

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**ZONING BOARD OF APPEALS**  
**June 15<sup>th</sup>, 2015**

The meeting opened at 7:00 p.m. with the following **members present**: Chairman Jim Kenney, Don Bell, Dale MacLaughlin, Harold Carpenter, and Ann Aubertine (sitting in for Les Drake).

**Also Present**: Zoning Officer Richard Ingerson and Recording Clerk Amanda Shane.

**Townpeople present**: Mary Zovistoski, Miriam Bowes, George Bowes, Clayton Ferguson, Jean Reitz, Jami Hargrave, Dave Stoandt, and Yvette Garnsey.

The minutes were discussed from the May 18, 2015 meeting and one (1) change was made. At 7:01 PM **MOTION** was made by Harold Carpenter, 2<sup>nd</sup> by Ann Aubertine, to accept the minutes as amended. Motion carried.

**7:07 PM—Town—George and Miriam Bowes, 40219 NYS Route 12, Clayton, Tax Map #20.07-2-35.1, in the Marine-Residential District. Application for use variance.**

At 7:01 PM Chairman Kenney reopened the public hearing for a use variance application by George and Miriam Bowes. Chairman Kenney read a letter from the Jefferson County Planning Board regarding the Bowes' application. The JCPB explained that it was of local concern only and suggested the application have a special use. Zoning Officer Ingerson explained that the Bowes' could request for a general retail use variance with a condition to go before the Planning Board. Mr. Bowes currently has three (3) potential buyers for the property, all who would like a retail space. The property will not be sold unless the Planning Board approves of the proposed retail by the potential buyer. The townspeople stated they are in support of the Bowes' application.

At 7:11 PM **MOTION** made by Don Bell, 2<sup>nd</sup> by Harold Carpenter to declare an unlisted action. Motion carried. At 7:12 PM **MOTION** made by Dale MacLaughlin, 2<sup>nd</sup> by Don Bell to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

At 7:23 PM **MOTION** made by Dale MacLaughlin, 2<sup>nd</sup> by Ann Aubertine to approve with the application for use variance as a small retail business. Motion carried.

**Aye: Kenney, Bell, Carpenter, MacLaughlin, and Aubertine (sitting in for Les Drake)**  
**Nay: none                      Abstain: none                      Absent: none**

**7:24 PM---Town---Jean Reitz, NYS Route 12, Clayton, Tax Map #20.08-1-49, in the Marine-Residential District. Area variance application.**

Chairman Kenney opened the public hearing for Jean Reitz who was seeking an area variance to locate a shed to store kayaks, and other water related activities on her property. Jean Reitz did the presenting

explaining she would like to locate the shed 3' from the fence and 15' from the high water mark. The property is 25' wide and 106' deep. The location of her property does not have any dwellings and is primarily docks and boats.

A letter was submitted by adjacent property owner who supports the application. The board members had concern over the storage shed being located so close to the high water mark when there is ample property to locate the shed further back from the water line.

At 7:38 PM **MOTION** made by Harold Carpenter, 2<sup>nd</sup> by Ann Aubertine to declare a Type II Action. Motion carried. **MOTION** made by Dale MacLaughlin, 2<sup>nd</sup> by Don Bell to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

The board held a discussion about where the shed should be located. Because the property has a depth of 106', it allows for the property owner to meet the 55' setback from the high watermark. Chairman Kenny explained to the board that he would like to see the shed further back and the board all agreed. At 7:53 PM **MOTION** made by Harold Carpenter, 2<sup>nd</sup> by Dale MacLaughlin to grant a 5' south side yard variance, 10' North side yard variance, and a 55' setback from the high watermark. Motion carried.

**Aye: Kenney, Bell, Carpenter, MacLaughlin, and Aubertine (sitting in for Les Drake)**  
**Nay: none                      Abstain: none                      Absent: none**

**8:00 PM---Village---Clayton Ferguson, 519 Theresa Street, Clayton, Tax Map #20.46-2-22, in the Neighborhood-Residential district. Area variance application.**

Chairman Kenney opened the public hearing. Mr. Ferguson presented to the board explaining he would like to rebuild his garage. He would like to move it 8' and presenting a drawing depicting his plans. Dale MacLaughlin explained he visited the property and the proposed project will be beneficial to Mr. Ferguson. There are no objections from the neighbors.

At 8:04 **MOTION** made by Dale MacLaughlin, 2<sup>nd</sup> by Harold Carpenter to declare a Type II Action. Motion carried. **MOTION** made by Don Bell, 2<sup>nd</sup> by Ann Aubertine to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

At 8:16 PM **MOTION** made by Dale MacLaughlin, 2<sup>nd</sup> by Ann Aubertine to approve the application as submitted. Motion carried.

**Aye: Kenney, Bell, Carpenter, MacLaughlin, and Aubertine (sitting in for Les Drake)**  
**Nay: none                      Abstain: none                      Absent: none**

At 8:20 PM **MOTION** made by Dale MacLaughlin, 2<sup>nd</sup> by Don Bell to adjourn the meeting. Motion carried.

*Respectfully Submitted,*  
*Amanda Shane, Recording Clerk*