

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
JULY 15, 2013

The meeting opened at 7:00 with the following members present: Chairman Jim Kenney, Vice-Chairman Harold Carpenter, Don Bell, Dale Maclaughlin, Les Drake, Alternates Patricia LeConey and Ann Aubertine.

Also present: ZEO Henry LaClair, Recording Clerk Janet Sullins

Townpeople present: Bruce V. Gilmore, Amanda Bickford, Gregg German, Francis Bazinet

ZEO LaClair handed out the latest Talk of the Town issue as well as invitations to the next Local Gov't Conference at Potsdam

The minutes from the regular June 17 meeting were reviewed. No corrections were needed. **Motion** was made by Don Bell, 2nd by Dale Maclaughlin to approve the minutes as written. Motion carried.

7:05 --- Town --- Deborah G. Smith, 42439 Cross Island Road, Grindstone Island, Clayton, Tax Map # 11.11-1-9, in the Marine-Residential District. Public Hearing to Replace a Non-Conforming Storage Building Closer to Property Lines than is Allowed in the Zoning Ordinance.

Francis Bazinet did the presenting. The variance requested is a total of 9,192 square feet. He has been paying taxes on a dilapidated structure for several years, so they tore out the existing structure for safety reasons. He has a storage building by North Country Storage Buildings ready to be placed on the same footprint. It will mainly be for his returning daughter's belongings.

ZEO LaClair said there was one call from Mr. Leana who said that he does not want any more storage buildings on his property, but this will not be on Mr. Leana's property. It is a small lot, but it will not be sited near Mr. Leana's lot. Don Bell then said this is a replacement in kind. There was a slight discrepancy in size on the application as to the actual size, but Mr. Bazinet said that it is the same size as the one they removed. The change was noted on the application. Les Drake noted that any concerns by Mr. Leana would have to be brought up at another time.

As there were no other questions, and no one else present for this hearing, Chairman Kenney asked for a motion to declare this a Type II action. At 7:08, **Motion** made by Les Drake, 2nd by Harold Carpenter. Motion carried. **Motion** was made by Les Drake, 2nd by Dale Maclaughlin, to close the Public Hearing. Motion carried.

At 7:10, Chairman Kenney did the finding of facts. This would definitely be an improvement to the property, replacing a fallen-down structure with a new one. Dale Maclaughlin said it would certainly be more attractive. The hardship was self-created as the lot was already non-

conforming; any alteration required a variance. At 7:18 **Motion** was made by Dale Maclaughlin, 2nd by Les Drake to approve the application as amended.

Aye: Kenney, Carpenter, Drake, Maclaughlin, Bell
Nay: None

Abstain: None

Absent: None

7:20 --- Village --- Gregg A. German, Tax Map # 20.39-1-17.2, Washington Island, in the Resort Single Family Residential District. Public Hearing to Erect a Deck on a Non-Conforming House that is Closer to Property Lines than Allowed by Article VII, §132-39D of the Local Zoning law.

Mr. German wishes to construct a deck on a non-conforming house closer to property lines than is allowed. The current deck, on the waterside, is currently in violation of what is allowed near the lot-line in the NE corner. ZEO LaClair said there is plenty of room to the river, but the Village law requires a 28-foot side yard, and this application calls for 16 feet. One-third has to be on one side. Mr. German has decided to drop the proposed deck on the application to below 30 inches, to avoid attaching a railing; he will drop it to 24” or lower, and raise the grade of the land if necessary to make that happen.

There being no calls or letters regarding this action, at 7:27, Chairman Kenney asked for a motion to declare this a Type II Action. **Motion** made by Don Bell, 2nd by Harold Carpenter. Motion carried. **Motion** was made by Dale Maclaughlin, 2nd by Don Bell to close the Public Hearing. Motion carried.

At 7:30, Chairman Kenney proceeded with the finding of facts. The proposed deck will be further from the lot-line than the existing non-conforming house. The lowering of the deck will make it less obtrusive. At 7:34, Chairman Kenney asked for a motion to approve the application as presented. **Motion** made by Dale Maclaughlin, 2nd by Les Drake.

Aye: Kenney, Carpenter, Drake, Maclaughlin, Bell
Nay: None

Abstain: None

Absent: None

7:37 --- Village --- Dennis G. Scott, 522 James Street, Clayton, Tax Map # 20.46-2-58, in the Neighborhood-Residential District. Public Hearing for an Area Variance to Erect a Storage Building Closer to the North Side of the Property Line than is Allowed by Article VII, §132-40-A of the Local Zoning Law.

Amanda Bickford spoke in Mr. Scott’s behalf. To erect a 14’ x 34’ storage barn, a 4 foot variance is needed on the north side. Three years ago they removed an L-shaped building that was in poor condition and not up to code. A storage building has been ordered, but not yet delivered. It will be sited next to Vivian Black’s lot, but she has given her approval. They would eventually like to erect a fence behind it. Right now, they need a variance for the storage building on Mrs. Black’s side and the front (north side).

With no other call or letters on this matter, at 7:40 Chairman Kenney called for a motion to declare this a Type II Action. **Motion** made by Les Drake, 2nd by Don Bell. Motion carried.

Motion was then made by Don Bell, 2nd by Les Drake to close the Public Hearing. Motion carried. Chairman Kenney then proceeded with the finding of facts. The structure will be located whereby it can easily be maintained. Les Drake said that it would preserve open space, which was very desirable. The variance is not substantial, but the problem was self-created in that the building needs to be in the setback area.

At 7:48, Chairman Kenney asked for a motion to approve the application as submitted. **Motion** made by Les Drake, 2nd by Harold Carpenter.

Aye: Kenney, Carpenter, Drake, Maclaughlin, Bell
Nay: None

Abstain: None

Absent: None

7:50 --- Town --- Bruce Gilmore, 42755 Murray Island, Clayton, Tax Map # 12.11-1-20, in the Marine-Residential District. Public Hearing to Replace a Deck on His Non-conforming House which is Closer to the Front Property Line than is Allowed in the Zoning Ordinance. Such Replacement will Require an Area Variance According to Article V, Schedule B.

Mr. Gilmore wants to replace a forty-year-old cedar deck, which has been rotting along the shoreline. It was suggested he bring it up to code. He also decided to make it three feet wider on two sides. This would cover a dangerous drop off over a rocky area that had an old pine tree near it. He would also remove the lower sunning deck, shown in the photos provided, and lower the new deck by six inches. This would make the new deck smaller than the two existing decks combined. The front of the deck would be even with the high water mark. He would like to have stone piers instead of wooden ones.

As there were no calls or letters against this application, at 8:02, Chairman Kenney asked for a motion to declare this a Type II Action. **Motion** made by Dale Maclaughlin, 2nd by Les Drake. Motion carried. **Motion** then made by Les Drake, 2nd by Dale Maclaughlin to close the Public Hearing. Motion carried. Chairman Kenney then proceeded with the finding of facts. The setback was substantial: 100 percent. However, no adverse impact is expected. It also was not self-created, as it was family property, passed down, requiring necessary maintenance.

At 8:12, **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter to approve the application as submitted.

Aye: Kenney, Carpenter, Drake, Maclaughlin, Bell
Nay: None

Abstain: None

Absent: None

No further business was presented. At 8:15, **Motion** was made by Les Drake, 2nd by Dale Maclaughlin, to adjourn the meeting. Motion carried.

Respectfully submitted,

Janet Sullins,
Recording Clerk