

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**PLANNING BOARD**  
**June 4, 2015**

The meeting opened at 7:00 p.m. with the following **members present:** Chairman Bud Baril, Larry Aubertine, Preston Lowe, Duane Hazelton, , Brian Jones, Alternate Dave Crandall, Doug Rogers, Alternate John Kehoe, and Alternate Fred Bach, Jr., **absent:** Paul E. Heckmann

**Also Present:** Zoning Officer Kim Johnston and Recording Clerk Amanda Shane

**Townspople Present:** Ron Cooper, Jane Carver, George Bowes, Bill Grater, Chuck Livingston, Richard Howland, Pam McDowell, David Natali, Jack Stopper, Jody Garrett, Mike Geiss, and Ann Aubertine

Chairman Bud Baril opened the meeting with the Pledge of Allegiance.

The board reviewed the minutes from the May 7, 2015 meeting. At 7:03 PM **MOTION** was made by Preston Lowe, 2<sup>nd</sup> by Dave Crandall, to accept the minutes with four (4) corrections. Motion was carried.

**7:05 PM ---Village--- Daniel H. McCollister, 610 Riverside Drive, Clayton, Tax Map #20.38-1-4.1, in the Riverwalk-B District. Site plan review application to erect a three (3) story multi-family dwelling.**

Bill Grater did the presenting and provided the board with renderings of the proposed residence which is a three store multi-family home. There will be six (6) units with an elevator from ground floor. The entrance will be at the East end of the curb cut and it will be the only entrance with parking for one (1) vehicle per unit beneath the building. Mr. McCollister intends to sell the property and the closing is scheduled for June 10<sup>th</sup>, 2015.

There is an existing fire hydrant on the property and there are plans to tie into it as the water main. There will be a connection to the sewer on the street and there is already a transformer for the property. There will be a single feed for electric with separate meters for each unit and there are plans for the building to be electric only, with no use of fossil fuels. There is also an existing dock for the property.

Mr. Grater reviewed the lighting for the property. There will be brick exterior and he is trying to preserve as much vegetation as possible as well as the garden walks. Per the approved new zoning, the height of the building must be less than 45 feet above the street. Mr. Grater stated that the building would be less than 45 feet. He is still working on the internal plans for the structure however; he explained that the net square footage for each until is approximately 1600'.

The board discusses preserving the vegetation and ensuring that there is still an adequate view down to the river. They also discussed the size of the driveway and what some options for guest parking would be. They suggested speaking to the owners of the lot across from the property to see about renting spaces. Doug Rogers explained that the property appeased the LWARP and there were no written objections regarding the project.

7:26 PM Chairman Baril opened the floor to the public and then discussed the SEQR.

At 7:29 PM **MOTION** made by Doug Rogers, 2<sup>nd</sup> by Duane Hazelton to declare a negative declaration. Motion carried. At 7:31 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Preston Lowe to close the public hearing. Motion carried.

The board discussed that normally in the Riverwalk B district that you would need some kind of commercial component. However, due to issues with the property, the ZBA approved the property to be residential only.

At 7:37 PM **MOTION** made by Preston Lowe, 2<sup>nd</sup> by Larry Aubertine to approve the site plan as presented. Motion carried.

Aye: Baril, Aubertine, Hazelton, Jones, Rogers, Crandall, and Lowe.

Nay: None                      Abstain: None                      Absent: Heckmann

**7:38 PM---Town--- H. Charles Livingston, 37186/37192 Shady Shores Lane, Clayton, Tax Map #30.05, Block #1, Lot #12.1, in the Marine-Residential District. Application for lot line adjustment.**

The ZBA approved setbacks for Mr. Livingston's property. He presented maps to the board members outlining where he was asking for the lot line adjustment. His intention is for his lot to have 100' river frontage and to make his non-conforming property more conforming.

At 7:44 PM **MOTION** made by Duane Hazelton, 2<sup>nd</sup> by Larry Aubertine to approve the lot line adjustment. Motion carried.

Aye: Baril, Aubertine, Hazelton, Jones, Rogers, Crandall, and Lowe.

Nay: None                      Abstain: None                      Absent: Heckmann

**New Business: Review of the Amendments to the Zoning Ordinance**

The board held several discussions regarding agriculture use, farm wineries, farm properties, and Ag & Markets. Chairman Baril explained that 4-5 years ago the village was rezoned based on the

properties. In addition, he explained that any board cannot write a law specific to one property because it leads to spot zoning. The board went into discussion about Agriculture districts and how to regulate special event permits.

After extensive discussions regarding the amendments to zoning Chairman Baril stated that he would submit a letter to the Town board outlining the Planning Boards suggestions.

The following is the letter submitted to the Town Board:

*To: Town Board*

*Subject: Zoning Amendments*

*From: Planning Board*

*The Planning Board has received the proposed amendments to the Town Zoning Ordinances as requested. We met twice, once on May 28<sup>th</sup> in a workshop session and again at the June 4<sup>th</sup> regularly scheduled board meeting. All members except Paul E. Heckmann attended each of those sessions. Much information was presented at the workshop as well as Mike Bourcy being present to answer any questions regarding Ag & Markets.*

*The intent of the workshop meeting was to expose the members to any pertinent information necessary to make recommendations regarding the proposed zoning amendments. The week between meetings gave each board member a chance to become more familiar with the challenges of the amendments as well as to ponder what their input would be at the regular meeting.*

*Outlined as follows is an overview of the Planning Boards recommendations to the proposed amendments.*

*(Page I)*

***Section 1 Article II***

- A. Agricultural Use Add (FOR SALE)- Recommendation: Move on*
- B. Farm Winery- Recommendation: Move on*
- C. Inn- Recommendation: wait for Comprehensive Plan results to see if there is a recommendation to consider this use and what size would be considered appropriate.*

***Section 2 Article III***

*Marine Residential 2- Recommendation: Do not move forward with MR-2 District at this time. To allow for farm wineries, etc. in three separate and non-contiguous parcels it appears as spot zoning to fit the desires of the property owner rather than a benefit to the community. It was discussed that a possible solution to consider would be to develop a local ordinance that would simply state that a winery, etc. that is located in a certified Ag. District will require site plan review with special regulations including event permits.*

*The comment was made that if we create a MR-2 District as an example and another winery, etc. wishes to establish itself in an another district GR (General Residential) as an example and they apply for and approved as a certified Ag. District we face the same problem that we face now. Creating an ordinance (special regulations as described) would help eliminate future problems.*

(Page 2)

**Article III Section D** (begins with Notwithstanding)

*Recommendation: do not change wording in current zoning ordinance*

**Article V Schedule A** (Begins with use regulations to be amended)

*Recommendation: To be read as follows: Use regulations shall be amended by removing “house boats” from MR District as a use requiring site plan approval, and by adding to the A-IR District definition Farm Winery, etc. as site plan approval.*

(Page 3)

**Article VII Section II**

*Recommendation: As stated MR-2 should not be considered at this time. When the updated version of the Comprehensive Plan is completed it may indicate what the community feels are the areas that should be considered for change and growth.*

*Regulations for farms, wineries, etc. as listed should be considered when and if a local ordinance is developed to allow for site plan review (special regulations-event permits) in a certified Ag District. List of 8 regulations as proposed can be addressed at that time.*

(Page 5)

**B.1** Begins with (Any non-conforming use)

*Recommendation: Move on*

**B.2** Recommendation: Begins with (No such), divide statement into 2 parts:

*Statement 1 to begin with Nonconforming use*

*Statement 2 to begin with nonconforming structure.*

*\*by separating the statement it is less confusing.*

**Section II Article XIV** Begins with (Changes in existing)

*Recommendation: Do not move on this- not only is it confusing, but relief can be sought through Zoning Board of Appeals.*

**Section 12 Article XIV H** Begins with (Nonconforming mobile home parks)

*Recommendation: Move on this*

*In closing, any help or guidance that the Planning Board can offer to solve the farm, winery, etc. dilemma, we are here!*

*Suggestion: Have representatives from Ag & Markets, ABC, Town, Planning, Jefferson County Planning, Zoning, and community members- perhaps 1 or 2 from each- to sit down for a full day and try to arrive at what is factual and what is not, and additionally what is a possible solution to the situation at hand. This community has figured things out before and I have to believe we can do it again.*

*Thank you,*

*Bud Baril*

At 8:45 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers to adjourn the meeting.  
Motion carried.

*Respectfully Submitted,*

*Amanda Shane, Recording Clerk*