

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

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

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

Townspople Present: Daren Morgan, Mary Zovistoski, Myrna Carter, Donna Dundon, Linda Brown, Don Lingenfelter, Angela Seymour, Judy and Robert Pinchin, Jody and Doreen Garrett, Joan Varsics, Marla and Jeffrey Cohen, and Pam McDowell.

Chairman Bud Baril called the meeting to order at 7:00 PM and stated Fred Bach, Jr. would sit in for Preston Lowe and Dave Crandall would sit in for Duane Hazelton.

The board reviewed the meeting minutes from the November 5th meeting and one correction was made. At 7:04 PM **MOTION** made by Paul E. Heckmann, 2nd by Larry Aubertine to approve the meeting minutes as amended. Motion carried.

7:05 PM—Town—Donald G. Price, 411 Franklin Street, Clayton, Tax Map #20.18-2-4, in the Marine Residential District Agricultural Rural-Residential District. Major Subdivision.

Chairman Baril explained that the application for the subdivision had been tentatively approved 2 years ago pending the DOT's approval of a driveway cut. The Board had concern of where the safest location would be due to being at the crest of a hill. Darren Morgan did the presenting and stated that the DOT proposed for the driveway just north of the center of the property. The driveway will be a private road and provide access to the 7 proposed lots. There is no grading required for the application because the land is not developed. At 7:16 PM Doug Rogers read aloud the resolution.

At 7:17 PM **MOTION** made by Larry Aubertine, 2nd by Paul E. Heckmann to approve the 7 lot major subdivision subject to receiving affidavit from the state indicating appropriate location of a driveway cut. Motion carried.

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

Nay: None Abstain: None Absent: Hazelton and Lowe

7:21 PM—Town—Jackie and Melody Recor, 17130 Lowe Road, Clayton, Tax Map #52.00, Block #1, Lot #39.3, in the Agricultural Rural-Residential District. Application for Simple Minor Subdivision.

The Board discussed the size of the property and indicated that 9.14 acres are being sold. Maps were reviewed and it was brought to attention that the dimensions of the properties were missing. Measurements of the property were discussed and Chairman Baril stated a generic SEQR was on file. The Board stated that dimensions/measurements should be added to the site plan for Chairman Baril's signature.

At 7:27 PM **MOTION** made by Larry Aubertine, 2nd by Fred Bach, Jr. to approve the simple minor subdivision. Motion carried.

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

Nay: None Abstain: None Absent: Hazelton and Lowe

7:27 PM—Village—Jeffrey Cohen, 1061 State Street, Clayton, Tax Map #20.62-1-9, in the Marine Development District. Site Plan Review.

Chairman Baril presented the Board and townspeople information on Jeffrey Cohen's history with the Board. The original agent in 2000 was Price Turner who proposed a 40'x100' building that would be no higher than 20'. The building that was constructed was 50'x100' and 29' high. There were also conditions that there was no storage of any kind allowed in the front of the property; only side and rear of property. In addition there was to be no more than 3 boats stored at a time. In August 2001 there was an amendment to his site plan which again indicated no more than 3 disabled boats could be stored, no storage in the front of the property, a fence was to be added to protect neighbor, clean up overgrowth, security lighting, line of sight easement was signed, and the 29' building was accepted.

Chairman Baril reviewed the Village Law and discussed the responsibilities of the Planning Board. He stated that as Bayside Marina expanded the village did not require site plan review but village law does require 1 parking space per boat slip. In addition Chairman Baril asked Jeffrey Cohen about the waterline he intends to use because he may run into a conflict with a waterline not supporting what is needed for a sprinkler system.

At 7:41 PM Chairman Baril reopened the public hearing. The townspeople were given the opportunity to review the new site plan submitted. Donna Dundon questioned why the property on the marina side couldn't be utilized for parking. Myrna Carter questioned the same and

explained concern over boaters allowing dogs on the neighboring properties. It was explained that Cohen has an easement and the homeowners association at the condos won't allow parking.

Angie Seymour spoke of her concern regarding parking along her property line and that she fears it will devalue her property. She also feared stones being thrown from mowing and suggested the parking lot be paved and some kind of barrier put in place.

Don Lingenfelter, owner of Kay's Motel, explained he was upset about a comment that was made about his establishment at the November meeting and that he has been a part of the community for 50 years. He presented several photos of Cohen's property and of vehicles parking in his line of sight easement. He raised concern that Cohen has approximately 70 boat slips and no adequate parking. He also reiterated the minutes from 2000 state no storage in the front of the property. Chairman Baril read some highlights from a letter that Don Lingenfelter had submitted to the board.

The Board reviewed maps provided by Cohen. It was discussed that the topographical map presented was not accurate and that his application was incomplete. The site plan shows parking spaces that are 9'x18', however, Village Law requires 10'x20' parking spaces so the plan will have diminished parking. It was stated by Cohen that the parking lot will not be paved and will remain crushed stone. Marla Cohen stated that parking area will not be plowed in the winter, only in areas for residential parking. She went on to explain that the parking is usually only used during the weekends throughout the summer and there are only a few excessively busy weekends where parking is needed.

Board members discussed that a minimum of 16 parking spaces are needed for the apartment and suggest 4 extra for guests and employees. Fred Bach, Jr. stated he would like to see bumper posts in the front of the property to protect the porch.

Applicant needs to submit a site plan that is to scale and shows the information identified in the Village of Clayton's Zoning and subdivision regulations for Site Plan Review. The following is a list of items that were identified by the board to be included in the next submittal. Applicant is advised to review regulations (page 39 Section 132-35) for a complete listing of requirements and discuss concerns he may have with Village zoning officer over additional information that may be required by the regulations

1. Certified survey of entire site showing existing site topography, property lines with meets and bounds (distances, bearings, and areas), easements /setbacks including agreed upon line of site, all site features (ie., all buildings, kayak rack, and signage), driveways, parking areas, docks, hydrants, light poles, and drainage structures. Show French Creek high water marked NYSDEC 100' wetland buffer.

2. Show all proposed improvements, including any proposed revisions to individual mobile home lot layouts, proposed grading (ie contours and/or spot elevations) and drainage for all

improvements, layout and dimensions of any proposed parking lots, curbing, walks, roads and driveways. Also show proposed buffer plantings and or fence.

3. Identify all material types (ie asphalt, lawn, stone, curbing if any, and pavers).

4. Provide construction schedule for all improvements.

Angie Seymour questioned the requirement for space from her property line. The board explained the law is silent and there is no requirement. Low growing shrubs were suggested as a buffer to soften the look of the property. A roped fence was also suggested to keep vehicles off front lawn. Donna Dundon suggested a requirement that the living barrier be maintain should it be approved.

After reviewing maps several board members found inconsistencies with the location of structures on the property. The board asked that the revised site plan have accurate placement on structures on the property. Chairman Baril discussed the slope of the property in the rear and suggested some kind of retaining wall or how he plans to flatten it out. It was also suggested that Don Lingenfelter present copy of the deed for the line of site portion included to Richard Ingerson.

Cohen has a letter from the DEC which grants approval to develop waterfront for a new mobile home site. The board would like a copy of the letter and for Cohen to show the proposed site with dimensions, parking, and high water mark. The board discussed that the map presented by Cohen is from 2001 and not fully accurate. The board would like to see a stamped survey of the current property.

At 8:52 PM **MOTION** made by Paul E. Heckmann, 2nd by Larry Aubertine to adjourn the public hearing until the January 7, 2016 meeting. Motion carried.

9:00 PM—Town—St. Lawrence Sprits, LLC, 38289 NYS Rte 12E, Clayton, Tax Map #19.20-1-32.2, in the Marine Residential District. Pre-application.

Jody Garrett did the presenting. He explained that he has been granted MD-2 zoning and will be asking for a site plan review. He would like to move forward with a bar and restaurant. He will be providing the board with informational packets for review. The site plan application will be for farm based distillery, lodge, restaurant, and cottages. The new garage is where the distillery will be including bottling. The steam jacketed stills are bolted into the floor and will be inspected continuously. Any open flame in the production area will be behind a fire-proof wall. Chairman Baril suggested that all board members go to the property for a tour.

There has been a traffic study completed and Garrett plans to have a circular pattern with exit/entrance only and speed bumps. There are no plans for additional structures on the property.

There are currently 83 parking spots with concrete bumpers, handicap parking, and valet parking will be available. Draining and lighting are existing. He was approved for dredging and the dock has already been installed.

Garrett explained the need for the white tent that was installed on the property. It is needed for inclement weather, dining, and wedding ceremonies. It was discussed that when outside the tent, noise is barely audible including music coming from speakers. A sound study has been completed for this property. It was discussed that wedding receptions and anything commercial will be held at Lucky Star Ranch and all proceeds from wedding ceremonies will be donated to St. Mary's food pantry. Chairman Baril mentioned that the tent has brought on some controversy and asked if Garrett had considered doing something different with the veranda. It was explained that the property is historic and little can be done to change it.

The Garrett's hope for a "farm-to-table" establishment and offer menu items that you don't already see in Clayton. The plan is for both distillery and restaurant/bar open year round. Garrett explained to the board how the distillery works and how he is recycling waste into things useful. The maximum hours of operation proposed are as follows: Distillery- 8 AM- 9PM, Restaurant/Bar 11AM- 11PM, and lodging will be open 24/7. Lighting is all existing and there is no plan to change it. Windows have been replaced and so has the slate roof. Many pieces of the slate roof have been salvaged and there are plans to use it in the gift shop.

The Garrett's have teamed up with JCC and SUNY ESF and work to educate students interested in the field. Currently they are helping to write a new program at JCC.

The board discussed setting a public hearing for January.

At 9:42 PM **MOTION** made by Doug Rogers, 2nd by Paul E. Heckmann to adjourn the meeting. Motion carried.

*Respectfully Submitted,
Amanda Shane, Recording Clerk*