

**APPROVED
TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
OCTOBER 19, 2009**

Board Members present: Jim Kenney, Les Drake, Dave Storandt, Darrel Hayes, Harold Carpenter

Others present: Zoning Enforcement Officer Henry LaClair, Assistant Zoning Enforcement Officer Richard Ingerson, Clerk Janet Sullins, Dale Maclaughlin

Townspeople present: Jeanette Aiken, Rob Aiken, Mark Urquhart, Christopher Neville, Heather Neville

At 7:00, Chairman Jim Kenney opened the meeting of the Joint Town and Village of Clayton Zoning Board of Appeals.

Minutes from the September 21, 2009 meeting were reviewed. **MOTION** made by Vice-Chairman Harold Carpenter, 2nd by Board Member Darrel Hayes to approve the minutes as written. Motion carried.

Village --- Richard C. Howland, Captain Johnston House, 507 Riverside Drive, Tax Map No. 20.38-2-13, in the Riverwalk B District. Set Public Hearing for a Height Variance to Erect a Fence that is Taller than Allowed in the Local Zoning Law.

Mr. Howland wishes to erect a four-foot wrought iron fence on an historic corner property. Currently the law limits fence height at corners to 3 ½ feet. Zoning Officer Henry LaClair said that he would investigate any restrictions that may be imposed by the National Historic Register, since the property in question is on the register. Board Member Les Drake said that he would look into whether there are further restrictions under the Local Waterfront Revitalization Program (LWRP). At 7:10, **MOTION** made by Board Member Hayes, 2nd by Board Member Drake to set a Public Hearing for Mr. Howland for November 16, 2009 at 7:15. Motion carried.

Village --- Mark Urquhart, 1171 State Street, Tax Map No. 20.54-1-8.2, in the Marine-Development District. Public Hearing for Setback Approval for a Deck on a House on His Property.

At 7:15, Chairman Kenney opened the Public Hearing for Mark Urquhart. Mr. Urquhart had previously been before the Board to request setbacks for a deck he built without permission. Setbacks were denied and he dismantled the deck. He was present again with a modified plan with lesser setbacks needed. Chairman Kenney asked how high above grade the deck would rise: 3 ½ feet. Ass't ZEO Ingerson said that he received a call saying that the distance requested is shorter than drawn on the application. He went

MOTION made by Board Member Drake, 2nd by Board Member Storandt to approve the application as amended. Motion carried.

Aye: Jim Kenney, Les Drake, Dave Storandt, Darrel Hayes, Harold Carpenter
Nay: None Absent: None Abstain: None

Village --- Christopher J. Neville, 852 James Street, Tax Map No. 20.55-1-25, in the Neighborhood-Residential District. Public Hearing for an Area Variance to Extend a Private Garage with a Lean-To Closer to the South Side Yard Property Line than is Allowed in the Local Zoning Law.

At 8:05, Chairman Kenney opened the Public Hearing. Mr. Neville appeared before the Board and said that he wishes to extend the roofline of his garage, creating a lean-to. This would hide his lawn equipment and other items that should be under cover. One side would be enclosed against the elements, but the other sides would be open. The height to the eaves would be only about 6’.

There have been no calls or letters against the application. Mr. Neville said that his neighbors all were approving of it. At 8:10, Chairman Kenney asked for a motion to declare this a Type II action. **MOTION** made by Vice Chairman Carpenter, 2nd by Board Member Hayes. He then proceeded with the finding of facts. At 8:20 Chairman Kenney asked for a motion to close the Public Hearing. **MOTION** made by Board Member Drake, 2nd by Vice Chairman Carpenter. Motion carried. At 8:20, **MOTION** made by Board Member Drake, 2nd by Board Member Storandt to approve the application as amended. Motion carried.

Aye: Jim Kenney, Les Drake, Dave Storandt, Darrel Hayes, Harold Carpenter
Nay: None Absent: None Abstain: None

With no other business arising, at 8:25, **MOTION** made by Vice-Chairman Carpenter, 2nd by Chairman Kenney to adjourn this regular meeting of the Zoning Board of Appeals. Motion carried.

Respectfully submitted,

Janet Sullins
Recording Clerk