

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
FEBRUARY 5, 2009

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

Bud Baril, Larry Aubertine, Preston Lowe, Ron Duford, Paul Heckmann, John Eppolito and alternate Gail Richardson, who is sitting in for John Kehoe.

Absent: John Kehoe and Duane Hazelton

Others present: Zoning Enforcement Officer Henry LaClair, Assistant ZEO Richard Ingerson and Recording Clerk Janet Sullins

Townpeople present: Steven Lingard, Harold Pratt, Cindy Grant, David Brennan, Jack Stopper, Kelly P. Cantwell, Pat Patch

Zoning Enforcement Officer Henry LaClair distributed copies of the new Village Local Zoning Laws to the Board. Chairman Bud Baril brought some information he received from one of the members of the ad hoc wind committee for the Board to review.

At 7:00 p.m., Chairman Bud Baril opened the meeting. He then asked for comments from the Board on the minutes from the January 8, 2009 meeting. It was noted that John Eppolito's name was omitted from the list of Board Members present. At 7:05, **MOTION** made by Board Member Preston Lowe, 2nd by Board Member John Eppolito to approve the minutes with the one correction. Vice-Chairman Aubertine abstained, as he was absent from the last meeting.

7:05 --- Town --- Rexford Ennis, Spookhollow Corporation, 43613 Schoolhouse Rd., Grindstone Island, Tax Map No. 12.00-1-10.1, in the Marine-Residential District. Consider Simple Minor Subdivision

With a generic SEQR on file, and the lots being of legal size, with access from land and water, **MOTION** made by Vice-Chairman Larry Aubertine, 2nd by Board Member Paul Heckmann to approve the request as submitted. Motion carried.

7:10 ---Discussion about whether to return the \$2,000.00 (two-thousand) deposit for Site Plan Review (SPR) to Family Dollar, in the Village of Clayton. Despite the fact that since the store has opened their covered garbage container structure has been partially crushed, the Board decided that in the beginning they *were* in compliance, and that they should have had the monies refunded sooner. Now the matter has to go to the Village for approval.

--- Jeffrey Cohen will not be attending tonight as scheduled, in regard to building an outside set of stairs on his marina building.

--- Marla Hays also was scheduled to attend tonight in regard to building an Italian bistro on James Street. She had come before the Board two years ago and was given approval, but wanted to return to discuss the matter again. (There is no time limit to act on SPR approvals in the Village.)

7:15 --- Town --- Verizon Wireless / Larry Hartmann, 32480 Old Town Springs Road, Chaumont, Tax Map No. 42.00-1-48.1 in the Agricultural Rural-Residential District. Public Hearing for Special Use Permit to site an Unmanned Telecommunications Service Facility on a Portion of Vacant Land owned by Larry Hartmann

Chairman Baril opened the Public Hearing, and Mr. David Brennan came before the Board and gave a summary of the request that Verizon Wireless has submitted for erecting a tower to improve cell phone communications in the area currently without such. New questions were raised regarding a bond to the Town in case the tower or Verizon ever became obsolete, and the tower needed to be dismantled. A bond would be posted to the Town. (The matter will be taken to the Town's attorney and supervisor as well) Also, when the snow is off the ground, consultants will be brought in to determine whether it would be disruptive to habitat for endangered species or of archaeological sites. Chairman Baril read into the record a letter from the DEC regarding the impact to threatened species in the vicinity, and to local freshwater wetlands. There are four species that may be impacted. Mr. Brennan assured their consultants would investigate them. Another letter, from Jefferson County Planning Department, was also read and entered into the record. Their determination was that it was of local concern only. Mr. Brennan expected to hear back from SHPO regarding the archaeological concerns.

Only one other call of concern was received, and ZEO LaClair said that after answering that person's questions, they had no complaint about the proposed construction.

Because SEQR cannot be done prior to receiving the reports from the archaeological and habitat experts, at 7:35 **MOTION** was made by Board Member Preston Lowe, 2nd by Vice-Chairman Aubertine to adjourn the Public Hearing until April 2, 2009 at 7:15. Motion carried.

Additional discussion followed regarding the possibility of future addition of antennae for coverage for T.I.E.R.S. and fire department communications. It was suggested that perhaps wording for such be included in the application so that it would not have to be brought back before the Board for approval. According to Mr. Brennan, this type of service would be of no charge or at a nominal cost.

It was decided that, due to the length of time until the Public Hearing resumes, it would be re-advertised.

7:45 --- Village --- North Shore Oil Company / Pat Patch, East Line Road, Part of Tax Map No. 20.57-1-1.1, in the Industrial A District. Public Hearing for Siting a Petroleum Storage Facility

Chairman Baril opened the Public Hearing, and Mr. Harold Pratt, of the North Shore Oil Company, addressed issues that were of concern to the Board. Mr. Kelly Cantwell, an adjacent landowner and part of Carrier Ridge LLC, voiced his concerns about the containment and possible leakage of such a large amount of fuel. He said that his and other neighbors' properties were below the grade should something happen, and also the considered site on that property is close to a pond and area that is very wet part of the year. He also wanted to know if: a) there was a bond (insurance), 2) if they had to get permits from the DEC, and 3) if there was a SEQR done by DEC. Mr. Pratt replied that it is bonded. Also that DEC permits actually came after the installation, but that he had to comply with EPA regulations first. After installation the DEC could and would inspect at any time. He explained the diking and containment process. Finally, all agencies involved have to complete a SEQR. At this time, Mr. Cantwell had to leave, but the discussion continued.

Several members of the Board said they would like to have more information, and Chairman Baril asked for copies of the engineer's plans, as the drawings supplied were too basic to know exactly what the set-up would look like. Assistant ZEO Richard Ingerson said that he would need those plans before he could grant the building permit.

While Mr. Pratt would like to have this expedited, **MOTION** was made at 8:30 by Vice-Chairman Aubertine, 2nd by Board Member Eppolito to adjourn the Public Hearing until March 5, 2009 at 7:15 in order to have time to obtain and study those plans. Motion carried.

New business:

Gus Withington is expected to bring information to the Board about solar and geothermal energy re: the zoning law.

Board Member Paul Heckmann is concerned that all 27 points of law are not being considered for every application brought before the Board for approval. He feels that applicants should be given a copy to be sure of compliance. Discussion followed regarding application of the law to each proposal.

The new Village Zoning Map was gone over by the Board for any changes before taken back to the Village and approved by Geneva Phelps-Miller, Bud Baril and Henry LaClair.

At 8:38, **MOTION** made by Board Member Ron Duford, 2nd by Board Member Eppolito to adjourn this meeting.

Respectfully submitted,

Janet Sullins
Recording Clerk