

APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
OCTOBER 21, 2019

The meeting was called to order by Chairman Kenney at 7:00 pm with the **following members present:** Chairman Jim Kenney, Dale McLaughlin, Lori Arnot, Steve Mack, Ashley Pastorius, alternate Chip Garnsey, alternate Andrew Wood.

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

Townspople Present: Damon Kenyon, Mary Zovistoski, Kyle Craska, Braden Croy, Rebecca Dahl, Leigh Dillenback.

The minutes from the September meeting were reviewed and no corrections made. **MOTION** was made by Lori Arnot, second by Dale Maclaughlin, to approve the minutes as submitted. Motion was passed.

7:01 – Damon Kenyon – Village – 685 Riverside Drive, Clayton – to erect a structure closer to side property lines than allowed by the zoning ordinance

Damon Kenyon did the presenting. Mr. Kenyon wants to build a 58 ½ sq. ft. storage shed in a corner of his lot for tool storage. The desired placement of the shed would require a 4-foot south rear yard variance and a 4-foot east side yard variance. The structure would not exceed 7 feet tall, so with the 6-foot fence in that corner, only the roof of the shed would be seen from outside. Two of the structure's walls would replace that part of the fence. The shed would be made to look as much like the fence as possible. It will be placed on a concrete slab. Other structures on that street are similarly placed, so the proposed shed would not be obtrusive.

Zoning Officer Ingerson said that he had received one call concerning the project, but only to get information; there were no calls or letters opposed to the project.

At 7:11 pm, **MOTION** was made by Dale Maclaughlin, second by Ashley Pastorius, to declare this a Type II action. Motion was passed. **MOTION** was made by Lori Arnot, second by Steve Mack, to close the public hearing. Motion was passed.

Chairman Kenney did the finding of fact. At 7:19 pm, **MOTION** was made by Dale Maclaughlin, second by Ashley Pastorius, to approve the application as submitted.

Aye: Kenney, Maclaughlin, Arnot, Pastorius, Mack.

Nay: none Abstain: none Absent: none

7:22 pm – Nicole Stio – Town – 36968 Deferno Road, Clayton – to erect an addition closer to the property line than permitted by the zoning ordinance.

Kyle Craska, contractor, did the presenting. Ms. Stio wants to build an addition with bedroom and bath to house her mother-in-law. The addition requires a 10-ft 8-in front yard variance, when measuring 75

feet from the center of the road. There is currently one bath in the house, and a 1500-gallon septic tank in the back that would be able to handle the additional usage. There will be a covered porch. The location of the addition can't feasibly be moved further from the road because it would cover up an egress window in the original residence. The current residence is a double-wide on a pad; a new pad is poured for the addition, and the two pads will be tied together.

At 7:30 pm, **MOTION** was made by Lori Arnot, second by Steve Mack, to declare this a Type II action. Motion was passed. **MOTION** was made by Dale Maclaughlin, second by Ashley Pastorius, to close the public hearing. Motion was passed.

Chairman Kenney did the finding of fact. At 7:38 pm, **MOTION** was made by Lori Arnot, second by Dale Maclaughlin, to approve the application as submitted.

Aye: Kenney, Maclaughlin, Arnot, Pastorius, Mack.

Nay: none Abstain: none Absent: none

7:40 pm – Preliminary hearing for Leigh Dillenback and Braden Croy concerning proposed expansion and remodeling of building on James St., Clayton, currently housing River Yoga.

Leigh Dillenback and Braden Croy did the presenting. They want to know what information they should bring to a formal hearing, primarily concerning the height of the proposed project. Built as planned, the building would be the tallest on the street. The building currently has two floors; they would like to expand that to four floors with a rooftop terrace. The height requirement in that district is a maximum of 45 feet, but their plans call for a total height of 52 feet, which would come after adding an additional 20-22 feet. In the remodeling process they would bring the building up to code, bring in an elevator, and put in fire-rated stairs. They will maintain the same brick façade currently on the building. They will be looking to see how many parking spaces could be put behind the building, and to explore how else limited parking can be expanded. Proposed usage would be commercial and retail on the first floor, loft apartments on the second floor, 1- and 2-bedroom apartments on the third floor, and spa facilities on the fourth floor. There will be rear entrances. They will try to keep the outside look as historically consistent as possible. They are hoping to begin construction in January, after going to the Planning Board in November and the ZBA probably in December.

8:05 pm – Discussion concerning how to address the topic of non-profit organizations and educational institutions, which are inadequately addressed in the current zoning ordinance.

Chairman Kenney brought up the topic of the zoning ordinance and its lack of necessary clarification regarding both non-profit organizations and educational institutions. The town zoning ordinance currently says nothing about non-profit organizations, and very little about educational institutions. The latter are currently restricted to only two districts in the town, AR and A-IR. Educational institutions are not defined in the town ordinance, although the village ordinance does define them. Chairman Kenney is looking to write a letter to the Planning Board going over the items that are questionable or not dealt with at all in the ordinance. The Planning Board could then submit the issues to the Town Board, which could then consult with the Town attorney, Joe Russell. With no reference to non-profits, the Planning Board and ZBA have no guidance on how to deal with them. The letter needs to be focused, not overly broad.

These issues were brought to light during a consideration of a special use variance request from the Thousand Islands Land Trust (TILT) regarding the Zenda Farms property.

8:28 pm – Discussion concerning the Oya project on Wood Road, Clayton.

ZEO Ingerson addressed requests he had received to bring the Oya solar application back to the ZBA now that the new solar ordinance has been approved. He stated that Joe Russell, the town attorney, had made it clear that the application could not be returned for review. The first review was in accord with town law at the time, and changes in the law do not overturn the original decision. The applicants had agreed to abide by any changes affecting their projects with the approval of the new law. But the attorney's position is that they are not bound to implement any changes resulting from the new law. Oya's representatives will be attending the next Planning Board meeting to review the project's progress and assess efforts to conform to the new solar law.

At 8:50 pm, **MOTION** was made by Dale Maclaughlin, second by Steve Mack, to adjourn the meeting. Motion was passed.

Respectfully Submitted,

Susan Kenney, Recording Clerk