

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
June 17, 2013

The meeting opened at 7:00 p.m. with the following **members present**: Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Don Bell, Dale Maclaughlin, Alternate Ann Aubertine. Absent: Alternate Pat LeConey.

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

Townsppeople present: Robin Foster, Robert Smith, Brandon Hollis, Jake Tibbles, Rick Gregware, Diana Grater, Bill Grater, Robert Spry, Jeanne Burnash Spry.

The minutes for the May 20, 2013 ZBA meeting were reviewed. No corrections were made. **MOTION** was made by Don Bell, 2nd by Dale Maclaughlin, to accept the minutes as presented. Motion was carried, with one abstention by Dale Maclaughlin, who was absent at the May meeting.

7:01 --- Village --- Thousand Island Land Trust, 135 John St., Clayton, Tax Map # 20.38-1-21, in the Riverwalk B District. Reopened hearing to seek variance to erect signage that is larger than allowed by local zoning ordinance.

This hearing was reopened from the previous meeting. Chairman Kenney noted that the ZBA's actions concerning dimensional variances and lot line setbacks are exempt from review under the LWRP. These are considered minor actions. The LWRP also states that signage requirements are covered by the local zoning ordinance, which has to conform to LWRP stated goals. Therefore the ZBA was able to consider the variance request without fear of adversely affecting the LWRP.

Jake Tibbles from the Thousand Island Land Trust (TILT) did the presenting. TILT is looking for a 20 square foot sign, added to the 3 square foot sign already in place on the building, making a total of 23 square feet. In that district, only 9 square feet is allowed, so they need a 14 square foot variance.

Chairman Kenney finished the short form SEQR assessment form begun at the previous meeting. At 7:10 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to declare this a negative declaration. Motion was carried. **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:18, **MOTION** was made by Dale Maclaughlin, 2nd by Les Drake, to accept the application as submitted.

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

7:20 --- Town --- Robert J. Smith, 16753 Mason Point Road, Clayton, Tax Map # 12.20-1-21, in the Marine-Residential District. Request to extend his porch on his nonconforming house, closer to the property lines than allowed by Town zoning ordinance.

Mr. Smith did the presenting. His house is on an odd-shaped lot, which is smaller than permitted by Town ordinance. He wishes to add to the existing porch on one side of the house, bringing it closer to the shed. He had talked to several neighbors and received no negative feedback to the proposed project. No letters were received concerning the application.

At 7:30 **MOTION** was made by Les Drake, 2nd by Don Bell, 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 7:37 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to approve the application as submitted.

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

7:40 --- Town --- Dale Foster, 41140 Cross Island Road, Clayton, Tax Map # 12.17-1-25.3, in the Marine-Residential District. Requesting permission to place a dock shed on his dock, with placement requiring a front yard area variance under Town zoning ordinance.

Mrs. Robin Foster did the presenting. The dock shed, measuring 6 ft. x 8 ft., has already been built, located partially on the landing portion of the dock and partially beyond the front property line of the parcel. The landing is elevated above the ground like a platform. The dock shed hangs over the high water mark, necessitating a variance of over 55 feet, not the 53 ft. variance originally asked for. The dock shed was built last summer, but no one thought to check about zoning.

CEO Ingerson noted that the only structure allowed on a dock is a pumphouse, up to 100 sq. ft. After some discussion, the Board members agreed that they would like to see the shed moved back from the dock, at least to the stairs coming down from the house.

At 7:55 **MOTION** was made by Les Drake, 2nd by Don Bell, to declare this a Type II action. Motion was carried. **MOTION** was made by Harold Carpenter, 2nd by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:14, **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to accept the amended application, calling for a 29 foot front yard variance and maintaining the north side setback of 15 feet for the re-siting of the dock shed. Further condition was added that this needed to be done within 30 days.

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

8:20 --- Village --- Robert J. Spry, 1021 State St., Clayton, Tax Map # 20.62-1-12, in the Marine-Development District. Requesting permission to erect a deck on a nonconforming house that is closer to the west side property line than allowed by local zoning law.

Mr. Spry did the presenting. He wishes to erect a 10 ft. x 23 ft. deck, 8 inches high, on the east side of his house. His house is closer to the west side property line than allowed for in the local zoning ordinance, making it nonconforming. He noted that his house is closest to the property lines on the

north side, and that the deck on the east side won't be any closer to the line than his house is on the north. Neither of his neighbors has expressed any problems with the project.

At 8:24, **MOTION** was made by Don Bell, 2nd by Harold Carpenter, to find this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:30 **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application as submitted.

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

8:32 --- Village --- Stephanie & Anthony Constantino, Bartlett Point Road, Clayton, Tax Map # 20.45-1-15.45, in the Resort-Single Family Residential District. Asking a variance to erect a house closer to the northwest side property line than allowed by local zoning law.

Bill Grater, architect, did the presenting. The house is being built on an odd-shaped lot. The Constantinos wanted to build on the higher ground to both keep a view of the river and to keep most of the trees on the lot. The variance is needed because of the ordinance's requirement that each sideyard setback be no less than one third of the total side setback yardage established for that district.

Mr. Rick Gregware was present on behalf of his son, who is planning on building on the adjacent lot and is hoping to coordinate setbacks between the two properties. Both parties agree to the smaller setbacks in order to place their respective houses in the best possible locations given the terrain and irregular lot boundaries.

At 8:42 **MOTION** was made by Harold Carpenter, 2nd by Les Drake, 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 8:50 **MOTION** was made by Dale Maclaughlin, 2nd by Don Bell, to approve the application as submitted.

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

At 8:52 **MOTION** was made by Jim Kenney, 2nd by Les Drake, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*