

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**ZONING BOARD OF APPEALS**  
**November 19, 2012**

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

**Also present:** ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Sue Kenney

**Townsppeople present:** Edwin Bazinet, Lisa Bazinet, Steve Dorr, David Knapp, Gary Davoy, Lisa Davoy, Steve Swan, Mark Hummel, David Amy (?)

The meeting opened at 7:00 pm. Chairman Kenney called for a moment of silence for a former member of the Zoning Board of Appeals, David Storandt, who died this past week.

The minutes for the October meeting were reviewed and a few corrections recommended.

**MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to approve the minutes as amended. Motion was carried.

**7:04 --- Town --- Edwin & Lisa Bazinet, 41118 Cross Island Road, Clayton, Tax Map #12.17-1-25.2, in the Marine-Residential District. Request for an Area Variance to extend a non-conforming house and add a deck.**

Steve Dorr and Mr. Bazinet did the presenting. The house is non-conforming. There is plenty of rock on the property, preventing building away from the river. Mr. Bazinet tried for one day, at an expense of \$6000, to move the rock and gave up. The vertical elevation for the deck is close to ten feet above the high water mark; there is fifteen feet (horizontal) from the high water mark to the edge of the deck. There is a dock there now, with stairs going down to it. The final location for the new dock stairs cannot be decided until the new dock is done and the builder can see where the stairs best fit.

From Mr. Bazinet's conversations with his neighbors, two are okay with the proposed project, while two are not. There have been no letters or calls received concerning this project.

At 7:15 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:20 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake, to approve the application as presented.

Aye: Kenney, Carpenter, Drake, Maclaughlin.

Nay: none

Abstain: none

Absent: Alternate Bell

**7:22 --- Town --- David Heinrich, 42998 Murray Island, Clayton, Tax Map #12.11-1-36.1, in the Marine Residential District. Requesting an Area Variance to alter a non-conforming house by adding a deck to the rear of the house.**

David Knapp did the presenting. Mr. Heinrich had had a stroke and needed handicapped access to his home. The ramp and deck for that access have already been started. The house was made non-conforming by the zoning ordinance. The ramp itself is all right; the problem is with the deck. The builder is trying to make it safer for the homeowner, and cannot build the deck anywhere else for easy access. The deck and ramp mostly cannot be seen from the river.

It was noted that the Board is establishing a variance for the house itself and any additions, structures, etc.

At 7:30 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:42 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to approve the application as requested.

Aye: Kenney, Carpenter, Drake, Maclaughlin.

Nay: none

Abstain: none

Absent: Alternate Bell

**7:45 --- Town --- Susan Charbonneau, 43050 Murray Island, Clayton, Tax Map # 12.11-1-33.1, in the Marine-Residential District. Requesting an Area Variance to alter a non-conforming house by replacing decks on the front.**

Mark Hummel did the presenting. He is replacing four existing decks right on the water. The existing decks are 23 years old, in bad shape, and need replacement for safety's sake. The new decks would be the same size as the old. The ZEO noted that the current ordinance regarding non-conforming structures does not allow for replacement of deteriorating structures.

At 7:48 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:55 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake, to approve the application as requested.

Aye: Kenney, Carpenter, Drake, Maclaughlin.

Nay: none

Abstain: none

Absent: Alternate Bell

**7:55 --- Town --- Gary Davoy, 13384 County Route 9, Clayton, Tax Map # 42.00-1-32, in the Agricultural-Rural Residential District. Requesting an Area Variance to alter a non-conforming house by adding a deck and a garage.**

Mr. Davoy did the presenting. He wishes to add a deck to the rear of the house, which would be non-conforming since the house itself is already non-conforming. He also wishes to add a garage at the side of the house that would be closer to the side property line than allowed in the zoning ordinance. The deck is already built, though the garage is not. ZEO LaClair noted that whatever is done on this house, it would require a variance. Chairman Kenney noted that there had once been a garage on the site Mr. Davoy plans to erect a new one.

At 8:04 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:14 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to approve the application as requested.

Aye: Kenney, Carpenter, Drake, Maclaughlin.

Nay: none

Abstain: none

Absent: Alternate Bell

**8:16 --- Village --- Steven M. Swan, 245 Cornelia Avenue, Clayton, Tax Map # 20.48-1-30, in the Marine Development District. Requesting setback approval to erect an addition to the rear of his house.**

Mr. Swan did the presenting. He wishes to erect a rear addition to his house and needs the Board to set the setback. The foundation for the addition is already in. There has been one call from a neighbor, who has no problem with the proposed addition.

At 8:20, **MOTION** made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:24 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to set the setback as requested.

Aye: Kenney, Carpenter, Drake, Maclaughlin.

Nay: none

Abstain: none

Absent: Alternate Bell

**8:25 --- Village --- Robert M. Kilker, 1006 State St., Clayton, Tax Map #20.54-1-20, in the Marine Development District. Requesting setback approval to erect an addition to the rear of the house.**

Mr. Kilker did the presenting. He plans to add an open porch with a roof to the back of his house. To do this he will have to remove the current roof and redo it to adequately cover the porch. The setback needs to be set for this project. There have been no calls or letters regarding this application.

At 8:29 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Jim Kenney, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:33 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to set the setback as requested.

Aye: Kenney, Carpenter, Drake, Maclaughlin.

Nay: none

Abstain: none

Absent: Alternate Bell

At 8:36, **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Jim Kenney, to adjourn the meeting. Motion was carried.

*Respectfully submitted,  
Susan Kenney, Recording Clerk*