

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
MAY 7, 2009

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, John Kehoe and alternate Duane Hazelton sitting in for Preston Lowe

Absent: John Eppolito, Preston Lowe, Ron Duford and alternate Gail Richardson

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

Townpeople present: Jenny Burke, David Brennan, Nancy Madson, Brett Morgan, Cindy Grant, Larry Hartmann

The Board reviewed the minutes from the April 2nd meeting. With no changes suggested, **MOTION** made by Board Member Paul Heckmann, 2nd by Vice-Chairman Larry Aubertine to approve the minutes as written. Minutes from the March meeting still stand as a draft, as there were not enough members present from that meeting to approve them.

New business: Chairman Baril distributed minutes from a Planning Board Special SEQR meeting from April 29, where a special SEQR for Restore New York grants for two projects were considered. Those projects are the former Golden Anchor building and RJ Marine on Riverside Drive. A short form SEQR was approved, but only for the grant approval, not for specific buildings yet.

On May 27, at 6 p.m. there will be a meeting of the Planning Board, Wind Committee and Town Board. This will be a forum for discussion of the Wind Committee's findings.

Chairman Baril pointed out that the Village of Clayton was Coastal Living Magazine's America's Best Small town in the Great Lakes area.

Chairman Baril passed out invitations to the Open House for the updated Samaritan Health Clinic on Strawberry Lane.

7:10 --- Town --- David McCarter, 17040 Co Rte 11, Tax Map No. 42.00-2-9.21, in the Agricultural-Rural Residential District. Consider Simple Minor Subdivision.

With a generic SEQR on file, and the lot being of legal size, **MOTION** made by Vice-Chairman Aubertine, 2nd by Board Member John Kehoe to approve the application as requested. Motion carried.

7:12 --- Town --- Robert Meeks, Wood Road, Tax Map No. 42.00-1-25.3, in the Agricultural–Rural Residential District. Consider Simple Minor Subdivision

With a generic SEQR on file, and the lot being of legal size, **MOTION** made by Vice-Chairman Aubertine, 2nd by Board member Kehoe to approve the application as requested. Motion carried.

7:13 --- Town --- Donald A. Desrosier, 35969 Bald Rock Road, Tax Map No. 30.00-3-15, in the Agricultural-Rural Residential District. Consider Simple Minor Subdivision.

Mr. Desrosier will have to go before the Zoning Board of Appeals because one lot of the requested subdivision is substandard. There will not be enough road frontage remaining after 25 feet is given to the other lot to avoid needing a variance with a house otherwise being too close to the new lot line. At the time of the original construction, only 100 feet of road frontage was required. With a generic SEQR on file, **MOTION** made by Vice-Chairman Aubertine, 2nd by Board Member Kehoe to approve the subdivision as requested.

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 re-convened the Public Hearing. He commended David Brennan and his team for the excellent job they did on their follow-up work to site the cell tower. No one from the citizenry was present to ask questions or make comments, but several board members still had questions. Board Member Paul Heckmann asked about the small differences in the first and subsequent drawings. Mr. Brennan told him that, as a result of looking into the wildlife habitat issue, they needed to move the driveway a little so as not to disturb some trees that were likely bat roosts. Their full archaeological review came back clean; there were no structures that could be considered historical, and shovel tests revealed no artifacts. They would time construction so as not to disturb nesting raptors. Mr. Heckmann then asked about the three shaded rectangles indicated on the site plan. Mr. Brennan said that Verizon would use one; the other two would be there in the event that any other carriers would want to rent space at a later date. They would have to come before the boards.

As there were none present to oppose or other letters of opposition, Chairman Baril began the process of completing Part II of SEQRA (Part I was done by the project's sponsor; the Board reviewed it before proceeding with Part II)

At 7:35, Chairman Baril asked for a motion to declare this a negative declaration. **MOTION** made by Board Member Kehoe, 2nd by Vice Chairman Aubertine. Motion carried. He then asked for a motion to close the Public Hearing. **MOTION** made by

Board Member Kehoe, 2nd by Vice Chairman Aubertine. Motion carried. At 7:45, **MOTION** made by Vice Chairman Aubertine, 2nd by Board Member Kehoe to approve the application with the following provisions: for Verizon to install an EMS or other emergency antennae at some future date as required, subject to Verizon's co-location policy. And, for a bond of \$30,000.00 to be posted for decommission and subsequent removal as per local law.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, John Kehoe

Nay: None Absent: Preston Lowe, John Kehoe, John Eppolito Abstain: None

Other business:

Iberdrola suspension extension: Chairman Baril reread the letter Iberdrola sent to the Board requesting an extension to their one-year suspension. He also had input from Board Member Ron Duford and Alternate Gail Richardson, neither of whom could attend tonight's meeting. Chairman Baril had concerns about revising Local Law #1 before extending the suspension, so he invited the Town's attorney, Joe Russell, to attend and give his input. After discussion and questions answered, it was determined that it would be less of a drawback if we allowed the extension. If not, SEQR would have to be done over, and the lead agency might change. DEIS would have to be resubmitted and comments and letters recatalogued. It would be better for the local Planning Board to be lead agency. Jenny Burke, representing Iberdrola, will make sure that their attorney provides a letter stating their position. Also, the bat disease is spreading, but they are prepared to move forward and will have a supplemental EIS. Iberdrola has not yet, but intends to sign the State Code of Ethics, but they are not the only ones. They want to wait until it is finalized.

At 8:10, **MOTION** made by Vice-Chairman Aubertine, 2nd by Board Member Kehoe to renew the extension for one-year from the current deadline of May 15, 2009, providing that, before the review process is restarted, the code of ethics be signed.

Aye: Bud Baril, Larry Aubertine, Paul Heckmann, John Kehoe and Duane Hazelton

Nay: None Absent: Preston Lowe, John Kehoe, John Eppolito Abstain: None

With Attorney Russell sitting in, the Board and ZEO LaClair reviewed their final changes to the proposed amendments to the Town of Clayton Ordinance. The main change is the revision and addition of zoning districts on Grindstone Island, and the regulations within those districts.

At 8:45, with no other business arising, **MOTION** made by Vice Chairman Aubertine, 2nd by Board Member Kehoe to adjourn this meeting.

Respectfully submitted,

Janet Sullins
Recording Clerk