

**JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD
APRIL 19, 2016**

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

Also Present: Zoning Officer Richard Ingerson, Attorney Joe Russell, and Recording Clerk Amanda Shane

Townspople Present: Doreen Garrett, Jody Garrett, Robert Slye, Jenna Kraeger, Lewis and Shirley B., David Males, Emily Males, Rachel Cole, Joe C., Linda Blake, Pam Phillips, Jeff Zeller, Ron Cooper, Harv Hurley, Bill Grater, Mary Zovistoski, Donna Patchen, Tom Bogenschutz, Pam McDowell, and Jonathan Taylor.

Fred Bach, Jr. opened the meeting at 7:00 PM.

At 7:04 PM **MOTION** made by Larry Aubertine, 2nd by Duane Hazelton to approve the April 7th, 2016 meeting minutes as submitted. Motion carried.

At 7:05 PM **MOTION** made by Duane Hazelton, 2nd by Paul E. Heckmann to approve the March 30th, 2016 special meeting minutes as submitted. Motion carried.

7:05 PM —Town—Fairview Manor, 38289 NYS Rte 12E, Clayton, Tax Map #19.20-1-32.2, in the MD-2 District. Application for site plan review.

At this time the Planning Board has the ability to proceed with site plan review after some litigation with the Fairview Manor. The Town Board is the lead agency and has completed SEQR. The judge has not made a decision on the MD-2 designation but the Planning Board will review the site plan review as if the Fairview Manor is designated as MD-2.

Jody Garrett did the presenting. The Fairview Manor intends to have a small commercial enterprise including a tasting room, lodge, restaurant, retail shop, and distillery. There is also a chapel for weddings and duplexes that will be used to house staff. All structures are existing except for the new garage that was built to house the farm based distillery. The occupancy of lodging in the main building will be 10 which is regulated by the Department of Health (DOH). The septic system is also verified by the DOH.

Garrett intends to have all deliveries completed between 8 and 11 AM. The existing landscape will not change with the exception of seasonal plantings. There will be no further construction only continuous maintenance. There is ample parking and greenspace for overflow. Garrett explained he understands there is some concern over the seasonal structure/tent. The structure is heated, cooled, has windows, and is built to New York State code. There will no longer be

wedding receptions offered at the Fairview Manor. The tent will only be used during inclement weather when the terrace cannot be used. The terrace and tent will not be used at the same time. There will only be light background music played for diners. New directional speakers will replace the current round ones that will help mitigate noise. He explained there will be a full time on site manager and afterhours the phone will be forwarded to the managers cell phone so any issues can be addressed immediately. The DOT suggested one access road but the access already exists and will remain. There will be speed bumps, stop signs, and signs to direct traffic.

Brody Smith also presented on behalf of the Fairview Manor. He provided applications to the Board. The letter from the Planning Board making a suggestion about the MD-2 district is also included. He explained that a harmonious relationship with the nearby uses is important. He also explained that the exterior of the building will not change. Through a traffic study it was found that there will be no noticeable change and the road is adequate. All setbacks meet the requirement and the manor meets the requirements of the Scenic Overlay.

Dave Crandall discussed that vegetation on the property has been impacted and some grading has been done. He also stated that the manor is not harmonious with everything because there is a large number of a single family residences in the area.

At 7:32 PM **MOTION** made by Larry Aubertine, 2nd by Brian Jones to open the public hearing. Motion carried.

Jeff Zeller addressed the board stating he purchased a house 3 years ago near the river front and feels like a part of the community. He fears of what might become of the Fairview Manor. He said he could hear people talking on the terrace and has concern over the noise that will come from the business. He asked the board to consider what they would want in their back yards.

Harv Hurley of West Wind Motel shares the border of Fairview Manor. He explained his concern over a reception that was held on September 12, 2015. A sound test was completed and it was found to be 85 DB range sound. He reported that his guests could hear and feel the music from the reception. He feels that having outdoor activities will adversely affect the area. He suggested the Board enforce only allowing indoor activities. He also asked to consider a fence to divide the properties.

Robert Slye addressed the boarding stating he is representing the neighbors and they would like to see the project approved with conditions. He stated that packaging/manufacturing materials is not allowed within 1,000 feet of residences and there are residences all within 1,000 feet of the Fairview Manor. He questioned how the community can ensure that the Manor is following the laws. He went on to present photos of the tent and referenced Zoning Laws. He also discussed the Scenic Overlay and stated that the tent impacts the look of the area. He also stated that new structures shouldn't negatively impact existing ones. The neighbors would like the tent to come down. Slye presented a letter dated April 12, 2016 titled "Protection for the Neighbors of Fairview Manor".

Ron Cooper explained that he owns 6 lots surrounding the Manor and that he has lost 3 contracts because of what they thought the Manor would become. He said that the property was issued a special use permit in 2000 that required all activities to be indoors. Cooper provided examples of historic buildings with enclosures and suggested the Garretts consider enclosing the terrace.

Tom Bogunshutz reported that he lives over ¼ mile away from the Fairview Manor and he could still hear music at his house. He asked that the Board consider only allowing activities indoors.

Pam Phillips of Riverside Acres Camp Ground stated she can hear noises from all over the river and everyone needs to support the community.

Jody Garrett explained that the tent will not be used for events and will only be used in inclement weather. In addition, products for the distillery will not be stored on site. Brody Smith stated that there are only 6 tables indoors for people to dine at. A majority of dining will be on the terrace with 10 tables and then in inclement weather there will be 10 tables in the tent. Statements from Justin Taylor and the Codes officer were provided. He also stated that the 1,000 ft. setback is not required for the distillery because it is a small agricultural enterprise. The State Liquor Authority will regulate the liquor license and they will also have a Farm Based Distillery License. Smith explained that the community can be assured the Fairview Manor will follow the law by creating conditions and setting rules.

Robert Slye suggested to the Board that the tent should be considered as part of the site plan review because he feels it is considered a structure and that the Garretts did not get permission to build it. Rachel Cole or Murray Island also addressed the Board concerning spot zoning on Murray Island and how conditions were put into place that were not followed. She had concern that the town did not intervene and her concern should be considered for future projects.

Joe Russell stated that the tent is part of the site plan application.

At 8:25 PM **MOTION** made by Larry Aubertine, 2nd by Dave Crandall to close the public hearing. Motion carried. The Planning Board decided to reserve their decision.

8:26 PM—Town-- Fairview Manor, 38289 NYS Rte 12E, Clayton, Tax Map #19.20-1-32.2, in the MD-2 District. Application for Special Use Permit.

Jody Garrett did the presenting. The manor will be a farm to table restaurant and bar featuring local products. Hours of operation are self-imposed and there is a commercial kitchen with a new water system being installed. There is a walkway between the Manor and tent for servers to deliver food in inclement weather. The tent is considered a part of the special use permit application because it will be used for dining. Brody Smith presented photos of the walkway and stated that the Manor promotes tourism, offers educational opportunities, and fits in with the small town atmosphere.

Dave Crandall requested that Jody Garrett present credentials of the engineers that conducted the sound studies on the Manor. He would also like each to submit a statement on their findings. Dave Crandall will provide questions to Jody Garrett to be answered by the engineers.

At 8:42 PM **MOTION** made by Larry Aubertine, 2nd by Dave Crandall that the record of the proceedings before the Board in connection with the public hearing for the site plan application shall be incorporated into the record of the public hearing for the special use permit application. Motion carried.

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

Nay: None

Abstain: None

Absent: Rogers and Lowe

At 8:44 PM **MOTION** made by Larry Aubertine, 2nd by Duane Hazelton to open the public hearing. Motion carried.

Robert Slye suggested the application be modified to show a service bar will no longer be utilized. He asked the Board to consider limiting noise as a condition and feels the terrace should be enclosed. Harv Hurley also suggested constructing an enclosure on the terrace would be beneficial. Ron Cooper also addressed the Board stating an outdoor restaurant/bar would be disruption.

At 8:57 PM **MOTION** made by Larry Aubertine, 2nd by Dave Candall to close the public hearing. Motion carried. At 9:00 PM **MOTION** made by Larry Aubertine, 2nd by Duane Hazelton to reserve decision until the next meeting. Motion carried.

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

Nay: None

Abstain: None

Absent: Rogers and Lowe

The Planning Board will hold a special meeting for the Fairview Manor on Wednesday, May 11th, 2016 at 7:00 PM.

9:13 PM—Village—Islander Marine, LLC, 500 Theresa Street, Clayton, Tax Map #20.46-2-1, in the Marine Development District. Application for Site Plan Review.

Jonathan Taylor did the presenting. The parking spaces have been modified to 9’x18’ which has left him 5 spaces short of the required amount. The property meets zoning regulations. Jonathan Taylor will return for approval of signage. Utilities have been drawn into the site plan as requested. Two dumpsters with a wood fence enclosure was also added to the plan. The Board

discussed waiving the 81 required parking spaces and approving the application with only 76 parking spaces.

Dave Crandall addressed the grading at the end of the townhouses. The two units closest to the lodge will have lower elevations to accommodate the grading. The Board also discussed plantings and it was decided that silver maples, birch trees, and evergreens will be planted.

At 9:40 PM **MOTION** made by Larry Aubertine, 2nd by Duane Hazelton to open the public hearing. At 9:41 PM Fred Bach, Jr. conducted SEQR. At 9:48 PM **MOTION** made by Larry Aubertine, 2nd by Duane Hazelton to declare a negative declaration. Motion carried. At 9:48 PM **MOTION** made by Larry Aubertine, 2nd by Paul E. Heckmann to close the public hearing. Motion carried.

The Board created the following conditions:

Islander Marine, LLC must present final floor elevations, designated plantings, dumpster fence height, smaller signage, and drainage plans.

At 9:49 PM **MOTION** made by Paul E. Heckmann, 2nd by Larry Aubertine to approve the application as presented with conditions created by the Board. Motion carried.

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

Nay: None

Abstain: None

Absent: Rogers and Lowe

9:51 PM—Village-- Islander Marine, LLC, 500 Theresa Street, Clayton, Tax Map #20.46-2-1, in the Marine Development District. Application for Site Plan Review.

Jonathan Taylor did the presenting for the application for site plan review for a small commercial enterprise to construct a yoga studio.

At 9:55 PM **MOTION** made by Dave Crandall, 2nd by Larry Aubertine to open the public hearing. Motion carried. At 9:56 PM **MOTION** made by Larry Aubertine, 2nd by Paul E. Heckmann to use prior SEQR and information from the townhouses site plan review application. Motion carried. At 9:57 PM **MOTION** made by Larry Aubertine, 2nd by Paul E. Heckmann to close the public hearing. Motion carried.

At 9:57 PM **MOTION** made by Paul E. Heckmann, 2nd by Larry Aubertine to approve the application as submitted. Motion carried.

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

Nay: None

Abstain: None

Absent: Rogers and Lowe

At 9:58 PM MOTION made by Dave Crandall, 2nd by Larry Aubertine to adjourn the meeting.
Motion carried.

Respectfully Submitted,

Amanda Shane, Recording Clerk