

**APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
October 20, 2014**

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

Also Present: Clerk Kim Johnston, Recording Clerk Susan Kenney

Townspeople Present: Andrew Wood, Robert Busler, Don Badour, Larry Aubertine, Mary Zovistoski, Ken Rogers, Linda Wilkie, Henry LaClair

The minutes from the September 15, 2014, meeting were reviewed. No corrections were noted. **MOTION** was made by Harold Carpenter, 2nd by Dale Maclaughlin, to accept the minutes as submitted. Motion was carried.

7:01 --- Town --- Lyle & Linda Wilkie, 29341 County Route 54, Chaumont, Tax Map # 52.00-1-77.2, in the Agricultural-Residential District. Request to alter non-conforming house that is closer to property lines than allowed by the zoning ordinance.

Linda Wilkie did the presenting. The house was built in the 1800's; the slab in the front of the house was added at some time since the 1950's. They want to enclose the slab to make a mudroom. The house is already non-conforming. There were no calls or letters received, nor was there any public comment.

At 7:03 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, 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 7:10 **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application as submitted.

Aye: Kenney, Carpenter, Bell, Maclaughlin, Drake

Nay: none

Abstain: none

Absent: none

7:13 --- Town --- Donald S. Badour, 38632 NYS Route 12E, Clayton, Tax Map # 20.13-1-44.3, in the Agricultural-Rural Residential District. Request to subdivide property which would create a property line closer to a structure than allowed by the zoning ordinance.

Donald Badour did the presenting. There are two pieces of property involved, both with structures on them. He wants to divide the larger parcel and let the smaller of the current parcels become a part of a larger lot, the proposed Lot #1, thereby fixing the issue of structures resting on lot lines. He has businesses on these lots; he has a permit for a sign on the proposed Lot #2, but can't put another one for other businesses on the proposed Lot #1 unless he subdivides.

There is a store on a third parcel, but that parcel will not be changed. There was no public comment on this application, nor had any calls or letters been received.

At 7:18 **MOTION** was made by Don Bell, 2nd by Les Drake, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:28 **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to approve the application as submitted.

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

7:30 --- Town --- Scott Kelley, Grossman Point, Grindstone Island, Tax Map # 12.00-1-37.32, in the Marine-Residential District. Request to subdivide property which has less square footage and less road frontage than required by zoning ordinance.

Rob Busler did the presenting as agent for the Kelleys. The current line dividing the two lots runs through the middle of a dwelling; the plan is to take a small chunk out of one lot to accommodate the dwelling. The dwelling has been in that location since the late 1970's. Mr. Kelley can't sell his lot with the present encroachment of the cottage. The resultant lot, after subdivision, would be 28,380 square feet, or 1620 square feet less than required by the ordinance.

Mr. LaClair, in the audience, noted that there should be a variance for the road frontage too on the proposed lot, since it would be 93.25 feet, or 6.75 feet less than the 100 feet of road frontage required by the ordinance. The creation of a new lot with less than the required road frontage requires a variance.

Both lots appear to be completely in the Marine-Residential District. Both lots were purchased in 1979; the son, Scott Kelley, bought his lot from his father in 2009.

There was no public comment on this application, nor had any letters or calls been received. At 7:44 **MOTION** was made by Don Bell, 2nd by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Les Drake, to close the public hearing. Motion was carried.

Chairman Jim Kenney did the finding of fact. At 7:54 **MOTION** was made by Les Drake, 2nd by Don Bell, to approve the application as amended.

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

7:58 --- Village --- Andrew Wood, 330 Webb St., Clayton, Tax Map # 20.38.2.42.2, in the Neighborhood-Residential District. Request to extend a house and porches closer to northeast and southwest rear yard property lines than allowed by local zoning law.

It should be noted that since this is a corner lot, there are two front yards and two rear yards.

Andrew Wood did the presenting. The previous house on the lot was burned; he wishes to rebuild, planning to make it smaller than the former house. There was no public comment from the audience. One neighbor had called the zoning office to ask some questions about the application, but had no objections to the proposal.

At 8:01 **MOTION** was made by Les Drake, 2nd by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Les Drake, to close the public hearing. Motion was carried.

Chairman Jim Kenney did the finding of fact. At 8:09 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to approve the application as submitted.

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

8:12 --- Town --- Greg J. Hiserodt, 16433 Calumet Blvd., Clayton, Tax Map # 20.07-2-21.2, in the Marine-Residential District. Request to erect addition closer to side yard property line than allowed by the zoning ordinance.

Ken Rogers did the presenting. The owners want to build an 8x10 ft. mudroom on a crawl space foundation. They want the design of the addition to match the roof overhang of the existing structure, so there will be a 2-foot overhang on the addition. It is this overhang that actually encroaches on the setback. The addition is needed to add some extra room to the living space.

No letters or calls were received regarding this application. At 8:15 **MOTION** was made by Don Bell, 2nd by Dale Maclaughlin, to declare this a Type II action. Motion was carried. **MOTION** was made by Dale Maclaughlin, 2nd by Harold Carpenter, to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:21 **MOTION** was made by Don Bell, 2nd by Harold Carpenter, to approve the application as submitted.

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

At 8:24 **MOTION** was made by Dale Maclaughlin, 2nd by Jim Kenney, to adjourn the meeting. Motion was carried.

*Respectfully Submitted,
Susan Kenney, Recording Clerk*