

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**PLANNING BOARD**  
**November 5, 2015**

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

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

**Townsppeople Present:** Don Lingenfelter, Linda Brown, Myrna Carter, Donna Dundon, Judy and Robert Pinchin, Pam McDowell, Christine Sterling, Joan Varsics, Phil DeLuke, Mary Zovistoski, Jeffrey Cohen, and Candace Randall.

Chairman Baril opened the meeting at 7:00 PM and stated Dave Crandall would be sitting in for Duane Hazelton who is on sick leave. The board stated that at the October 1<sup>st</sup>, 2015 meeting they only made a suggestion regarding the distillery, they did not approve anything.

The board reviewed the meeting minutes from the October 1st meeting and three corrections were made. At 7:00 PM **MOTION** made by Preston Lowe, 2<sup>nd</sup> by Doug Rogers to approve the meeting minutes as amended. Motion carried.

**7:02 PM—Town—Daniel & Heather Ludlow, 16330 County Rte 11, Lafargeville, Tax Map # 42.00, Block #2, Lot #14.1, in the Rural Residential District. Application for a Minor Subdivision.**

The lot is composed of 150 acres that will be divided in to two separate properties. The board discussed that the Chaumont River runs along the back side of the property. Chairman Baril opened the public hearing at 7:03 PM. There were no townspeople present for this hearing. At 7:04 PM Chairman Baril completed the SEQR. Doug Rogers read a resolution at 7:12 PM for approval by the board of a 3 lot subdivision.

At 7:14 PM **MOTION** made by Doug Rogers, 2<sup>nd</sup> by Dave Crandall to approve the application as presented. Motion carried. The roll call vote is as follows:

The motion of approval of the foregoing resolution was mad by Douglas Rogers, seconded by Dave Crandall and upon roll call vote by the Town Planning Board 7 approved and 0 denied.

Chairman Baril- yes

Larry Aubertine- yes

Paul E. Heckmann- yes

Brian Jones- yes  
Preston Lowe-yes  
Douglas Rogers-yes  
Dave Crandall-yes

There will be two different maps for this property because it is being granted to two different parties. At 7:16 **MOTION** made by Doug Rogers, 2<sup>nd</sup> by Brian Jones to close the public hearing. Motion carried.

**7:17 PM—Town—Philip H DeLuke Jr., 16738 May Irwin Road, Clayton, Tax Map #20.08-1-18.3, in the Marine-Residential District. Special Use Permit application.**

Phil DeLuke did the presenting. He explained that he made some changes since the pre-application meeting in October in order to meet required setbacks. He would like to construct 1 greenhouse and a lean-to off an existing structure. The Board reviewed a map of the property. There will be no change in lighting and there is natural buffering. At 7:23 Chairman Baril opened the public hearing and completed the SEQR. At 7:26 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Preston Lowe to declare a negative declaration. Motion carried. At 7:28 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Dave Crandall to close the public hearing. Motion carried.

At 7:29 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers to approve the application as presented. Motion carried.

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

**Nay: None     Abstain: None     Absent: Hazelton**

**7:30 PM—Village—Bayside Marina, 1061 State Street, Clayton, Tax Map #20.62-1-9, in the Marine Development District. Site Plan Review.**

Jeffrey Cohen did the presenting. He stated he had an architect draw and stamp a map to scale. He would like to have 8 units total one of which already exists. There will be two up and two down on each end of his existing structure. Cohen and the board discussed the parking concerns with his site plan. At the pre-application meeting Cohen was asked to present a way to accommodate overflow parking from his marina across the street. Zoning requires 1 parking spot per unit. Several board members made comments that they are not comfortable with two rows of parking in the front portion of the building especially when there is room on the property to add parking elsewhere. Board members were also concerned that the plan presented did not have all of the required information.

Chairman Baril read a letter from the Jefferson County Planning Board (JCPB) which stated the application was of local concern only. The JCPB did make suggestions for the Clayton Planning board to consider such as parking spots being drawn to scale, impact on drainage, lighting and signage, buffering, and that there was adequate space in rear and side yard for parking versus the front.

At 7:49 PM Chairman Baril opened the public hearing. Donna Hudon, neighbor, had concern that should there be parking where boat sales currently are that it would block her view of the road. She stated she already has a hard time seeing with the boats there. This makes it difficult for her to pull out of her driveway.

Don Lingenfelter, neighbor and owner of Kay's Motel, stated that he has a line of sight easement that will be disrupted should 2 rows of parking be approved in the front of Cohen's building. Lingenfelter presented photos of vehicles parking in his line of sight. Lingenfelter suggested Cohen use empty space in the building to park overflow vehicles.

Candace Randall, Attorney representing Cohen, requested the letter from Lingenfelter be read. Chairman Baril read the letter aloud then briefly explained to the board and townspeople the history that Cohen has with the board and why the line of sight easement was granted. Chairman Baril stated that should Randall like a copy of the letter she must FOIL for a copy. Randall stated photos of the overflow parking proves that additional parking is needed and that only a few vehicles would be in the line of sight. Chairman Baril explained that some parking along the building would be ok but not the second row. He suggested that boat sales be moved to Cohen's Greenizen property and use the space where the boats were for marina parking. If the board were to approve parking within Lingenfelter's line of sight easement they risk putting themselves in jeopardy for litigation. Cohen stated that he plans to launch a lawsuit against Lingenfelter because he feels the line of sight easement was granted illegally.

Lingenfelter stated he was told by a realtor that the value of his property decreases due to Cohen's property. He explained that parking discourages people from staying at his business and he will suffer economically if Cohen is allowed to park vehicles in his line of sight easement.

The board discussed the history of Cohen's property and the agreement made with Lingenfelter. Several comments were made that Cohen did not build the structure he promised Lingenfelter and what was approved by the Planning Board.

Myrna Carter was present to represent her neighbor who could not attend. She said that parking would be up to the property line. There is already a fence that Cohen installed as a buffer. She asked if it was a possibility to extend the fence line for additional buffering. Judy Pinchin and several others questioned the parking which the board further discussed. Zoning Officer Richard

Ingerson reviewed meeting minutes from 2000 which has a motion stating no storing of any kind on the front part of the property.

Dave Crandall stated that there was not enough information presented to make an intelligent decision. He explained required information such as slope, drainage, etc. were not presented. Brian Jones agreed stating there was nothing on the site plan showing handicap accessibility (ramp, parking), and no handicap designated unit. The board discussed that Cohen must return to the board with a site plan that presents requirements such as handicap accessibility, lighting, drainage, number of parking spots, handicap unit, surface of parking area, ramps, etc.

At 8:44 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Preston Lowe to adjourn the public hearing until the December 3<sup>rd</sup>, 2015 meeting. Motion carried.

The board told Cohen to obtain a copy of site plan review and meet with Zoning Officer Richard Ingerson to ensure he meets the requirements.

At 8:45 PM **MOTION** by Preston Lowe, 2<sup>nd</sup> by Paul E. Heckmann to adjourn the meeting. Motion carried.

*Respectfully Submitted,  
Amanda Shane, Recording Clerk*