

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**PLANNING BOARD MINUTES**  
**October 4, 2012**

The meeting was opened at 7:00 p.m. with the following members present: Chairman Bud Baril, Duane Hazelton, Vice-Chairman Larry Aubertine, Ronald Duford, Brian Jones, Alternate John Neuffer (sitting in for Brian Jones during recusal for Clayton Marina), Alternate Doug Rogers (sitting in for Preston Lowe), Alternate John Kehoe (sitting in for Paul Heckmann). Absent: Paul Heckmann, Preston Lowe

**Also present:** ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Janet Sullins

**Townspople Present:** Justin Taylor, Amanda Taylor, as tech support for new screen, Dennis Horton, Jeff Carroll, Tory C. Jones, Dick and Pat Alexander, Tracy L. Brabant, Steve and Susan Nuber, Wendell Yerdon, Wyatt Yerdon, Nathan Mitchell, Matt Yerdon, Michael Pavlot, Suzanne Pavlot, Stephen Rolfe, Cindy Grant

Chairman Bud Baril explained to those present how using the new screen connected to the laptop was making it easier for townspeople to see the SEQRA review process and also any plans.

The Board reviewed the minutes from the September meeting; five corrections were noted. **MOTION** was made by John Kehoe, 2<sup>nd</sup> by Vice-Chairman Larry Aubertine to accept the minutes with corrections. Motion was carried.

Chairman Baril mentioned to the Board that there is a training session at JCC on Monday, October 22, if anyone would like to go. ZEO LaClair said he e-mailed them the information already. Chairman Baril plans to attend.

**7:07 --- Wendell Yerdon, 17364 Hart Road, Clayton, Tax Map # 52.00-1-18.21, in the Agricultural-Rural Residential District. Public Hearing 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.

Chairman Baril said that he and Assistant ZEO and Codes Enforcement Officer, Richard Ingerson went to the planned site with Mr. Wendell Yerdon and Jeffery Carroll taking a sound meter to record decibel levels. It was a quiet day, and ambient sound was recorded at 30-31 decibels from Mr. Yerdon's and Mr. Carroll's houses. As Mr. Yerdon fired several shots in the range area, the decibel meter registered 39, an 8 decibel increase, and it could be heard from the houses. Chairman Baril said that a 5 decibel increase is discernable. As an isolated incident, it is not a nuisance, but with many rounds being fired over the course of a session, it could become objectionable. Mr. Yerdon mentioned that normally the prevailing wind is from the west, and

would carry away the shotgun sounds, but that day it was from the southeast. Mssrs. Ingerson and Baril concurred.

The Public Hearing was opened at 7:15. Mr. Pavlot spoke on the packet of information he handed out at the start of the meeting. He downloaded page 3 from the County Map Viewer. Overlaying the map of the proposed range, it shows that part of it lies in protected Federal Wetlands. Mr. Yerdon would need a special permit to fire over U.S. waters. Discharging a gun with lead shot is not considered a hazardous waste until brought onto Federal Wetlands. A trail of water from there leads to Mr. Pavlot's land. Chairman Baril suggested contacting the DEC; Mr. Yerdon said he already had done so. Mr. Ingerson said he could get him the phone number for the Army Corps of Engineers. There is a possibility that he could move the site away from the water. He also needs buffers from the parking lot and any other buildings. A letter from the Army Corps of Engineers is also going to be needed.

In the filed application, page 2 was omitted, whether erroneously or it was missing from the packet. It asked to mark any buildings on the site. He said there would be a restroom facility and parking lot. Chairman Baril said he needed to fill out that sheet and return it to him promptly. Mr. Pavlot asked to see the application and noted the missing page.

At 7:30, the Board did the Long Form SEQR. There was a drawn-out discussion on the public controversy and sound mitigation issue. Vice-Chairman Aubertine thinks that mitigation by limiting hours of operation would be unfair. As a SEQR item, public controversy is definitely a concern. (As of now, hours of operation would be a couple of evenings per week, hours changing with the seasons, for club activity; 10-6 on Saturdays; and some Sundays 12-6 for "special occasions".)

At 7:55, MOTION made by Larry Aubertine, 2<sup>nd</sup> by John Kehoe to make this a negative declaration. Motion carried.

Mr. Pavlot still thinks lead contamination is a concern, although it was mentioned that steel shot may be used. He believes that there would be an impact on non-threatened wildlife, as his report mentions several websites to review for proof that birds eat the shot as grit, and have been found dead on ranges. Mr. Hazelton said that steel shot should mitigate that. Mr. Pavlot brought to the board's attention that in his packet it talks about contaminating the water supply and ground water. Board member Jones said that is why they want a letter from the Army Corps of Engineers. Then Mr. Pavlot mentioned that the parcel is zoned Agricultural/Residential. Bud said that two meetings ago, the Planning Board did a Site Plan Review, and this is a permitted use. Mr. Pavlot thought it should have been a Special Use Permit, as this is a small commercial enterprise. ZEO LaClair said that under SPR uses, it is a recreational facility. Chairman Baril said that Mr. Yerdon needs to bring back more information. Mr. Ingerson said that the recreational facility has setback regulations of 100 feet or more as opposed to 25 feet.

A question turned in by Mr. Carroll regarding property values was answered by suggesting he talk to the assessor.

At 8:07, **MOTION** made by Board Member Duford, 2<sup>nd</sup> by Vice-Chairman Aubertine, to close the Public Hearing. Motion carried. No action will be taken until more information is provided by Mr. Yerdon.

**8:10 --- Village --- Clayton Marina, Cantwell Terrace, Clayton, Tax Map # 20.48-2-12.17, in the General Residential District. Public Hearing to site a Boat Storage Building on property on Cantwell Terrace.**

At 8:10, the Public Hearing for Clayton Marina was opened. Board Member Brian Jones recused himself from voting as he acting as a consultant for the developer. Alternate John Neuffer will sit in for him.

Dennis Horton was present for Clayton Marina. At the last meeting, the developer was asked to move the building further back on the site, and to stagger the buffering trees. They also changed the main entrance to the back of the building, with a gravel road coming off Cantwell Drive. There will still be another entrance off Cantwell Terrace.

At 8:15, the Public Hearing was opened. A letter from the Bondellios was read into the record. They are next door neighbors, and are against this project as they feel it would detract from the value of their home. Another letter, previously sent from the direct neighbors, Steve and Susan Nuber, was reread. They also had stopped into the office and found that there were other uses allowed in the general residential district. They did not know this when they replaced their older seasonal mobile home with a year-round double-wide over two years ago. They are also concerned that a commercial business of that size would deter further building of residences. They had also asked the setback be changed from 45 to 70 feet from the side of their home, but that did not occur, although the building is being moved back considerably, behind the Bondellios. That satisfied the Nubers' concern. The Nubers' other concerns were that it be painted neutral beige, with perhaps a green roof, that the buffering trees be staggered, and to keep lighting at a minimum. These will all be acted upon as requested. The lighting will only be on three sides, away from the residences on Cantwell Drive, and be 27-watt downlights. The trees will be 5-6 foot blue spruces. Mr. Jones said there will be substantial trees and they will be maintained.

Another letter, from Shari Mastic, gave concerns about the understanding of being a residential community when she moved in, and wanted to keep it so. She also was concerned about the safety of the small children in the neighborhood. Also, would debris be coming off the vehicles be "strafing" cars parked in driveways.

Jefferson County Planning sent their letter saying it is of local concern only, but the Board should consider whether it is consistent with a neighborhood district, and should ask for lighting and drainage reports.

Mr. Nuber asked that his requests be considered.

The Planning Board already took lead agency and will do a short form SEQ. Regarding a question about drainage, Mr. Jones said the property slopes away from the road toward the creek far back on the property. They are grading the lot and designing the building to keep water draining away from the road. There is a planned gravel driveway, not blacktop.

At 8:35, **MOTION** made by Vice-Chairman Aubertine, and 2<sup>nd</sup> by John Kehoe to make this a Negative Declaration. **MOTION** made by Vice-Chairman Aubertine, and 2<sup>nd</sup> by John Kehoe to close the Public Hearing. Motions carried.

As mentioned earlier, there will be no lights on the neighborhood side of the building, just three lights on the opposite side, and one each above the doors. The small building on the plans is a mechanical room, to monitor the in-floor heating. Signage has not yet been addressed.

At 8:50, **MOTION** made by Vice-Chairman Aubertine, 2<sup>nd</sup> by Board Member Duane Hazelton to approve the application relative to the following conditions attached:

- 1-You must plant 5'-6' foot trees as indicated on your site plan and maintain them or replace them with like trees if they die. The trees will be planted as weather and seasons permit.
- 2-The building and roof must be built with earthtone colors.
- 3-All lighting must be low level downcast on entry doors as indicated on the site plan.
- 4-All grassy areas will be maintained at a height of not more than 10" at all times.

Aye: Bud Baril, Larry Aubertine, Duane Hazelton, Ron Duford, John Neuffer, John Kehoe, Douglas Rogers

Absent: Paul Heckmann, Preston Lowe

Abstain: Brian Jones

Nay: None

\*Zoning and building permits must be obtained from the Zoning Office prior to any change of use.

**8:55 --- Village --- Richard Alexander, Jr., 718 James St., Clayton, Tax Map # 20.55-1-17, in the Business District. Regarding siting of professional offices and retail and retail services.**

Ms. Tory Jones wished to come back and speak again. Chairman Baril gave her two minutes to speak. Chairman Baril said that he has met with the engineer, Rob Company, and with Mr. Alexander several times, and has visited the site. The site has been resurveyed and the markers pointed out on the site drawing on the screen. The gravel that had been used as fill is only over the line a small amount. The fence is old; the fill has no impact on its bowing. There are already three drains on the property, but there are other drains proposed, and the gravel and dirt fill should handle 4-5 times more water/runoff than the ground does now. The land will be pitched toward the existing drywell on the other side of the property. The existing catchbasins will be opened to be sure they are working properly. A slight (perhaps only 6 inch) berm will be created along another area to ensure the water will backflow away from Ms. Jones' property. If the driveway is ever paved, all this would change drastically. Mr. Alexander would have to come back before the board to have that approved.

Ms. Tracy Brabant asked for "North" to be pointed out on the drawing.

Mr. Alexander would also have proper roof drainage and downspouts installed to eliminate most of the runoff heading toward Ms. Jones' property. Chairman Baril asked about snow removal. Obviously, if it is left in piles, particularly on a paved surface, that would create more runoff. Removal would be the appropriate action to take.

Ms. Tory Jones spoke. She read from a list, concerned mostly about the runoff heading toward her house and even around to two other neighbors. Again, paving would be worse than gravel. She also mentioned that this was a site previously owned by Frink Snowplow, and was very concerned about the ground being polluted. Board member Duford said that the land hadn't been disturbed in years, and pollution would only be a concern if there is digging. If it becomes a concern, the onus is upon the owner to remedy the situation. Code Enforcement Officer Ingerson said that they could ask the Village DPW to fill the old catch basins to see where the water goes.

Chairman Baril said that Mr. Alexander got a soils expert to look at the remediation so far, and read from a report that basically said the cubic feet of water running off now is considerably less than before. Besides we have had a dry summer which hardened the land. Now that we have had more rain, it will soften and allow absorption. He used a Buffalo, NY company called Materials, Sand and Gravel Company.

Being an engineer, Board Member Jones suggested that the board be presented with a stamped letter from the Rob Company, Mr. Alexander's engineer on the project.

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.

At 9:30, **MOTION** made by Vice-Chairman Aubertine, 2<sup>nd</sup> by Board Member Kehoe to approve the application subject to the following stipulations:

- 1- You must return to the Planning Board for approval before installing any pavement on the property.
- 2- You must get a stamped and signed letter from an engineer that the runoff of rainwater is not worsened and hopefully improved by the alteration of the grade you made to your property.
- 3- You must install rain gutters to the west side of the building and direct the runoff to be controlled on your property.
- 4- The only businesses that you are allowed are from Article XI, §132-73-I-Professional Offices & J- Retail Sales & Services.

\* Zoning and building permits must be obtained from the Zoning Office prior to any change of use.

Aye: Bud Baril, Larry Aubertine, Duane Hazelton, Ron Duford, John Neuffer, John Kehoe, Douglas Rogers, Brian Jones

Absent: Paul Heckmann, Preston Lowe

Abstain: none

Nay: None

**Town --- Matthews, George L. --- Brown Road, Grindstone Island, Tax Map #12.17-1-43.1, in the Agricultural Island-Residential District. Consider Two-lot Subdivision.**

This is a legal lot, and a generic SEQR is on file. One letter opposing from Rusty Luce, concerning more residents, inadequate dockage and unlicensed cars. At 9:35, **MOTION** made by Board Member Brian Jones, 2<sup>nd</sup> by Board Member Duane Hazelton to approve the subdivision.

Aye: Bud Baril, Larry Aubertine, Duane Hazelton, John Neuffer, John Kehoe, Douglas Rogers, Brian Jones

Absent: Paul Heckmann, Preston Lowe

Abstain: none

Nay: Ron Duford

Board Member Duford said that previously it was conforming until they changed the size requirements, and then it became a non-conforming lot, but grandfathered in to make it legal. Now, this will make it a non-conforming lot, still not coming up to the size of a legal lot.

**Town --- Frontenac Islanders, Inc. --- 15749 Round Island, Tax Map # 20.07-1-23.11, in the Marine -Residential District. Consider Two-lot Subdivision. LD-11-12**

For LD 11-12, joining A & B to make it closer to legal size. Generic SEQR on file. Condition is that they must be joined by deed.

**At 9:32, MOTION made by Board Member Brian Jones, 2<sup>nd</sup> by Board Member Duane Hazelton to approve the subdivision.**

Aye: Bud Baril, Larry Aubertine, Duane Hazelton, John Neuffer, John Kehoe, Douglas Rogers, Brian Jones

Absent: Paul Heckmann, Preston Lowe

Abstain: none

Nay: Ron Duford

**Town --- Frontenac Islanders, Inc. --- 15749 Round Island, Tax Map # 20.07-1-23.11, in the Marine-Residential District. Consider Two-lot Subdivision. LD 12-12**

For LD 12-12, joining A & B to make it closer to legal size. Generic SEQR on file. Condition is that they must be joined by deed.

**At 9:35, MOTION made by Board Member Brian Jones, 2<sup>nd</sup> by Board Member Douglas Rogers to approve the subdivision.**

Aye: Bud Baril, Larry Aubertine, Duane Hazelton, John Neuffer, John Kehoe, Douglas Rogers, Brian Jones

Absent: Paul Heckmann, Preston Lowe

Abstain: none

Nay: Ron Duford

**Other business:**

Letter received from Iberdrola Renewables, Jenny Burke, that states that Atlantic Wind LLC still wants to continue to pursue Horse Creek Wind Farm, but now through the State's Article 10 review process. Larry said the State would have the onus to prove our wind law is unreasonable.

At 9:45, **MOTION** made by Vice-Chairman Larry Aubertine, 2<sup>nd</sup> by Bud Baril to adjourn this meeting. Motion carried

Respectfully submitted,  
Recording Clerk,  
Janet Sullins