APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
August 20, 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: Mark Gawron, D. Lingenfelter, Linda Brown, Richard Alexander, Pat Alexander, Cindy Bower, Jim Bower, Judy Pinchin, Robert Pinchin, Marla Cohen, Jeffrey Cohen, Tory Jones, Kien Calhoun, Kevin Lewis, Ryan Eagles, John Kessler

The minutes from the July meeting of the ZBA were reviewed; no corrections were seen. **MOTION** was made by Harold Carpenter, 2nd by Dale Maclaughlin, to accept the minutes as presented. Motion was carried.

7:04 --- Town --- Mark Gawron, 37355 Clayton Center Rd., Clayton, Tax Map # 31.00-2-31.9, in the Agricultural-Rural Residential District. Area variance to site a dog training & boarding facility.

Mr. Gawron did the presenting. He is constructing his facility using a pre-existing concrete slab, which places the building only 20 feet off the side line of his property when the ordinance calls for 25 feet. A neighbor, John Kessler, had a question concerning whether the dogs would be yipping and barking at night. Mr. Gawron specified that the dogs would be inside the kennel building at night, and that the building would be insulated.

Chairman Kenney went through the short-form SEQR; the Board determined that there would be no adverse environmental impacts.

At 7:18, **MOTION** was made by Dave Storandt, 2nd by Dale Maclaughlin, to find this an unlisted action. Motion was carried. **MOTION** was made by Dave Storandt, 2nd by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney went through the finding of fact. At 7:25 **MOTION** was made by Dale Maclaughlin, 2nd by Dave Storandt, to approve the application as submitted.

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

7:28 --- Village --- Robert & Judy Pinchin, 1100 State St., Clayton, Tax Map # 20.54-1-15.1 & 15.2, in the Marine Development District. Request to alter a nonconforming structure &

site a storage and an office building requiring side yard variance & front yard setback approval.

Mrs. Pinchin did the presenting. She said that the last variance hearing set a distance of 66 feet, which was too far and unworkable for them. They are now looking to move the building 30 feet from the watermark and 8 feet from the fence, hence are looking for a 7-foot side yard variance. They also want to add decks to Cottages I and III on the property and replace the current storage building (an old van body) with a purchased shed.

Chairman Kenney read a letter from Joseph Jerry, an attorney representing the Cohens who live next door to the Pinchins, opposing the application. Marla Cohen stated her opposition to the application, citing a lack of a properly scaled drawing and a question of whether the variance requested was accurately measured. She stated that not enough information had been available to them beforehand to fully understand what was being asked for in this variance application. Jeffrey Cohen stated that the application needs to be very specific and should have an official survey. It was pointed out that the applicant had produced a legal survey from 1993, and that the lines should not have changed in the past 19 years. Mr. Cohen then brought out some of the things discussed at the first hearing; it was noted that since this is a new application, previous actions are null.

Mrs. Pinchin pointed out that at the first hearing for the first application, she had produced scale drawings; since the replacement building is to be smaller than the van body it's replacing, nothing would change regarding line of sight, traffic patterns, etc. Mr. Lingenfelter, who lives across the street from the Pinchin and Cohen properties, stated that the buildings on the Pinchins' property are currently mostly hidden by the fence, and if the buildings were moved deeper into the property, this would block the view of the buildings even more; so he is unopposed to the application.

Chairman Kenney went through the short-form SEQR; it was determined that there are no adverse environmental impacts. At 8:10 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to declare this an unlisted action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Les Drake, to close the public hearing. Motion was carried.

Chairman Kenney went through the finding of fact. At 8:22 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to approve the application with the condition that the work needs to be finished within 60 days of this decision.

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

8:31 --- Village --- Richard E. Alexander Jr., 720 James St., Clayton, Tax Map # 20.55-1-17, in the Business District. Setback approval to add an overhang to front of existing structure.

Mr. Alexander did the presenting. He is converting the old Clayton Marble Works to house a few professional offices and small retail. There is an existing beam protruding from the front of

the building which he will leave in place, and will add another to hang the canopy onto. He needs setback approval in the village.

Mr. Tory Jones, who lives on Strawberry Lane directly behind the building, was concerned with water run-off from the building and drainage. Mr. Alexander noted that two drains in front of the building will be uncovered for that purpose, and the work done so far on the parking lot had been done with the intent of eliminating drainage onto neighboring properties.

Another question was posed about potential signage on the canopy. Mr. Alexander stated that there will be signage at the road front, and probably signs on the front of the building to indicate each business's location. ZEO LaClair noted that the Planning Board will be dealing in detail with the signage.

There were no calls or letters received about this application. Chairman Kenney did the short-form SEQR, it being noted that all businesses must go through the SEQR process. It was determined that there are no adverse environmental impacts.

At 8:41, **MOTION** was made by Dave Storandt, 2nd by Dale Maclaughlin, for the ZBA to take lead agency. Motion was carried. **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to declare this a negative declaration. Motion was carried. At 8:42 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney went through the finding of fact. At 8:48 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to approve the application as submitted.

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

8:54 --- Village --- James A. Bower, 716 Riverside Dr., Clayton, Tax Map #20.46-1-20.1, in the Riverwalk-A District. Setback approval to erect a free-standing garage and a deck on the front of the existing house.

Mr. and Mrs. Bower did the presenting. Living on a narrow street with little or no space for parking, he wishes to add a garage for his vehicle. Since making the application, Mr. Bower has decided to move the garage 2 feet closer to the water, and make it slightly smaller, which changes his application, gaining another 8 feet in the front (measured from the sidewalk), and leaving it 8 feet from the retaining wall facing the water. The deck would be erected on top of his boathouse, so would not affect any footprint. One of the Bowers' neighbors was present and had no opposition to the application. No letters or calls were received.

At 9:10 **MOTION** was made by Les Drake, 2nd by Dave Storandt, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 9:15, **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application as amended.

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

NEW BUSINESS

At 9:19, the Board discussed a request for a special meeting next Thursday, August 30, for an application for Cummings. A minimum of three Board members are needed to attend; most of the Board members said they would be able to attend.

At 9:20, **MOTION** was made by Dale Maclaughlin, 2nd by Dave Storandt, to adjourn the meeting. Motion was carried.

Respectfully submitted,
Susan Kenney, Recording Clerk