

JOINT TOWN/VILLAGE OF CLAYTON

ZONING BOARD OF APPEALS

January 24, 2025

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:** Ashley Owens

Nick Reddick will sit in for Ashley Owens

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

Townpeople Present: Sawyer Bach; Andy Bach; Terrance Sprague; Kathleen Sprague.

Minutes- MOTION to approve the December 17, 2024 ZBA minutes as submitted made by Chip Garnsey, seconded by Nick Reddick. All in favor, motion carried.

Communications:

Chairman Steve Mack requested a moment of silence for Duane Hazelton, a member of the community that served on the Planning Board for many years.

Continuing Business:

1. (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: Sawyer Bach returned to the Zoning Board to request a variance to replace a shed on the property. Richard Ingerson described how the lot came to be so small. There is not even 5 feet between the neighboring house and Sawyer's house. Sawyer expressed that the shed is necessary to house tools and provide storage for his family. When he started the project, he was approved a permit as long as he remained within the setbacks. During construction he realized that the shed needed to be rebuilt due to the very poor and unsafe conditions and because of this, needed a new permit and therefore also needs zoning variances due to new construction as opposed to remodeling. Sawyer presented pictures exemplifying the current condition of the shed and the narrow lot. Pictures also showed a large tree in the middle of the yard and a patio area. Sawyer would prefer not to remove the tree as it is the only tree in his back yard and provides shade and it would not be feasible to move the location of the proposed

shed due to the tree and also because of the foundation of the property and patio. Sawyer also provided three letters from different neighbors expressing that they have no objections to the construction. Peak of the building would be 12'-3" with the current grade but if Sawyer brings the grade up, he could take a foot off the height. The roof will be slanted and the back wall be 9'-6" tall. He can also reduce the overhang as much as possible to reduce the variance.

MOTION to open the public hearing for Sawyer Bach application V-VAR-009-24 made by Chip Garnsey, seconded by Nick Reddick. All in favor, motion carried.

No public comment.

MOTION to close the public hearing for the Sawyer Bach application V-VAR-009-24 made by Lori Arnot, seconded by Chip Garnsey. All in favor, motion carried.

MOTION to declare the Sawyer Bach variance application V-VAR-009-24 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 Sawyer Bach variance application V-VAR-009-24, as submitted, in order to reconstruct a shed located at 538 Alexandria Street, Clayton, NY 13624 made by Dale MacLaughlin, seconded by Nick Reddick.

AYE: Mack; MacLaughlin; Garnsey; Arnot; Reddick

NAY: None

ABSTAIN: None

ABSENT: Owens

PASSED

2. (Town)

Applicant: Terrance & Kathleen Sprague

Application Number: T-VAR-001-25

Action: 16' South rear-yard Variance

6' East side-yard variance

1' West side-yard variance

Site Location: 40502 Riverwood Estates Lane, Clayton, NY 13624 (Tax Map #20.07-2-5)

Information: The applicants are seeking a variance to reconstruct a garage with a bunkhouse second floor. Power lines run in front of the existing garage and were told by National Grid that if they reconstruct the garage, they will have to be 15 feet from the power lines. That removes the ability to move the garage forward. The garage will be 13ft from the back property line instead of the originally proposed 9ft, which requires 25ft setback. They will be 9ft from another that requires 15ft setback and 14ft from another property line that requires 15ft setback. The lot lines of the property are unique and

reconstructing the garage would be better use of the lot. The proposed garage will not obstruct any right of ways. Richard asked the applicants what the square footage of the second-floor bunkhouse will be. Code requires 500 sq. ft. or less therefore, if they plan to go larger, they would need to ask the ZBA for a square foot area variance as well. The Zoning Board would like to remain within the 500 sq. ft. maximum for the bunkhouse. The Zoning Board received a couple of letters from neighbors and two requested the Board to deny the variances. The applicants had the property surveyed and the markers are still there for the Zoning Board to view.

MOTION to open the public hearing for the Sprague variance application T-VAR-001-25 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

No public comment

MOTION to close the public hearing for the Sprague variance application T-VAR-001-25 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

MOTION to declare Sprague variance application T-VAR-001-25 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 Sprague variance application T-VAR-001-25, as amended to a (was 9ft to back yard now 13ft to property line- double check with Richard) with the condition that the bunkhouse is constructed within the 500 sq. ft. maximum as stated in the Town Zoning Code made by Dale MacLaughlin, seconded by Lori Arnot.

AYE: Mack; MacLaughlin; Garnsey; Arnot; Reddick

NAY: None

ABSTAIN: None

ABSENT: Ownes

PASSED

MOTION was made to adjourn the meeting at 8:10 PM by Chip Garnsey, seconded by Lori Arnot. All in favor, motion carried.

Respectfully submitted,

Mariah LaClair, Recording Clerk