

**JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
April 18th, 2016**

The meeting opened at 7:04 PM with the following members present: Chairman Jim Kenney, Lori Arnot, Kenneth Knapp, Dale MacLaughlin, Mike Ingerson, and Alternate Ann Aubertine.

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

Townspople Present: Debra Austin, Melissa Storandt, Derry and Patrick Micale, Steve Mack, Edward Wallace, Mary Eileen Wallace, Susan B. Knox, and Jonathan Taylor.

At 7:05 PM **MOTION** made by Dale MacLaughlin, 2nd by Lori Kenneth Knapp to approve the March meeting minutes as amended. Motion carried.

7:06 PM—Town—Ronald and Susan Knox, 16897 McCormick Lane, Clayton, Tax Map #12.20-1-37, in the Marine Residential District. Area variance application.

Ronald and Susan Knox requested a 10ft NW side yard variance to build an additional onto an existing cottage. Ronald Knox did the presenting. The cottage is small with an even smaller bathroom and the Knox's wish to add an addition to make the bathroom larger and more accessible. The addition will encroach on the neighbor but will not affect anyone's view. Board discussed alternative locations for the addition however the proposed location is the most logical because of location of plumbing. Neighbor, Debra Austin, was present and stated she has no concern and feels the addition should absolutely go in the proposed location. She stated there is plenty of property between them and she is in full support.

At 7:13 PM **MOTION** made by Ann Aubertine, 2nd by Dale MacLaughlin to declare a Type II Action. Motion carried. At 7:14 PM **MOTION** made by Dale MacLaughlin, 2nd by Kenneth Knapp to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

At 7:52 PM **MOTION** made by Dale MacLaughlin, 2nd by Kenneth Knapp to approve as submitted. Motion carried.

Aye: Kenney, MacLaughlin, Arnot, Knapp, Ingerson, and Aubertine (sitting in for Carpenter)

Nay: none

Abstain: none

Absent: Carpenter

7:28 PM—Town—Patrick and Derry Micale, 40488 Riverwood Estates Lane, Clayton, Tax Map #20.07-2-9.21, in the Marine-Residential District. Area Variance Application.

Applicants are requesting an 8' NW side yard variance and a 10' SE side yard variance to replace a cottage that was burned down. Patrick Micale did the presenting. The cottage will be similar to the previous one but slightly larger and has been shifted to make more centered in the property. By centering the proposed structure he is improved distances from the lot lines. There is an existing septic and waterline. Neighbor to the west side of the property was present and had no concerns.

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

At 7:49 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to approve the application as presented. Motion carried.

Aye: Kenney, MacLaughlin, Arnot, Knapp, Ingerson, and Aubertine (sitting in for Carpenter)

Nay: none Abstain: none Absent: Carpenter

7:52 PM—Town—The Shore Birds, LLC., 40263 NYS Route 12, Clayton, Tax Map #20.07-2-34, in the Marine-Residential District. Area Variance Application.

The Storandts would like to build a structure closer to the lot line than is permitted. Melissa Storandt did the presenting. The applicants are requesting a 15' rear yard variance. The proposed deck will be 15' from the lot line. The location was chosen because they would like to be away from the highway due to small children and noise. The Storandts own the lot behind the property and only subdivided to appease the bank. The existing house is not structurally sound so it will be demolished. They would like to use the existing driveway. The house can be moved further from the lot line but will cause more of a distance from the existing utilities.

At 8:01 PM **MOTION** made by Ann Aubertine, 2nd by Lori Arnot to declare a Type II Action. Motion carried. At 8:01 PM **MOTION** made by Dale MacLaughlin, 2nd by Lori Arnot to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

At 8:13 PM **MOTION** made by Dale MacLaughlin, 2nd by Kenneth Knapp to approve the application as submitted. Motion carried.

8:16 PM—Village—Islander Marine, LLC., 500-520 Theresa Street, Clayton, Tax Map #20.46-2-1, in the Marine Development District. Area Variance Application.

Jonathan Taylor did the presenting. The Islander Marine, LLC would like to construct 5 townhouses and yoga studio while maintaining the lodge and marina. The proposed subdivision for the townhouses will meet side yard setbacks. 37,500' is required for the townhouses and the Islander Marine, LLC is requesting 17,750'. With this request it will allow them to keep parking and 25' access easement for parking. The goal of the design is to recreate the streetscape and make the buildings like old store fronts. Several board members stated the area is small for so many things. The townhouses will meet the setbacks required just not the area required. The townhouses will be considered 5 individual units with firewalls but will be one large building. The area variance requested is to maximize and preserve parking. The Board discussed the benefits of the project and some concerns with so much in one area. Alternatives were also discussed and ways to improve parking.

Home owners from Theresa Street were present and had some concern regarding boat storage. Boats from Islander Marina will be hauled offsite. They also had some concern regarding power in the area because a booster had to be added. Jonathan Taylor said the Islander Marine, LLC will be working with National Grid to assure there will not be an interruption in power.

Several Board members expressed support for the project but also had reservations about the area being congested and requesting ½ of the required area for the townhouses.

At 9:11 PM **MOTION** made by Lori Arnot, 2nd by Dale MacLaughlin to declare a Type II Action. Motion carried. At 9:12 PM **MOTION** made by Lori Arnot, 2nd by Ann Aubertine to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

At 9:25 PM **MOTION** made by Kenneth Knapp, 2nd by Dale MacLaughlin to approve the application as presented.

Aye: Kenney, MacLaughlin, Arnot, Knapp, Ingerson, and Aubertine (sitting in for Carpenter)

Nay: none Abstain: none Absent: Carpenter

9:28 PM—Village—Islander Marine, LLC., 500-520 Theresa Street, Clayton, Tax Map #20.46-2-1, in the Marine Development District. Area Variance Application.

The Islander Marine, LLC submitted an area variance application to construct a yoga studio closer to the lot line than is permitted. They are requesting 15' rear setback, 2' south side setback, and a 4'8" variance to the lodge south side yard. The yoga studio will have a deck that

opens in good weather to maximize space. There is a ramp to the entrance so that the building is ADA accessible.

At 9:42 PM **MOTION** made by Kenneth Knapp, 2nd by Larry Aubertine to declare a Type II Action. Motion carried. At 9:43 PM **MOTION** made by Dale MacLaughlin, 2nd by Lori Arnot to close the public hearing. Motion carried. Chairman Kenney conducted the Finding of Fact.

At 9:51 PM **MOTION** made by Dale MacLaughlin, 2nd by Kenneth Kanpp to approve the application as amended. Motion carried.

Aye: Kenney, MacLaughlin, Arnot, Knapp, Ingerson, and Aubertine (sitting in for Carpenter)

Nay: none

Abstain: none

Absent: Carpenter

At 9:56 PM **MOTION** made by Kenneth Knapp, 2nd by Ann Aubertine to adjourn the meeting. Motion carried.

*Respectfully Submitted,
Amanda Shane, Recording Clerk*