

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
August 15, 2011

Board Members present: Les Drake, David Storandt, Harold Carpenter, Chairman Jim Kenney, Alternate Don Bell (acting for Member Dale Maclaughlin)

Absent: Dale Maclaughlin

Others present: Zoning Enforcement Officer Henry LaClair, Code Enforcement Officer Richard Ingerson, Recording Clerk Susan Kenney

Townspeople present: Bill Hayes, Tami Hayes, Dan McPhail, Megan Badour, Mary Lou Hetzke, Robin Hoffman, Mike Doyle, Suzi Doyle, Joe Kehoe, Ralph Downey

At 7:00 Chairman Jim Kenney opened the meeting of the Joint Town and Village of Clayton Zoning Board of Appeals.

Minutes from the July 18, 2011, meeting were reviewed. No corrections were requested. **MOTION** was made by Les Drake, 2nd by Dave Storandt, to accept the minutes as presented. Motion was carried.

7:02 --- Village --- William and Tammie Hayes, 215 Swart Ave, Clayton, in the General-Residential District, Tax Map No. 20.48-1-5. Seeking setback approval to erect a new house.

Mr. William Hayes did the presenting. They intend to build a cottage to replace the trailer that had been on the lot and need setback approval to do so. The cottage, as shown in the plans, will be further back from the lot lines than the trailer had been.

A neighbor, who intends to build on the next lot, expressed her concerns that the new building would block her view of the river. She was shown the map and sketch, and was assured that the cottage would be further back than the trailer, so would be less of an obstruction to her view.

At 7:10, **MOTION** was made by Les Drake, 2nd by Dave Storandt, to declare this a Type II action. Motion carried. **MOTION** was made by Dave Storandt, 2nd by Les Drake, to close the public hearing. Motion carried. Chairman Jim Kenney went through the finding of fact. At 7:15 **MOTION** was made by Les Drake, 2nd by Dave Storandt, to grant the setback as requested.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Don Bell (acting for Dale Maclaughlin)

Nay: None

Abstain: None

Absent: Dale Maclaughlin

7:20 --- Village --- Joseph Kehoe, 220 Mercier Ave., Clayton, Tax Map No. 20.48-1-39, in the Marine-Development District. Seeking setback approval to erect a new house.

Mr. Joseph Kehoe did the presenting. He has two adjoining lots and wishes to put a house on one. He has purchased a house built by BOCES, so has some constraints for placement and orientation due to the house's design. He wishes to place it diagonally on the lot to get as much sun as possible, with a view to installing solar panels at a later date, and also to facilitate the process of trucking in the house, and also to get the best possible view of Round Island. The garage for the house will be built on site. The house was built as two 52-foot sections, for ease of moving. No letters or calls have been received concerning this application.

Board Member Drake wanted to know how far the planned garage was from the edge of the street, to make sure there was enough room to park a car without blocking the road. In the original request, the corner of the garage would be 14 feet from the edge of the road.

Another board member asked if the house might, for safety reasons, be moved further toward the center of the lot, in a southwesterly or southerly direction. Mr. Kehoe owns the immediately adjacent lot, so that would be a possibility, moving the house perhaps 10 feet or so; it cannot be moved to the other end, which would take it away from the curve in the road. The garage must be oriented to the house as shown because of the design of the house. A concern was expressed for the driveway coming out onto the curve of the road, as well as the fire hydrant in that vicinity; the Village DPW and Village fire chief will need to be consulted about those particular problems.

The Board members suggested several ways in which the house site could be moved to get it further from the road, and Mr. Kehoe was amenable to reworking his plan to achieve more safety. It was finally agreed that the optimum placement would shift the northeast corner of the house 20 feet away from the road rather than 14 feet; the southeast corner 16 feet from the road rather than 12 feet; the northwest corner 15 feet from the side lot line rather than 20 feet; and the southwest corner 46 feet from the rear line rather than 54 feet.

At 7:39 **MOTION** was made by Dave Storandt, 2nd by Harold Carpenter, to declare this a Type II action. Motion carried. **MOTION** was made by Les Drake, 2nd by Dave Storandt, to close the public hearing. Motion carried. Chairman Jim Kenney went through the finding of fact. At 7:51, **MOTION** was made by Dave Storandt, 2nd by Harold Carpenter, to approve the setbacks as modified.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Don Bell (acting for Dale Maclaughlin)
Nay: None Abstain: None Absent: Dale Maclaughlin

7:53 --- Town --- Christopher Badour, 41062 Smithering Heights Road, Clayton, in the Marine-Residential District. Request for area variance to extend his house with a deck.

Megan Badour, wife of applicant, made the presentation. They have finished an addition on the house and now wish to have a deck in the front, rather than just stairs as in the past. They need to have setbacks established. Mrs. Badour thought that the measurements on the application sketch were probably from the property line. No calls or letters have been received concerning this application. In answer to a question, Mrs. Badour said that the steps from the deck would be parallel to the road, so no nearer to the road than the deck.

At 7:59 **MOTION** was made by Dave Storandt, 2nd by Harold Carpenter, to declare this a Type II action. Motion carried. **MOTION** was made by Les Drake, 2nd by Don Bell, to close the public hearing. Motion carried. Chairman Jim Kenney went through the finding of fact. At 8:06 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to accept the application as requested.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Don Bell (acting for Dale Maclaughlin)
Nay: None Abstain: None Absent: Dale Maclaughlin

8:08 --- Village --- Robin Hoffman, 614 Alexandria St., Clayton, Tax Map 20.46-3-16, in the Neighborhoud Residential District. Seeking to replace existing garage with new garage requiring area variance.

Ms. Robin Hoffman did the presentation. Her current garage is old, too small, and beginning to fall down, so she wishes to replace it with a larger structure, 24x24 ft. It would be closer to the side property line than allowed in the zoning ordinance, but the only structure on the adjacent lot is a storage barn, and the owner told her he had no problems with her plan. There will be no other changes to the lot than as stated.

One letter was received, from neighbors Bernie and Kathie Sturr, who are in favor of the new garage.

At 8:13, **MOTION** was made by Dave Storandt, 2nd by Don Bell, to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2nd by Chairman Jim Kenney, to close the public hearing. Motion was carried. Chairman Jim Kenney went through the finding of fact. At 8:20 **MOTION** was made by Don Bell, 2nd by Harold Carpenter, to approve the application.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Don Bell (acting for Dale Maclaughlin
Nay: None Abstain: None Absent: Dale Maclaughlin

8:22 --- Town --- Janice McPhail, 41180 Cross Island Road, Clayton, Tax Map No. 12.17-1-25.1, in the Marine-Residential District. Requesting an area variance extend her house with a deck.

Mr. Dan McPhail, husband of the applicant, made the presentation. They have a secondary dwelling on their property on Grindstone Island, used as a bunkhouse for extra guests, and wish to add a deck. The addition of the deck would bring the overall structure over the setback line. Because of the nature of the terrain, they have a very constricted area that meets all setbacks; being close to the river, the property drops off very abruptly and steeply. They have tried as much as they can to build within the legal setbacks. There have been no calls or letters concerning this application.

It was brought out that their property could legally be subdivided, and the bunkhouse is on what could potentially be a second lot.

At 8:30 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Don Bell, 2nd by Dave Storandt, to close the public hearing. Motion was carried. Chairman Jim Kenney went through the finding of fact. At 8:38 **MOTION** was made by Dave Storandt, 2nd by Les Drake, to approve the application.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Don Bell (acting for Dale Maclaughlin
Nay: None Abstain: None Absent: Dale Maclaughlin

NEW BUSINESS

Financial disclosure forms were given to the Board members to be filled out for Town records.

A public hearing was set by resolution to be held on September 19, 2011, for Gaillard L. Schmidt for an area variance. A public hearing was set by resolution to be held on September 19, 2011, for Curtis Byington for an area variance. A public hearing was set by resolution to be held on September 19, 2011, for Joseph and Donna Brunelle for an area variance.

At 8:49, **MOTION** was made by Dave Storandt, 2nd by Don Bell, to further adjourn the public hearing for Chris Matthews until the September 19 meeting.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Don Bell (acting for Dale Maclaughlin
Nay: None Abstain: None Absent: Dale Maclaughlin

At 8:50, **MOTION** was made by Les Drake, 2nd by Don Bell, to adjourn the meeting. Motion was carried.

Respectfully submitted,
Susan E. Kenney, Recording Clerk