

## Board of Adjustment Committee Meeting

March 30, 2023

Present: John Petro, Pat Kennedy, Chris Collins, Gary Cimaglia Sr., Carlton Thompson, Scott Chambers, Robert Cote, Sue Muncey, Carol Lane Eagle, Deborah Daugherty, Cindy Lane, Kathy Tucker, Jonathan Burnett, David Ross, Austin L. Moorhead, Debra Honaker, Wendy Hales, Roy Hales, Ryan Paisley, Pete Brice, Harvey Scott, Andrew Cox, Kris Kennedy, Marvin Pedigo, Mary Ellen DeBenedictis, Nick Smith, Kenny Getty, Amber Getty, Jodi Fletcher, Holly Foraker, David Derrick, Dwayne Ratcliffe, Jeff Byler, Doug Liberman, and Gina Green were in attendance.

Mr. Petro brought the meeting to order at 7:00 p.m. Mr. Petro led the Pledge of Allegiance.

### **Discuss and Vote on Re-Organization of Members.**

*Mr. Cimaglia made a motion to nominate John Petro Chairman of the Board. Mr. Thompson seconded the motion. Motion carried unanimously.*

*Mr. Cimaglia made a motion to nominate Chris Collins Vice Chairman of the Board. Mr. Kennedy seconded the motion. Motion carried unanimously.*

### **Discuss and Vote on a Use Variance to Rezone a Residential Home for Commercial Use and/or a Variance to the Permitted Use and Structures Table in the Town of Clayton Zoning Ordinance – 206 Clayton Avenue – Jodi Fletcher.**

Mr. Petro stated this item has been tabled at the request of the applicant. Mr. Cimaglia asked if there was an expiration on the tabling of this item. Mr. Chambers stated there is no expiration.

### **Discuss and Vote on a Variance Request to the Front Yard Depth Requirements in the Industrial Zone of the Basic Bulk Regulations of the Town of Clayton Zoning Ordinance. Wilson Avenue – Atlantic Tractor.**

Mr. Petro turned the floor over to Doug Liberman who was representing Atlantic Tractor. Mr. Byler is the contractor. Mr. Liberman is requesting a variance to place the new building 16' off the right-of-way line. They are going to incorporate trees to make a nice softening of the building. They are going to plant kwanzan cherry trees. At the current 50' setback materials will be stored behind the building if the current code is followed. Mr. Kennedy asked if they wanted to put 10' in from the fence. Mr. Cote stated they are going to remove the old fence and put in a new fence. Mr. Petro stated the space between the building and the fence at 50' would create strong vandalism. Mr. Liberman said yes. Mr. Petro asked if the trees would impact the town's infrastructure. Mr. Cote stated if the setback is approved, a site plan application would need to be completed and sent to the Planning & Zoning Committee for review and approval. If approved, Miss Utility would be called before digging. Mr. Kennedy asked if the name is Atlantic Tractor or Clements Supply. Clements Supply is listed on the application. Mr. Byler stated it is

for Atlantic Tractor, but the landowner's name is Clements Supply. Mr. Cimaglia asked about the aesthetics of the building. Mr. Liberman stated it will be 20' high to the eave. It will be a metal building. The color will be light tan with green trim. Mr. Cimaglia stated the reason for the variance is the setback states 50'. Mr. Cote stated it is code. Mr. Petro asked if anyone was for or against this. Mr. Thompson stated it would make Wilson Avenue look a lot better. Mr. Burnett agrees with Mr. Thompson. He is for it. Mr. Thompson asked about the drainage on Wilson Avenue. Mr. Ross stated there is no stormwater. The sewer is in the center of the street.

Mr. Petro asked for a motion to approve variance from 50' to 16' off the right of way line.

***Mr. Cimaglia made a motion to approve the variance. Mr. Kennedy seconded the motion. Motion carried unanimously. Petro – yea; Collins – yea; Kennedy – yea; Cimaglia – yea; Thompson – yea.***

Mr. Petro asked for a motion for adjournment.

***Mr. Kennedy made a motion to adjourn. Mr. Collins seconded the motion. Motion carried unanimously. The meeting adjourned at 7:16 p.m.***

Recording Secretary,

Sue Muncey