

APPROVED
ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 14, 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 September 14, 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
	Ryan Frantzis	Member
	David Porter	Member
	Michael Becker	Member
	Mary Lou DesRosier	Alternate Member

ABSENT:	Karen Liebi	Deputy Chairperson
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OTHERS

PRESENT:	Robert Germain	Attorney
	Brian Bender	Planning & Development Commissioner
	Joseph Grispino	Code Enforcement Commissioner
	Chelsea Clark	Zoning Board Secretary

All present participated in the Pledge of Allegiance.

MOTION made by Mr. Frantzis that the Minutes of the meeting of August 10, 2026, be accepted as submitted. Motion was seconded by Mr. Porter. 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. Mr. Frantzis seconded motion. Unanimously carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Case #2013 – Carla & Bruce Wingate, 9 Oriole Path, Tax Map ID #094.-02-43.0.:

The applicant is seeking an Area Variance pursuant to Section 230-13E(4)(c)[3] – Lot and Structure Dimensional Requirements, for a reduction in the rear yard setback from 10 feet to 5 feet for an accessory structure. The property is in the One-Family Residential (R-7.5) Zoning District.

The secretary read the proof of publication.

The applicant, Bruce Wingate, was present.

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

Mr. Wingate explained they had an above-ground pool installed and during final inspection, they were informed that it does not meet the current setback requirements. The applicant does not wish to move the location of the pool due to limited space and would create financial hardship.

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

Mr. Wingate 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.
2. The applicant does believe there are other feasible methods other than the requested Area Variance but it would create financial hardship.
3. The applicant does not believe the requested Area Variance is substantial.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The need for the 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 Planning Commissioner Bender if he had any questions or comments and he had none.

Chairperson Mason asked Codes Commissioner Grispino if he had any questions or comments and he stated the pool is already installed and he has no issue with the request for an Area Variance.

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

Janet Rathburn, 4760 Freestone Road, asked if the pool was in the drainage easement.

Attorney Germain stated the pool is not in the drainage easement.

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 and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Becker in Case #2013 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:	Ms. DesRosiers	- in favor	
	Mr. Becker	- in favor	
	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously Carried.</i>

Case #2015- Streamline Real Estate, 5380 W Taft Road, Tax Map ID #117.-10-20.1.:

The applicant is seeking an Area Variance pursuant to Section 230-21E - for a reduction in the number of parking spaces from the required 237 spaces to 190 spaces for a new bank which requires 5 spaces/ 1,000 square feet, and restaurant which requires 15 spaces/1,000 square feet. The property is in the Regional Commercial (RC-1) Zoning District.

The secretary read the proof of publication.

Jim Ballantyne of Napierala Consulting was present on behalf of the applicant.

Chairperson Mason asked Mr. Ballantyne to explain the applicants need for an Area Variance.

Mr. Ballantyne explained the applicant is requesting a 20% reduction in the number of required parking spaces for the proposed five (5) restaurants and one (1) bank.

Chairperson Mason asked Mr. Ballantyne to address the Standards of Proof.

Mr. Ballantyne 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.
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 they are requesting a 20% reduction and the parking would exceed the anticipated need.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The need for the 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 Planning Commissioner Bender if he had any questions or comments. Commissioner Bender stated the developer has been working along with Town staff and the Planning Board to improve accessibility, on drainage, parking, including a sidewalk that will be beneficial for future development.

Chairperson Mason asked Codes 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.

Janet Rathburn, 4760 Freestone Road, asked if Onondaga County Planning had any comments.

Chairperson Mason said Onondaga County noted no significant adverse impacts.

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 and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Frantzis in Case #2015 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:	Ms. DesRosiers	- in favor	
	Mr. Becker	- in favor	
	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously Carried.</i>

Case #2016 – Vincent Aquilino/Edick Electric, 4980 Astilbe Path, Tax Map ID# 116.1-04-19.0.:

The applicant is seeking an Area Variance pursuant to Section 230-18H(1) – Modifications and Amendments to an Existing PDD, for a reduction in side setback requirements from 8.5 feet to 5 feet for an accessory structure. The property is in the Planned Development (PDD) 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. Aquilino explained the request for an Area Variance is to allow for the installation of a generator.

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.
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.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The need for the 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 Planning Commissioner Bender if he had any questions or comments and he had none.

Chairperson Mason asked Codes 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.

Janet Rathburn, 4760 Freestone Road, asked if he was installing a gas generator.

The applicant confirmed the generator will be gas powered.

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 and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Porter in Case #2016 to approve the Area Variance as requested with the condition they be in substantial compliance with Exhibit “A,” and with the condition it be exclusively used as a generator only for residential purposes. Motion was seconded by Mr. Frantzis.

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

Case #2017 -John Walters, 8383 Henry Clay Blvd., Tax Map ID# 060.-02-13.0.:

The applicant is seeking an Area Variance pursuant to Section 230-19A(5) – Highway Overlay Zone District, for a reduction in Highway Overlay Type B setback from 140 feet to 94 feet. The property is in the Residential Agricultural (RA-100) 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. Walters explained he would like to build an addition on the right side of his existing property for a growing family.

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

Mr. Walters 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.
2. The applicant does not believe there are other feasible methods other than the requested Area Variance due to the location of the septic system.
3. The applicant does not believe the requested Area Variance is substantial; he is looking to build a 22ft by 12ft addition.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The need for the 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 Planning Commissioner Bender if he had any questions or comments and he had none.

Chairperson Mason asked Codes 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 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 and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Ms. DesRosier in Case #2017 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:	Ms. DesRosiers	- in favor	
	Mr. Becker	- in favor	
	Mr. Porter	- in favor	
	Mr. Frantzis	- in favor	
	Chairperson Mason	- in favor	<i>Unanimously Carried.</i>

Case #2018 – John Anthony Properties LLC, 8285 Oswego Rd., Tax Map ID# 054.-02-08.1.:

The applicant is seeking an Area Variance pursuant to Section 230-13D(4)(c)[4]- Lot and Structure Dimensional Requirements, for an increase in maximum height of an accessory structure from 12 feet to 26.3 feet. The property is in the One-Family Residential (R-10) Zoning District.

The secretary read the proof of publication.

The applicant and Steve Calocerinos of Calocerinos Engineering were present.

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

Mr. Calocerinos explained the applicant is seeking an Area Variance to allow for construction of a pole barn to be used for boat storage.

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

Mr. Calocerinos 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 there are other pole barns 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, stating that is his opinion and he is requesting a typical size and height for a pole barn.
4. The applicant does not believe there will be any adverse effect to the neighborhood.
5. The need for the Variance is self-created.

Chairperson Mason asked the applicant if height is needed for a boat, why is the applicant only proposing a 12ft door and asked if there would be an upstairs.

The applicant stated the door may be 14ft, adding that the indoor height is requested to be able to work on the boat while it is in the pole barn. There will be no finished upstairs, just storage. The slope will be the same as the existing house and garage.

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

Mr. Frantzis stated that the applicant said the request for the Variance is not substantial, however he is requesting a 216% increase in the allowed height, making this a substantial request.

Chairperson Mason asked if the applicant could build a pole barn for less of a substantial height.

The applicant stated no, due to the required headroom to be able to service the boat in the pole barn.

Chairperson Mason asked Planning Commissioner Bender if he had any questions or comments and he stated that the requested Variance is not compatible with the residential district.

Chairperson Mason asked Codes Commissioner Grispino if he had any questions or comments and he advised that they could reduce the height by using rafters and a slope instead.

Chairperson Mason agreed that this was a big ask for a residential area.

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

Janet Rathburn, 4760 Freestone Road, stated the proposed barn looks like it would be used for business, not personal use for storage and asked if there would be a second floor due to the height and proposed placement of windows. Ms. Rathburn suggested a possible zone change request instead of a Variance.

The applicant stated no second floor, just storage and windows for lighting.

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 and there were none.

Chairperson Mason closed the hearing.

MOTION was made by Mr. Frantzis in Case #2018 to adjourn the case decision to the October 12, 2026, Zoning Board of Appeals Meeting. Motion was seconded by Mr. Porter.

Roll Call:	Ms. DesRosiers	- in favor	
	Mr. Becker	- in favor	
	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 6:33 P.M.



Chelsea Clark, Secretary
Zoning Board of Appeals
Town of Clay