

**APPROVED MINUTES
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
May 21, 2012**

The meeting opened at 7:02 p.m. with the following **members present:** Chairman Jim Kenney, Vice Chairman Harold Carpenter, Les Drake, Dave Storandt, Alternate Don Bell sitting in for Dale Maclaughlin. Absent was Dale Maclaughlin.

Also present: ZEO Henry LaClair, Code Enforcement Officer Richard Ingerson, Recording Clerk Susan Kenney

Townsppeople present: Fred Schweitzer, John Gitzen, Heidi Gitzen

The minutes from the April 16 meeting were reviewed; no corrections were deemed necessary. At 7:03, **MOTION** was made by Harold Carpenter, 2nd by Dave Storandt, to approve the minutes as presented. Motion was carried.

7:04 --- Town --- John & Heidi Gitzen, 43330 Murray Island, Tax Map #12.07-1-5.7, in the Marine-Residential District. Requesting an area variance to extend house with a deck closer to the front property line than allowed by Town ordinance.

Both Mr. and Mrs. Gitzen did the presenting. They own a camp on the end of Murray Island and did not realize that they needed both a permit and a variance to construct a deck, so the deck is already partly built. As soon as they were notified, they came in to rectify the situation. The deck is a good 10 feet above the waterline and 25 feet back from the shoreline; it is not very visible from the water, being built low to the ground.

At 7:09, **MOTION** was made by Don Bell, 2nd by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2nd by Dave Storandt, to close the public hearing. Motion was carried.

Chairman Jim Kenney did the finding of fact. At 7:17 **MOTION** was made by Dave Storandt, 2nd by Harold Carpenter, to approve the application as presented.

Aye: Jim Kenney, Harold Carpenter, Les Drake, Dave Storandt, Don Bell (acting for Dale Maclaughlin) Nay: none Abstain: none Absent: Dale Maclaughlin

7:23 --- Frederick Schweitzer, 9655 Palisades Lane, Clayton, Tax Map # 30.05-1-47.2, in the Marine-Residential District. Requesting area variance to extend house with deck closer to front property line than allowed by Town ordinance.

Mr. Schweitzer did the presenting. He was previously approved for other decks, and now wishes to erect one that will cover up some very rough ground and unhealthy vegetation. The proposed deck would adjoin to what is already there. There is no question of this proposed deck blocking

anyone else's view. He would be building the deck around the tree that is there, not removing any trees; the deck would probably be around 2-3 feet high from grade (it will vary due to the ground's unevenness). The immediate neighbors on either side have no objections to him building the deck.

A letter from another neighbor was read by Chairman Kenney; it was declared to be immaterial to this application.

At 7:33 **MOTION** was made by Don Bell, 2nd by Les Drake, to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2nd by Don Bell, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:43 **MOTION** was made by Les Drake, 2nd by Dave Storandt, to approve the application as presented.

Aye: Jim Kenney, Harold Carpenter, Les Drake, Dave Storandt, Don Bell (acting for Dale Maclaughlin) Nay: none Abstain: none Absent: Dale Maclaughlin

NEW BUSINESS

At 7:45, the Board discussed an application for next month's meeting. It needs setback approval as well as a site plan, so it must go before both the Zoning Board of Appeals and the Planning Board. To facilitate the process for the applicant, it was suggested that the ZBA take lead agency and do the requisite SEQR at this meeting, then do the public hearing at next month's meeting, so that the Planning Board can get the application in July.

At 7:58 **MOTION** was made by Les Drake, 2nd by Dave Storandt, to take an unlisted action and the lead agency in this application.

Aye: Jim Kenney, Harold Carpenter, Les Drake, Dave Storandt, Don Bell (acting for Dale Maclaughlin) Nay: none Abstain: none Absent: Dale Maclaughlin

Chairman Kenney went through the short form SEQR. At 8:10 **MOTION** was made by Les Drake, 2nd by Dave Storandt, to declare this a negative declaration, in that it was determined there were no adverse environmental impacts.

Aye: Jim Kenney, Harold Carpenter, Les Drake, Dave Storandt, Don Bell (acting for Dale Maclaughlin) Nay: none Abstain: none Absent: Dale Maclaughlin

At 8:10 **MOTION** was made by Harold Carpenter, 2nd by Don Bell, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*