

**APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
APRIL 21, 2008**

Board members present: Jim Kenney, Les Drake, Darrel Hayes, Dave Storandt, Harold Carpenter

Others present: ZEO Henry LaClair, Ass't ZEO Richard Ingerson, Recorder Janet Sullins

Townspople present: Daren Morgan, Peter Loberg, Scott Miller, Theresa Hof, Richard Hof, Brian Jones, Barbara Bresnahan, Mike Bresnahan, Gunther A. Schall, Ray Davis

Minutes from March 17, 2008 were reviewed. At 7:10, **MOTION** was made by Chairman Jim Kenney and seconded by Board Member Les Drake to approve the minutes, with one correction to a grammatical error on Page 1.

Aye: Jim Kenney, Les Drake, Dave Storandt, Harold Carpenter, Darrel Hayes
Nay: None

7:10 --- Village --- Grant Family Trust, Bartlett Point Road, Tax Map No. 20.54-1-1 in the Resort Single Family Residential District. Set a Public Hearing to approve subdividing property.

Daren Morgan, of LaFave, White and McGivern, approached the board to review the application to subdivide property belonging to the Grant Family Trust, to build a house closer to the new property line than is allowed. It is not a lot of record. There were three cottages on the property at one point in time, and the plan is for the existing building to be removed within five years. Ms. Sharron Grant wishes to subdivide the lot into two separate buildable lots. **MOTION** made by Board Member Les Drake, seconded by Chairman Jim Kenney to set a Public Hearing for May 19 at 7:15 or soon after. Motion carried.

7:13 --- Village ---Peter Loberg approached the Board to request an extention on a variance he was granted in 2004 on a property he has on Point Angiers. It took longer than expected to have the site cleared and septic work done; then the contractor he wanted could not commit to the project in the allotted timeframe. As there haven't been any changes to the laws, **MOTION** was made by Board Member Dave Storandt, and seconded by Board Member Harold Carpenter to grant an extension through 2009. Motion carried.

7:17 --- Town --- Raymond E. Davis, 15462 Co Rte 11, part of Tax Map No. 42.14-1-44 in the Agricultural-Rural Residential District. To erect a horse barn closer to the property line than currently allowed.

Chairman Jim Kenney opened the Public Hearing to discuss granting a variance for Mr. Davis to use a barn he built on an existing pad for a horse barn instead of the previous intention of a garage, which was within the setbacks of the zoning law for that purpose. A livestock barn would need to be 50' from the property line, and the barn is 24' to the eaves, needing a 26' variance. According to Mr. Davis, all the adjacent neighbors are in agreement that it would not adversely affect their properties, as they already have livestock and barns nearby.

As there were none present against the variance, Chairman Kenney closed the Public Hearing at 7:22. **MOTION** was made by Board Member Les Drake, and seconded by Board Member Darrel Hayes, to declare this a Type II Action.

The Board completed the finding of facts, and affixed their signatures.

MOTION was made by Darrel Hayes to accept the variance as proposed at 7:30. Seconded by Dave Storandt.

Aye: Jim Kenney, Dave Storandt, Les Drake, Darrel Hayes, Harold Carpenter

Nay: None

Town --- Anne and John LeFevere, 16 Washington Island, in the Neighborhood Residential District, Tax Map No. 20.39-1-17.13

At 7:35, Chairman Kenney opened the Public Hearing. Brian Jones, agent for the LeFeveres, came forth with the plans for three additions to the house on the property, which is triangular in shape and has topographical features limiting the positioning of the proposed additions.

Mr. Richard Hof came forth to say that the proposed garage would be only a foot from his property line, and, while he currently is not using the property, it would still devalue his property. He has nothing against the plans to put on the porch addition or the bedroom, but if the Lefeveres were to erect the garage, they would have to put their ladder on his property, should they want to paint or work on the roof; he felt this would be an insurance liability issue. This would also be the case if they erected a fence. Also, there would be blocked visibility, as the drive would be curved and on a hill. And the garage would block the view to the main channel. Discussion between the Board and Mr. Jones resulted in the elimination of the garage from the plans, and so he withdrew it from the application. Mr. Jones felt that, acting as the Lefeveres' agent, he could make this decision on their behalf. Mr. Hof's wife, daughter and son-in-law were also present. The daughter concurred that there would be line of sight issues, as well as unsafe egress from the driveway and liability concerns if the garage were built so close to the property line. The Board decides to continue with an amended application, and redetermines the variance footage needed.

At 7:45, Chairman Kenney closed the Public Hearing, and asked for a motion to declare this a Type II action. **MOTION** made by Board member Les Drake, seconded by Board

Member Dave Storandt. Motion carried, and the Board proceeded to find facts and affix their signatures.

MOTION made at 8:05 by Les Drake to accept the application as modified. Seconded by Dave Storandt.

Aye: Jim Kenney, Les Drake, Dave Storandt, Darrel Hayes, Harold Carpenter
Nay: None

8:08 --- Village --- Scott and Faith Miller, 815 Rees Street, Tax Map No. 20,54-1-38, in the Neighborhood-Residential District, for a variance to add a room to the back of their house.

Chairman Kenney opened the Public Hearing. Scott Miller came forth and said that the neighbors he has spoken with all approve his proposed addition. Chairman Kenney read copies of three letters he received on the subject as well, and they were all in concordance with the plans. The letters were entered into the record. Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II Action.

MOTION made at 8:15 by Dave Storandt and seconded by Les Drake. Motion carried, and the Board proceeded to find facts and affixed their signatures.

MOTION made at 8:20 by Board Member Dave Storandt to approve the application as requested. Seconded by Board Member Les Drake.

Aye: Jim Kenney, Les Drake, Dave Storandt, Darrel Hayes, Harold Carpenter
Nay: None

Other business: The Board discussed briefly the case put forth by Mr. Golden regarding his garage variance, and that the court found for the ZBA, due to its record-keeping. There was more discussion about the proposed amendments to the law concerning fencing requirements for swimming pools. There will be an article forthcoming in the Thousand Islands Sun.

MOTION made at 8:30 by Les Drake. Seconded by Dave Storandt to adjourn the meeting. Motion carried.

Respectfully submitted,

Janet Sullins
Recording clerk