

**JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
SEPTEMBER 2, 2010**

At 7:00 P.M., Chairman Bud Baril opened the regular meeting of the Joint Town / Village of Clayton Planning Board with the following members present:

Bud Baril, Larry Aubertine, John Kehoe, Ron Duford, Preston Lowe, Paul Heckmann, Twyla Webb and Alternate Duane Hazelton.

Others present: ZEO Henry LaClair, Recording Clerk Janet Sullins

Townspople: Judy and Larry Brown, Jon Burrows, Janet M. Burrows, Diane and Steve Church, Marcia O'Neill, Ron Smith, Alan D. Finnegan, Sally A. Finnegan, Justin Taylor, Virginia Lake, Cindy Grant, David A. Heinrich.

New business:

At the beginning of the meeting, Supervisor Taylor spoke briefly about elder housing, or accessory housing. In today's economy, he said, children are moving back home with parents or parents are moving in with children. As of now, there is nothing in the zoning ordinance to allow a smaller housing unit on the same parcel as the main residence, but it is something that should be considered and dealt with through ordinances and codes. Chairman Baril said that when he lived in Arizona, there were what were called "casitas", or little houses, for that purpose, and it was very common. Usually they consisted of a kitchenette, bath and multipurpose room.

Supervisor Taylor also let the Board know that Iberdrola Renewables has made final reimbursement to the Town for expenses incurred during their application process.

Chairman Baril mentioned that the Comprehensive Plan is still under construction and passed out a small questionnaire from that board requesting particular input.

The minutes from the August 5 meeting were reviewed. No corrections were needed **MOTION** made by Board Member John Kehoe, 2nd by Vice Chairman Larry Aubertine to accept the minutes as written. Motion carried.

7:10---Town --- Raymond J. Smith, Kehoe Tract Rd., Tax Map Nos. 12.20-2-40.118 and 12.20-2-49.42. Public Hearing for a Minor Subdivision.

Before he opened the Public Hearing at 7:10, Chairman Baril gave the attending public some basic instructions on how a public hearing is conducted. He then read part of the minutes from the first part of the public hearing on August 5, so that they would know what has already been discussed. He also read from two recent letters, both with similar concerns:

Mr. Boyd, who is out of town, wrote that there is a Nature Trail easement on his property and he is concerned with drainage onto that area since the deforestation on the Smith property. Also, with standing water being a health and safety concern. Also, the possibility of a road from Kehoe Tract to Breezy Pines.

Diane Church, Mr. Boyd's daughter, who was present, also wrote a letter saying her neighbors have a horrible drainage issue with the standing water. Also, what if there is future re-subdividing? Also, a future connecting road is a concern.

Public:

Diane Church – she was out of town when she received news of the public hearing. She felt she did not receive enough information; the map on the application was not included with the hearing notice. She and Chairman Baril and Mr. Smith looked at the drainage contour map and discussed it, relative to the anticipated construction and to the nature easement, which is protected by deed.

Judy Brown – handed out a lengthy letter of dissatisfaction, which included photos of the silt in their cove, which was caused by run-off prior to Mr. Smith's attempt to mitigate the problem. She was wondering about further sub-dividing of the remaining large parcel. Mr. Smith said that lot would be more appropriate for a very nice single home and garage.

Marcia Haller O'Neill – she owns the the property with the drainage ditch. The construction of her garage and driveway, etc. occurred many years ago. She said the first time there was a complete washout was in 2009.

Judy Brown obtained a copy of the Notice of Intent, and feels that some of the questions on that form were incorrectly answered. She also contacted the DEC. She is not against houses being built, but wants the drainage problem taken care of before it gets to that stage of the project. Board Member Ron Duford, pointing to the erosion controls on the map, asked her what else she thought could be done. She said she wasn't sure, but that the check dams shown on the map aren't there. Board Member Heckmann said they slow runoff, giving time for the silt to deposit before it gets to the river. He also said that that part of Kehoe Tract Rd. is private road, not the Town's responsibility, so they should work together to solve this.

Larry Brown said the run-off bypasses the silt fence.

Chairman Baril described the situation when there was significant construction, regrading and water pipe installation on Bartlett Point Road. He said it was horrible until the regrading was done and the grass and small vegetation took hold. There also was a French pond dug, which is a retention pond lined with landscape fabric and rip rap. After that, the water ran clear. There is an area in question on these parcels that is not taking the grass very well. Perhaps it could be sodded.

The discussion continued, trying to come up with ideas that would help. Sodding and a French pond seemed the most likely choices for mitigation. Mr. Smith has the right to subdivide; no one is disputing that. Run-off needs to be properly controlled.

Janet Burrows handed out a letter. She also thanked Mr. Smith for the ditch and silt fence, but more needs to be done soon. Her daughter is a hydrologist and suggested spiked haybales and rip rap lining a retention pond. She also mentioned that Mr. Smith originally cleared out some trees that were hers. He had a survey done after that and has been more careful.

At 8:00, Chairman Baril did the SEQR. A question about septic run-off came up. ZEO LaClair said that septic systems must be engineered now; there is no control over existing systems. Chairman Baril gave a brief overview of the regulations and Alternate Board Member Duane Hazelton said that dye tests are also being performed when necessary.

At 8:10, he then asked for a motion to make this a negative declaration with mitigation required. **MOTION** made by Vice-Chairman Aubertine, 2nd by Board Member Heckmann. Motion carried. He then asked for a motion to close the Public Hearing. **MOTION** made by Board Member Webb, 2nd by Board Member Duford. Motion carried.

Board Member Heckmann said that Mr. Smith is selling lots right now, not developing them. He wanted to put conditions on stating that any application for a building permit must be accompanied by a StormWater Pollution Prevention Plan, prepared by a licensed engineer. Board Member Duford said that those are conditional by the size of the lot; it must be at least 12 acres. ZEO LaClair said there should be a way to red-flag these lots for the future, so that builders would know that conditions exist. Board Member Duford said that should happen for every developer. Chairman Baril said that is what Special Use Permits are for, but it might be possible for the assessor to add a note to the parcel's information. After more discussion, at 8:35, **MOTION** made by Vice Chairman Larry Aubertine, 2nd by Board Member Lowe to approve the subdivision request with the condition that Mr. Smith must continue to follow the plan of erosion- and sediment control as set forth by Aubertine & Currier to mitigate siltation on neighboring properties. And, if the final position of anything shown on the plans changes, then an updated plan must be re-submitted. (Mr. Smith said he would lay landscaping fabric and rip-rap in a retention pond)

Aye: Bud Baril, Larry Aubertine, John Kehoe, Preston Lowe, Ron Duford, Paul Heckmann, and Twyla Webb

Nay: None

Absent: None

Abstain: None

8:40 – Town – David Heinrich, NYS Rte 12E, Tax Map No. 19.20-1-66, Consider Gravel Pit Application

David Heinrich came before the Board hoping to obtain a permit for a gravel pit on NYS Rte 12E, on the site of one previously owned by Ingerson. The DEC has a different set of setbacks from what the town allows. He hoped that he could have the pit with the DEC setbacks. ZEO LaClair said that the Town Board disallowed changing from 200' to a lesser number, but that the ZBA could amend the setbacks. Mr. Heinrich feels that the layout of the land is such that there would be no disturbance to the neighbors. He would also have berms in place to cut down on further noise from truck traffic. His next step is to go before the Zoning Board of Appeals. He would research the decibels, etc. before it goes to Public Hearing.

New business: ZEO LaClair reminded the board members that there is a workshop in Potsdam in October and that they must put their notice in immediately if they wish to participate.

At 9:00, **MOTION** made by Board Member Lowe, 2nd by Board Member Webb to adjourn this regular meeting of the Planning Board. Motion carried.

Respectfully submitted,

Janet Sullins
Recording Clerk