

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
May 19, 2014

The meeting opened at 7:00 p.m. with the following members present: Les Drake, Don Bell, Chairman Jim Kenney, Alternate Ann Aubertine (sitting in for Harold Carpenter). Absent: Harold Carpenter, Dale Maclaughlin.

Also Present: Kim Johnston, Recording Clerk Susan Kenney

Townspople Present: Anne Reinman Holbrook, James Munroe, Deborah Munroe, Rachel Bernhardt, Patty Oot, Fred Schmitt, Paul Thompson (from Goutremout's)

The minutes from the April 21 meeting were reviewed, and no corrections were made. **MOTION** was made by Don Bell, 2nd by Les Drake, to approve the minutes as submitted. Motion was carried.

No one was present with further information for the Gary McElfresh application, so it will continue to be tabled.

7:02 --- Village --- Fred Schmitt, 524 Franklin St., Clayton, Tax Map # 20.47-2-58, in the Neighborhood-Residential District. To extend his porch closer to property lines than allowed by local zoning law.

Fred Schmitt did the presenting. He wants to extend his current front porch to be more even with the front bay window. He has talked with his neighbors, and they have expressed no problems with his project. Other people on the same street have porches even closer to the street than his would be. He would like to make it a three-season porch. There are plumbing problems in the house which need to be fixed; the plumbing comes underneath the current porch, so that will need to be torn out and replaced.

At 7:05, **MOTION** was made by Les Drake, 2nd by Don Bell, 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 7:20, **MOTION** was made by Ann Aubertine (acting for Harold Carpenter), 2nd by Les Drake, to approve the application as submitted.

Aye: Kenney, Drake, Bell, Aubertine (acting for Carpenter)

Nay: none

Abstain: none

Absent: Carpenter, Maclaughlin

7:22 --- Town --- James & Deborah Munroe, 9181 Shady Shores Rd., Clayton, Tax Map # 30.05-1-17, in the Marine-Residential District. To extend the deck on their nonconforming house that is closer to the property line than allowed by local zoning ordinance.

Both Mr. and Mrs. Munroe did the presenting. They bought the house last October. It is right on the water and has an attached deck on the north and east sides of the dwelling. There is also a walkway around the deck, and a seawall a short distance in front of the deck. They wish to extend the current deck over the walkway, out to the seawall, with a 4-foot cantilever over the water. The deck would then come right to the side property line. The new deck would be constructed of composite material and would have railings.

There was a question of the actual setbacks on the project. The figures on the application had to be amended to show a greater setback required than before, showing a 59 ft. front yard variance and a 15 ft. side yard variance.

One neighbor, Cary Brick, after seeing the public notice, commented that he was 100 % okay with the project. Another neighbor was concerned that the water flow would be blocked, but since the project would be 19 feet from that property line, there should be no problem.

A question was raised about how having too many decks, etc., built too close to the water might affect everyone's flood insurance. This was deemed to be a negligible risk with this project, since the top of the seawall is currently about 6-8 ft. from the water, with the water high now; the seawall is normally not even in the water.

At 7:39 **MOTION** was made by Ann Aubertine (acting for Harold Carpenter), 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 7:46, **MOTION** was made by Les Drake, 2nd by Ann Aubertine (acting for Harold Carpenter), to approve the application as amended, to show a 59 ft. front yard variance and a 15 ft. side yard variance.

Aye: Kenney, Drake, Bell, Aubertine (acting for Carpenter)

Nay: none

Abstain: none

Absent: Carpenter, Maclaughlin

7:50 --- Town --- Anne L. Holbrook, 16537 Rainbow Shores Dr., Clayton, Tax Map # 12.20-1-8, in the Marine-Residential District. To erect a front porch closer to the front property line than allowed by local zoning ordinance.

Anne Holbrook did the presenting. She has a small house, only 22x48 ft., and would like more living space. The current deck is rotten and needs to be replaced. Her proposed replacement would actually be smaller, shrinking the footprint. It would be roofed and screened. Also, the current back deck needs to be replaced; she would like to replace it with a smaller one, and also take off another deck on the side of the house. The front porch would be no more than 24 in. from the ground, and would have a couple of steps going to ground level.

At 7:54 **MOTION** was made by Don Bell, 2nd by Ann Aubertine (acting for Harold Carpenter), 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 8:05, **MOTION** was made by Les Drake, 2nd by Don Bell, to approve the application as submitted.

Aye: Kenney, Drake, Bell, Aubertine (acting for Carpenter)

Nay: none

Abstain: none

Absent: Carpenter, Maclaughlin

8:08 --- Town --- Patricia Oot, 38365 Taylor Lane Ext., Clayton, Tax Map # 19.20-1-4, in the Marine-Residential District. To erect two decks on her nonconforming house that is closer to the southeast property line than is allowed by local zoning ordinance.

Patricia Oot did the presenting. She wishes to increase her current deck, coming out 8 ft., to 12x30, and also get rid of the ramp and add stairs. She is also looking to put in a smaller deck in the corner. This is not waterfront property; the land between hers and the water is owned by the Eldorado Association. Two neighbors are amenable to the project.

At 8:15 **MOTION** was made by Les Drake, 2nd by Don Bell, to declare this a Type II action. Motion was carried. **MOTION** was made by Ann Aubertine (acting for Harold Carpenter), 2nd by Les Drake, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:22 **MOTION** was made by Les Drake, 2nd by Ann Aubertine (acting for Harold Carpenter), to approve the application as submitted.

Aye: Kenney, Drake, Bell, Aubertine (acting for Carpenter)

Nay: none

Abstain: none

Absent: Carpenter, Maclaughlin

There was no further business. At 8:26 **MOTION** was made by Les Drake, 2nd by Ann Aubertine (acting for Harold Carpenter), to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*