

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
May 12, 2025

The Regular Meetings 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 May 12, 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	Deputy Chairperson
	Chelsea Clark	Secretary
OTHERS		
PRESENT:	Robert Germain	Attorney
	Jill Hageman-Clark	Town Clerk (fill in Secretary)
	Joseph Grispino	Commissioner of Code Enforcement

All present participated in the Pledge of Allegiance.

Chairperson Mason said that there will be no motion regarding the minutes from the April 14, 2025, as there are pending corrections. A motion will be rendered at the June 9, 2025, meeting.

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 # 1967 Northern Credit Union – 5004-5008 Taft Road, Tax Map 116.1-01-04.1 & 116.1-01-05.0:

The applicant withdrew this application.

NEW 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.

The proof of publication was read by the secretary.

The applicant was present.

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

The applicant explained they are requesting the Area Variance to help her 10-year-old son cope with anxiety. She explained that cuddling with the chickens and other pets help him to develop coping skills and being outside is also healing. She added that she is a therapist.

Chairperson Mason asked the applicant to address the Standard of Proof, adding that the Town Code requires a minimum of 5 acres in an RA-100 Residential Agricultural Zoning District, to keep farm animals/livestock. This parcel is .30 acres.

The applicant 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 they will be staying in coops and the structures are not tall.
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, adding that chickens are quiet, and any smell would be contained.
4. The applicant does not believe there will be any adverse effect to the neighborhood only her yard.
5. Yes, the need for an Area Variance is self-created.

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

Chairperson Mason asked 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; she added that if they had sent correspondence to please refrain from repeating what has already been sent.

Michelle Valerino said that Ms. Dickson's children are respectful. She added that she has not heard or smelled the chickens.

Ms. Cristina Constantino said that she lives next door and is restricted from having a fence and concerned about the wildlife that will be attracted to the chickens and the potential threat that they will carry.

Mr. Dan Radke, father of the applicant, said Cicero and Manlius allow chickens in residential areas. He continued that there are benefits to having chickens and if a variance is not granted, please allow 90 days or so to rehome them.

Mr. Josh Frost suggested that we should be more sustainable, self-reliant and mindful and growing food on your own property is a step in achieving this. He concluded that the Board should not just accept and approve but allow future residents this opportunity as well.

Ms. Brenda Agundas explained that her property backs up to Ms. Dickson's property and her husband has leukemia. She is concerned about the potential of diseases from the chickens, particularly with her husband's compromised health. She added that the fence is falling down.

Mr. Richard Groll said that he reached out to the Town Board when this first happened. He added that this is very distasteful in a densely populated area. He continued that he researched this and has been in contact with Janet Oppenizado from Cornell Cooperative regarding chicken in residential neighborhoods. She said that she would speak to the town. Mr. Groll cited the following reasons for not allowing chickens in residential zones; chickens are up early, the compost smells badly, they attract predators, air quality degradation, viruses etc.

Job Dickson, son of the applicant, said that chickens should be allowed because they don't fly though the air and you get used to the smell after a while.

Mr. Jason Spagnola said that he lives directly across the street from the Dicksons and does not hear or smell anything. He said that if they are not allowed to keep the chickens, they should be given time to rehome them.

Several e-mails were received, some in favor of granting the Area Variance and some opposed.

Chairperson Mason said that she would close the hearing, but a decision will be rendered at the next meeting.

The hearing was closed.

Case #1972 – Andrew Selesky, 4014 Marder Road, Tax Map #026.-01-02.5.:

The applicant is seeking an Area Variance pursuant to Section 230-13 A.(4) – Accessory structures: detached, greater than 100 square feet - for an increase in the maximum height of a detached garage from 25 feet to 27 feet for proposed construction of a barn.

The proof of publication was read by the secretary.

The applicant was present.

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

The applicant explained they are requesting the Area Variance to

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

Mr. Selesky 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.
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 will be any adverse effect to the neighborhood.
5. Yes, the need for an Area Variance is self-created.

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

Chairperson Mason asked Commissioner Grispingo 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.

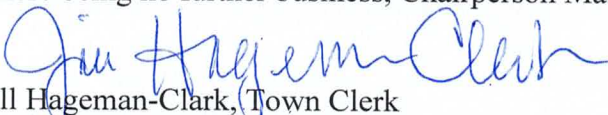
Chairperson Mason asked for those opposed to granting the Area Variance and there were none.

The hearing was closed.

MOTION was made by Mr. Porter in Case #1972 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>

There being no further business, Chairperson Mason adjourned the meeting at 6:49 P.M.


Jill Hageman-Clark, Town Clerk
Zoning Board of Appeals
Town of Clay