

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

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

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

Townpeople present: Richard J. Boyanski, Jan J. Brabant, John Buker, William J. Heyman, Stephen L. Byers, Dan Tallman, Robert Davis, Anita Inman, Bruce E. Kressman, Chuck Burlingame, John Davis

At 7: 00, Chairman Jim Kenney opened the meeting of the Joint Town and Village of Clayton Zoning Board of Appeals. Minutes from the June 16, 2008 meeting were reviewed, with two minor mistakes to be corrected. **MOTION** made by Board Member Dave Storandt, 2nd by Vice-Chairman Harold Carpenter, to accept the minutes as corrected.

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

Other business: ZEO Henry LaClair brought up that Phil Randazzo is planning to open a winery on East Line Road. Current law states that a processing plant be sited 500' from a residential property, and this will be in the Agricultural-Residential District. Discussion followed as to whether the law would need to be changed, or whether he would need a variance. Also, is a wine business a processing plant at all? He could apply for a Special Use Permit / Site Plan Review at the same time, then seek a setback variance.

Town --- Daniel and Sharon Tallman, 533 Webb Street, Tax Map No. 20.47-2-51 in the Neighborhood Residential District. Public Hearing for a variance to extend a storage building closer to property lines than currently allowed

At 7:15, Chairman Kenney opened the Public Hearing. Mr. Tallman explained that the addition they would like to put on their shed is an extension of the current style of it, and would blend in and be attractive. He has spoken with his neighbors, and said that they approve his intended addition.

With no other letters or persons present to speak against the proposal, Chairman Kenney closed the Public Hearing at 7:18. He then asked for a motion to find for a Type II action. **MOTION** made by Board Member Darrel Hayes, 2nd by Vice Chairman Harold Carpenter. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 7:25, **MOTION** made by Board Member Les Drake, 2nd by Board Member Dave Storandt to approve the variance as requested, and the Board proceeded to affix their signatures.

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

Nay: None

Absent: None

Abstain: None

Village --- Jan and Maureen Brabant, 1011 State Street, Tax Map Nos. 20.62-1-14.232 & 14.21 in the Marine Development District. Reconvene Public Hearing for variances to site an existing storage structure in a new location, erect a pole barn for storage, and enclose an existing structure.

Note: Vice-Chairman Carpenter has recused himself due to being related by marriage to an owner of an adjacent property.

At 7:30, Chairman Kenney reconvened the Public Hearing. Mr. Brabant has submitted a revised Site Plan. He said that it would make the site more attractive and would make his business operations more efficient. The owners of the adjacent properties approve of the plans. Board Member Drake asked Assistant ZEO Richard Ingerson if he visited the site with Jim Brabant to be assure him that there would be turning room for customers' trucks and boat trailers. (Jim Brabant had been to a previous meeting and expressed these concerns as part of the property is deeded to him.) Mr. Ingerson replied that he had, and that they were satisfied that these conditions would be met with the revised plans that would site the one building differently.

At 7:33, Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II action. Motion made by Board Member Hayes, and 2nd by Board Member Drake. Motion carried. Chairman Kenney then proceeded with the finding of facts, during which time he explained to the townspeople present that they were *setting* setbacks in this case, not approving a variance to ones already in place.

At 7:40, **MOTION** made by Board Member Hayes, 2nd by Board Member Storandt to approve the setbacks as amended.

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

Nay: None

Absent: None

Abstain: Harold Carpenter (for reasons stated above)

Village --- John Buker (JMB Foods), 650 James Street, Tax Map Nos. 20.46-3-35 & 36, in the Business District. Public Hearing for a setback request to replace the convenience store

Board Member Les Drake raised the question as to whether all the parcels involved were added together. Mr. Buker said that all but one was, but that that would occur soon. ZEO LaClair said that the Planning Board has been approving multiple-zoned parcels. Mr. Richard Boyanski came before the Board to express not only his feelings again about the lighting and noise this expansion would bring, but also those concerning current

economy: what if it worsens—the building could sit vacant. Although the footprint of the new building would be approximately the same size, one of Mr. Boyanski’s concerns involved the part of the business that could be rented out. Mr. Boyanski was told that those were concerns of the Planning Board; that this Board meeting was to establish setbacks.

Board Member Drake asked if there were any other letters or any other neighbors present to speak against this proposal. None being, he suggested to the Board to allow the setbacks on the condition that all the parcels be combined into one and that the setbacks be from the new property line. ZEO LaClair said that the rear setbacks that were set by law. The Zoning Board was only concerned with the front and sides, which did not involve the other property.

At 7:55, Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II action. **MOTION** made by Board Member Storandt, 2nd by Board Member Drake. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 8:02, **MOTION** made by Board Member Storandt, 2nd by Board Member Les Drake to approve the setbacks as requested, and the Board proceeded to affix their signatures.

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

Town --- Robert C. Davis/Deborah S. Tiffany, Breezy Pines Road, Tax Map No. 12.20-2-55.4 in the Marine-Residential District. Public Hearing for Deborah Tiffany (agent for Robert Davis) for a variance to set a house closer to the property line than currently allowed

At 8:05, Chairman Kenney opened the Public Hearing. Mr. Davis came forth and stated his request to site a modular home on the lot, which is long and narrow, but that the rest of the neighborhood is that way as well. The Board discussed the septic placement and correct dimensions. (The variance would actually be for 6’8”, not 7’0”.) The plan also mentions an 8’ deck that could possibly be expanded to 12’ at a later date. Since that would require a variance later, the Board recommended he ask for a 12’ deck now, so that he could build an 8’ if he so desired.

At 8:13, Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II action. Motion made by Board Member Hayes, 2nd by Vice-Chairman Carpenter. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 8:20, **MOTION** made by Board Member Storandt, 2nd by Board Member Hayes to approve the setbacks as amended, and the Board proceeded to affix their signatures.

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

Town --- Anita Inman, 16746 Mason Point Lane, Tax Map No. 12.20-1-30, in the Marine-Residential District. Public Hearing for a front yard variance to erect a deck

At 8:25, Chairman Kenney opened the Public Hearing. Mr. Inman came forth and explained to the Board that, since he needs to replace a large window at the front of his house, he would instead make it into another entrance / egress, and would like to also erect a front porch. Mr. Bruce Kressman came forth to say that he and other neighbors approve of the idea, even though it will be built toward the common space. Chairman Kenney read a letter from Mr. Robert J. Smith who said it would be a nice addition to the overall look of the neighborhood. The letter was entered into the record.

At 8:28, Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II action. Motion made by Board Member Hayes Hayes, 2nd by Board Member Storandt. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 8:35, **MOTION** made by Board Member Storandt, 2nd by Board Member Drake to approve the setbacks as requested. The Board then proceeded to affix their signatures.

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

Town --- William and Mary Heyman, 12563 Reinman Lane, Tax Map No. 19.20-1-33.1, in the Marine Residential District. Public Hearing to create a property line that is closer to a structure that is currently allowed

At 8:38, Chairman Kenney opened the Public Hearing. Mr. William Heyman came forth and said that he would like a variance because the creation of a subdivision has caused the new lot line to be closer to a shed than currently is allowed. He said that the shed has been situated in its place for many years, and is also used by the family on the adjoining property. Rather than move the shed or jog the property line around it, the most feasible option is to obtain the variance. There are also travel easements and other rights-of-way going with the subdivision. Chairman Kenney read aloud a letter from Mr. Richard A. LoMonaco stating that he has no objections to any proposed building or construction. The letter has been entered into the record.

At 8:44, Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II action. **MOTION** Made by Board Member Storandt, 2nd by Board Member Hayes. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 8:52, **MOTION** made by Board Member Storandt, 2nd by Board Member Hayes to approve the request. The Board then proceeded to affix their signatures.

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

Nay: None

Absent: None

Abstain: None

Village --- James & Mary Mercer, 419 Merrick Street, Tax Map No. 20.47-2-5, in the Neighborhood-Residential District. Public Hearing to site a garage closer to the property line than is currently allowed by the Local Zoning Law

At 8:55, Chairman Kenney opened the Public Hearing. Mr. Stephen Byers spoke for Mr. Mercer, who could not be present. He said that Mr. Mercer would like to erect a garage large enough to allow his elderly mother to maneuver between the vehicles in the garage on her motorized scooter. Board Member Storandt reviewed the plans and asked Ass't ZEO Ingerson if eaves and trusses were calculated in the footprint. ZEO LaClair said that an additional setback variance would be required if the roof were higher than fifteen feet. Mr. Byers said that Mr. Mercer is familiar with the requirement and that the height would be within fifteen feet.

There being no other letters or persons to comment on this, at 8:58 Chairman Kenney closed the Public Hearing and asked for a motion to declare this a Type II action. **MOTION** made by Board Member Drake, 2nd by Chairman Kenney. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 9:05, **MOTION** made by Board Member Storandt, 2nd by Vice-Chairman Carpenter to approve the variance as requested.

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

Brief discussions about needing a letter to the Planning Board concerning Mr. Buker's need to combine the lots for his convenience store, and also about the new roof on the TI Inn, which had a sign built into its old roof, but is now covered over with the new roof. Discussion as to whether Mr. Benas would be allowed to paint a new sign on the roof.

At 9:15, **MOTION** made by Board Member Storandt, 2nd by Chairman Kenney to adjourn the meeting. Motion carried.

Respectfully submitted,

Janet Sullins
Recording clerk