

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD SPECIAL MEETING
June 8, 2016

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

Also Present: Zoning Officer Kimberli Johnston, Council Joe Russell, and Recording Clerk Amanda Shane

Townspeople Present: Jody Garrett, Doreen Garrett, Bill Garrett, Jane Carver, Ron Cooper, Pam McDowell, Dan Throop, Lauren Throop, Brody Smith, Jeff Zoller, Jenna Cramer

Chairman Rogers addressed the Board and townspeople explaining the special meeting is being held to make the final decision on the application of St. Lawrence Spirits, LLC. The application is for a Special Use Permit and site plan review. Joe Russell created a comprehensive resolution that all Board members have had the opportunity to review. Conditions are stated in the resolution however, Board members may request additional conditions and all will be voted on.

There are seven (7) voting board members present. Alternate Dave Crandall is also present but will not be voting on the application. Chairman Rogers reviewed each page of the resolution as outlined below.

Page 1: no discussion

Page 2: At 7:09 PM **MOTION** made by Larry Aubertine, 2nd by Preston Lowe that the Applications satisfy the requirement set forth in Article VII-A, XI, and XII of the Zoning Ordinance. Therefore, the Applications are hereby approved subject to the restrictions and/or conditions imposed on such approvals as noted herein. The reasons supporting these approvals can be found on pages 2-4 of the resolution.

Page 3: Board members held a discussion regarding parties and receptions. Several comments were made that it would be hard to regulate and cannot single out one business. Paul E. Heckmann stated noise is the biggest concern. It was also discussed that there are conditions that state that tent and patio will be limited to dining and wedding ceremonies only.

Page 4: The special use permit application has been modified. The proposed tent was originally submitted at 80 square feet. The tent has been modified to 50 square feet.

At 7:16 PM **MOTION** made by Paul E. Heckmann, 2nd by Larry Aubertine that the Tent is hereby determined to be inconsistent with the character of the neighborhood and the Property, is visually inappropriate and shall be permanently removed from the applicant's property.

Larry Aubertine states he voted to remove the tent because he thinks eliminating the tent can eliminate problems, specifically noise. Paul E. Heckmann would like it removed from the property because it is inappropriate in the scenic overlay and is not comfortable approving a temporary structure.

The Board discussed the tent being considered a permanent structure and if a permit was needed to construct it originally. Several Board members felt the reduced size of the tent was favorable and was hardly visible from the water. Fred Bach, Jr. felt taking away the tent and patio would take away most of the business. He also stated using the Comprehensive Plan the business would promote tourism. Preston Lowe stated he likes the tent and by putting people in the tent it will help to muffle the noise. The Board continued to discuss the removal of the tent.

Aye: Jones, Aubertine, and Heckmann.

Nay: Lowe, Bach, Jr., Hazleton, and Rogers Abstain: None Absent: None

Motion is not carried.

At 7:29 PM **MOTION** made by Duane Hazelton, 2nd by Fred Bach, Jr. to approve the tent at a reduced size of 50 square feet such that the capacity for dining or wedding ceremonies will not exceed the capacity of the Terrace located at the main structure for such events.

Aye: Hazelton, Bach, Jr., and Rogers

Nay: Lowe, Jones, Aubertine, and Heckmann Abstain: None Absent: None

Motion is not carried.

At 7:31 PM **MOTION** made by Preston Lowe to approve the application as originally submitted at 80 square feet. There is no 2nd made on the motion. By default the application is approved with a 50 square feet tent.

Page 5: Chairman Rogers requested to add a condition as follows:

#7- No other exterior activities other than necessary for maintenance and operation of the facility.

Duane Hazelton and Fred Bach, Jr. agreed they do not want to create so many limits that the business cannot operate.

At 7:47 PM **MOTION** made by Duane Hazelton, 2nd by Brian Jones to add item #7 as a condition to page 5 of the resolution.

Aye: Hazelton, Jones, Heckmann, Rogers, and Aubertine

Nay: Lowe and Bach, Jr. Abstain: None Absent: None

Page 6: Dave Crandall discussed the properties landscape. In a previous meeting the applicant had agreed to plant some vegetation along the property line.

Page 7: no discussion

Page 8: no discussion

Page 9: no discussion

Page 10: the resolution should be dated “June 8th, 2016”.

Board discussed noise concern and considered a stipulation that allows no amplified music. It was stated a new condition of approval the applicant will submit a buffering plan. The Board would also like to add a condition on Page 4, paragraph 1: “No unreasonable amplified music outdoors will be permitted. Light dining music is permitted”.

At 8:03 PM **MOTION** made by Preston Lowe, 2nd by Duane Hazelton to adopt the resolution. The vote is made on an amended application with a 50 square foot tent and additional conditions.

Aye: Rogers, Bach, Jr., Hazelton, Heckmann, and Lowe

Nay: Jones and Aubertine

Abstain: None

Absent: None

Motion is carried.

At 8:06 PM **MOTION** made by Larry Aubertine, 2nd by Fred Bach, Jr. to adjourn the meeting. Motion carried.

*Respectfully Submitted,
Amanda Shane, Recording Clerk*