

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**ZONING BOARD OF APPEALS**  
**May 18th, 2015**

The meeting opened at 7:02 p.m. with the following **members present:** Chairman Jim Kenney, Ann Aubertine, Harold Carpenter, and Don Bell. Absent: Dale MacLaughlin

**Also Present:** Assistant Zoning Officer Kimberli Johnston , Zoning Officer Richard Ingerson and Recording Clerk Amanda Shane.

**Townspeople present:** Mary Zovistoski, Larry Aubertine, Miriam Bowes, George Bowes, and Chuck Livingston.

The minutes were discussed from the April20th, 2015 meeting and no changes were made. At 7:02 PM **MOTION** was made by Don Bell, 2<sup>nd</sup> by Ann Aubertine, to accept the minutes as presented. Motion carried.

**7:03 PM—Village—Thousand Islands Emergency Rescue Service, Graves Street, Clayton, Tax Map #20.56-1-2.3, in the Business District. Setback Approval.**

Bud Baril did the presenting. He provided board members with renderings of the proposed building which will be constructed on Graves Street in between the fire department and National Grid. Baril originally requested a 5’ setback but preferred a 10’ setback so there is ability to service the building.

At 7:11 PM Chairman Kenney completed the Find of Fact. **MOTION** made by Harold Carpenter, 2<sup>nd</sup> by Don Bell to find the proposal a Type II Action. Motion carried. At 7:12 PM **MOTION** made by Ann Aubertine, 2<sup>nd</sup> by Harold Carpenter to close the public hearing. Motion carried.

At 7:22 PM **MOTION** made by Don Bell, 2<sup>nd</sup> by Ann Aubertine to approve the proposal as amended from a 5’ setback to a 10’ setback. Motion carried.

**Aye: Kenney, Bell, Carpenter, and Aubertine (sitting in for Les Drake)**

**Nay: none                      Abstain: none                      Absent: MacLaughlin**

**7:27 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.**

Chairman Kenney opened the public hearing for a use variance. Mr. Bowes explained that he has lost a buyer for his property because it is not zoned to allow a retail store (gift shop). The zoning for his property only allowed a professional office or home. Board members had concern over approving the use variance without knowing exactly what kind of business will be at the

property. ZEO/CEO Ingerson explained that the board can approve the use variance with the contingency that the business owner go to the Planning Board to seek approval. Any business must be strictly retail. The board cannot approve the use variance without hearing back from the county planning board.

At 7:33 PM **MOTION** made by Anne Aubertine, 2<sup>nd</sup> by Harold Carpenter to adjourn the public hearing until June 17<sup>th</sup> at 7:00 PM. Motion carried.

**7:34 PM—Town—H. Charles Livingston, Jr., 37186/37192 Shady Shores Lane, Clayton, Tax Map #30.05-1-12.1 and 30.05-1-12.2, in the Marine-Residential District.**

Mr. Livingston, Jr. is seeking an area variance to locate a shed closer to a lot line than allowed. He presented photos and a map of the property for board members to view. The current lot has 65' of waterfront and he would like to expand it to have 100' waterfront by moving the lot line and would like to keep part of the shed with the new property. The shed contains fuel tanks, septic system, and storage. Attached was a lean to and BBQ area. He would like to run the new lot line directly through the shed so that the septic system stays with the property is belongs to and the rest of the shed can be utilized by the new 100' lot. The board discussed other alternatives to creating a lot line directly through the structure. Chairman Kenney suggested the following setbacks for around the shed. 5' NE side, 5' S side, and 3' SW side. The board discussed that the lot should be surveyed and pins put in place. A completed map will be submitted to Chairman Kenney for review which he can approve and send to the Planning Board.

8:10 PM Chairman Kenney completed the Finding of Fact. At 8:11 PM **MOTION** made by Don Bell, 2<sup>nd</sup> by Ann Aubertine to declare the application a Type II Action. Motion carried. **MOTION** made by Ann Aubertine, 2<sup>nd</sup> by Harold Carpenter to close the public hearing. Motion carried.

8:18 PM **MOTION** made by Ann Aubertine, 2<sup>nd</sup> by Harold Carpenter to approve the request with amended distance and approval of subsequently submitted site survey. Motion carried.

**Aye: Kenney, Bell, Carpenter, and Aubertine (sitting in for Les Drake)**

**Nay: none**

**Abstain: none**

**Absent: MacLaughlin**

Chairman Kenney addressed the board concerning Alternate Ann Aubertine becoming a full time member. The Village Board of Trustees did not approve Ann originally because they were concerned there may be a conflict of interest due to her husband being on the Planning Board. Chairman Kenney will submit a letter stating that there is no conflict of interest. In addition, it was addressed that the Zoning Board of Appeals is seeking alternate members.

8:30 PM **MOTION** made by Chairman Kenney, 2<sup>nd</sup> by Don Bell to adjourn the meeting. Motion carried.

*Respectfully Submitted,  
Amanda Shane, Recording Clerk*