

**APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
OCTOBER 6, 2011**

At 7:04 Chairman Bud Baril opened the regular meeting of the Joint Town / Village of Clayton Planning Board with the following members present:

Chairman Bud Baril, Vice Chairman Larry Aubertine, Twyla Webb, Duane Hazelton, Ron Duford, Alternate John Kehoe sitting in for Paul Heckmann, and two new alternates, Brian Jones and John Neuffer.

Others Present: Zoning Enforcement Officer Henry LaClair, Assistant ZEO / Code Enforcement Officer Richard Ingerson, Recording Clerk Susan Kenney

Townpeople Present: Bud Williamson, Cindy and Daniel Grant, Jerry Gardner, Russell Pope, Peter Kreissle

The minutes from the September meeting were reviewed, and a couple of changes were suggested for clarification. At 7:08 **MOTION** was made by Vice Chairman Aubertine, 2nd by Alternate Kehoe, to accept the minutes as amended. Motion carried.

It was announced that Clayton has received a \$250,000 grant for development of the former Frink site. Vice Chairman Aubertine further clarified that there is a matching grant for the developer, so the village now essentially has \$500,000 to work with.

7:09 --- Village --- Re-open Public Hearing for Griff's Redemption, LLC, 728 James St., Clayton, Tax Map No. 20.55-1-17, in the Business District. Request to use building as bottle and can redemption center.

The public hearing for Griff's Redemption, LLC, was re-opened with Mr. Russell Pope presenting for Griff's. Chairman Baril noted that a new driveway on the site was now in, making for better traffic flow with one way in and a second way out. There were no public comments from the floor. It was noted that at a previous meeting, a neighbor had expressed concern with the redemption center attracting vermin and with keeping the site clean. Mr. Pope responded to that concern by saying that the other three Griff's locations had no problems with rodents, so this should not be an issue. He further reiterated that he has no plans for either soda or propane sales on site.

At 7:13 **MOTION** made by Vice Chairman Aubertine, 2nd by Alternate Kehoe, to close the public hearing. Motion was carried.

At the previous meeting, the question had arisen to the definition of a redemption center and how it would be treated under the current zoning ordinance. The question had been referred to the Zoning Board of Appeals, which in its meeting of September 19, 2011, had determined, in agreement with ZEO LaClair, that a redemption center would be considered under the definition of retail service, which makes it a legal usage for the location. So this now becomes a site plan usage.

Chairman Baril and ZEO Ingerson had sat down with the owner of the property, Mr. Alexander, to discuss his long-term plans for the property. These plans include as many as four businesses, perhaps even adding an upper deck to expand available space. Adding the driveway now has facilitated these long-term plans. He needs to come back to Chairman Baril and ZEOs LaClair and Ingerson to keep them abreast of ongoing developments.

Concerning Griff's Redemption specifically, all customer dropoffs will be outside, so the Planning Board does not need to worry about the interior of the building; that will be the responsibility of the Code Enforcement Officer, Mr. Ingerson. Chairman Baril stressed that there needs to be timely pickup of the dumpster, which further needs screening and fencing, and must be maintained. Mr. Pope responded that most of what will go into the dumpster will be plastic bags, only occasionally plastic bottles that can't be redeemed.

It was noted that in the future Mr. Alexander might consider blacktopping the driveway, but it was not essential now, since the gravel was well-packed. The DOT has no problems with the current driveway since it is pre-existing. Signage will be needed to indicate entrance and egress, and reflectors should be considered along the driveway to clearly designate the borders. Regarding parking, Mr. Pope anticipates no more than two people working at the redemption center, so the current parking space is fully adequate. Mr. Alexander will have to consult with his future tenants as parking problems arise. Mr. Pope roughly estimates that the business will have a maximum of ten customer cars per hour. At the Carthage location, four or five cars at any one time is very busy, and the usual number is only two or three; he anticipates that the Clayton location will be less busy. Mr. Pope had not planned on adding exterior lighting, since he has no plans to be open after dark. He is considering some minimal landscaping around the sign.

Alternate Kehoe went over the site plan questionnaire. Chairman Baril noted that there had been some drainage problems, but these would be dealt with by the owner. As for signage, because of the potential for other businesses in the same building, Mr. Pope might want to work with Mr. Alexander to avoid exceeding the current size limit on signs. The possibility of something like a mini-mall sign, with smaller signs added underneath as businesses were added, was broached. All this, however, would count as one sign when determining the size. Under the current zoning ordinance, only one business sign is allowed per property; this would change under the proposed ordinance. Member Duford noted that as the owner of the property, Mr. Alexander would normally have come in, or specifically appointed Mr. Pope as his agent; was it fair to Mr. Pope to make demands of him when he was not the owner, nor the owner's appointed agent.

At 7:48 **MOTION** was made by Vice Chairman Aubertine, 2nd by Alternate Kehoe, to approve the application with the following stipulations: there would be signs on the driveways indicating one way in and one way out; the dumpster would be adequately screened; the dumpster would be located at the northwest corner of the building; some kind of location markers or reflectors would be placed on the driveways; there will be no outside storage of cans, bottles, or recyclables on the premises.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Twyla Webb, John Kehoe acting for Paul Heckmann, Ron Duford, Duane Hazelton.

Nay: none

Abstain: none

Absent: Paul Heckmann, Preston Lowe

7:51 --- Village --- Jerry Gardner, 719 James St., Clayton, Tax Map No. 20.47-4-3, in the Business District. To locate an accounting office.

Mr. Gardner did the presentation. He is planning on putting an accounting office in a home on State St.; the occupant of the house is an employee of the business. A letter from Jefferson County was read, in which the County stated it could not do a complete assessment due to a lack of sufficient information in the site plan, and suggested that all applicants should be required to provide all necessary information.

At 7:55, **MOTION** was made by Member Webb, 2nd by Member Hazelton, to close the public hearing. Motion was carried.

It was noted that the house currently has enough parking space for two cars, one of which might be the resident's vehicle. There are no restrictions placed by the DOT on parking on State St.; that is the responsibility of the village to place any restrictions.

At 8:00, **MOTION** made by Alternate Kehoe, 2nd by Vice Chairman Aubertine, to approve the site plan application with no amendments or conditions.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Twyla Webb, John Kehoe acting for Paul Heckmann, Ron Duford, Duane Hazelton.

Nay: none

Abstain: none

Absent: Paul Heckmann, Preston Lowe

8:01 --- Pre-application conference for WRVO Radio / Digital Radio Engineering, 40544 State Rte 12, Clayton, Tax Map #20.08-1-6.5, in the Agricultural-Rural Residential District. Intending to put a satellite radio transmitter on pre-existing tower at Spicer Bay.

Mr. Bud Williamson did the presenting. Due to complaints that the signal for the public radio station WRVO, based in Oswego, NY, did not travel far enough to the Clayton and Alexandria Bay areas, WRVO is applying for a frequency in this area. They desire to use a pre-existing tower in the Spicer Bay area; the tower itself is over 300 feet tall, but the antenna would be placed at 82 feet above ground level. There would need to be equipment placed in an outside rack; this looks a bit like a refrigerator, is enclosed, and has heating built in; it is approximately 36 in. x 36 in. x 5 ft. It would be located within the fenced-in compound already around the tower. The antenna is not a dish; it has four components. It would receive transmissions from a satellite, at 89.3 MHz. There would probably be a small terrestrial backup receiver pointed at Watertown in case the satellite goes down.

The Jefferson County Planning Board has determined that adding an antenna to the tower triggers a Type I action, so the application needs a long-form SEQ. R.

Member Duford raised a question about there being any guarantees that the tower would not be overloaded, and that there would be no problems with wind shear. Mr. Williamson replied that there will be a structural analysis on the tower done, a copy of which can be sent to the Planning Board. Concerning installation, no heavy equipment is needed, so there should be no disruption; it is typically a quick installation process, with no potential debris on the road or damage to it.

A public hearing for this application was set for November 3, 2011, at or shortly after 7:00 p.m.

8:21 --- Village --- Waterfront Assessment Form for replacement of an existing dock owned by Peter Kreissle on Washington Island.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Twyla Webb, John Kehoe acting for Paul Heckmann, Ron Duford, Duane Hazelton.

Nay: none

Abstain: none

Absent: Paul Heckmann, Preston Lowe

8:53 --- Frontenac Islanders, Inc., Round Island, Clayton, Tax Map #20.07-1-23.11, in the Marine-Residential District. Simple Subdivision (LD 12-11).

A generic SEQR is on file for this property. This property was abandoned and went to the county. The septic is decaying. The house lies on two property lines. Lot #2 would be joined to Lot #1. It is a "lot of record," meaning that at the time of the original application it was a conforming lot, but the new zoning ordinance made it NON-conforming. Vice Chairman Aubertine declared that the intent of the law is to make lots as close to conforming as possible. Chairman Baril added that Town Attorney Joe Russell had stated that if an action makes a non-conforming lot MORE conforming, it is all right.

The question was raised, how much under conforming size is it? It is 11,238 sq. ft, but is supposed to have 30,000 sq. ft. to be conforming. The deed does extend out into the water.

At 8:58 **MOTION** was made by Vice Chairman Aubertine, 2nd by Member Hazelton, to approve the application.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Twyla Webb, John Kehoe acting for Paul Heckmann, Duane Hazelton.

Nay: Ron Duford

Abstain: none

Absent: Paul Heckmann, Preston Lowe

Concerning old business, it was announced that Chris Matthews has withdrawn his application for a subdivision.

9:01 --- New Business

Concerning the LWRP: more help is needed to properly assess and revise the LWRP, so the Board proposes to form a small committee of three people which would do the waterfront assessments, look over applications as they come in, report back to the Board, and also come up with a new, more streamlined form. Chairman Baril asked Alternate Jones to join this committee, along with Doug Rogers, and to look for a third member to help. Alternate Kehoe was suggested as a consultant, since he had helped to write the original LWRP. Alternate Jones agreed to join the committee.

Concerning senior housing and casitas as discussed in the previous meeting: Chairman Baril and Vice Chairman Aubertine had attended a workshop at Jefferson Community College and had consulted with persons at the workshop. They were told that the NYS Health Department can be pressured into allowing two homes on one septic system as long as the septic system is able to handle the extra usage. The village would have to write a law concerning casitas in such a way that when the seniors were no longer living in the casitas, the casitas would have to be removed.

At 9:10, ZEO LaClair brought up the possibility of emailing the applications to the Board members, rather than sending them through regular mail. After a brief discussion, the Board members were polled as to their preferences: Member Duford and Alternates Kehoe and Jones were open to receiving the applications via email; the rest of the members (five in all) opted to continue receiving them by regular mail. Therefore the applications will continue to be sent via regular mail. It was noted that this

would still make last-minute applications harder to deal with, because the members would not be getting the information in a timely manner.

At 9:18, the issue of insufficient information given to the County was brought up. The County wants more detail on the applications sent to them. The Board members agreed that this meant they would have to be more specific on forms, and especially in pre-conference hearings would need to make sure all necessary information was on the applications.

Alternate Jones, from his experience as an architect, discussed the issue of the necessity of architectural or engineering seals on architect-approved building plans. It is the law that the plans must have a seal, unless the building is under a certain size or if it will cost less than \$10,000 and does not affect public safety or structural changes. The law is more stringent on commercial buildings than on residential. If the Board accepts non-stamped applications, they will be liable under the law.

ZEO LaClair commented that these stringent government mandates are killing small businesses. Chairman Baril said it was important to know how to proceed with reviews before the Board, and agreed there was a problem with adding more expense (in requiring an architect's or engineer's seal) to small projects.

At 9:30, MOTION was made by Member Webb, 2nd by Member Hazelton, to adjourn the meeting. Motion was carried.

Respectfully submitted,
Susan Kenney, Recording Clerk