



TOWN OF CLAY

Case # 1911  
Tax Map # 085-06-620

ZONING BOARD OF APPEALS

RESIDENTIAL or COMMERCIAL

RECEIVED

FEB 11 2023

Application for an Area Variance:

NAME OF APPLICANT (Principal contact): Ron Peckham

PLANNING AND DEVELOPMENT

Mailing Address 4018 Pawnee Drive

Email rpeckham@cscos.com

Phone (315) 430-6111

ADDRESS OF SUBJECT PROPERTY: 115 Shoreview Dr

PROPERTY OWNER (owner of record, if not applicant) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_

PERSON/FIRM REPRESENTING APPLICANT Keplinger Freeman Associates - Scott Freeman

(Architect, Engineer, Attorney, etc.)

Mailing Address 6320 Fly Rd. Suite 109 East Syracuse NY 13057

Email vr@keplingerfreeman.com

Phone 516-279-7708

PROPERTY'S ZONING DISTRICT: RA-100 R-40 R-15 R-10 R-7.5 R-2F R-TH R-APT R-MHC LuR R-SR REC-1 O-1 O-2 NC-1 HC-1 RC-1 LuC-1 LuC-2 I-1 I-2 S-1 PDD (circle one)

Any portion of the land located in:

Regulated Wetlands

Flood Plain

Waterfront Revitalization Area

RELIEF SOUGHT:

Front yard setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Section \_\_\_\_\_

Side yard setback from 7.4 feet to 1.5 feet, Section §230-13 E, (4)(b)(a) *Accessory Structure*  
Side yard (2<sup>nd</sup>) setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Section \_\_\_\_\_ *Side yard minimum*  
Rear yard setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Section \_\_\_\_\_

Height of a \_\_\_\_\_ from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Section \_\_\_\_\_

Height of a fence in a front yard from the allowed 2 1/2 feet to \_\_\_\_\_ feet (maximum 7 feet) 230-20 B.(2)(b)

Lot Area \_\_\_\_\_ feet to \_\_\_\_\_ feet Lot width \_\_\_\_\_ feet to \_\_\_\_\_ feet

Highway Overlay Zone District reducing:

Lot area from \_\_\_\_\_ square feet to \_\_\_\_\_ square feet, Section \_\_\_\_\_

Lot frontage from \_\_\_\_\_ square feet to \_\_\_\_\_ square feet, Section \_\_\_\_\_

Designated highway from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Section \_\_\_\_\_

Other \_\_\_\_\_

For the purpose of locating a wood staircase and retaining wall within the existing side yard setback to provide circulation around the entirety of the building.

**TOWN OF CLAY ZONING BOARD OF APPEALS APPLICATION**

Residential \$200

Commercial \$400

**Area Variance Instructions (Incomplete applications will NOT be processed):**

The Board meets at 6:00 P.M. on the 2nd Monday of each month. See the ZBA calendar for meeting dates and application submittal deadlines (available on the Town of Clay website [townofclay.org](http://townofclay.org)).

File the one (1) Original Zoning Board of Appeals Application with the Commissioner of Planning and Development, Town of Clay, 4401 State Route 31, NY 13041.

**ATTACH the following to the ORIGINAL application:**

- **EIGHT (8)** copies of the survey map drawn to scale sufficient to show the boundaries and location of the subject property. The survey must be done by a civil engineer or licensed surveyor. (Interpretations do not require copies of the survey)
- **ONE (1)** copy of the legal description of the subject property
- **EIGHT (8)** copies of the Environmental Assessment Form, filled out and signed.
- If the applicant is not the owner, the attached form stating that the owner *"agrees to and joins in"* the application must be filled in.
- Payment must accompany the filing of this Notice of Appeal and Application.

Applicant will be notified by mail at least five (5) days prior to the public hearing date. In the event of default by the applicants to appear for the hearing, the Board may either proceed with the hearing and vote on the case, or adjourn the case to a later date.

The applicant must **verbally** read and present responses to the Standards of Proof at the public hearing.

**IMPORTANT:** Failure to submit all the above information and answer all pertinent questions may result in an **incomplete** application and delay in processing the appeal and possibly a denial.

**ONLY IF** there is any additional information or revisions not previously submitted, provide **SEVEN (7)** copies **the night of the public hearing.**

**FOR AREA VARIANCES IT IS SUGGESTED THAT THE APPLICANT INSTALL VISIBLE STAKES AT THE LOCATION OF THE PROPOSED STRUCTURE APPROXIMATELY TWO WEEKS BEFORE THE HEARING.**

TOWN OF CLAY

DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.

STATE OF NEW YORK )
COUNTY OF ONONDAGA) ss.:
OF )

I. RONALD L. PECKHAM being duly sworn, deposes and says that (s)he is:

(applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
1) is the applicant, or
2) is an officer, director, partner or employee of the applicant, or
3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
4) is a party to an agreement with such an applicant, express or implied, whereby (s)he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

No previous application for the relief herein sought has been made, except

Location of the subject property:

Yes      No

Is located within 500 feet of the boundary line of the Town of Clay or the Village of North Syracuse

\_\_\_\_\_ X

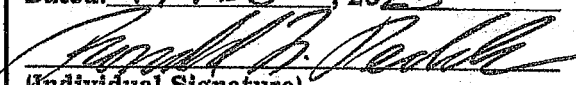
Is located within 500 feet of boundary of an *existing* or *proposed* County or State Park or other recreation area; County or State Parkway, Thruway, expressway, road or highway; right-of-way of any stream or drainage channel owned by County or for which the County has established channel lines; County or State owned lands on which a public building or institution is situated.

\_\_\_\_\_ X

**MANDATORY EXHIBITS FOR AN AREA VARIANCE.** The hearing will not be scheduled without these exhibits:

A legal description of the property; an up-to-date survey or scaled drawing of the subject property showing all dimensions and locations and setbacks of all buildings and structures thereon; and an EAF (Environmental Assessment form)

The applicant hereby acknowledges that the burden of proof is upon him/her to prove his/her entitlement to the relief sought according to the applicable Standards of Proof and further understands that the Zoning Board of Appeals is powerless to grant relief sought unless the applicant satisfies the Standards of Proof.

Dated: <u>17 FEB</u> , 20 <u>23</u>	
	
(Individual Signature)	
(or)	
_____ (Entity Name)	
By: _____	_____
(Officer)	(Title)

**OWNER agrees to and joins in on the request for an Area Variance:**

Date 02/16/2023

(I / We) Ron Peckham being owner  
of premises known as:

(ADDRESS) 115 Shoreview Dr. Liverpool NY 13090

TAX MAP NUMBER(S) 085 . - 06 - 62.0

Agree to and join in the application of:

APPLICANT NAME: \_\_\_\_\_

WHAT IS BEING REQUESTED:

SIGNATURE: \_\_\_\_\_

PRINTED NAME RONALD L. PECKHAM

**OWNER agrees to and joins in on the request for an Area Variance:**

Date 02/16/2023

(I / We) Ron Peckham being owner  
of premises known as:

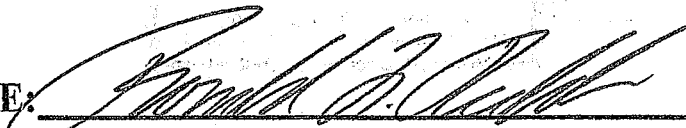
(ADDRESS) 115 Shoreview Dr. Liverpool NY 13090

TAX MAP NUMBER(S) 085 . - 06 - 62.0

Agree to and join in the application of:

APPLICANT NAME: \_\_\_\_\_

WHAT IS BEING REQUESTED:

SIGNATURE: 

PRINTED NAME RONALD L. PECKHAM

February 15, 2023



Town Of Clay  
Attn: Commissioner Mark Territo  
4401 Route 31,  
Clay, NY 13041  
(315) 652-3800  
[planning@townofclay.org](mailto:planning@townofclay.org)

**RE:** Standards of Proof  
Project Address: 115 Shoreview Dr  
Tax Map #: 085.-06-62.0

Dear Mr. Territo,

The Applicant for this project is requesting an area variance for the project named above. The proposed area variance is needed to install exterior steps within the side yard to facilitate circulation around the residential building and egress into the rear covered porch area. The applicant is requesting a 5.9' relief from the current measured setback of 7.4'. The proposed side yard setback requested shall be 1.5'.

As outlined in §230-25 of the Town of Clay zoning code, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the Board of Appeals shall consider the below statements. Our reasoning for deviation follows each consideration.

1. Will the granting of the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? And if not, please explain why:

*No. The granting of this variance will help maintain the 360° clearance single family residences in this area have around their homes. The variance will not be a detriment to nearby properties as the neighbor has agreed to the work and owner's general contractor will cleanup the neighboring property if there are any disturbances from construction.*

2. Could the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance:

*Yes. The circulation around the building could be achieved by installing a paved ramp/ slope instead of the noted steps. However, this solution is not ideal as the ramp would not be ADA compliant especially for older users and require additional grading rights from the neighbor to be installed properly. Also, a ramp/slope may undermine the existing foundation at this location as ground would need to be lowered.*

3. Is the requested area variance substantial? If not explain why it is not substantial?

*Yes. The requested variance is an 80% reduction in the current side yard. However, the variance helps limit greater site disturbance and maintains 360° circulation around the building which is keeping in character with the neighborhood.*

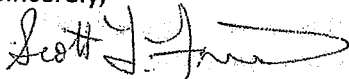
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district

*No. The variance will result in less disturbance to the existing site and all construction areas will be cleaned and maintained to not impact neighboring physical and environmental conditions.*

5. Is the alleged difficulty self-created? Consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance:

*Yes. The construction of the proposed basement walkout lowered the elevation of the backyard by several feet requiring the creation of slopes or stairs to circulate around the building. Th stair solution that requires the variance provides the safest and least disturbance area needed to provide the necessary circulation.*

Sincerely,



Scott L. Freeman, Principal, RLA



## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

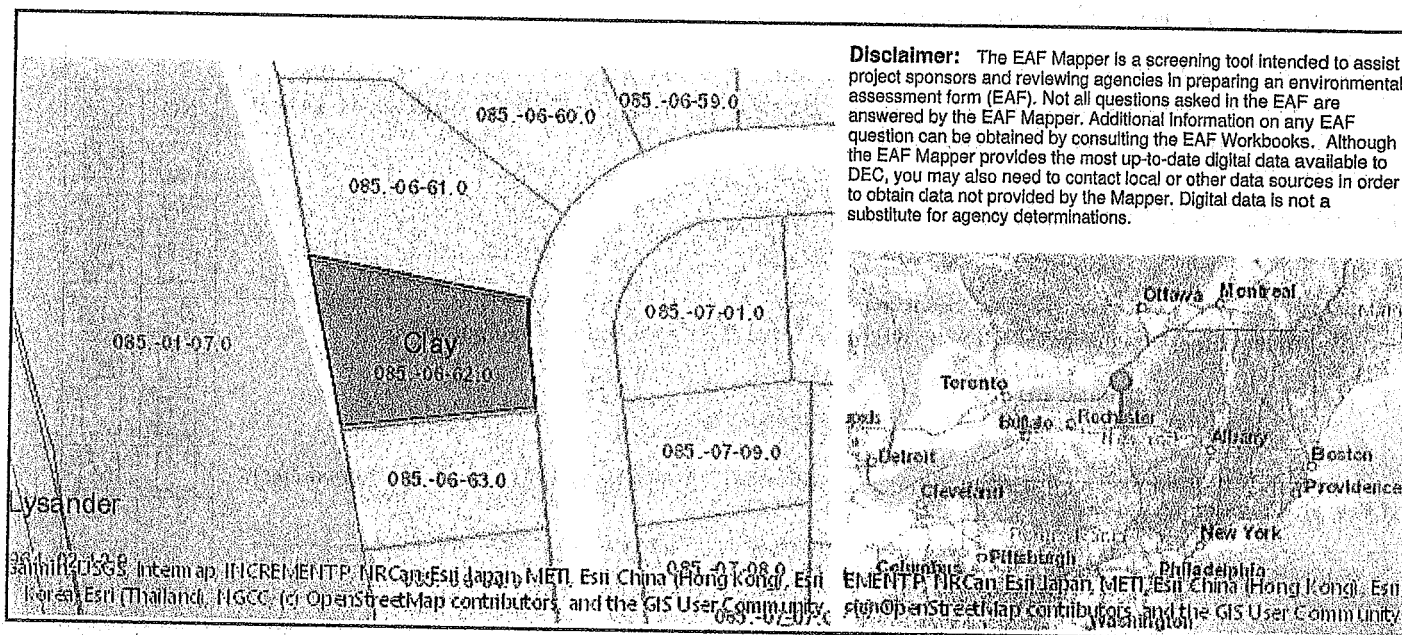
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Peckham Residence				
Project Location (describe, and attach a location map): 115 Shoreview Dr. Liverpool NY 13090				
Brief Description of Proposed Action: Request for a Side Yard Area Variance to construct stone/ wood steps within a side yard to facilitate circulation at a single family residence.				
Name of Applicant or Sponsor: Ron Peckham		Telephone: (315) 430-6111 E-Mail: rpeckham@cscos.com		
Address: 4018 Pawnee Drive				
City/PO: Liverpool		State: NY	Zip Code: 13090	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .29 acres b. Total acreage to be physically disturbed? _____ .19 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .29 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

**Cynthia R. Peters**  
111 Shoreview Drive  
Liverpool, NY 13090  
Home phone: (315) 622-3184

RECEIVED

FEB 23 2023

PLANNING AND  
DEVELOPMENT

Town of Clay  
Attn: Commissioner Mark Territo  
4401 Route 31  
Clay, NY 13041

Re: Standards of Proof  
Project Address: 115 Shoreview Drive  
Tax Map #: 085.-06-62.0

Dear Mr. Territo,

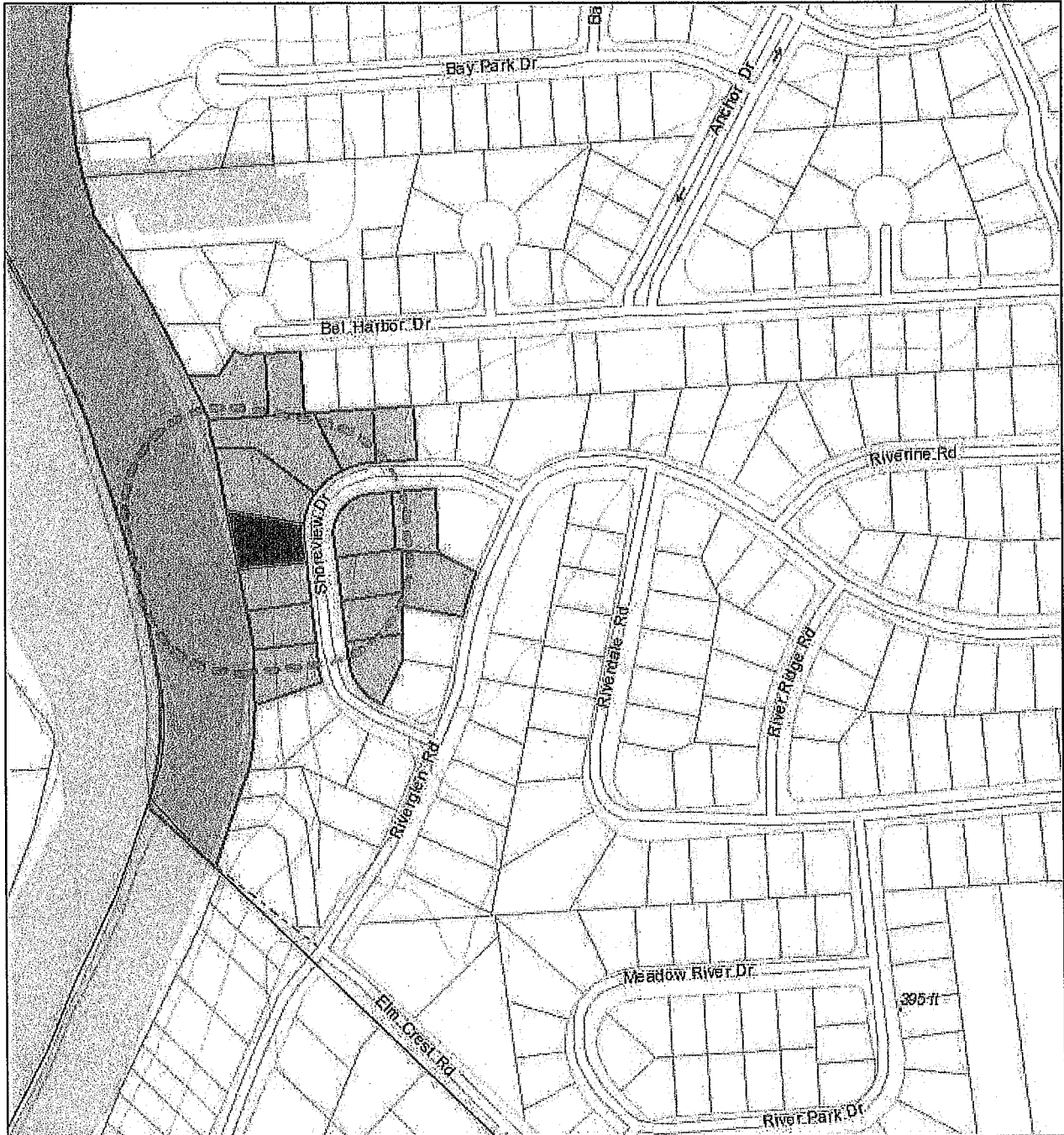
I am granting my permission to approve the reduction of the side yard setback from 7.4' to 1.5' in order to install the foundation for a small deck to exit the proposed screen porch safely in the general area of a longtime existing sidewalk along the garage. This is acceptable to me and will not produce an undesirable change in character of the neighborhood or a detriment to my property.

Feel free to contact me with any further questions.

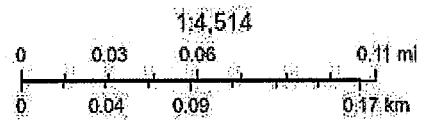
Sincerely,

X   
Cynthia R. Peters

# Case #1911- 115 Shoreview Drive - Ron Peckham



February 23, 2023



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Esri, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community