

**APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
June 20th, 2016**

The meeting opened at 7:00 PM with the following members present: Lori Arnot, Kenneth Knapp, Dale MacLaughlin, and Mike Ingerson. Absent: Chairman Jim Kenney

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

Townsppeople Present: Candace Duswalt, James Duswalt, Gail Richardson, Christy Hunter, Robin Pierce, Chuck and Libby Spaulding, Steve Mack, Mike and Jean Badour, Donna Patchen, Scott Hudson, Steve Ritchie, Steve Dorr, Jonathan Taylor, Jake Vanreenen, and Jennifer Vanreenen.

At 7:01 PM **MOTION** made by Lori Arnot, 2nd by Mike Ingerson to approve the May 16th, 2016 meeting minutes as amended. Motion carried.

7:02—Town—Charles Spaulding, 42767 Murray Island, Tax Map #12.11-1-16, Clayton, in the Marine-Residential District. Area Variance Application.

Charles Spaulding did the presenting. Spaulding purchased property on Murray Island and tore down a shed that was located behind the cottage because it was unusable. He is requesting a variance to construct a 10'x14' shed in the same location. The proposed shed will be 13' from the property line. An email was received from the neighbor expressing no concern regarding the location of the shed.

At 7:07 PM **MOTION** made by Mike Ingerson, 2nd by Kenneth Knapp to declare a Type II Action. Motion carried. At 7:08 PM **MOTION** made by Lori Arnot, 2nd by Kenneth Knapp to close the public hearing. Motion carried. At 7:08 PM Dale MacLaughline conducted the Finding of Fact.

At 7:15 PM **MOTION** made by Lori Arnot, 2nd by Mike Ingerson to approve the application as presented. Motion carried.

Aye: Mac Laughlin, Arnot, Knapp, and Ingerson.

Nay: none

Abstain: none

Absent: Kenney

7:16 PM—Town—Mike and Jean Badour, 16342 County Route 3, Clayton, Tax Map #20.15-1-25, in the Agricultural Rural-Residential district. Area Variance Application.

Mike Badour did the presenting. Badour explained that he currently has a 17'x23' garage and would like to construct a 32'x40' garade and cannot move anything out of the old garage until the new one is constructed. The proposed structure will be 5' from the property line. The location was chosen based on the leach field and

driveway. A letter was sent by one neighbor and the other stopped in the town office to express there was no objection. Dale MacLaughlin read a letter of support from neighbor Frank Whitmore.

At 7:22 PM **MOTION** made by Mike Ingerson, 2nd by Kenneth Knapp to declare a Type II Action. Motion Carried. At 7:23 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to close the public hearing. Motion carried. At 7:23 PM Dale MacLaughlin conducted the Finding of Fact.

At 7:29 PM **MOTION** made by Kenneth Knapp, 2nd by Mike Ingerson to approve the application as presented. Motion carried.

Aye: MacLaughlin, Arnot, Knapp, and Ingerson.

Nay: none

Abstain: none

Absent: Kenney

7:30 PM—Village—Jake Vanreenen, 815 Union Street, Clayton, Tax Map #20.46-2-6.1, in the Marine Development District. Area Variance Application.

Jonathan Taylor presented the application. Vanreenen would like to construct a 50'x100' service building for his business. It is a pre-fabricated building, similar to those at the Antique Boat Museum. They are requesting a 3' side and rear yard variance to that there is enough parking in the front for employees and room on the side for boat storage and a dumpster. The application depicts boat storage away from residential. The Board discussed the variance requested and agreed that 3' was not enough and considered 5'. Taylor provided drawings depicting the building 5' from the property line with the same size building.

James Duswalt addressed the Board with his concerns regarding Vanreenen's application. Duswalt owns a residential property on Union Street located next to Vanreenen's property. He and his wife Candace presented photos of what the structure would look like located next to their home. They expressed they will lose their view of the river and questioned the Board about zoning regulations. They asked the Board to consider the area residential and doesn't want to see it degraded. They also stated they would prefer to have boat storage alone their property instead of the building and the current dumpster is in the way.

The Board discussed the location of the dumpster. Dale MacLaughlin questioned the public if they would be happier if there was a 5' setback and the dumpster was on the other side of the building. The Board continued their discussion regarding the size of the building and location of dumpster. The neighbors requested a 10' setback as required by zoning.

Christy Hunter had concern over where the snow and ice that came from the building would go. She stated that with a 5' setback the snow and all would all land in her backyard and ruin her fence. She also addressed the Board stating she had concern over what is currently stored on the property including an 18 wheeler. Jonathan Taylor stated that if there was bedrock on the property a gutter system would be installed. In addition, with the pitch of the building snow should not slide off and snow guards will be considered.

Robin Pierce requested the Board approve a 10’ setback with screening around the dumpster. He also suggested Vanreenen consider a steel building versus the prefabricated building so it can better meet size requirements.

The Board discussed moving the building to the other side of the property with a 5’ rear setback and a 3’ side yard setback along Wilbur Wahl’s property. Candace Duswalt stated the Vanreenen’s have other property that the dumpster could be moved to. Jennifer Vanreenen stated the property was purchased for Marine Development and they want to develop it for the business. They have already improved the property to look much better than it did before.

It was clarified by the Board the public requested that building be moved to the other side of the property and they understand the dumpster will be on the side of the building closest to their properties.

At 8:12 PM **MOTION** made by Lori Arnot, 2nd by Mike Ingerson to close the public hearing. Motion carried. At 8:12 PM Dale MacLaughlin conducted the Finding of Fact. The Planning Board is the lead agency and will complete SEQR.

At 8:27 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot, to approve the application as amended and contingent upon Wilbur Wahl’s approval of a 3’ setback from his property line. In addition, updated drawings with setbacks agreed upon and a letter from Wilbur Wahl agreeing must be presented. Motion carried. If Wilbur Wahl does not agree, Vanreenen will receive approval of 5’ rear and 5’ side yard setback.

Aye: MacLaughlin, Arnot, Knapp, and Ingerson.

Nay: none

Abstain: none

Absent: Kenney

8:28 PM—Village—Thousand Islands Art Center, 314 John Street, Clayton, -2-65, Tax Map #20.3 in the Riverwalk A District. Area Variance Application.

Gail Richardson did the presenting and is requesting an 8’ variance. A donor provided a shed for a wood carving turning studio and purchased a shed that was too large to meet setbacks. The shed is 12’x16’ and is already on the property. If the shed is located on the property so it meets setbacks, it takes up too much space. Neighbors had no concern.

At 8:32 PM **MOTION** made by Lori Arnot, 2nd by Kenneth Knapp to declare a Type II Action. Motion carried. At 8:32 PM **MOTION** made by Mike Ingerson, 2nd by Kenneth Knapp to close the public hearing. Motion carried. At 8:32 PM Dale MacLaughlin conducted the Finding of Fact.

At 8:39 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to approve as submitted. Motion carried.

Aye: MacLaughlin, Arnot, Knapp, and Ingerson.

Nay: none

Abstain: none

Absent: Kenney

8:41 PM—Town—Stephen and Marie Mack, 40496 Riverwood Estates Lane, Clayton, Tax Map #20.07-2-6.2, in the Marine-Residential District. Area Variance Application.

Stephen Mack is requesting an area variance to construct a bedroom in the first level of his home. There are not objections from the neighbors.

At 8:46 PM **MOTION** made by Lori Arnot, 2nd by Mike Ingerson to declare a Type II Action. Motion carried.
At 8:46 PM **MOTION** made by Lori Arnot, 2nd by Mike Aubertine to close the public hearing. At 8:46 Dale MacLaughlin conducted the Finding of Fact.

At 8:52 PM **MOTION** made by Mike Ingerson, 2nd by Lori Arnot to approve the application as submitted. Motion carried.

Aye: MacLaughlin, Arnot, Knapp, and Ingerson.

Nay: none

Abstain: none

Absent: Kenney

New Business:

Anna Aubertine officially resigned from the Zoning Board of Appeals and there are now two vacant alternate positions that need to be filled. Stephen Mack stated he was interested and will submit a letter to the Town Board.

At 8:55 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to adjourn the meeting. Motion carried.

Respectfully Submitted,

Amanda Shane, Recording Clerk