Meleski stated they would come to his apartment.

Deputy Chairperson Liebi asked what the applicants' profession is.

Mr. Meleski stated he is a police officer and was in the US Army. He is also a firearm instructor.

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

Chairperson Mason advised the applicant that he would need a letter of approval from the property owner prior to the board decision.

MOTION was made by Chairperson Mason in Case #1986 to **adjourn** the public hearing to **October 13, 2025**. Motion was seconded by Mrs. Liebi.

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

Case: #1987 – Jim Williamson, 5085 Audrey Drive, Tax Map #098.-04-10.0.:

The applicant is seeking Area Variances pursuant to Section 230-13 E.(4)(c)[1] – Front Yard Minimum (pool), for a reduction in the front yard setback from 25.42 feet to 22 feet, Section 230-13 E.(4)(c)[1] – Front Yard Minimum (shed), for a reduction in the front yard setback from 25.42 feet to 6 feet, and Section 230-20 B.(2)(b) – Fences, for an increase in height of a fence in a front yard from the allowed 2.5 feet to 6 feet, to allow for construction/replacement of an existing shed.

The proof of publication was read by the secretary.

The applicant was present.

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

Mr. Williamson explained the shed was existing when he purchased the property, twenty-five years ago. Since that time, the shed had rusted leading to leaking inside the structure. He is looking to replace the existing shed with a woodshed and move it back to its original location but was informed by the Town Planning department that it was not in compliance with the current code, so he is asking for the Area Variances to bring his property into compliance. The applicant added that he needs the Area Variances due to an existing pool, fence, and shrubbery in only other locations on the property and without requested Area Variances he would have nowhere to place the shed.

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

Mr. Williamson 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 but would improve the appearance.
2. The applicant does not believe there is any feasible method other than the requested Area Variances due to existing pool, fence and shrubbery.
3. The applicant does not believe the requested Area Variances to be substantial as is he only looking to replace an existing shed.
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 applicant was only looking to replace the shed or if his application was also for changes to the pool or fencing.

The applicant confirmed he is only looking to replace the shed and bring his property into compliance.

Chairperson Mason asked if there were any further comments or questions from the Board.

Deputy Chairperson Liebi asked if the applicant was increasing the height of his fencing from 2.5ft to 6ft.

ZONING BOARD OF APPEALS – September 8, 2025

Town of Clay

Page 4 of 4

The applicant stated no, there was a chain link fence that was removed and replaced a portion with a 6ft plastic fence, and he is just looking to bring it to code.

Chairperson Mason asked the Planning Commissioner if he had any questions or comments, and he had none.

Chairperson Mason asked if anyone in the audience had any questions or comments.

Janet Rathburn, 4760 Freestone Road, asked if the pool was above-ground or in-ground and stated that Town Code requires a 4ft fence around a pool.

The applicant stated it is an in-ground pool.

Attorney Neil Germain added that the fence is pre-existing.

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 #1987 to **approve** the Area Variances as requested with the condition they be in substantial compliance with Exhibit “A”. Motion was seconded by Deputy Chairperson Liebi.

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

There being no further business, Chairperson Mason adjourned the meeting at 6:18 P.M.



Chelsea Clark, Secretary
Zoning Board of Appeals
Town of Clay