

APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
JULY 15, 2019

The meeting was called to order by Chairman Kenney at 7:05 pm with the following **members present:** Chairman Jim Kenney, Dale McLaughlin, Lori Arnot, and alternates Chip Garnsey (to sit in for Steve Mack) and Andrew Wood (to sit in for Ashley Pastorius). **Absent:** Steve Mack, Ashley Pastorius.

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

Townspeople Present: Scott Johnson, Justin Taylor, Bill Knapp, Dave Sheley, Norma Zimmer, Ed Higgins, Lori Marra.

The minutes from the June meeting were reviewed and one correction pointed out. **MOTION** was made by Lori Arnot, second by Chip Garnsey (sitting in for Steve Mack) to approve the minutes as amended. Motion was passed.

7:06 pm – David Sheley – Village – 325 Frontenac Blvd., Clayton – to locate a storage shed closer to a property line than is allowed in the local zoning law.

David Sheley did the presenting. His garage fell in some time ago and he had to put in a storage shed for storage. He purchased a portable shed built by the Amish which is being used to store items from the old garage while the new garage is being built. He would like to keep the shed on the lot after the new garage is finished for additional storage, and is looking for a 10-foot variance for its placement.

There was no public comment on this application.

At 7:11 pm, **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (sitting in for Steve Mack) to declare this a Type II action. Motion was passed. **MOTION** was made by Dale McLaughlin, second by Andrew Wood (sitting in for Ashley Pastorius), to close the public hearing. Motion was passed.

Chairman Kenney did the finding of fact. At 7:10 pm, **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (sitting in for Steve Mack), to approve the application as submitted.

Aye: Kenney, McLaughlin, Arnot, Garnsey (for Mack), Wood (for Pastorius)

Nay: none

Abstain: none

Absent: Mack, Pastorius

7:22 pm – Edward Higgins – preapplication hearing, asking for variance to move boundary lines on two adjacent properties he owns.

Ed Higgins did the presenting. He is asking for advice in how to apply for a variance. He had several cabins on the properties, which have mostly been removed. There is one remaining cabin, but it is on the wrong side of the line, sited on the property that now has a business. The cabin is covered with brick and would be really hard to move. He would like to move the boundary lines. He will need a variance for the business, and will come in for a hearing at the August meeting.

7:26 pm – Lori Marra – Village – 100 Swart Ave, Clayton – to erect a deck closer to a property line than is allowed by the local zoning law

Lori Marra did the presenting. She has a waterfront property on which she just built a house. She would now like to add a deck, proposed to extend a foot farther from the house than the current stairs or landing, then wrap around the front of the house and the west side of the house in front of the west entrance, then proceed westward away from the house toward the lot line to an elevated deck. It comes to a straight set of steps. The best they could do for a setback would be 10 feet. It would still only clear the shore by 16.5 feet (rather than the setback of 30 feet), though this number could vary either way by a foot or so, due to the current varying water levels. There is a third door that would be another egress and would require another deck.

Stairs are not counted in setbacks. There are only two variances required for this situation, so the Board will take the shortest one in front, and the shortest on the other side. There were no public comments on this application.

At 7:36 pm, **MOTION** was made by Lori Arnot, second by Andrew Wood (sitting in for Ashley Pastorius), to declare this a Type II action. Motion was passed. **MOTION** was made by Chip Garnsey (sitting in for Steve Mack), second by Lori Arnot, to close the public hearing. Motion was passed.

Chairman Kenney did the finding of fact. It was noted that the house is just barely conforming, so any deck is automatically going to be non-conforming. At 7:50 pm, **MOTION** was made by Dale Mclaughlin, second by Lori Arnot, to approve the application as submitted.

Aye: Kenney, Mclaughlin, Arnot, Garnsey (for Mack), Wood (for Pastorius)

Nay: none Abstain: none Absent: Mack, Pastorius

7:53 pm – Bonnie Richardson – Village – 327 Rivershore Drive, Clayton – to erect a deck closer to a property line than allowed by the local zoning law.

Bill Knapp did the presenting. The house was built last year, and now they want a deck on the front, to wrap around the corner. The current setback in this district is 10 feet, and they are looking for a 4 feet 6 inch setback. This was amended to a 5 feet 3 inch setback. They own the adjoining parcel, so there would be no problems with a neighbor on that side. They want a six-foot width to accommodate a table on the deck. The stairs will be coming off toward the adjoining lot. The biggest part of the deck would be in the front, where most of the entertaining will be done.

At 8:00 pm, **MOTION** was made by Dale Mclaughlin, second by Andrew Wood (sitting in for Ashley Pastorius), to declare this a Type II action. Motion was passed. **MOTION** was made by Chip Garnsey (sitting in for Steve Mack), second by Lori Arnot, to close the public hearing. Motion was passed.

Chairman Kenney did the finding of fact. At 8:10 pm, **MOTION** was made by Andrew Wood (sitting in for Ashley Pastorius), second by Lori Arnot, to approve the application as amended.

Aye: Kenney, Mclaughlin, Arnot, Garnsey (for Mack), Wood (for Pastorius)

Nay: none Abstain: none Absent: Mack, Pastorius

8:13 pm – Clayton Fire Department – Village – 855 Graves St., Clayton – to erect more signage than allowed in the local zoning law.

Justin Taylor and Scott Johnson did the presenting. The Fire Department wants to put up another sign in the corner of their lot. This would be a freestanding sign, which by the ordinance can be 32 ft². The current sign, on the front of their firehouse, is already oversized (21 ft² over the ordinance's 24 ft²), so considering both signs, they are asking for a 53 ft² variance. They have no set plans for the new sign yet, but are looking to see what will be allowed. The general idea is to have the upper half of the sign be fixed with the Fire Department's name and logo, and the lower half be a digital display giving information of public interest, that would change as new information came up, but there would be no motion on the display. The sign would be at least four feet off the ground, to clear the four-foot fence. They plan to position it perpendicular to the road.

It was noted that digital signs are prohibited in the Village except for the gas station, because of the demand for a historical look and esthetics. Could this sign be built to be "historic-looking"? Another Board member commented that this request is neither commercial nor residential, but this would be a vital community and public service. In general, digital signs, not counting the surrounding structure, can cost around \$25,000. Another member questioned why the top half needed to be so big, since the Fire Department's name is already on the building; they might consider making the top half only 1x8, and leave the bottom (digital) half 2x8. Putting the two parts side by side, rather than vertically, was also suggested. It was agreed that this sign would need to be attractive; that the maximum size allowable will be 32 ft² (the Board would like smaller if possible); and that no more than half would be digital. The Fire Department will have to come back next month with settled plans.

No letters were received from the neighbors, nor was there any public comment. At 8:39 pm, **MOTION** was made by Andrew Wood (sitting in for Ashley Pastorius), second by Chip Garnsey (sitting in for Steve Mack), to adjourn this hearing until the August meeting. Motion was passed.

At 8:40 pm, **MOTION** was made by Chip Garnsey (sitting in for Steve Mack), second by Dale Mclaughlin, to adjourn the meeting. Motion was passed.

*Respectively Submitted,
Susan Kenney, Recording Clerk*