

JOINT TOWN/VILLAGE OF CLAYTON

ZONING BOARD OF APPEALS

October 21, 2024

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

Nick Reddick will sit in for Lori Arnot

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

Townpeople Present: Bill Bonczyk; Joann Bonczyk; David Crandall; Ron DuFord; Lynnette DuFord; Tracy Brabant; Ann Major-Stevenson; Patricia Ledoux; Pete Ledoux; Candy Duswalt; Jonathan Taylor; Robin Leavery; David Gokey.

Minutes- MOTION to approve the September 16, 2024 ZBA minutes as submitted made by Chip Garnsey, seconded by Dale MacLaughlin. All in favor, motion carried.

Pre-Conference: Jonathan Taylor presented preliminary plans for an upcoming project which involves renovating and enlarging an existing boathouse on Reed Point. He is unsure if it will require a variance because he needs the Board to distinguish if one of the yards is a rear-yard or a side-yard. After viewing maps, the ZBA determined that the property has a rear-yard and will therefore need a variance for his project.

New Business:

1. (Village)

Applicant: William J. Bonczyk

Application Number: V-VAR-006-24

Action:

- **5' South rear-yard variance (Was originally 12' variance)**
- **9' East side-yard variance (Was originally 12' variance)**
- **6' West side-yard variance (Was originally 3'-6" variance)**

Site Location: 309 Jane St., Clayton, NY 13624 (Tax Map #20.47-2-40)

Information: The applicant is returning from last month with plans that show a smaller garage than what was originally requested. The garage will now be 520 sq. ft., moved slightly more center on the lot and the height of the building was lowered to 18'. This is the reason for the change to the variances listed above. The applicant will also be adding gutters onto the garage on both sides.

MOTION to open the public hearing for the William Bonczyk variance application V-VAR-006-24 made by Chip Garnsey, seconded by Nick Reddick. All in favor, motion carried.

- Ron DuFord: Ron inquired about drainage plans. The applicant is proposing to add gutters to the garage with downspouts that face towards the road to the Village storm drain. Ron is also concerned about the driveway possibly being paved as it will take away from permeable land. Chip Garnsey asked the applicant if the foundation of the garage will be above the basement of the home and considered if he will have to pump water out of the basement. Ron commented that the rear setback is completely unnecessary and the applicant could move the garage forward more to eliminate the need for the variance. Ron also believes that the garage could be one story and therefore wouldn't need any variances at all.
- Candy Duswalt: Candy agrees with Ron DuFord and believes that variances should only be given when a hardship exists.
- Ann Major-Stevenson: Ann referred to Village Zoning Code Ch. 132-80 regarding non-conforming lots. She also stated that the setbacks are substantial or more than 50% of what is required.

MOTION to close the public hearing for the William Bonczyk variance application V-VAR-006-24 made by Dale MacLaughlin, seconded by Chip Garnsey. All in favor, motion carried.

MOTION to declare application V-VAR-006-24 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 the William Bonczyk variance application V-VAR-006-24 to construct a garage, with the condition that the applicant must only pave the drive way up to the back of the house, leave the rest of the driveway permeable and to add gutters to the garage, located at 309 Jane Street, Clayton, NY made by Dale MacLaughlin, seconded by Chip Garnsey.

AYE: Mack; MacLaughlin; Garnsey; Reddick

NAY: Owens

ABSTAIN: None

ABSENT: Arnot

PASSED

2. (Town)

Applicant: Pat and Dave Kneble

Application Number: T-VAR-008-24

Action:

- **7' East side-yard variance**

Site Location: 15691 Lyellton Drive, Clayton, NY 13624 (Tax Map #20.11-1-34)

Information: The applicant is proposing constructing a 12'W x 20'L deck 8' to the property line where 15' is required. The Board's only concern is that the neighbors also have a structure that is right on the property line and doesn't leave much space to work with.

MOTION to open the public hearing for the Kneble variance application T-VAR-008-24 made by Chip Garnsey, seconded by Nick Reddick. All in favor, motion carried.

No public comment.

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

MOTION to declare application T-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 the Kneble variance application T-VAR-008-24, as submitted, to construct a deck located at 15691 Lyellton Drive, Clayton, NY made by Dale MacLaughlin, seconded by Chip Garnsey.

AYE: Mack; MacLaughlin; Garnsey; Owens; Reddick

NAY: None

ABSTAIN: None

ABSENT: Arnot

PASSED

MOTION was made to adjourn the meeting at 7:00 PM by Chip Garnsey, seconded by Dale MacLaughlin. All in favor, motion carried.

Respectfully submitted,

Mariah LaClair, Recording Clerk