

JOINT TOWN/VILLAGE OF CLAYTON

ZONING BOARD OF APPEALS

December 16, 2024

The meeting opened at 7:00 pm with the following members present: Stephen Mack, Chairman; Dale MacLaughlin; Chip Garnsey; Ashley Owens; Lori Arnot; Nick Reddick (Alternate) **Absent:** N/A

Also Present: Town ZEO/CEO Richard Ingerson; Village ZEO Dave Wilder; Town Board Liaison James Kenney; Recording Clerk Mariah LaClair.

Townpeople Present: Mark Morgia; Jeremy Kellogg; Brian Jones; Bill Knapp; Candy Duswalt; Gib Streets; Ed Wallace; Mary Ellen Wallace; Sawyer Bach; Ann Major-Stevenson; Pamela McDowell.

Minutes- MOTION to APPROVE the November 18, 2024 ZBA minutes as submitted made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

New Business:

1. (Town)

Applicant: Francis E. Grassi

Application Number: T-VAR-010-24

Action: 7'-6" West & East side-yard variance

20' South rear-yard variance

27'-7" North front-yard variance

Site Location: 16649 Jackson Lane, Clayton, NY 13624 (Tax Map #20.08-1-9)

Information: The applicant is requesting variances to add a second floor to an existing attached garage and reconstruct a deck and add a roof to the deck. Brian Jones of Aubertine and Currier Architects presented the plans. The garage and second floor additions will match the existing structure. The applicant's lot is narrow and creates challenges to meet setbacks for the garage but the applicant is able to meet half or the 15' requirement. The rear setback for the garage is in keeping with the neighboring garages and the front setback remains the same as what exists. Steve Mack received one email and one letter from the neighbors on each side of the property. Both stated that they have no objections to the variances.

MOTION to open the public hearing for the Francis E. Grassi variance application T-VAR-010-24 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

No public comment.

MOTION to close the public hearing for the Francis E. Grassi variance application T-VAR-010-24 made by Ashley Owens, seconded by Dale MacLaughlin. All in favor, motion carried.

MOTION to declare Francis E. Grassi variance application T-VAR-010-24 a Type II action made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried. Stephen Mack went through the finding of fact.

MOTION to **APPROVE** Francis E. Grassi variance application T-VAR-010-24, as submitted, in order to remodel and expand an attached garage located at 16649 Jackson Lane, Clayton, NY 13624 made by Dale MacLaughlin, seconded by Lori Arnot.

AYE: Mack; MacLaughlin; Garnsey; Owens; Arnot

NAY: None

ABSTAIN: None

ABSENT: None

PASSED

2. (Village)

Applicant: William S. Knapp

Application Number: V-VAR-008-24

Action: 10' South rear-yard variance

Site Location: 327 Rivershore Drive, Clayton, NY 13624 (Tax Map #20.48-1-18)

Information: The applicant is requesting a variance in order to locate a pool on the back of the property. The required setback is 20' from the property line however the plans for the pool show only 10' from the property line. The applicants are having difficulty placing the pool elsewhere on the property due to the bedrock on the lower section of the property and would be too costly to remove the bedrock. The neighbors are on an elevated grade therefor the pool will not obstruct their view of the River. The Board inquired if the grade between the neighbors will cause any flooding or runoff issues for the pool but the applicant believes it will not.

MOTION to open the public hearing for the William S. Knapp variance application V-VAR-008-24 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

- Ann Major-Stevenson: Ann mentioned Village Zoning Code 132-4 General Regulations that states "No building shall hereafter be erected or altered to accommodate or house a greater number of families or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building." Lori Arnot commented that the pool would not be classified as a building.

MOTION to close the public hearing for the William S. Knapp variance application V-VAR-008-24 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

MOTION to declare William S. Knapp variance application V-VAR-008-24 a Type II action made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried. Stephen Mack went through the finding of fact.

MOTION to **APPROVE** William S. Knapp variance application V-VAR-008-24, as submitted, in order to construct a pool located at 327 Rivershore Drive, Clayton, NY 13624 made by Chip Garnsey, seconded by Lori Arnot.

AYE: Mack; MacLaughlin; Garnsey; Owens; Arnot

NAY: None

ABSTAIN: None

ABSENT: None

PASSED

3. (Village)

Applicant: Sawyer Bach

Application Number: V-VAR-009-24

**Action: 3' rear-yard variance
2' side-yard variance**

Site Location: 538 Alexandria Street, Clayton, NY 13624 (Tax Map #20.46-2-35)

Information: The applicant is requesting a variance to reconstruct a shed on the property that is in very unsafe condition and add a 10' x 10' extension. The total size of the proposed shed is 24' x 12' with a 12' peak and 3' overhang on the front. Drainage will be added to the shed roof. The lot of the property is extremely narrow, only 32'-6" wide, and creates challenges to meet setbacks. The shed cannot be moved elsewhere due to a tree on the property and an existing patio. A fence between the neighbors currently exists, the neighbors currently have a shed that sits on the property line and the space between the two homes is currently too small to allow for any vehicles to enter. Dale MacLaughlin expressed that he would like the applicant to meet the setback if possible. Ashley Owens commented that there is not a lot of space on the lot and nowhere to move things around. Chip Garnsey stated that the lot is so small that the houses sit tight next to each other. Lori Arnot stated that the shed is in keeping with the neighborhood. Dale MacLaughlin inquired if the applicant can make the shed smaller to meet the setback rather than trying to move it.

MOTION to table the public hearing and decision for the Sawyer Bach variance application V-VAR-009-24 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

4. (Village)

Applicant: Jeremy Kellogg & Mark Morgia dba French Bay, Inc.

Application Number: V-VAR-010-24

Action: 20,500 sq. ft. area variance

Site Location: 530 Theresa Street (Tax Map #20.46-2-6.2) & 814 Union Street, Clayton, NY 13624 (Tax Map #20.46-2-10)

Information: The applicants are requesting a square foot area variance for the construction of five townhouses. Per Village code, they are required to have a minimum of 37,500 sq. ft. however, they would like it to be reduced to 17,000 sq. ft. The reason is so that it doesn't take away from the parking of the other French Bay owned businesses. The applicants state that the townhouses will remain aesthetically pleasing and will be marketed without yards. The applicants state that the area behind the proposed townhouses is not suitable for greenspace anyway. The requested variance will not affect the adjoining properties because they are owned by the applicants as well. Lori Arnot commented that greenspace is a necessity that should not be removed from the plans. The Board received no letters on this application.

MOTION to open the public hearing for the French Bay variance application V-VAR-010-24 made by Ashley Owens, seconded by Chip Garnsey. All in favor, motion carried.

- Candy Duswalt: Candy is a neighbor of the property and stated that the variance should not be granted for new construction when the lot is already being used for other business and that space is needed to meet the code requirements of those business. She also noted that some parking spots have already been removed for a new patio on the restaurant. She believed that the variance is not necessary as this is a self-imposed hardship.
- Ann Major-Stevenson: Ann reiterated Candy's statement about parking. The Marina has 120 boat slips, so there should be 120 parking spaces for the marina alone. The restaurant has an occupancy permit for up to 80 occupants, so there should be at least 20 additional parking spaces for patrons and at least 2 more for staff. There is also a business office that would require employee parking. Lori Arnot asked the applicants how many parking spaces total they have. Jeremy Kellogg replied that the Islander has 120 parking spaces and there are 150 parking spaces at French Bay. They have also been moving the old boats from the lot and will restore the sidewalk. Each townhouse will have its own parking space. The Board relayed that parking is a Planning Board concern however, Ann expressed that the townhomes should meet the requirement for the square feet and if they reduce the number of townhomes from 5 to 3, they would require less of a variance.

MOTION to close the public hearing for the French Bay variance application V-VAR-010-24 made by Chip Garnsey seconded by Dale MacLaughlin. All in favor, motion carried.

MOTION to declare French Bay variance application V-VAR-010-24 a Type II action made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried. Stephen Mack went through the finding of fact.

MOTION to **DENY** the French Bay variance application V-VAR-010-24, to reduce the square footage setback requirement in order to construct townhouses located at the corner of 530 Theresa Street **and** 814 Union Street made by Dale MacLaughlin, seconded by Ashley Owens.

AYE: Mack; MacLaughlin; Garnsey; Owens; Arnot

NAY: None

ABSTAIN: None

ABSENT: None

DENIED

MOTION was made to adjourn the meeting at 8:30 PM by Chip Garnsey, seconded by Ashley Owens. All in favor, motion carried.

Respectfully submitted,

Mariah LaClair, Recording Clerk