

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
September 6, 2012

The meeting was opened at 7:02 p.m. with the following **members present:** Chairman Bud Baril, Paul Heckmann, Duane Hazelton, Vice Chairman Larry Aubertine, Preston Lowe, Brian Jones, Alternate John Neuffer (sitting in for Ron Duford), Alternate Doug Rogers, Alternate John Kehoe. Absent: Ron Duford

Also present: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Susan Kenney

Townspeople Present: Dennis Horton, Robert Pinchin, Judy Pinchin, Linda Brown, Don Lingenfelter, Jim Kenney, Glenn Grose, Tory Jones, Mark Gawron, Wendell Yerdon, Michael Lindsay, David McCarter, Barbara McCarter, Matt Yerdon (?), Ken Steblen, Luke Blackford, Guldenpfennig, Dan Schleher, Linda Schleher, R. E. Alexander, Wendy Rappold, Debbie Carroll, Jeff Carroll, Debra Climer, Charles Climer, Michael Pavlot, Jeffrey Cohen, Donna Crowe, Cindy Grant

The Board reviewed the minutes from the July meeting; one correction was noted. **MOTION** was made by Doug Rogers, 2nd by John Kehoe, to accept the minutes with corrections. Motion was carried.

7:07 --- Wendell Yerdon, 17364 Hart Road, Clayton, Tax Map # 52.00-1-18.21, in the Agricultural-Rural Residential District. Site Plan Review Application to site a sporting clays shooting range.

To open this hearing, Chairman Baril asked that if anyone in the audience had spoken at last month's hearing and had no new concerns to bring up, could they please allow others time to speak, since those concerns were already noted in last month's minutes. Mr. Yerdon had been asked at the last meeting to fill out a long form SEQR, but did not have it prepared, so the Board will not be able to proceed very far.

Chairman Baril noted that in doing some personal research, he had found some general information with the National Sporting Clays Association (NSCA) and the National Shooting Sports Foundation (NSSF) about the sport itself, and recommended that people should look at the respective websites (www.nssa-nasca.org and www.nssf.org) for themselves. A typical field is about 35 acres, with about 10 stations and 5-10 targets per station. On average, a person will shoot 50-100 shots per course.

Duane Hazelton had spoken to numerous area clay shooting clubs, learning that most had been established at their current locations prior to other buildings, including residences, being built around them. In answer to a question from the audience (Chuck Climer), it was noted that neighbors to the Brownville range had complained about the noise, but there were no noise

buffers. The concerns listed last month were read off, and it was noted that no new correspondence had been received since last month.

Mr. Yerdon provided some information he had found concerning lead, taken from the EPA etc. Copies were provided to all the board members. In answer to a question about how many potential customers he might already have, Mr. Yerdon said he probably had heard from more than thirty people with a strong interest in a clay shooting range. He would not limit customers to just those with yearly memberships. He plans on selling the shotgun shells already loaded, and having each group guided out, so that no one would be wandering loose.

Dave McCarter said that he has hunted on that property, and when others are also out hunting, he can't always hear their shots. He lives about a half mile from Mr. Yerdon. He added that studies on target ranges have shown that the best surface is clay ground, which doesn't let stuff leak through, and can be covered with lime to neutralize.

Jeff Carroll, one of Mr. Yerdon's next-door neighbors, had some questions to be considered: Would the use of alcohol on the premises be allowed? Would all the employees be properly trained? What about insurance? He was also concerned with the potential effect on property values along the road. Mr. Yerdon's response to that last concern was that if new houses are continuing to be constructed next to the Brownville range, there must not be an issue with property values there. He was encouraged to talk to the Brownville assessor to get the facts about property values there.

Throughout it was stressed that adequate documentation is needed for all claims. Mr. Yerdon was also encouraged to come up with a detailed business plan that would spell out how he intends to meet safety concerns, etc.

Debbie Climer expressed a concern with the traffic on a narrow country road if there are so many customers as anticipated. It was noted that it is not the Planning Board's business how much traffic can be handled on a public road; but on the other hand, Mr. Yerdon's business plan needs to specify how much traffic is anticipated, how many cars per day, how big a parking lot will be needed, etc.

A question was brought up about what noise standards are in the zoning law. The answer was that the zoning law is not specific about noise standards, and is mostly concerned with health. It was suggested that a trial shoot would be needed to see how loud the shooting would be; perhaps there could be an engineer present with a decibel meter for a precise measurement.

Mike Pavlot, a neighbor and a member of the Board of Assessment Review for Clayton, wanted the Board to remember that there are more than ten young children in the immediate area, whose safety is at stake. He also pointed out that he and others had come here for the follow-up of the long form SEQR, which did not happen; he now had a greater concern for follow-up on other matters of even greater import, such as proper and safe maintenance of the grounds.

anything elaborate. He has already received permission from the ZBA to erect a canopy in the front for some protection from the weather. Parking has been considered and dealt with by adding fill to the previous parking area.

A letter from Jefferson County Planning was read: there is no proposed lighting in the plan, and this needs to be dealt with.

At 8:35 Chairman Baril opened the public hearing. Tory Jones, a neighbor who lives behind the building, expressed some concerns. She wondered if a permit had been gotten for changing the land grade. Answer: In that district, no permit is needed to change the land grade. She noted that some of the fill had fallen on her property, coming up against a privacy fence and starting to bow it in with the weight of the fill. She is also afraid that the added fill will cause severe water drainage problems on her property and other neighboring properties. She feels that she should have been approached before the fill work was done. Her major concern is environmental, that the fill and the new grading will ruin her backyard and flood her basement.

Mr. Alexander said that the fill actually tapers away from her property. After the recent rains, her back lawn was too soggy for mowing, but there was no standing water. Another neighbor, Dan Schleher, also on Strawberry Lane, also expressed concern with drainage. Chairman Baril suggested that Mr. Alexander take these concerns to engineer Rob Campany, to have him check for potential problems. It was brought out in the discussion that the properties in question have always had problems with drainage.

Ms. Jones's main issues were (1) a stone fence, (2) the privacy fence, (3) fill on her property, and (4) the drainage. She brought up another issue with the bottle redemption business already approved for Mr. Alexander's building. It was noted that the bottle redemption business had been approved some months ago and given a number of conditions that should answer her concerns. She wanted to know what permit was needed to put in that much fill and was informed that there is nothing in zoning to cover that.

Chairman Baril went through the SEQR, putting in the issue with the drainage. At 9:01 **MOTION** was made by Larry Aubertine, 2nd by Brian Jones, to declare this a negative declaration. Motion was carried. **MOTION** was made by Larry Aubertine, 2nd by Duane Hazelton, to close the public hearing. Motion was carried.

Before the fill was put in, Chairman Baril and others had met with DOT about this project, and concerns had been expressed about the parking and traffic flow, especially coming into and out of the lot. There are still some concerns, since the plan shows only one driveway, 15 feet wide, when it needs to be a minimum of 20 feet. Mr. Alexander is hoping to make two drives, one for entrance and one for egress, although that will eliminate a few parking spots. Concerning the question of lighting, there will be some soffit lighting on the canopy. Mr. Alexander had not planned on lights in the parking lot, since most of the offices will be closed by 5 p.m.; it was noted that safety and security lighting will be needed. A call for low level, downcast security lighting will be made a condition for approval. Concerning the question of the locating of trash containers, only one small "tote" will be needed for the office and retail spaces, since the bottle

redemption will be keeping all of its trash within the building. Location for the outside tote is not yet determined.

Concerning signage, since the village of Clayton is changing its signage code, Mr. Alexander should come back when he actually has tenants, and hopefully the law will be changed by then. Chairman Baril noted the need to get a new plan showing drainage and landscaping.

At 9:20, **MOTION** was made by Larry Aubertine, 2nd by Preston Lowe, to have the Planning Board take lead agency on this application. Motion was carried. No further decision on this application was made at this time; the Board has 62 days to make a decision.

9:27 --- Village --- Pre-application hearing for Clayton Marina, Cantwell Terrace, Clayton, Tax Map #20.48-2-12.17, in the General Residential District. Site plan review for boat storage.

Dennis Horton (?) did the presenting. The Clayton Marina is planning to purchase property to put up a building to store boats. The building will have in-floor heating, but no sewer or water service. It will be located 70 feet from the nearest property line, and will have trees for a buffer. There will be two entrances.

ZEO LaClair emphasized that all possible information must be collected before the application is sent to the County. Brian Jones noted that he is the engineer on the project and will be recusing himself. The neighbors have not yet been approached, but will be getting letters shortly. One of the Board members, looking at possibilities, questioned whether the building might be moved further away from the property line.

At 9:37 **MOTION** was made by Duane Hazelton, 2nd by Paul Heckmann, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*