

APPROVED

JOINT TOWN/VILLAGE OF CLAYTON

ZONING BOARD OF APPEALS

November 16, 2020

The meeting was opened at 7:02 pm with the **following members present:** Jim Kenney, Steve Mack, Lori Arnot, Andrew Wood (alternate). **Absent:** Ashley Owens, Dale Maclaughlin, Chip Garnsey (alternate).

Also present: ZEO Richard Ingerson, Recording Clerk Susan Kenney

Townpeople present: Steve Taylor, Lynn Schnauber (Covid-19 Compliance Officer), Pat Patch

Alternate Andrew Wood was designated to sit in for Ashley Owens.

There were not enough members present to review the minutes for October, so that was put off until the next meeting.

At 7:04 pm, **MOTION** was made by Andrew Wood (sitting in for Ashley Owens), second by Steve Mack, to adjourn the hearing for David Stilley, per Mr. Stilley's request, until the December meeting.

In relation to the Stilley hearing, Chairman Kenney read a letter from Chris Eastman, NY Department of State—Manager, Local Government Training, concerning how a variance affects the setback of a zoned parcel.

7:10 pm - Picton LLC – Town – a special use permit to expand a non-conforming, multi-use boathouse

Steve Taylor, designer of the project, did the presenting. The existing boathouse is around 100 years old. It has an apartment above the boathouse, with a kitchen, small bath, two bedrooms, and a central living space. The owners wish to replace the existing boathouse, and expand the living area above, keeping the same footprint for the boathouse itself. The expansion would go shoreward, keeping level with the second floor over the boathouse. There is a multi-flow septic system currently in use, on the first floor; this will be enclosed. The new addition will be above the high water mark. The old building will not accommodate the expanded living area, so it will be replaced, meeting all the new code requirements. A balcony will be added over the deck, and will not extend over the water. The existing concrete steps leading down to the boathouse will be replaced. The living area will be wheelchair-accessible; all living quarters will be on one level; they will be well-insulated. The new structure will end up being approximately 1600 to 1700 ft².

Mr. Taylor, in answer to a question from the board, said that the current multi-flow septic system is New York State-approved; it voids into deep water. It is a 1000-gallon system, so it can accommodate both

the new building and the house elsewhere on the property. The system may need to be upgraded in the course of the project because it is fifteen years old.

It was noted that the question here is whether to allow the expansion of a currently non-conforming structure. Because it is a boathouse, no front setbacks are required, and both side yards have adequate distance from property lines.

At 7:24 pm, **MOTION** was made by Steve Mack, second by Lori Arnot, to declare this a Type II action. Motion was passed with all in favor. **MOTION** was made by Andrew Wood (sitting in for Ashley Owens), second by Steve Mack, to close the public hearing. Motion was passed with all in favor.

Chairman Kenney did the finding of fact. The variance requested was determined to be substantial because the new living area would more than double the existing living area. At 7:34 pm, **MOTION** was made by Lori Arnot, second by Andrew Wood (sitting in for Ashley Owens), to approve the application as submitted.

Aye: Kenney, Arnot, Mack, Wood (sitting in for Owens)

Nay: none

Abstain: none

Absent: Maclaughlin, Owens

At 7:35 pm, the ZEO reminded the board members that they need to get in the required four hours of training for the year.

At 7:37 pm, **MOTION** was made by Andrew Wood (sitting in for Ashley Owens), second by Steve Mack, to adjourn the meeting. Motion was passed with all in favor.

Respectfully submitted,

Susan Kenney, Recording Clerk