

**APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
MAY 6, 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, Paul Heckmann, Ron Duford, and Alternate Duane Hazelton.

Others present: Zoning Enforcement Officer Henry LaClair, Recording Clerk Janet Sullins

Townpeople present: Jamie Lee, Ray Smith, Cindy Grant, John Buker, Justin Taylor, John Jepma

Chairman Baril asked Alternate Board Member Duane Hazelton to sit in for Board Member Preston Lowe.

Supervisor Taylor addressed the Board regarding Local Law # 1 of 2007 on wind, and the defeated Amendment #32 for Small Wind. He said that because the amendments to Local Law #1 of 2007 didn't pass, then Amendment #32 was null and void. But, he said he was committed to distilling the small wind information out of the Local Law #1 and acting upon it separately. He said that originally he wanted to vote separately on the twenty-eight items in Local Law # 1, but that the Town's attorney advised him that could not be done. The Town Board is committed to supporting small wind and solar energy. Perhaps when the Board is ready to vote to amending the law to include solar energy, that small wind can be amended as well. His feeling was that the process failed, causing Local Law #1 to not pass.

At 7:20, Chairman Baril asked for a motion to approve the minutes from the April 1 meeting. There was a phrase that needed to be deleted, but it was only something that wasn't edited when writing the minutes. **MOTION** made by Board Member John Kehoe, 2nd by Board Member Duford to accept the minutes as amended. Motion carried. (Board Member Kehoe abstained, as he was absent from last month's meeting.)

7:25 ---Village --- JMB Foods, 650 James Street, Tax Map No. 20.46-3-35, in the Business District. Consider Master Sign Plan.

The Zoning Board of Appeals granted a variance for the signs Mr. Buker installed on his new building, but, since the Planning Board had some concerns regarding the number of existing signs on the property, they wanted to revisit the Master Sign Plan. Mr. Buker said that they have all been there a long time and are part of a package required by Sunoco. The Board looked at those signs and felt that two of them were not so much offensive as superfluous, those being one between the pumps and one by the street. Mr. Buker said that the one by the street is promotional advertisement that changes several times during the year. The one between the pumps also is promotional, and he agreed

that it is in the way, even having been knocked down by a vehicle at one time. He wasn't sure if he is allowed to remove them.

At 7:35, **MOTION** made by Board Member Kehoe, 2nd by Vice-Chairman Aubertine to approve the Master Sign Plan with the condition that the 7 square-foot one between the pumps will be removed during the final regrading and finishing.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, Ron Duford, Duane Hazelton
Nay: None Abstain: None Absent: Preston Lowe, Twyla Webb

7:40 --- Town --- Raymond J. Smith, Robert Reddick, Kehoe Tract Rd., Breezy Pines Rd., Tax Map Nos. 12.20-2-40.118 – 49.42. Pre-application to determine whether this will be a major subdivision.

This application involves two parcels owned by Mr. Reddick and Mr. Smith, who combined them and divided them into seven buildable lots, of at least an acre apiece. Something they will have to consider if this is declared a major subdivision is that the Department of Health will have to be involved in sewerage.

MOTION made by Vice-Chairman Aubertine, 2nd by Board Member Heckmann to declare this a major subdivision.

7:50 --- Town --- Alton & Shirley Gushlaw, County Route 5, Tax Map No. 42.00-1-9.1, in the Agricultural-Rural Residential District. Consider Simple Minor Subdivision.

With a generic SEQR on file and the lots being of legal size, **MOTION** made by Board Member Heckmann, 2nd by Board member Kehoe to approve the application.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, Ron Duford, Duane Hazelton
Nay: None Abstain: None Absent: Preston Lowe, Twyla Webb

7:52 --- Town --- Danny DeSimone, 39425 Farm Road, Tax Map No. 20.13-1-1.0, in the Marine-Residential District. Consider Simple Minor Subdivision.

With a generic SEQR on file and the lots being of legal size, **MOTION** made by Board Member Kehoe, 2nd by Board Member Duford to approve the application.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, Ron Duford, Duane Hazelton
Nay: None Abstain: None Absent: Preston Lowe, Twyla Webb

7:55 --- Town --- Phillip Randazzo, County Route 3, Tax Map No. 20.00-1-29, in the Agricultural-Rural Residential District. Consider Simple Minor Subdivision.

With a generic SEQR on file and the lots being of legal size, **MOTION** made by Board Member Duford, 2nd by Board Member Kehoe to approve the application.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, Ron Duford, Duane Hazelton

Nay: None

Abstain: None

Absent: Preston Lowe, Twyla Webb

Old business:

On May 15, the application from Iberdrola Renewables will expire. Chairman Baril spoke with ZEO LaClair, and will speak with the Town's attorney, Joe Russell, to find out the proper procedure now. He may also contact Iberdrola to see if they plan to proceed, as they have had two extensions already. They can file a new application. The previous one had a DGEIS, which is generic. Chairman Baril assumes that if they file a new application, the process would start anew, and it will contain a DEIS, which has more specifics.

Chairman Baril allowed comments from the public who were present, two of whom were on the wind committee, and also Cindy Grant. John Jepma, who was on the wind committee, felt that the new law would have passed if not for last-minute information which caused two Town Board members to vote based on economics, not on science, which is what the committee was charged to investigate. Board Member Paul Heckmann and others felt that the committee did the job they were supposed to do and did it very well.

Jamie Lee, also on the wind committee, thanked the Planning Board for realizing the importance of the matter and for taking its time over the past couple of years to make sure that the matter was investigated properly. Cindy Grant declined comment.

At 8:15, Vice-Chairman Aubertine presented a letter of request to the State to have the Joint Town and Village of Clayton Planning Board be lead agency for SEQRA for the Town of Clayton and Village of Clayton LWRP.

MOTION made by Board Member Duford, 2nd by Board Member Kehoe to have the Joint Town and Village of Clayton Planning Board be lead agency for SEQRA for the Town of Clayton and Village of Clayton LWRP.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, Ron Duford, Duane Hazelton

Nay: None

Abstain: None

Absent: Preston Lowe, Twyla Webb

At 8:20, **MOTION** made by Chairman Baril, 2nd by Vice-Chairman Aubertine to adjourn this regular meeting of the Planning Board.

Respectfully submitted,

Janet Sullins
Recording Clerk