

**DRAFT  
TOWN/VILLAGE OF CLAYTON  
ZONING BOARD OF APPEALS  
AUGUST 17, 2009**

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

**Absent:** Dave Storandt

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

**Townsppeople present:** Bill Monteith, Elizabeth A. Fredenberg, Julie Salazar, James Flanders, Caylen Churchill, Linzi A. Londerville

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 20, 2009 meeting were reviewed. **MOTION** made by Board Member Les Drake, 2<sup>nd</sup> by Board Member Darrel Hayes to approve the minutes as written.

Aye: Jim Kenney, Les Drake, Darrel Hayes

Nay: None

Absent: Dave Storandt

Abstain: Harold Carpenter

**Town --- Caylen S. Churchill, 14828 County Rte. 3, Tax Map No. 20.00-1-70, in the Agricultural Residential District. Public Hearing for a 10' Side Yard Variance East Side to Locate a Storage Building.**

At 7:15, Chairman Jim Kenney opened the Public Hearing. He invited Mr. Churchill to speak. Mr. Churchill said that the storage building is presently situated on his lot, is in good repair and is being painted. He did not realize he needed a variance at the time he put it there. He has letters from neighbors and photos if the Board would like them. Part of the reason he placed it so close to the lot line is that he would like to have room to extend the rear of his house in the future, and/or have a garage and rear driveway. He felt that siting it more toward the middle would not be aesthetically pleasing. Board Member Les Drake felt that he should site it more in line with the zoning ordinance since he has so much room. Chairman Kenney read into the record a letter from Gary Schleher and Terry Jones giving their approval. Ms. Linzi Londerville, Mr. Churchill's girlfriend, said that another reason they chose the site for the building was that the middle of the lot is spongy with runoff from neighboring properties much of the year. She said they have already put a retaining wall in the back to help divert it.



**Village --- Marla Hays, 747 James St., Tax Map No. 20.55-2-7, in the Business District. Public Hearing for Setback Approval to Site a Pizzeria.**

At 8:25, Chairman Kenney opened the Public Hearing. Ms. Hays had previously been granted a variance, but the Department of Transportation decided to remove one of the requested means of egress and sited the building closer to the road than she had desired, reducing the original front setback by 6 ½ feet.

Mr. Bill Monteith was present, and a letter from neighbors present was read into the record, concerning the absence of a privacy fence, which would diminish trash blowing across the road onto their properties. Another concern was lights from headlights coming into the parking lot and towards Mr. Monteith's house, which would be diminished by a fence. The concerned parties were informed that those issues would need to be addressed to the Planning Board and possibly the Town Board; the Zoning Board of Appeals is concerned only with the setback allowed.

Board Member Drake said that he called Assemblywoman Addie Russell's office, which tried to reason with the DOT to no avail. Code Enforcement officer Richard Ingerson said that he spent over an hour on the phone with the DOT with the same results.

At 8:35, Chairman Kenney asked for a motion to find this a Type II action. **MOTION** made by Vice-Chairman Carpenter, 2<sup>nd</sup> by Board Member Hayes. 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 Drake, 2<sup>nd</sup> by Chairman Kenney to close the Public Hearing. Motion carried. At 8:42, **MOTION** made by Board Member Drake, 2<sup>nd</sup> by Board Member Hayes to approve the application as amended. The Board then proceeded to affix their signatures.

At 8:45, **MOTION** made by Board Member Drake, 2<sup>nd</sup> by Vice-Chairman Carpenter to adjourn this regular meeting of the Zoning Board of Appeals. Motion carried.

Respectfully submitted,

Janet Sullins  
Recording Clerk