

**APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
January 21, 2013**

The meeting opened at 7:00 p.m. with the following **members present:** Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Dale Maclaughlin, Don Bell, Alternate Ann Aubertine, Alternate Patty LeConey. None absent.

Also present: ZEO Henry LaClair, Recording Clerk Sue Kenney.

Townspeople present: Ellen L. Stiefel, Deborah Hunter, Melanie Wattenbee, Stewart Wattenbee, Robert Cantwell III

Chairman Kenney opened the meeting by greeting the new alternates, Ann Aubertine and Patty LeConey.

The minutes for the November meeting (NB: there was no meeting of the ZBA in December) were reviewed and a few corrections recommended. **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the minutes as amended. Motion was carried.

7:03 --- Village --- Deborah Hunter, 626 John St., Clayton, Tox Map # 20.47-1-66, in the Neighborhood-Residential District. Request to erect porch on nonconforming structure lacking total side yard footage required.

Deborah Hunter did the presenting. She is planning on putting an enclosed porch behind the existing garage, since there is not enough space in the front. The porch would be built on an existing concrete slab. The addition, built last year, did not require a variance, but the porch is behind the garage, built in the 1980's, which is too close to the side yard line.

One letter was received from a neighbor, saying he had no issues with the project, and he hoped the variance would be granted.

At 7:15 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:21, **MOTION** was made by Dale Maclaughlin, 2nd by Les Drake, to approve the application as presented.

Aye: Kenney, Drake, Bell, Maclaughlin, Carpenter
Nay: none Abstain: none Absent: none

7:24 --- Town --- William Dertinger, 38000 Wedgewood Lane, Clayton, Tax Map # 19.19-1-2.8, in the Marine-Residential District. Setting a public hearing.

At 7:27 **MOTION** was made by Don Bell, 2nd by Dale Maclaughlin, to set the public hearing for 7 pm or shortly thereafter on February 18, 2013.

7:30 --- Town --- Louis Maier, 16316 Grenell Island, Clayton, Tax Map # 12.11-2-75, in the Marine-Residential District. Area variance to alter nonconforming house that is closer to rear and side property lines than allowed by Town zoning ordinance.

No one was present for this hearing, so **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to adjourn this hearing until 7 pm or shortly thereafter on February 18, 2013.

Aye: Kenney, Drake, Bell, Maclaughlin, Carpenter
Nay: none Abstain: none Absent: none

7:32 --- Town --- Augusta Withington, Fourth Coast Realty LLC, NYS Route 12, east of village of Clayton, Tax Map # 20.11-2-12.13, in the Agricultural-Rural Residential District. Area Variance to erect a structure taller than allowed by Town zoning ordinance.

Neither Augusta Withington nor any agent was present for this hearing. The public hearing was opened anyway to accommodate the members of the public who had shown up for this hearing. ZEO LaClair noted that the 6-foot cupola on the top of the structure does not count toward the height as figured for zoning purposes. He also noted that for a small commercial enterprise in this district, allowed signs are no bigger than 8 square feet, while Ms. Withington is requesting 32 square feet.

A neighbor of the property, Stewart Wattenbee on Lyelton Drive, wanted to know if the proposed sign would be lighted. That was not known, but ZEO LaClair noted that would be an issue for the Planning Board to deal with. Mr. Wattenbee was also concerned with the esthetics of the natural environment, and with the presence of wetlands in one corner of the property, what might happen with water drainage. It was noted that the artesian well on the property was possibly the source of current drainage problems. This issue would be handled by DOT.

Robert Cantwell III, whose father, Robert Cantwell Jr., currently has access rights to the well on Ms. Withington's property, was concerned that those rights would be continued in the future. It was recommended that he bring in documentation for the next meeting that would show access rights. A letter was read from Robert Cantwell Jr., regarding his rights to access to the well and the legality of Fourth Coast potentially interrupting the water flow.

ZEO LaClair was asked if he had access to land elevations on the site, to determine how the view of neighbor Mr. McKean would be affected by the erection of this structure. Board members were encouraged to go out to the property and look for themselves. ZEO LaClair also noted that SEQR will be required because of the height issue; the Planning Board, as lead agency, will probably do this.

At 7:51, **MOTION** was made by Dale Maclaughlin, 2nd by Les Drake, to adjourn this hearing until 7 pm or shortly thereafter on February 18, 2013.

Aye: Kenney, Drake, Bell, Maclaughlin, Carpenter

Nay: none

Abstain: none

Absent: none

At 7:53, **MOTION** was made by Les Drake, 2nd by Don Bell, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*