

**APPROVED
TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
AUGUST 18, 2008**

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

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

Townspople present: Joanne Leyland-Huff, John Huff, Dale Kenyon, Stephen C. Byers

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 21, 2008 meeting were reviewed and one typographical error was found to need correction. **MOTION** made by Board Member Les Drake, 2nd by Chairman Kenney to approve the minutes with the correction.

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

Nay: None

Absent: Darrel Hayes

Abstain: None

Other business: The passing of Board Member Darrel Hayes' wife was noted; she had been ill for a while.

The Board has been informed that Alternate Member Peter Brabant has resigned from the Board entirely. Clerk Janet Sullins will draft a letter thanking him for his service.

Questions were asked about Phil Randazzo's winery. Assistant ZEO Richard Ingerson informed this Board that, at the recent Planning Board meeting, it was learned that NYS Ag(riculture) and Markets has final say on wineries. Because it produces from the land, a winery needs no special variances or permits, except for buildings it utilizes for the retail sales of its product.

Presently, there is only one other public hearing to be scheduled for the meeting in September, that of Terrance and Kathy Sprague of Rosewood Estates.

Village --- Dale Kenyon, 664-666 Riverside Drive, Tax Map No. 20.46-1-24, in the Riverwalk District A. Attach a greenhouse to an existing house, with a 6' south side-yard variance, 12' north side-yard variance.

At 7:15, Chairman Kenney opened the Public Hearing. Board Member Dave Storandt recused himself because of being related by marriage to the applicant.

Mr. Kenyon explained that he would like to connect a shed-type greenhouse to his house. It would have nominal eaves. It would have electric and water service from the house. After discussion of the actual amount of variance required, with none in attendance to oppose, and no letters of opposition, at 7:25 Chairman Kenney closed the Public Hearing and asked for a motion to find this a Type II action. **MOTION** made by Vice-Chairman

Harold Carpenter, 2nd by Board Member Drake. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 7:38, **MOTION** made by Vice-Chairman Carpenter, 2nd by Board Member Drake to approve the variance as amended, and the Board proceeded to affix their signatures.

Aye: Jim Kenney, Les Drake, Harold Carpenter

Nay: None

Absent: Darrel Hayes

Abstain: Dave Storandt

Village --- Joanne Leyland-Huff, 205 Cartier Ave., Tax Map No. 20.48-1-15, in the Marine-Residential District. Erect a detached garage on a pie-shaped lot, with a 7' rear-yard variance.

At 7:40, Chairman Kenney opened the Public Hearing. Ms. Huff stated that the reason the variance is needed is that the lot is oddly shaped and there is no other logical way to site the proposed garage. Discussion followed as to whether the third side of the lot is rear or side, the other two sides both being fronts. As per page 27 of the Village ordinance, it is up to the ZBA as to which it will be called, but either way, the variance needed would be the same. The application would be modified to reflect the rear being called a side. With none being present to oppose, and no letters of opposition, at 7:53 Chairman Kenney closed the Public Hearing and asked for a motion to find this a Type II action. **MOTION** made by Vice-Chairman Carpenter, 2nd by Board Member Storandt. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 8:02, **MOTION** made by Board Member Drake, 2nd by Vice-Chairman Carpenter to approve the variance as amended, and the Board proceeded to affix their signatures.

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

Nay: None

Absent: Darrel Hayes

Abstain: None

Village --- James Mercer, 419 Merrick St., Tax Map No. 20.47-2-5, in the Neighborhood-Residential District. To erect a garage with a 1'4" south side-yard and a 9' rear-yard variance

At 8:05, Chairman Kenney opened the Public Hearing. Stephen Byers spoke for Mr. Mercer, who could not be present. Although a variance was granted for a detached garage at the last meeting, Mr. Mercer realized that a car could not easily approach and enter the garage, so he has resubmitted plans, this time for an attached, slightly smaller garage. The existing porch would have to be removed from the house. Also, having an attached garage would eliminate having to briefly be in inclement weather at such times that would occur. The intent of having the garage of the size originally requested was to allow Mr. Mercer's handicapped mother-in-law to maneuver, in her wheelchair, around the vehicles. The garage being attached rather than detached, and being two feet smaller, would need less of a variance than previously granted, and would still allow for the maneuverability needed. With none being present to oppose, and no letters of opposition, at 8:09 Chairman Kenney closed the Public Hearing and asked for a motion to find this a Type II action. **MOTION** made by Board Member Drake, 2nd by Vice-Chairman Carpenter. Motion carried. Chairman Kenney then proceeded with the finding of facts.

At 8:17, **MOTION** made by Vice-Chairman Carpenter, 2nd by Board Member Drake to approve the variance as amended, and the Board proceeded to affix their signatures.

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

Nay: None

Absent: Darrel Hayes

Abstain: None

With no other business to discuss, at 8:25 **MOTION** made by Vice-Chairman Carpenter, 2nd by Chairman Kenney to adjourn the meeting. Motion carried.

Respectfully submitted,

Janet Sullins
Recording Clerk