

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
May 16, 2011

Board Members present: Les Drake, David Storandt, Harold Carpenter, Chairman Jim Kenney, Alternate Don Bell sitting in for Dale Maclaughlin
Board Member Dale Maclaughlin was absent.

Others present: Zoning Enforcement Officer Henry LaClair, Code Enforcement Officer Richard Ingerson, Recording Clerk Susan Kenney

Townsppeople present: Sheila Badour, Lewis Badour, Christopher Weiss, Bernie Sturr, Kathy Sturr, Norma Zimmer, Joseph DiDomenico

At 7:00 PM Chairman Jim Kenney opened the meeting of the Joint Town and Village of Clayton Zoning Board of Appeals.

Minutes from the April 18, 2011 meeting were reviewed. No corrections were requested.

MOTION made by Dave Storandt, 2nd by Don Bell to approve the minutes. Motion carried.

7:04 --- Town --- Christopher Weiss, 15463 Round Island, Clayton, NY, Tax Map No. 20.0-1-14, in the Marine Residential District. Reconvene request for area variance.

Mr. Weiss did the presentation. He had been before the board previously in June 2010 with a request for an area variance for a landing and stairs which had been built on his property, which had been denied at that time. He has since modified his request, proposing to cut down the size of the landing. A 4x4 landing had been previously suggested, but with the steepness of the rise and the character of the cliff face, 4x4 would not work, so he is proposing an 8x6 landing. Mr. LaClair said that this would, in his estimation, be considered a landing rather than a deck, and as such, though not specifically addressed in the code, 4x6 is the usual allowed size. Mr. Weiss said that he intended to remove the excess lumber from the current construction, including tidying up the support beams underneath.

Mr. LaClair had previously issued an order to take down the construction; this order was put on hold when Mr. Weiss submitted his application for the new variance. If the board decided to approve this new application, the order for demolition would be rescinded.

Chairman Kenney read two emails, both from the same person, a neighbor of Mr. Weiss's, who asserted that he had no problems, aesthetic or otherwise, with the current landing structure. There were no other communications from any other neighbors.

At 7:20, **MOTION** made to declare this a Type II action by Les Drake, 2nd by Alternate Don Bell. Motion carried. **MOTION** to close the public hearing made by Dave Storandt, 2nd by

Alternate Don Bell. Motion carried. Chairman Jim Kenney went through the finding of fact. At 7:34, **MOTION** made by Les Drake, 2nd by Harold Carpenter, to accept the application with the following conditions: (1) move the 4x4 support column under the landing for safety and shorten the carrier beam accordingly, and (2) have the project completed by August 1st.

Aye: Jim Kenney, Harold Carpenter, Les Drake, Don Bell for Dale Maclaughlin

Nay: David Storandt

Abstain: None

Absent: Dale Maclaughlin

7:38 --- Village --- Sheila Badour/River Vista Properties, LLC, 203 State St., Clayton, NY, Tax Map No. 20.55-1-9, in the Neighborhood Residential Special Use District. Request for an Area Sign Size Variance.

Les Drake recused himself from this application, being related to the applicant. Mrs. Badour did the presentation. She is currently renting office space for her H&R Block franchise, and is looking to purchase the site on State St. to make more space for her business. She said she is allowed signage of up to 16 square feet; she is proposing two signs at this new location, one 2x8 (16 square feet) on the Strawberry Lane side, and one 3x6 (18 square feet) on the State St. side, to project over the sidewalk. The signs would be in muted colors and tasteful, not obtrusive to the neighborhood. She is asking for this sign size variance because H&R Block, from whom she has her franchise, is very particular about the signage used in their franchises and does not offer a sign in the size demanded by the ordinance.

Mr. LaClair brought out that Mrs. Badour's signs are backlit, which is not allowed in the ordinance, which led to a discussion of the difference between backlit and illuminated. However, the board is currently considering only the size of the signs, not the lighting, which would come under a use variance. There is a town committee currently working on rewriting the town's sign ordinance, in which backlit signs are being considered, but that is not in effect yet. The committee is also considering changing the sizes of permitted signs, but no details were available.

A letter was read by Chairman Kenney from Dennis Honeywell, who said that he has no problems with the signage used by Mrs. Badour in her current location, which would be similar to what would be used in the State St. location. No other written communications were received about this application. One of the townspeople present declared that she goes by Mrs. Badour's current site frequently and has no problems with the signage there. Another townspeople noted that Mrs. Badour was asking for a smaller size variance than that granted to another previous applicant.

It was stated that one of the board's biggest conflicts with the application is that the proposed sign on State St. will be hanging over the sidewalk, not mounted on a wall. Mrs. Badour was not inclined to alter either the size of her proposed sign or its placement.

At 8:08 **MOTION** was made by David Storandt, 2nd by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Harold Carpenter, 2nd by Jim Kenney, to close the public hearing. Motion was carried. Chairman Jim Kenney went through the finding of fact. At 8:31 **MOTION** was made by David Storandt, 2nd by Harold Carpenter, to deny the application.

Aye: David Storandt Jim Kenney, Harold Carpenter, Don Bell for Dale Maclaughlin
Nay: None Abstain: Les Drake Absent: Dale Maclaughlin

8:42 --- Village --- Bernie Sturr, 619 Theresa St., Clayton, NY, Tax Map No. 20.46-3-8, in the Neighborhood Residential District. Request for an Area Variance.

Mr. Sturr did the presentation. He wishes to extend his house with an enlarged deck, but will come closer to the north side yard property line than is allowed in the village ordinance. It was noted that the house is already non-conforming, and the proposed deck will come out to the same line as the house. There were no communications to the Zoning Officer from any of Mr. Sturr's neighbors. At 8:48, **MOTION** made by Les Drake, 2nd by Dave Storandt, to declare this a Type II action. Motion was passed. **MOTION** was made by Les Drake, 2nd by David Storandt, to close the public hearing. Motion was carried. Chairman Jim Kenney went through the finding of fact. At 8:56 **MOTION** was made by David Storandt, 2nd by Harold Carpenter, to approve the application.

Aye: David Storandt Jim Kenney, Harold Carpenter, Les Drake, Don Bell for Dale Maclaughlin,
Nay: None Abstain: None Absent: Dale Maclaughlin

8:58 --- Village --- Joseph DiDomenico, 544 Merrick St., Clayton, NY, Tax Map No. 20.47-1-33, in the Neighborhood Residential District. Request for an Area Variance.

Mr. DiDomenico did the presentation. He wishes to build a lean-to off from his garage in the rear of the house in which to store firewood. No communications from any of the neighbors were received. It was determined that the property line in the rear of the house extended about a foot past the fence, and so the variance request in the back was reduced from seven feet to six feet. At 9:14, **MOTION** made by Les Drake, 2nd by Dave Storandt, to declare this a Type II action. Motion was passed. **MOTION** was made by Les Drake, 2nd by David Storandt, to close the public hearing. Motion was carried. Chairman Jim Kenney went through the finding of fact. At 9:21 **MOTION** was made by David Storandt, 2nd by Harold Carpenter, to approve the application, with the condition that the applicant make sure that all measurements were made from the eaves, not from the building itself.

Aye: David Storandt Jim Kenney, Harold Carpenter, Les Drake, Don Bell for Dale Maclaughlin,
Nay: None Abstain: None Absent: Dale Maclaughlin

New Business

9:27 --- **MOTION** was made by Jim Kenney, 2nd by Les Drake, to set a public hearing for Fredericks for June 20, 2011, for 7 p.m. or shortly after. Motion carried.

9:30 --- **MOTION** made by Les Drake to adjourn the meeting, 2nd by Dave Storandt. Motion carried.