

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**ZONING BOARD OF APPEALS**  
**September 15, 2014**

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

**Also Present:** CEO Richard Ingerson, Recording Clerk Susan Kenney

**Townspople Present:** Deb Nowak, Todd Nowak, , Carolyn Kitchen, Chris Spaeth, Lew Bevens, Teresa Kay, David Kay

CEO Ingerson gave a brief update on Henry LaClair, saying that he is no longer the ZEO; he will remain as a consultant only. It was also noted that the Town / Village need to be looking for another alternate for this Board.

Minutes for the August 18, 2014, were reviewed and some minor corrections noted. **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to approve the minutes as amended. Motion was carried.

**7:03 --- Town --- Susan Bevens, 36101/161 Clayton Center Rd., Clayton, Tax Map # 31.15-1-9, in the Agricultural-Rural Residential District. Request to join two structures together, closer to the property line than allowed by the zoning ordinance.**

Lew Bevens did the presenting. He wants to connect the two buildings, both built long before zoning existed, for more storage. He plans to pour a pad in between the buildings, close it up, paint it all, and make the final combined structure more presentable. The roofs of the two existing buildings do not line up now; he will put on a new roof of galvanized steel, evening out the roofs to some extent. He will install a 10-ft. overhead door on the road side. There will be just enough room to back out, with a clear line of sight in both directions.

It was noted that this is a corner lot, so there are two rears and two fronts, requiring a 22-foot setback variance, as opposed to the 7-foot variance listed in the application. There have been no calls or letters concerning this application, nor is there anyone else here for this hearing.

At 7:12, **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 Les Drake, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:23 **MOTION** was made by Dale Maclaughlin, 2<sup>nd</sup> by Les Drake, to approve the application as amended.

Aye: Kenney, Bell, Carpenter, Drake, Maclaughlin

Nay: none

Abstain: none

Absent: none

**7:26 --- Town --- Todd M. Nowak, 17055 Blanchard Lane, Clayton, Tax Map # 12.20-2-10, in the Marine-Residential District. Request to rebuild existing dwelling closer to property line than allowed by the zoning ordinance.**

Todd Nowak did the presenting. The original cottage was built in the later 40's or early 50's; it was in poor shape, so has been demolished. He wishes to replace it with a smaller cottage with a smaller footprint, on the original site, so though it will be smaller, it will still be closer to the property line than allowed by the ordinance. It will measure about 900 sq. ft., with 1 ½ floors, in a Cape Cod style to blend in with the neighbor's house. The height should be a maximum of 26-27 feet. It will be built on a pad. It should be able to utilize the existing septic system, pumping water out of the river.

It was noted that new wells should be dug or drilled with new construction, but since the lots in that locale are very cramped, a new well would probably be too close to other septic systems.

The new screened porch is located as close to the river as the original cottage was, and if it is placed any further away from the river, he would lose any sight of the river.

When the meeting opened for public comments, Carolyn Kitchen, the Nowaks' neighbor, expressed support for the project. Chairman Kenney read a letter from the neighbors on the other side of the Nowaks, Peter and Rita Whitmore, who also expressed their support for the project.

At 7:34, **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 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 Dale Maclaughlin, 2<sup>nd</sup> by Harold Carpenter, to approve the application.

Aye: Kenney, Bell, Carpenter, Drake, Maclaughlin  
Nay: none                      Abstain: none                      Absent: none

**7:45 --- Town --- Teresa Kay, 39631 NYS Rte. 12, Clayton, Tax Map # 20.11-1-6.1, in the Marine Development District. Request to extend existing cottage closer to the property line than allowed by the zoning ordinance.**

Teresa Kay did the presenting. She wishes to extend the existing house toward Route 12, taking down the existing lean-to, making the bedrooms bigger, and getting more storage space. This would combine to form more climate control for her mother, who lives with her.

There have been no letters or calls concerning this application.

At 7:48 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Don Bell, 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 7:56 **MOTION** was made by Les Drake, 2<sup>nd</sup> by Dale Maclaughlin, to approve the application.

Aye: Kenney, Bell, Carpenter, Drake, Maclaughlin

Nay: none

Abstain: none

Absent: none

## **NEW BUSINESS**

CEO Ingerson informed the Board that as of April or May of 2015, the New York State building code will be replaced by the ICC. In part, that will mean that all new buildings will need sprinklers installed. There will also be changes in required insulation. He is doing what he can to spread the word to all the contractors he comes in contact with, so that they are aware of the changes.

At 7:58 **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*