

Approved
JOINT TOWN/VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS

September 18, 2017

The meeting opened at 7:00 PM with the following members present: Chairman Jim Kenney, Dale MacLaughlin, Kenneth Knapp, Lori Arnot, Steve Mack and Alternate Ashley Pastorius

Also Present: Zoning Officer Richard Ingerson and Ashley Pastorius as Recording Clerk

Townspeople Present: Patricia C Oot, Gail Hutcheon & Rob Busler, Don Mitchell, Jim & Tari Knight, Mary Zovistoski, Greg Card, Stewart and Melanie Wattenbe, Chris Spaeth, Todd M Nowak, Peter Whitmore, and Theresa Knight.

At 7:00pm **MOTION** made by Dale MacLaughlin, 2nd by Kenneth Knapp to approve August 2017 meeting minutes as amended. Motion carried.

7:03 PM—Town—James F. Knight, Lyellton Drive, Clayton, in the Marine-Residential District. Area variance application continuation from August 21, 2017 meeting.

James F. Knight is requesting a 6'6" East side yard setback to construct a 30'x44' garage in the Marine-Residential district on the south side of an existing garage. The location was chosen to keep distance from the leach field and from the power line that runs to the house. The location was also selected to maintain aesthetics of the property and provides the ability to utilize the existing driveway. If the garage was constructed on the opposite side of the property it would encroach on the leach field and push the structure very close to the road.

Since the previous meeting James Knight had found the property between his home and Skip Wattenbe's home the pin is 17" from Skip Wattenbe's fence line. James Knight also had his underground utilities marked to provide a better picture of where the garage could be placed as well as provided blueprints for the garage. The garage dimensions will be 30 x 44 with a 1ft overhang and gutters adding 1'4" to the structure. The garage will be about 26.6" high.

Skip Wattenbe again expressed his concern of the drainage on the property and how he already has issues with excessive groundwater. He advised that he was concerned about his leach field flooding and was prepared to consult an attorney if there were any issues once the garage was built.

Mr. Knight plans to install gutters on the new garage and on the existing house which will improve the current drainage situation. He also advised if he had to move his power lines to build the garage he would not add gutters to the roof of the garage which is not a requirement.

Greg Card again expressed from the previous meeting his concern over the existing water issues and doesn't want to see this "self imposed problem" make it worse. He agreed that Mr. Knight has the right to build a garage but feels it should be within zoning ordinances.

At 7:21 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to declare a Type II action. Motion carried.

At 7:21PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to close the public hearing. Motion carried. Chairman Kenney conducted the finding of fact.

At 7:35 PM **MOTION** made by Dale MacLaughlin, 2nd by Lori Arnot to approve the amended application and add the condition that gutters and drainage system will be added to the garage. Motion carried.

Aye: MacLaughlin, Kenney, Arnot, Pastorius, and Knapp

Nay: None Abstain: Mack Absent: None

7:42 PM—Town—Patricia Oot, Lyellton Drive, Clayton, in the Marine-Residential District. Area variance application.

Patricia Oot is requesting an area variance to replace an existing home. The new home would be built in the existing footprint of the previous home as Mrs. Oot had added a deck on to the home a few year ago and cannot make changes to the dimensions of the home due to the deck. She will also be adding a gas fireplace overhang on the east side of the home.

Chairman Kenney read a letter from neighbor Marlene Johnston and neighbor David Coutts, both in favor of the proposed request by Mrs. Oot.

At 7:51 PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to declare a Type II action. Motion carried.

At 7:51 PM **MOTION** made by Dale MacLaughlin, 2nd by Kenneth Knapp to close the public hearing. Motion carried. Chairman Kenney conducted the finding of fact.

At 8:00 PM **MOTION** made by Kenneth Knapp, 2nd by Steve Mack to approve the application as submitted. Motion carried.

Aye: MacLaughlin, Kenney, Arnot, Mack, and Knapp

Nay: None Abstain: Pastorius Absent: None

8:03 PM—Town—Larry & Gail Hutcheon, Haller Road, Clayton, in the Agricultural-Residential District. Area variance application.

Larry & Gail Hutcheon are requesting to place new property line closer to an existing barn as they are letting their son have the farmhouse and the smaller barn and a relative will be acquiring 20+ acres and

the large barn. Rob Busler, a surveyor from Lafave, White & McGivern, Land surveyors was present and provided a sketch of the proposed subdivision line.

At 8:10 PM **MOTION** made by Steve Mack, 2nd by Dale MacLaughlin to declare a Type II action. Motion carried.

At 8:10 PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to close the public hearing. Motion carried. Chairman Kenney conducted the finding of fact.

At 8:18 PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to approve the application as submitted. Motion carried.

Aye: MacLaughlin, Kenney, Arnot, Mack, and Knapp

Nay: None Abstain: Pastorius Absent: None

8:21 PM—Town—Todd M. Nowak, Blanchard Lane West, Clayton, in the Marine-Residential District. Area variance application.

Todd M. Nowak is requesting to construct a new home closer to the property line than is allowed by zoning ordinances. Mr. Nowak previously submitted and area variance application in 2016, the new application places the new home 4" closer to the river than the previous application. The square footage of the new dwelling will be smaller than the current dwelling.

East side neighbor, Pete Whitmore was present and was in agreement with Mr. Nowak's proposed request.

At 8:29 PM **MOTION** made by Lori Arnot, 2nd by Kenneth Knapp to declare a Type II action. Motion carried.

At 8:29 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to close the public hearing. Motion carried. Chairman Kenney conducted the finding of fact.

At 8:38 PM **MOTION** made by Dale MacLaughlin, 2nd by Steve Mack to approve the application as submitted. Motion carried.

Aye: MacLaughlin, Kenney, Arnot, Mack, and Knapp

Nay: None Abstain: Pastorius Absent: None

At 8:40 PM **MOTION** made by Kenneth Knapp, 2nd by Lori Arnot to adjourn the meeting. Motion carried.

Respectfully Submitted,

Ashley Pastorius, Recording Clerk