

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**ZONING BOARD OF APPEALS**  
**September 17, 2012**

The meeting opened at 7:02 with the **following members present**: Chairman Jim Kenney, Alternate Don Bell (sitting in for Dave Storandt), Dale Maclaughlin, Les Drake. **Absent**: Dave Storandt, Harold Carpenter.

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

**Townspeople present**: Dennis Horton, Steve Thomas, Norb Coggins, Joan Coggins, Jeffery Marra, Elizabeth Ristau, Daniel Storozow, Sherry Mastic, Steve Nuber, Susan Nuber, Gail Courtney, Gene (?) Courtney, Robert Golden

The minutes from the regular August 20 meeting were reviewed. A correction was made. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake to approve the minutes as amended. Motion was carried. The minutes from the special August 30 meeting were reviewed. A correction was made. **MOTION** was made by Don Bell (acting for Dave Storandt), 2<sup>nd</sup> by Dale Maclaughlin, to approve the minutes as amended. Motion was carried.

**7:05 --- Town --- Jeffery & Deanna Marra, 11609 North Shore Road, Grindstone Island, Clayton, Tax Map # 11.11-1-29, in the Agricultural-Island Residential District. Area variance to alter a nonconforming structure closer to front property line than allowed by town ordinance.**

Jeff Marra did the presenting. He wishes to add to the existing garage just for added storage. The addition would be the same style as what is already there. He asserted that the road is not very good (all grass, no gravel), with maintenance ending before it reaches his property; the road edges are not clear, so it was hard to get an exact measurement for setback distances. The A-IR District requires a 50-foot setback, so he is asking for a 39-foot variance, as closely as he can figure it. The addition will be in line with other cottages along the road. There will be electrical put in, but no plumbing.

There were no letters and no calls. CEO Ingerson had talked to one of the neighbors (Jeff's father, Phil Marra), who had no objections.

At 7:13, **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Don Bell (acting for Dave Storandt) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:19 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to approve the application as submitted.

Aye: Kenney, Drake, Maclaughlin, Bell (acting for Storandt)

Nay: none

Abstain: none

Absent: Storandt, Carpenter

**7:22 --- Village --- Clayton Marina, property located on Cantwell Terrace, Tax Map # 20.48-2-12.17, in the General Residential District. Setback approval to site a boat storage building.**

Dennis Horton did the presenting. The marina has run out of storage space at their main site, so is looking to put up a 50x250 building on the property on Cantwell Terrace. Utilities will include electrical and water (for infloor heat). They will be tapping into village water. The building will be primarily for private boat storage, but there may be new boats to be shown to potential buyers. They are planning on overhead doors on the front and rear of the building and one side; the side facing the neighboring residences will not have any doors. They plan on using propane to heat the building, probably installing a 500-gallon tank in the ground. The building will be 23 feet to the peak.

Several members of the audience had questions. In answer to a question about how the boats will come in to the building, Mr. Horton said that the boats will go to the end of Cantwell Drive and come around the back of the building; they will not attempt to negotiate Cantwell Terrace, which is very narrow. Another person was concerned about the possible presence of bright floodlights that would interfere with sleep; in response, it was asserted that all lighting would be downcast, under the soffits. Another questioner wanted to clarify what this meeting was for. The answer: this meeting was strictly to set a setback from the middle of the road and from the side properties; the details of lighting, parking, trash, landscaping, etc. would be decided at the planning board meeting coming up on October 4.

A question was asked about possibly moving the building eastward on the property. Mr. Horton said that the Marina is thinking that in the future they might have need of more storage buildings, so they would want to leave room for future buildings. It was noted that any future buildings would have to be approved by one or more boards. On the plan there is 231 feet from the east side of the building to the east property line, so there is room for expansion as well as some change of building site.

One of the neighbors, Mr. Nuber, stated that in the current plan, there is 70 feet between the building and every other neighboring property but his, which has only 45 feet. He asked if it would be possible to move the building slightly south to make the setback from his property 70 feet as well. Mr. Horton was amenable to that suggestion.

Another member of the audience was concerned because they had originally bought their property there because it was so quiet and pretty; with a commercial building coming in, she was afraid this would lead to litter, old boats lying around, etc. Chairman Kenney noted that these concerns would be addressed during the planning board hearing next month. Another board member, Les Drake, noted that Clayton Marina's main site is kept very neat, and such care will likely be carried over to this property on Cantwell Terrace. It was also noted that the width of Cantwell Terrace (currently only 16 feet) is up to the Village Board.

Chairman Kenney read two letters. (1) From Sherry Mastic: concerned with a commercial enterprise moving into a residential area; what will happen to property values, and the potential for industrial development; concerns with traffic safety; concerns with landscaping, scenic development, dumpsters, trash, etc.; how will this affect the geology of the area, water levels, potential flooding; concerns with how wildlife in the area will be affected.

(2) From Steve & Susan Nuber: concerned with how home values will be affected; could construction be on the opposite side of the property, farther away from the houses; the building is only 45 feet from their property line, not 70 feet as with all the other neighbors; the proposed evergreen buffer should be planted in a staggered pattern, with the trees at least 6 feet tall; the colors chosen for the building should be natural colors to help the building blend in; any bright exterior lighting should be kept to a minimum.

For clarification, ZEO LaClair read the list of what was allowed in this particular district, which included commercial and light industry.

After discussion, the new setback was set at 130 feet in the front, 403 feet 7 inches in the back, and 70 feet 5 inches from all residences.

At 8:02 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Don Bell (acting for Dave Storandt) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:09 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to approve the application as amended.

Aye: Kenney, Drake, Maclaughlin, Bell (acting for Storandt)

Nay: none

Abstain: none

Absent: Storandt, Carpenter

**8:13 --- Town --- Anneliese Schlecht, 16378 Grenell Island, Clayton, Tax Map # 12.11-2-68, in the Marine-Residential District. Area variance to site a platform adjacent to her house, closer to the side property line than is allowed by Town ordinance.**

Elizabeth Ristau (Mrs. Schlecht's daughter) did the presenting. They had originally planned just a stone patio, which didn't need any variance. The property is too uneven for just a patio, so the plan was changed to a wooden deck or platform, which would be 26 inches off the ground at its highest point. They plan on having an attachable handicapped ramp for when family members in wheelchairs come for a visit, perhaps once a summer. Underneath the platform is hard subsoil, shaded so that grass won't grow. On one side of the platform a retaining wall will be necessary because of the steep slope of the ground right there.

The neighbors on either side have no problems with the platform construction. The platform could not be built on the opposite side of the house, where no variance would be needed, because of the leach field there. Construction had already been started due to ignorance of the ordinance, but has been stopped. The decking is mostly done; what needs to be finished is the edging, and the possible addition of some sort of railing.

There were no letters or calls received for this application. At 8:23 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Don Bell (acting for Dave Storandt) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:28 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake to approve the application as submitted.

Aye: Kenney, Drake, Maclaughlin, Bell (acting for Storandt)  
Nay: none Abstain: none Absent: Storandt, Carpenter

**8:30 --- Town --- Grindstone Partners, 14246 Grossman Point, Grindstone Island, Clayton, Tax Map # 12.00-1-36, in the Marine-Residential District. Area variance to extend house with a porch closer to the front property line than allowed by Town ordinance.**

Steve Thomas did the presenting. The property is owned by Robert Cox; Mr. Thomas is the caretaker of the property. The plan is to enclose an existing 12x20 deck to make a screened-in porch. The existing deck is only 5 feet from the water. There were no letters or calls about this application.

At 8:36 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake to declare this a Type II action. Motion was carried. **MOTION** was made by Don Bell (acting for Dave Storandt), 2<sup>nd</sup> by Les Drake, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:43 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake to approve the application.

Aye: Kenney, Drake, Maclaughlin, Bell (acting for Storandt)  
Nay: none Abstain: none Absent: Storandt, Carpenter

**8:45 --- Town --- Daniel Storozow, 16000 County Route 11, Clayton, Tax Map # 42.00-2-13.3, in the Agricultural-rural Residential District. Area variance to site a structure closer to the front property line than allowed by Town ordinance.**

Daniel Storozow did the presenting. He owns a barn that has been converted to a house; he wishes to remove the former milkhouse attached to the front of the building, but that will still leave the house closer to the front line than is allowed. He needs a 50 foot setback but will have only 31 feet when the milkhouse is removed. He bought the house last December not realizing that a variance should have already been sought by the previous owner.

At 8:50 **MOTION** was made by Don Bell (acting for Dave Storandt), 2<sup>nd</sup> by Les Drake, to declare this a Type II action. Motion was carried. **MOTION** was made by Don Bell, 2<sup>nd</sup> by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:55 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake, to approve the application as submitted.

Aye: Kenney, Drake, Maclaughlin, Bell (acting for Storandt)

Nay: none

Abstain: none

Absent: Storandt, Carpenter

**8:58 --- Town --- Loretta s. Reeves Trust, 16183 Grenell Island, Clayton, Tax Map 12.11-2-14, in the Marine-Residential District. Area variance to alter a nonconforming house, with a deck, that is closer to the front property line that is allowed by Town ordinance.**

CEO Ingerson did the presenting. The existing deck on the house is rotting and needs to be rebuilt. The rebuilt deck will be all on one level, instead of the current two levels. There have been no calls or letters received about this application. The area variance is needed only because the existing house is closer to the front property line than the Town ordinance allows.

At 9:04 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 9:09 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to approve the application.

Aye: Kenney, Drake, Maclaughlin, Bell (acting for Storandt)

Nay: none

Abstain: none

Absent: Storandt, Carpenter

No further business was presented. At 9:11 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Jim Kenney, to adjourn the meeting. Motion was carried.

*Respectfully submitted,  
Susan Kenney, Recording Clerk*