

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
November 18, 2013

The meeting opened at 7:01 p.m. with the following **members present:** Chairman Jim Kenney, Don Bell, Dale Maclaughlin, Harold Carpenter, Alternates Pat LeConey and Ann Aubertine (sitting in for Les Drake). **Absent:** Les Drake

Also Present: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Susan Kenney

Townspople Present: Kevin Hefferon, Allen Benas, Susan Benas, Larry Aubertine, Tamela Major

The minutes from the October 21 meeting were reviewed, with no corrections noted. **MOTION** was made by Ann Aubertine (sitting in for Les Drake), 2nd by Jim Kenney, to approve the minutes as submitted. Motion was carried.

7:03 --- Village --- Diane Morinigo, 415 Jane St., Clayton, Tax Map # 20.47-1-13, in the Neighborhood-Residential District. Application to erect garage closer to side yard property line that allowed by local zoning law.

Kevin Hefferon did the presenting, as agent for Ms. Morinigo. The plan is to build an 18x38 ft. garage, with 12 inch soffit on 3 sides and 54 inch soffit on the fourth side. The owner wants a two-car garage, but because the lot is so narrow, the cars cannot be placed side by side, so they will have to be placed end to end. Possible placement of the garage is limited by the confines of the lot and the location of the driveway, which comes off Jane St. The trusses will be regular trusses; the height from the lowest grade to the peak will be 15 feet.

There have been no calls or letters. Ms. Morinigo told Mr. Hefferon that she had talked to one of the neighbors, who is in support of the project.

At 7:09 **MOTION** was made by Harold Carpenter, 2nd by Don Bell, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Ann Aubertine (sitting in for Les Drake) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. The question arose as to what percentage of a lot can be covered by buildings; while the town has a limitation of 25 %, there is no limitation in the village. There was also some disagreement as to whether the proposed change was desirable or undesirable. At 7:28 **MOTION** was made by Ann Aubertine (sitting in for Les Drake), 2nd by Don Bell, to approve the application as submitted.

Aye: Kenney, Bell, Maclaughlin, Aubertine (sitting in for Les Drake)

Nay: Carpenter

Abstain: none

Absent: Drake

7:31 --- Village --- Allen S. Benas, 535 Merrick St., Clayton, Tax Map # 20.47-2-14, in the Neighborhood-Residential District. Application to erect storage building closer to property lines than allowed by local zoning law.

Allen Benas did the presenting. He needs a storage building; he wants it to be 10x14 ft. He would like to place it as close to the northwest side and the rear property lines as possible to keep it inconspicuous. There are already garages on either side of his lot. He is ordering a storage barn with a hip roof from North Country Storage. He has talked to his neighbors, who are not opposed to the project.

The question was asked of how much setback Mr. Benas needed to avoid needing a variance; he would need only a 10-foot setback, out of which he is asking for a 5-foot variance. Member Dale Maclaughlin had looked at the property earlier, and stated that due to the topography, this is the best possible spot for a storage building.

Another question was asked about the size of the eaves on the storage building; CEO Ingerson said that typically the eaves on these barns are only 6 inches. Mr. Benas was encouraged to make sure that the building was set down so that the line was drawn 5 feet from the eaves, not the side of the building.

Chairman Kenney read a letter from E. L. Barlow, who encouraged the Board to make sure that they considered public safety in their discussion of this application.

At 7:40 **MOTION** was made by Dale Maclaughlin, 2nd by Don Bell, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Don Bell to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:51 **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application as submitted.

Aye: Kenney, Bell, Maclaughlin, Carpenter, Aubertine (sitting in for Les Drake)
Nay: none Abstain: none Absent: Drake

7:55 --- Village --- Tamela J. Major, Cantwell Dr., Clayton, Tax Map # 20.48-2-12.3, in the General Residential District. Seeking setback approval to site a manufactured home.

Tamela Major did the presenting. Since her application was originally submitted, the proposed site for the home was moved closer to one side and a little forward. It meets the side yard setbacks but needs a variance for the front and the rear. Ms. Major has just removed the single-wide home that was there, leaving only a garage. She wishes to put a manufactured home on the lot, to be lived in year round.

No calls or letters have been received for this application.

At 8:00 **MOTION** was made by Don Bell, 2nd by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Harold Carpenter, 2nd by Ann Aubertine (sitting in for Les Drake) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:08 **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application as amended.

Aye: Kenney, Bell, Maclaughlin, Carpenter, Aubertine (sitting in for Les Drake)

Nay: none

Abstain: none

Absent: Drake

OTHER BUSINESS

At 8:10, Chairman Kenney apprised the Board members that they were all invited to the annual Christmas party at the Opera House, and would be receiving invitations in the mail.

At 8:11, ZEO LeClair addressed the Board concerning the need for consistency in how applications are treated. All applicants need to be treated equally. The Board also need to ask themselves if the benefit to the applicant outweighs any detriment to the community.

At 8:25 **MOTION** was made by Dale Maclaughlin, 2nd by Don Bell, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*