

**APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD
June 5, 2014**

The meeting opened at 7:00 p.m. with the following **members present:** Chairman Bud Baril, Duane Hazelton, Larry Aubertine, Brian Jones, Alternate Doug Rogers (sitting in for Ron Duford), Alternate John Kehoe (sitting in for Paul Heckmann). Absent: Ron Duford, Paul Heckmann, Preston Lowe.

Also Present: CEO Richard Ingerson, Recording Clerk Susan Kenney

Townpeople Present: Phil DeLuke, Matt Morgia, Dan Frank, Pam McDowell, James Kenney, Dennis Weller.

There was no Planning Board meeting in May 2014, so there were no minutes to review for that month. The Planning Board reviewed the minutes from the April 3, 2014 meeting and made no corrections. **MOTION** was made by Doug Rogers (sitting in for Ron Duford), 2nd by Larry Aubertine, to accept the minutes as submitted. Motion was carried, with an abstention from Alternate John Kehoe (sitting in for Paul Heckmann). Next the Board reviewed the minutes from the March 6, 2014, meeting and made a minor correction. **MOTION** was made by Larry Aubertine, 2nd by Duane Hazelton, to accept the minutes as amended. Motion was carried, with an abstention from Alternate John Kehoe (sitting in for Paul Heckmann).

7:07 --- Town --- Karen Lashomb, County Route 5, Clayton, Tax Map # 31.15-1-24, in the Agricultural-Rural Residential District. Simple Minor Subdivision.

This is a simple minor subdivision, requiring 200+ feet of road frontage per parcel and 40,000 sq. ft. of acreage. However, as the lot has been divided, each parcel is about 800 sq. ft. under the requirement. Chairman Baril recommended that this be passed on to the Zoning Board of Appeals for their approval. The Planning Board agreed to pass it on.

7:09 --- Town --- CDF & Associates, LLC, 40616 Marina Road, Clayton, Tax Map # 20.08-1-55, in the Marine Development District. Pre-application hearing to erect a large storage building.

Dan Frank did the presenting. He wants to add a second storage building, 60x100 (about 20 ft. shorter than the first one). It would be about 100 feet off the road, with the same outward appearance as the first one. He wants to make it two feet taller to accommodate taller doors. Two exit lights are needed, and the question of the necessity of a firewall in the first storage building needs to be addressed. This proposal needs to go to the County, and then back to the Planning Board for the July 3, 2014, meeting.

7:15 --- Town --- Blind Bay Associates, NYS Route 12 near Reed Point Road, Clayton, Tax Map # 13.13-1-9, in the Marine-Residential District. Pre-application hearing to consider a 4-lot minor subdivision.

Matt Morgia from Aubertine and Currier did the presenting. The proposal is to divide the property into 4 lots ranging in size from 1.65 to 3.76 acres. Three of the lots would be split between the Towns of Clayton and Orleans; the fourth would entirely be in the Town of Clayton. Access to the lots would come through the Town of Orleans. There is the possibility that the developers would have to go to both towns for the necessary permits. They are looking into the possibility of tapping into Town of Orleans sewer and water districts, as well as developing their own resources. They have already submitted their part of SEQR and a waterfront assessment.

The Board was informed that it is not necessary to coordinate with the Town of Orleans on SEQR. Legally according to New York State and Jefferson County, Blind Bay Associates is creating four new lots, not five, so this is not a major subdivision. The public hearing for this application has already been set for the July 3, 2014, meeting, at 7 p.m. or shortly thereafter.

7:29 --- Town --- Philip DeLuke Jr., 16738 May Irwin Road, Clayton, Tax Map # 20.08-1-18.3, in the Marine-Residential and Marine Development Districts. Pre-application hearing to consider a Special Use Permit.

Phil DeLuke did the presenting. He would like to establish a farm winery; this is currently not allowed in the Marine-Residential and Marine Development districts; he only wants to grow grapes at this time. He does not plan on selling grapes, but rather make the grapes into wine and sell that. He plans on planting about an acre at a time. His first crop of grapes would be grown by the fall of 2015, and his first batch of wine ready to be sold by 2016. He is also hoping to build a testing room at his garden center. It was pointed out that this would probably change the site plan for the original garden center since he has bought more property and will be adding another use; this would necessitate another site plan review.

His property is split between the Marine-Residential (MR) and the Marine Development (MD) Districts, which both allow for agricultural uses with a special use permit, for raising (but not specified for compensation) fruits, vegetables, and the like, but not animals. Neither district allows, even with a special use permit, for agricultural operations, which encompass the raising for compensation of crops, livestock, and agricultural or dairy products. Chairman Baril suggested that the zoning ordinance could be clarified so that agricultural uses in the MR and MD districts give permission to sell as well as to grow.

There was discussion about looking into a Planned Development District (PDD). This area on Route 12, going to the edge of the Town of Orleans, is a prime area to be developed, and the Town needs to look carefully at the needs of the zone, then at the zoning ordinance, to determine what will be favorable to most of the people on that road. The Planning Board would review what is wanted to be done, then send it on to the Town Board. The Planning Board should progress in a way to protect both the Town and Mr. DeLuke.

The question was raised as to whether a PDD is too close to spot zoning. Vice Chairman Aubertine noted that according to some of his recent training, the courts do not classify the idea of just extending a zone into a contiguous area as spot zoning. It was also suggested that Mr.

DeLuke get a special use permit for the whole parcel at one time, rather than go for just an acre at a time. This hearing is already set for July 3, at 7 p.m. or shortly thereafter.

NEW BUSINESS

At 7:55, the Board discussed some proposed changes to the zoning ordinance, specifically looking at nonconforming houses, farm wineries, and changes in definitions. Chairman Baril asserted that zoning should not be changed to suit a single person; there needs to be a look at the trends and at the whole district; zoning should be changed for the general welfare and good of the community. There was also further discussion concerning PDD and spot zoning: PDD is seen as less arbitrary and more likely to fit into an overall comprehensive plan, while spot zoning can be very arbitrary and does not necessarily fit in with the rest of the contiguous area.

At 8:17 **MOTION** was made by John Kehoe (sitting in for Paul Heckmann), 2nd by Brian Jones, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*