

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
June 8, 2026

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 8, 2026. 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
	Ryan Frantzis	Member
	David Porter	Member
	Mary Lou DesRosier	Member
	Michael Becker	Alternate Member

ABSENT: None

OTHERS

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

All present participated in the Pledge of Allegiance.

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. Mr. Porter seconded motion. Unanimously carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Case #2001 – Greg Fischel (Allied Sign Company), 3567 State Route 31, Tax Map #019.-02-29.1.:

The applicant is seeking two Area Variances pursuant to Section 230-22C(1) – Maximum square footage for a Freestanding Sign, for an increase in square footage from the maximum 32 square feet to 59 square feet; and for an increase in the maximum number of wall signs from 2 to 3. The property is in the Highway-Commercial (HC-1) Zoning District.

The secretary read the proof of publication.

The applicant was present.

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

Mr. Fischel explained Tully's Tenders is requesting Area Variances to allow for an LED, internally illuminated channel letter sign for messages and specials for promotion purposes as well as increasing the allowed signage from two signs to three.

Chairperson Mason asked the applicant to address the Standards of Proof for the freestanding sign.

Mr. Fischel offered the following responses:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood as it would be similar to other freestanding signs in the area.
2. The applicant does not believe there are other feasible methods other than the requested Area Variance. This location is a drive-thru with limited seating, which differs from the sit-down restaurant style Tully's in the area.
3. The applicant does not believe the requested Area Variance is substantial as it would be similar to other boards in the area.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The applicant acknowledged that the need for Area Variances is self-created.

Mr. Fischel explained the applicant is looking for an increase in allowed signage from two signs to three signs to allow for a "Tully's Tenders" logo to be placed on the side of the building. Two signs were previously approved by the Town of Clay Planning Board. One included a "Tully's Tender's" logo and the other included a tagline sign, "Best Tenders on Earth."

Chairperson Mason asked the applicant to address the Standards of Proof for the increase in signage.

Mr. Fischel offered the following responses:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood as it would be similar to other businesses in the area.
2. The applicant does not believe there are other feasible methods other than the requested Area Variance.
3. The applicant does not believe the requested Area Variance is substantial as it would be similar to other boards in the area.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The applicant acknowledged that the need for Area Variances is self-created.

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

Mrs. Liebi asked the applicant if the freestanding sign was going to be large.

The applicant said the proposed freestanding sign would be similar to the nearby golf course sign and would be approximately 3 feet by 6 feet to allow traffic to be able to read the message board.

Chairperson Mason asked Planning Commissioner Bender if he had any questions or comments.

Chairperson Bender recommended the Zoning Board to refer to the request for the free-standing sign to the Planning Board for their recommendation on sign size and how it will fit on the lot.

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

Chairperson Mason asked for those who would like to speak in favor of granting the Area Variances and there were none.

Chairperson Mason asked for those who would like to speak against granting the Area Variances.

Janet Rathburn, 4760 Freestone Road, was opposed to granting the Area Variances as she believed the proposed freestanding sign was too large and the allowed two signs were sufficient.

Chairperson Mason closed the hearing.

MOTION was made by Chairperson Mason to refer Case #2001 to the Planning Board. Zoning Board will make their decision at the July 13, 2026, meeting. Motion was seconded by Mr. Frantzis.

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

Case #2002 - Terri L. Leahy, 7866 Orion Path, Tax Map #081.-28-09.0.:

The applicant is seeking two Area Variances pursuant to Section 230-13E(4)(c)[1] and Section 230-13E(4)(c)[3] – Lot and Structure Dimensional Requirements, for a reduction in the front yard setback from 25 feet to 10 feet; and for a reduction in the rear yard setback from 10 feet to 5 feet to allow construction of a new shed. The property is in the One-Family Residential (R-7.5) Zoning District.

The secretary read the proof of publication.

The applicant was present.

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

Ms. Leahy explained she would like to put a shed in the back corner of her property which is located on a corner lot.

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

The applicant offered the following responses:

1. The applicant does not believe the requested Area Variances will create an undesirable change to the character of the neighborhood as she is on a corner lot and there are apartments behind her property.
2. The applicant does not believe there are other feasible methods other than the requested Area Variances due to existing landscaping.
3. The applicant does not believe the requested Area Variances are substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood, the shed will not have plumbing or electric and will be used for storage only.
5. The applicant acknowledged that 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 Planning Commissioner Bender if he had any questions or comments.

Chairperson Bender stated since this is a corner lot, there are two front yards, creating the need for Area Variances but does not have concerns about the request.

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

Chairperson Mason asked for those who would like to speak in favor of granting the Area Variances and there were none.

Chairperson Mason asked for those who would like to speak against granting the Area Variances and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Frantzis in Case #2002 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:	Ms. DesRosiers	- in favor	
	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Mrs. Liebi	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously Carried.</i>

Case #2003- Kiran Gautam, 4942 Harvest Lane, Tax Map #107.-16-26.0.:

The applicant is requesting a Special Permit pursuant Section 230-13D(2)(d)[1] to operate a home-based seamstress business from their residence. The property is in the One-Family Residential (R-10) Zoning District.

The secretary read the proof of publication.

The applicant was present.

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

Ms. Gautam said she would like to have a small, service-oriented, business in her basement to offer her skills as a seamstress for dress creation and alterations for fashion and cultural dresses. She added she is not doing this for primary income but to help fulfill the need for cultural dress for the area. There will be no heavy traffic, clients will be by appointment only and one at a time. The applicant will pick up fabric from local stores or clients will bring the fabric with them. There will be no heavy deliveries. The property has a four-car driveway with a two-car garage. The applicant has two vehicles.

Chairperson Mason advised the applicant that a 2x2 sign is allowed if the Special Permit is granted.

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

Mrs. Liebi asked the applicant how she was going to advertise since the property is located in a cul-de-sac and a sign wouldn't help promote the business.

The applicant stated by word of mouth and Facebook.

Chairperson Mason advised the applicant that she could not have any employees.

The applicant understood and confirmed that it would only be her working on the clothing.

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

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

Greg Clark, 4937 Harvest Lane, stated he lives two doors down and has never met the applicant in three years. He stated this is a residential neighborhood and the property is located in a cul-de-sac. Mr. Clark asked what cultural dress sale means and if it would be a retail sale location for said dresses.

The applicant stated there would be no retail sales, the dresses would be customary to the client and assured Mr. Clark that clients would have ample room to park in her driveway. There would be no parking on the cul-de-sac.

Mr. Clark asked who would be keeping an eye on the business to ensure the applicant is abiding by the guidelines.

Mr. Frantzis stated that the special permit only allows for so much, there can be no employees, no retail sales, etc.

Attorney Germain added that the Zoning Board takes necessary steps to protect the neighbors and any conditions to the granting of the special permit would be public record. Attorney Germain asked the applicant what her hours of operation would be.

The applicant stated all clients would be seen on an appointment only basis and no later than 7 P.M.

Janet Rathburn asked how anyone would know if it was a client or visitor at the home.

Chairperson Mason said you would not know either way.

The applicant's husband stated his elderly Mother-in-law lives with them and they often have visitors at their home to see her.

Chairperson Mason asked for those who would like to speak in favor of granting the Special Permit and there were none.

Chairperson Mason asked those who would like to speak against granting the Special Permit and there was one, Greg Clark.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Frantzis in Case #2003 to **approve** the Special Permit as requested with the condition they be in substantial compliance with Exhibit "A" and the following conditions: **1. All business will be conducted by appointment only 2. No employees at the property 3. No more than one client vehicle will be permitted at the property at any given time 4. Hours of client operation shall be until 7 P.M.** Motion was seconded by Mrs. Liebi.

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

Case #2004- Burke Bruinsma, 311 Brookhaven Road, Tax Map #109.-04-02.0.:

The applicant is requesting an Area Variance pursuant to Section 230-13D(4)(c)[2] – Lot and Structure Dimensional Requirements, for a reduction in the side yard setback from 8.5 feet to 2.5 feet to allow construction of a new shed. The property is in the One-Family Residential (R-10) Zoning District.

The secretary read the proof of publication.

The applicant was present.

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

Mr. Bruinsma explained he would like to put a 14x26 shed in his side yard. The proposed shed would not have plumbing or electricity and would be used for storage purposes only.

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

The applicant offered the following responses:

1. The applicant does not believe the requested Area Variance will create an undesirable change to the character of the neighborhood and would match the aesthetics of the house.
2. The applicant does not believe there are other feasible methods other than the requested Area Variance.
3. The applicant does believe the requested Area Variance is substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood, the shed will not have plumbing or electric and will be used for storage only.
5. The applicant acknowledged that the need for an Area Variance is self-created.

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

Mrs. Liebi asked if the applicant has another shed on the property.

Mr. Bruinsma said there is an existing shed in the backyard that he would like to keep. He added it is difficult for him to access as he uses a walker and would like the side yard shed for easier access.

Chairperson Mason asked Planning Commissioner Bender if he had any questions or comments.

Chairperson Bender stated that Planning and Codes received two letters from the same resident opposed to granting the Area Variance.

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

Richard Chapman, 309 Brookhaven Road, stated he saw the cement slab and the contractor tore up his mother's property.

The applicant stated he advised the contractor to stay on the applicant's property and apologized that damage to their property occurred.

Janet Rathburn asked if the proposed shed is that close to the neighboring property, will it allow room to mow around the shed.

The applicant confirmed there would be adequate space around the shed to mow.

Chairperson Mason asked for those who would like to speak in favor of granting the Area Variance and there were none.

Chairperson Mason asked for those who would like to speak against granting the Area Variance.

Kim Utter, 307 Brookhaven Road, stated that she felt the applicant was asking forgiveness instead of permission and stated the applicant already has a shed. She is opposed to granting the Area Variance and the shed being allowed next to the garage.

Mr. Porter asked the applicant if his plan was to have the shed finished and match the house.

The applicant stated yes, the shed would match the house and be painted white with red trim, same as the house siding.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Porter in Case #2004 to **approve** the Area Variance as requested with the condition they be in substantial compliance with Exhibit "A," and with the condition that the shed matches the color aesthetics of the existing home. Motion was seconded by Mr. Frantzis.

Roll Call:	Ms. DesRosiers	- in favor	
	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Mrs. Liebi	- opposed	
	Chairperson Mason	- in favor	<i>Motion Carried.</i>

Case #2005- Paul Licari, 8894 Caughdenov Road, Tax Map #048.-01-06.0.:

The applicant is requesting two Area Variances pursuant to Section 230-17D(4)(b)[1][a] for a reduction in the front yard setback from 200 feet to 30 feet and Section 230-19A(5) for a reduction in Highway Overlay Type C setback from 115 feet to 54 feet to permit construction of a warehouse and accessory parking. The property is in the Industrial 2 (I-2) Zoning District.

The secretary read the proof of publication.

The applicant and Pat Reynolds of Ianuzi & Romans were present.

Chairperson Mason asked Mr. Reynold to explain the applicants' need for Area Variances.

Mr. Reynolds explained the applicant is requesting two Area Variances to allow for construction of a warehouse, potentially for his general contracting business or space to rent for other contractors.

Mr. Licari explained there is currently a rental home on the property, despite being zoned industrial. He finds it unlikely that the rental property will be kept due to development in the area and is trying to see if the requested Area Variances would be granted to know how he is going to proceed with use of the property.

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

Mr. Reynolds offered the following responses:

1. The applicant does not believe the requested Area Variances will create an undesirable change to the character of the neighborhood and believes it would be more conforming to the current zoning. The existing house is 16 feet off the road.
2. The applicant does not believe there are other feasible methods other than the requested Area Variances as the current lot depth is not deep enough.
3. The applicant does believe the requested Area Variances are substantial as they are requesting an 85% reduction.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The applicant acknowledged that the need for Area Variances is self-created.

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

Mrs. Liebi asked if the applicant would consider a smaller building on the lot as the lot is already pretty small, adding the proposed warehouse was an excessive size compared to the lot.

The applicant stated they would not be comfortable with a smaller size as it would not allow for adequate space for contractor use. The applicant wishes to have enough space for contractors to be able to pull trucks through the building along with office space.

Chairperson Mason asked what the office space would be used for.

The applicant stated the office space would be used for administration for the building and a bathroom.

Chairperson Mason asked Planning Commissioner Bender if he had any questions or comments.

Chairperson Bender added he believes the proposed warehouse is too much building for the lot size. He recommends a referral to the Planning Board as the request for Area Variances are substantial and the Planning Board can address concerns such as Stormwater Management.

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

Janet Rathburn asked if there were any comments from Onondaga County Planning.

Chairperson Mason stated Onondaga County Planning did provide four comments, adding the applicant shall address and incorporate referenced comments into the forthcoming Site Plan Application submission.

Chairperson Bender stated this property is a good location for a warehouse with National Grid expanding and Micron fab sites in the area. However, the proposed building is too big for the lot and stated the applicant should consider consolidating.

Chairperson Mason asked for those who would like to speak in favor of granting the Area Variances and there were none.

Chairperson Mason asked for those who would like to speak against granting the Area Variances and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Chairperson Mason that the Zoning Board of Appeals will present their decision at the July 13, 2026, meeting. Motion was seconded by Mr. Frantzis.

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

There being no further business, Chairperson Mason adjourned the meeting at 7:13 P.M.


Chelsea Clark, Secretary
Zoning Board of Appeals
Town of Clay