

APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
June 17, 2019

The meeting opened at **7:01 PM** with the following **members present**: Chairman Jim Kenney, Dale Maclaughlin, Steve Mack, Lori Arnot, and alternates Chip Garnsey and Andrew Wood. **Absent**: Ashley Pastorius (Chip Garnsey sitting in for Ashley Pastorius)

Also Present: Zoning Officer Richard Ingerson, Recording Clerk Sue Kenney

Townspople Present: Matthew Turcotte, Tom Booth, Linda Stagnitta, John Murray, Dave Missert, Mary Zovistoski, Jonathan Taylor, Luke McDermott, Dan Byers, Jake Tibbles

At 7:01 pm, Chairman Jim Kenney called the meeting to order. The minutes from the May 20, 2019, meeting were reviewed. The date needed to be corrected. At 7:03 pm, **MOTION** was made by Lori Arnot, second by Steve Mack, to approved the minutes as amended. Motion carried.

7:04 pm—Thousand Islands Land Trust—Village—135 John St., Clayton, in the Riverwalk-B District. To enlarge existing office space closer to a property line than allowed by local zoning law.

This was a reconvening of the hearing for Thousand Islands Land Trust (TILT) from the meeting on May 20, 2019. Jonathan Taylor did the presenting. Since that last meeting, TILT has received approval from the Village Board to receive a license to build the deck roof over the deck that is partly on Village property. There have been some changes to the plans for the project. There will be gutters on the deck roof to avoid damaging drippage. The stairs and conditioning unit have been relocated to the front of the building, facing the River. The setback on the porch will remain the same. The intent is to keep the sign for Westelcom, probably to be centered under the TILT sign. The latter sign will be lit. There will be three small hooded light mounts on the porch. The back addition is just for storage. On the second floor, more office spaces will be created to better accommodate the current staff members. The rear and side walls will be firewalled. The stairs are about three feet wide and match code. The Planning Board gave its approval to the project, and the Clayton fire department has inspected the site and has no issues with the planned construction as far as fire safety is concerned. It was noted that with the porch, the Board is looking at a 0 setback.

At 7:19 pm, **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (acting for Ashley Pastorius) to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (acting for Ashley Pastorius) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. Member Dale Maclaughlin asserted that the applicant has made every effort to comply with the ordinance and to answer the concerns of the neighbors. At 7:30 pm, **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (acting for Ashley Pastorius) to approve the application as amended, noting the 0 setback.

Aye: Kenney, Maclaughlin, Mack, Arnot, Garnsey (for Pastorius)
Nay: None **Abstain: None** **Absent: Pastorius**

7:34 pm—John R. Murray Irrevocable Trust—Village—302 Rivershore Drive, Clayton, in the Resort-Single Family Residential District. To erect a house closer to side property lines than allowed.

Richard Ingerson did the presenting. The applicants had come in last month and were informed that Village ordinance says that a building cannot replace a nonconforming structure without a variance. The previous

building burned down. The new building will be built on the existing foundation, with the same footprint, and will be more squared off. All asbestos and vermiculite have been cleared from the site. There currently is no drain tile. The site will be piped for radon because the house is built on bedrock. Only a 30-foot setback is needed to the river, and the planned building will be 39 feet from the river, allowing for the overhang of the eaves.

At 7:40 pm, **MOTION** was made by Steve Mack, second by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Steve Mack, second by Lori Arnot, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:46 pm, **MOTION** was made by Lori Arnot, second by Chip Garnsey (acting for Ashley Pastorius) to approve the application as submitted.

Aye: Kenney, Maclaughlin, Mack, Arnot, Garnsey (for Pastorius)
Nay: None Abstain: None Absent: Pastorius

7:49 pm—David Missert—Village—1250 State Street, Clayton, in the Marine Development District. To erect a fence 2’ taller than allowed.

Dave Missert did the presenting. According to Village law, a front yard fence cannot be 6 feet tall. Mr. Missert wants some privacy from the neighbors and tried planting trees, but those all died. He now wants to build a fence. The proposed fence, although taller than allowed, will not obstruct anyone’s view, and if it were shorter, it would not give him the desired privacy. The neighbors are agreeable to the proposed fence. After some discussion, the Board suggested that the length of the fence be increased to 150 feet.

At 8:01 pm, **MOTION** was made by Dale Maclaughlin, second by Lori Arnot, to declare this a Type II action. Motion was carried. **MOTION** was made by Steve Mack, second by Chip Garnsey (acting for Pastorius) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:09 pm, **MOTION** was made by Lori Arnot, second by Dale Maclaughlin, to approve the application as amended.

Aye: Kenney, Maclaughlin, Mack, Arnot, Garnsey (for Pastorius)
Nay: None Abstain: None Absent: Pastorius

8:12 pm—Luke McDermott—Town—15302 County Route 3, Clayton, in the Agricultural and Rural Residential District. To construct a detached garage closer to the property line than allowed.

Dan Byers did the presenting. The plan calls for building a detached garage. It cannot be accommodated at the end of the driveway because of the slope of the land. The best site is across the driveway from the existing garage, for the best drainage. This will leave sufficient room for turning around, and easier snow removal by just pushing it off the end of the driveway. The garage will be 26’x24’. Blacktop will be poured on the driveway for a better surface than the current concrete. It is 15 feet from the eave to the property line, and 25 feet is needed according to the ordinance, so he is asking for a 10-foot variance.

At 8:18 pm, **MOTION** was made by Dale Maclaughlin, second by Steve Mack, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (acting for Pastorius) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:26 pm, **MOTION** was made by Dale Maclaughlin, second by Lori Arnot, to approve the application as submitted.

Aye: Kenney, Maclaughlin, Mack, Arnot, Garnsey (for Pastorius)
Nay: None Abstain: None Absent: Pastorius

8:20 pm—Grindstone Group LLC—Village—605 Old State Road, Clayton, in the Business District. To locate existing small office building closer to property line than permitted.

Matt Turcotte did the presenting. He owns a storage facility in the Village of Clayton. The current office building is portable, made by North Country Storage. It is currently too close to a newly constructed storage building on the site, making traffic on the site awkward and dangerous. He would like to relocate it to another spot on the property which is only 10 feet off the property line, requiring a 15-foot variance. To put it at the other end of the lot would be unfeasible both because of the drop-off in elevation and the current driveway placement. The proposed location would actually be further from Old State Rd., though closer to NYS Route 12. There are already trees planted around the property for screening, and more would be planted to make sure the office building was shielded from the road. It was noted that in this district, the right of way for Route 12 is 50 feet instead of the usual 35 feet.

At 8:40 pm, **MOTION** was made by Chip Garnsey (acting for Pastorius), second by Lori Arnot, to declare this a Type II action. Motion was carried. **MOTION** was made by Steve Mack, second by Lori Arnot, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:45 pm, MOTION was made by Dale Maclaughlin, second by Steve Mack, to approve the application as submitted.

Aye: Kenney, Maclaughlin, Mack, Arnot, Garnsey (for Pastorius)
Nay: None Abstain: None Absent: Pastorius

New Business

At 8:47 pm, Zoning Officer Ingerson gave a quick preview of some of the hearings coming up for the July meeting.

At 8:52 pm, **MOTION** was made by Steve Mack, second by Chip Garnsey (acting for Pastorius), to adjourn the meeting. Motion was carried.

Respectfully Submitted,
Susan Kenney, Recording Clerk