

**APPROVED
TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
JUNE 15, 2009**

Board Members present: Jim Kenney, Les Drake, Darrel Hayes, Dave Storandt, Harold Carpenter, and Alternate Twyla Webb

Others present: ZEO Henry LaClair, Ass't ZEO / Code Enforcement Officer Richard Ingerson, Clerk Janet Sullins

Townpeople present: Steve F. Dorr, Leo and Vicki Doyle, Ruth Anne Parker, Arsene Blaackman, Henry W. Parker, Bruce Cerow, Michelle Cerow, Mary Van Doorn, Brad Holbrook, Ross Holbrook

ZEO Henry LaClair distributed the Talk of the Towns to the Board Members.

At 7:05, Chairman Jim Kenney opened the meeting of the Joint Town and Village of Clayton Zoning Board of Appeals. Minutes from the May 18, 2009 meeting were reviewed. One change was made: an omission. **MOTION** made by Board Member Dave Storandt, 2nd by Board Member Darrel Hayes to approve the minutes as amended.

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

Nay: None

Absent: None

Abstain: None

Other business: Assistant ZEO Richard Ingerson said that Marla Hays' plans for her pizzeria have been delayed, as the NYS DOT refuses to give her a second parking lot entrance and has moved her building closer to the road than the Zoning Board has granted. While the parking would be moved to the rear and side, and Ms. Hays would site the dumpster to a more advantageous area for emptying, not having two means of entry/egress would make it dangerous for cars/trucks leaving the lot. Backing into traffic is illegal, and with a school virtually next door, it is the opinion of the Zoning Board of Appeals that the possibility for accidents is greater.

Town --- Bruce Cerow and Michelle Hayes Cerow, 12961 Brown Road, Grindstone Island, Tax Map No. 12.17-1-45.2, in the Marine Residential District. Public Hearing for Area Variance to Erect a House with Porch on their Property.

At 7:15, Chairman Kenny opened the Public Hearing. Board Member Darrel Hayes recused himself, being related to the applicant. Mr. and Mrs. Cerow said simply that the topography of the lot prohibits the house to be constructed any further back off the front property line. There is enough room for a septic system and well, and they are removing as few trees as possible.

Chairman Kenney read several e-mails into the record. Three from George Matthews said that when he originally sold the lot, the intention was that it was large enough to site one house only; the lot would be too small to subdivide. However, the lot was subdivided, and he feels that neither is large enough for a house and septic/wells. He didn't feel it would pass code regulations. He wished to be contacted with developments, and intended to send a representative to the Public Hearing (did not show). He also wished for the Board to delay deciding until he could review the map in August and for Board Member Darrel Hayes to recuse himself, as he is related to one of the applicants.

A letter from Robert Hauesing was also read into the record. He also felt that the house would be sited too close to the road, lessening the adjacent property values. ZEO LaClair stated that he acquired the survey map for the parcels, and that they indeed were both of legal size, having more than the required road frontage and room for septic/well. Board Members Storandt and Drake feel that, while Mr. Matthews wishes are valid, they have no bearing on the board's decision, as he no longer owns the property in question and the lot is of legal size. Chairman Kenney said that septic and well would have to be done to code specifications anyway, or else construction could not occur.

At 7:35, Chairman Kenney asked for a motion to declare this a Type II Action. **MOTION** made by Board Member Drake, 2nd by Vice-Chairman Carpenter. Motion carried. He then proceeded to find facts. Chairman Kenney then asked for a motion to close the Public Hearing. **MOTION** made by Board Member Storandt, 2nd by Vice-Chairman Carpenter to close the Public Hearing. Motion carried. At 7:45, **MOTION** made by Board Member Storandt, 2nd by Vice-Chairman Carpenter to approve the application.

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

Nay: None

Absent: None

Abstain: Darrel Hayes

The Board then proceeded to affix their signatures.

Village --- Leo & Vicki Doyle, 322 Rivershore Drive, Tax Map No. 20.47-3-57 in the Resort-Single Family Residential District. Public Hearing to alter ridgeline and extend porch.

At 7:45, Chairman Kenney opened the Public Hearing. Mr. and Mrs. Doyle said that they need to replace the roof on their old fishing shack, and in so doing, they would like to alter the ridgeline to align it with the neighbors' roofs. In the process, they would also extend it to cover a porch. Currently it is a non-conforming structure.

Six neighbors came in support and one letter from Doug and Kathy Elliott was read into the record in favor of the renovation. No views will be impeded, and the renovations will only improve the look of the structure and the neighborhood.

At 7:55, Chairman Kenney asked for a motion to make this a Type II Action. **MOTION** made by Board Member Hayes, 2nd by Board Member Drake. Motion carried. He then

