

**APPROVED MINUTES
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
June 18, 2012**

The meeting opened at 7:02 p.m. with the following **members present:** Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Dave Storandt, Dale Maclaughlin, and Alternate Don Bell. No members were absent.

Also present: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Sue Kenney

Townspeople present: Chad Frost, Judy Pinchin, Robert Pinchin, Jeffery Cohen, Mathew Cohen, Marla Cohen

The minutes from the May 21 meeting were reviewed. No corrections were requested.

MOTION was made by Les Drake, 2nd by Harold Carpenter to accept the minutes as presented. Motion was carried.

7:40 --- Village --- Robert & Judy Pinchin, 1100 State St., Clayton, Tax Map# 20.54-1-15.1 and 15.2, in the Marine Development District. Setback approval for new office building.

Both Mr. and Mrs. Pinchin were presenting. They need more office space at their business, so had purchased a new prefabricated building and placed it on their property, in line with the other existing buildings, in what was the only spot they deemed available. With ten feet between the buildings and the launch ramp, they barely managed to fit it in. The other existing buildings have been in place for 17 years. With the fence that exists between their property and the neighboring property, only the roof of the buildings are visible, nor would the view change if the building were moved.

The neighbor to the immediate east, Mr. Cohen, presented his side of the issue. He has several townhouses on his property, and their view of the water is obstructed by the new building. He had a number of other complaints as well; one of his main points was that since he himself has been held to a strict line regarding zoning, so should the Pinchins, but there were a number of zoning violations present. He was adamant that the building could be moved elsewhere on the property so that it did not obstruct the view from the townhouses.

One of the residents of a townhouse, Ms. Marla Cohen, also asserted that her view of the water is obstructed by the new building, though it was not so obstructed by the older buildings. She gave the board two letters from two other townhouse residents. Chairman Kenney read the letters, which also affirmed that the residents' views were obstructed.

ZEO LaClair asserted that in the Marine Development District, front and side setbacks have to be established; this property does have an established side setback. One difficulty was that there are no survey markers to exactly pinpoint the lot line; the Board must have the lot line established to

make an informed decision. Mr. Cohen asserted that when he put in the fence, it was two feet from the property line, so that was accepted as a matter of public record.

It was decided, after some discussion, to have the building moved further back from the waterfront, so altering the application. There is a large willow tree that can be removed, making room for the building in a spot much more amenable to all parties involved.

SEQR was already done and is on file. At 7:55, **MOTION** by Les Drake, 2nd by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact for the necessary setback. At 8:05 **MOTION** made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application with the following measurements: the building will be placed approximately 66 feet back from the waterline, 15 feet from the property line and 2 feet from the fence, and 5 feet from the existing storage building. There is also a time limit: it must be done within 60 days after the Planning Board meeting on July 5.

Aye: Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Dale Maclaughlin, Dave Storandt Nay: none Abstain: none Absent: none

8:15 --- Town --- Joseph T. Ficano, 42631 Picton Island, Clayton, Tax Map# 12.00-1-56, in the Marine-Residential District. Area Variance to extend house and add a deck.

Chad Frost did the presenting. The requested area variance is to allow the deck to be built closer to the front property line than allowed by Town ordinance; a 26-foot front yard variance is needed. There are several trees along the shoreline, so the deck would not be seen from the water. They are amending the application and are asking for a 6-foot width on the deck.

At 8:23, **MOTION** to declare this a Type II action was made by Les Drake, 2nd by Dale Maclaughlin. Motion was carried. **MOTION** to close the public hearing was made by Harold Carpenter, 2nd by Les Drake. Motion was carried.

Chairman Jim Kenney did the finding of fact. At 8:30, **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to approve the application as amended.

Aye: Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Dale Maclaughlin, Dave Storandt Nay: none Abstain: none Absent: none

8:33 --- Village --- Roland & Paula Baril, 134 South Shore Drive, Clayton, Tax Map # 20.53-1-6.12, in the Resort-Single Family Residential District. Request to alter a nonconforming structure.

ZEO LaClair and CEO Ingerson did the presenting. The Barils wish to construct a seasonal porch to replace the current deck; the residence's footprint would not be altered. The problem arose because the Barils purchased the adjoining lot and combined both lots into one, thus making one side much wider than the 2/3 total called for in village zoning law.

It must be noted that the alternate member of the ZBA was vehemently opposed to the whole application.

At 8:38, **MOTION** to find this a Type II action was made by Les Drake, 2nd by Dale Maclaughlin. Motion was carried. **MOTION** to close the public hearing was made by Les Drake, 2nd by Dave Storandt. Motion was carried.

Chairman Kenney did the finding of fact. At 8:45, **MOTION** to approve the application was made by Dale Maclaughlin, 2nd by Les Drake.

Aye: Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Dale Maclaughlin, Dave Storandt Nay: none Abstain: none Absent: none

At 8:47 **MOTION** to adjourn the meeting was made by Dale Maclaughlin, 2nd by Harold Carpenter. Motion was carried.

*Respectfully Submitted,
Susan Kenney, Recording Clerk*