

**APPROVED**

**JOINT TOWN/VILLAGE OF CLAYTON**

**ZONING BOARD OF APPEALS**

**December 22, 2020**

The meeting opened at 7:00 pm with the **following members present:** Jim Kenney, Ashley Owens, Chip Garnsey (alternate), and Dale Maclaughlin. Absent were Steve Mack, Lori Arnot, and Andrew Wood (alternate). Chip Garnsey was appointed to sit in for Steve Mack.

**Also Present:** ZEO Richard Ingerson, Recording Clerk Sue Kenney, COVID-19 Compliance Officer Lynn Schnauber.

**Townspeople Present:** Todd Cook

The minutes for the October meeting had not been approved at the November meeting because there was not a quorum of members who had been at that meeting. These minutes were reviewed, with no corrections noted. **MOTION** was made by Dale Maclaughlin, second by Ashley Owens, to approve the minutes as submitted. Motion was passed with all in favor. The minutes for the November meeting could not be reviewed because a quorum of the members at that meeting was not present. The November minutes will be reviewed at the next meeting, in January 2021.

**7:01 pm – Todd I. Cook – Town – to erect a garage addition closer to a property line than allowed by zoning ordinance.**

Todd Cook did the presenting. He wants to erect an addition on a garage that is already non-conforming, since the current structure's eaves end only one foot from the property line. The existing garage is 20 ft. by 20 ft., and the addition would be 12 ft. by 15 ft., including the overhanging eaves. The addition will be stick-built and used for storing wood. This is the only flat area on the property that can accommodate that size addition. The back part of the property slopes down into a stream bed, and is where the septic tank and sewer line are located. There also is a 30 ft. easement along the stream for the sewer line, so nothing can be built there. There were no calls or letters concerning this application.

Board member Maclaughlin stated that he has an issue with approving something added onto an already non-conforming structure. The planned addition would make a substantial cut into the setback for the hamlet, which is 15 ft. for a side yard. He asked if there was a possibility Mr. Cook could meet even half of the setback requirement. Chairman Kenney asked Mr. Cook to estimate the absolute minimum he needed for the addition. The lot is triangular in shape, so accommodating setbacks is more difficult. Mr. Cook said that the new structure as planned would be further from the lot line than the existing garage. The Board clarified that since this would be altering a non-conforming building, the setback variance request is measured from that existing building, not the proposed addition.

After some discussion, the Board recommended to Mr. Cook that he move the planned addition to be flush with the west side of the garage, bringing the addition as far from the lot line as possible. Mr. Cook was okay with that condition. Board member Maclaughlin was still concerned that by approving this application, the Board would be setting a negative example for future applications, and would also go against the Board's own established definition of what a substantial cutback would be. He did agree that making the repositioning of the addition a condition for approval would help ease his concerns over the size of the variance.

At 7:32 pm, **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (sitting in for Steve Mack), to declare this a Type II action. Motion was passed with all in favor. **MOTION** was made by Dale Maclaughlin, second by Ashley Owens, to close the public hearing. Motion was passed with all in favor.

Chairman Kenney did the finding of fact. At 7:40 pm, **MOTION** was made by Dale Maclaughlin, second by Chip Garnsey (sitting in for Steve Mack), to approve the application with the condition that the proposed addition would be built in line with the existing garage's west wall, making the addition five ft. from the lot line.

**Aye: Kenney, Owens, Maclaughlin, Garnsey (sitting in for Mack)**

**Nay: none**

**Abstain: none**

**Absent: Mack, Arnot, Wood (alternate)**

At 7:45 pm, **MOTION** was made by Chip Garnsey (sitting in for Steve Mack), second by Dale Maclaughlin, to adjourn the meeting. Motion was passed with all in favor.

*Respectfully submitted,*

*Susan Kenney, Recording Clerk*