

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD
September 3, 2015

The meeting opened at 7:01 p.m. with the following **members present:** Chairman Bud Baril, Larry Aubertine, Alternate Dave Crandall, Doug Rogers and Alternate Fred Bach, Jr, Preston Lowe, Paul E. Heckmann, Brian Jones, Alternate John Kehoe. **absent:** Duane Hazelton

Also Present: Zoning Officer Richard Ingerson, Assistant Zoning Officer Kimberli Johnston, and Recording Clerk Amanda Shane

Townspeople Present: Miriam Bowes, George Bowes, Jody & Doreen Garrett, John Lacy, Bill Garrett, Dick Munro, Mark Morgia, Jeff Zoller, Pam McDowell, Robert J. Haver, Ken Deedy, Mary Mascott, Elaine Listemann, Ron Cooper, Jane Carver, John Burke, Herbert Listmann, Walter Majak, Gloria Musser, Courtney Zoller, Christine Sterling, Art Mack, Carolyn & Andy Anderson, Doug & Cherie Danforth, June Denney, Harv & Sherry Hurley, Dean Hurley, Mary & Jim Paul, Mary Zovistoski, Linda Blake, John & Catherine Heaslip, Toni Gibson, Mary & David Bowman, Chet Massari, Rudy Napodano, Aundrey Blackburn, Linda McCausland, Carol Reed, Brody Smith, Bruce McFarlane, Jackie Samson, Johanna Hambrase, Bobby Cantwell, Chris Matthews, and David Storandt.

Chairman Bud Baril called the meeting to order at 7:01 PM. He explained to the community members and board members present that there will be no public hearing or vote made for The Shore Birds, LLC as required paperwork was not received from the Jefferson County Planning Board at the time of the meeting. The board reviewed the meeting minutes from the August 6th meeting and two corrections were made. At 7:06 PM **MOTION** made by Larry Aubertine, 2nd by Doug Rogers to approve the meeting minutes as amended. Motion carried.

7:07 PM—Town—Menno E. Hostetler, 32113 County Route 54, Depauville, Tax Map #52.00, Block #1, Lot #4.2, in the Hamlet/Agricultural Rural-Residential District. Application for simple minor subdivision.

Chairman Baril explained that Mr. Hostetler was approached by 2 adjacent property owners that would like to expand and improve their properties so he agreed to a subdivision. Chairman Baril stated there is a generic SEQR on file. Board member Dave Crandall raised some concern over there only being one document but two parcels of property. Chairman Baril stated that the document should be filed with reference to the map circling the area and the two documents should be cross-referenced for the future. At 7:13 PM **MOTION** made by Paul E. Heckmann, 2nd by Preston Lowe to approve the application as presented. Motion carried.

Aye: Baril, Aubertine, Lowe, Rogers, Heckmann, Jones, and Crandall (sitting in for Hazelton)

Nay: None Abstain: None Absent: Hazelton

7:14 PM –Town—MJSP Realty, LLC, 39215 Farm Road, Clayton, Tax Map #20.13, Block #1, Lot #12.11, in the marine residential district. Simple Minor Subdivision.

The property is located near Zenda Farms and is 6.55 acres. There is an easement that allows access to the property. The board discussed that documents need to be cleared up to reflect the map that was presented. The board members reviewed the map and board member Paul E. Heckmann stated over the past 5 years several subdivisions for the same property had been approved. The property owner had communicated with the Health Department and another subdivision is allowed. The board members discussed easements throughout the area where the property is located. There is a generic SEQR on file. At 7:22 PM **MOTION** made by Doug Rogers, 2nd by Larry Aubertine to approve the application as presented. Motion carried.

Aye: Baril, Aubertine, Lowe, Rogers, Heckmann, Jones, and Crandall (sitting in for Hazelton)

Nay: None Abstain: None Absent: Hazelton

7:23—Town—St. Lawrence Sprints, LLC, 38289 NYS Rte 12E, Clayton, Tax Map #19.20-1-32.2, in the Marine Residential District. Application for the Marine Development 2 District.

Chairman Baril explained that there will be no public comments made during the application review. He went on to discuss all that the Planning Board has accomplished and how people make comments about what a wonderful place Clayton is. He listed off some big projects the Planning Board has been a part of and that each had their own form of controversy. He also stated that he was taken back by a group of people who do not think the Planning Board is able to make decisions even after all of their success. He questioned the board members if they felt they could make harmony still exist if they were to move forward with the MD-2 designation. A PowerPoint presentation was projected on the screen for board members and attendees so they could follow along with the review.

Chairman Baril discussed the definition of the MD-2 district. When the district was created, the purpose for the MD-2 district was to allow for some zoning flexibility. The Town Board has asked the Planning Board to review the application and use and make a decision as to whether or not the application is suitable for consideration. A chart with the uses in a MD-2 district was presented. Some board members were concerned that should the board vote in favor of application, use, proposed program, and all statements being reviewed by the Town Board then they are accepting all statements outlined in the plan proposed by the property owners. Town/Village Attorney Joe Russel advised the board that they are only acting as an advisory to the Town Board and making a recommendation as to whether or not the application should be considered for a MD-2 designation. The Planning Board will not be legally bound to accept the site plan should it be approved and sent before the Planning Board for a Site Plan Application. The board went on to discuss that the present document should not cause future discrepancies and that the board has the authority to approve special use permits. The board also discussed how the proposed concept fits in with the Comprehensive Plan. Chairman Baril referred to page 76 of the Zoning Ordinances and reviewed #1-6. While reviewing items 1-6, Attorney Russell explained that it is impossible to consider all items as there is no present site plan. The material submitted is only a concept.

Chairman Baril stated the project may be possible through a thorough review under site plan review and special use regulations. Several adjustments may be necessary and he encouraged the board to understand that just because they make a decision today, does not mean they cannot make a different one in the future. The board felt there may be an issue with Health and Safety of the property, due to concern of noise and fire hazard. Items A-D were also reviewed on page 12. Board member Dave Crandall discussed the tent the property owner has

installed on the property. Several board members made comments that the tent is not aesthetically pleasing and impacts the scenic overlay.

At 8:21 PM MOTION made by Doug Rogers, 2nd by Preston Lowe to make a positive recommendation to the Town Board to consider St. Lawrence Spirits, LLC for a MD-2 District designation.

Roll Call Vote

September 3, 2015

Motion by: Doug Rogers

Motion seconded by: Preston Lowe

MOTION: To recommend to the Town of Clayton Board that the Marine Development 2 District (MD2) as described in ARTICLE III (Establishment of Zoning Districts) and the accompanying criteria noted in the Town of Clayton Zoning Ordinance be “landed” on parcel tax map #19.20-1-32.2.

Larry Aubertine, NAY, stated the safe way is to follow the law and the use is not appropriate for the area.

Brian Jones, NAY, stated in conflicts with the use of the land.

Doug Rogers, YEA, stated the property complies and is harmonious.

Preston Lowe, YEA.

Paul E. Heckmann, YEA, stated the property can be harmonious, has history and importance, and is a good asset.

Roland Baril, YEA, stated agrees with Paul E. Heckmann.

Dave Crandall, NAY, stated the property is residential and would be contrary to its use.

Motion approved by majority.

8:28 PM—Town—The Shore Birds, LLC, 40263 NYS Route 12, Clayton, Tax Map #20.07-2-34., in the Marine Residential District. Application for Special Use Permit.

Dave Storandt did the presenting. Storandt explained that he planted several fruit trees and would like to have a “you pick” operation on his property. He would like an agricultural designation to operate a “truck farm”. He went on to state there are a few structures on the property that he would like to replace including a Legacy trailer he would like to make ADA compliant and would be a non-rental. He questioned the board if he could build a residence within the same footprint. The board discussed that an accessory building would be approved but nothing residential. Storandt has applied for an Agricultural designation and is still waiting to be approved. There is no retail allowed in the MR district so he would not be able to sell his produce.

Chairman Baril suggested Storandt talk to the DOT to ensure the driveway is compliant and the road way can accommodate the extra traffic slowing and turning in and out of the drive. At 8:42 PM Chairman Baril opened the Public Hearing.

John Heaslip, adjacent property owner, questioned if zoning would change if Storandt was approved for the Ag District. The board explained that zoning would not change and the map would remain the same. He also questioned where the produce stand would be and had some concern because he maintains his own road and feared extra traffic could cause some issues. Storandt would have to present a proposed location in a site plan application. In addition, Heaslip wanted to know what the next step would be for Mr. Storandt. Zoning Officer Richard Ingerson explained that Storandt would have to go through site plan review and another public hearing. Lastly, Heaslip asked about the buffer amendment which is non-existent due to excessive controversy.

Walter Majak of Riverwood Estates, expressed concern over not wanting an “Old-McDonalds Farm” right next door and worried about extra traffic and excessive noise. Toni Gibson also expressed concern now that the summer season is over, there aren’t many voices to be heard as everyone has gone home already. Chairman Baril explained that Clayton runs 12 months a year and cannot wait on making decisions for those who are only in Clayton 3 months a year. Jack Burke, President of Riverwood Estates stated that he was concerned about noise and residents making complaints about noise and the farm. The board explained that a site plan review will help mitigate public usage of the private road.

The public hearing was adjourned and will be resumed at the October 1st meeting at 7:00 PM.

At 9:06 PM MOTION made by Larry Aubertine, 2nd by Paul E. Heckmann to adjourn the meeting. Motion carried.

Respectfully Submitted,

Amanda Shane, Recording Clerk