

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
JUNE 2, 2011

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:

Chairman Bud Baril, Vice Chairman Larry Aubertine, Paul Heckmann, Ron Duford, Twyla Webb, Preston Lowe, Duane Hazelton who is sitting in for Board Member John Kehoe.

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

Townspeople Present: Bob Williams, Russell Pope, Susan Docteur, Cindy Grant

The minutes from the May meeting were reviewed. A minor change was needed for clarification. At 7:08 **MOTION** was made by Vice Chairman Aubertine, 2nd by Member Duford, to accept the May minutes with the correction added. Motion carried with two abstentions from Members Lowe and Webb.

7:08 --- Addition to the agenda --- Question concerning Board Member John Kehoe and Alternate Duane Hazelton.

Discussions had been held between Chairman Baril, Town Supervisor Justin Taylor, Mayor Norma Zimmer, and Board Member John Kehoe concerning Member Kehoe becoming an alternate member, and current alternate Duane Hazelton becoming a full member of the Planning Board. All parties had been in agreement with this action. The Planning Board agreed that John Kehoe would become an alternate and Duane Hazelton a full member. A letter will be sent to both the village and the town apprising them of this action. Chairman Baril announced that he would be looking for another alternate as well.

7:11 --- Town --- Richard Ingerson, 10595 County Route 9, Clayton, Tax Map No. 30.00-2-58.2, in the Agricultural-Rural Residential District. Application for Special Use Permit.

Richard Ingerson did the presentation of the application. He intends to build a self-serve spring water enterprise at his property on County Route 9. His water has been tested and found free of contaminants, but he also plans on installing a number of filters to further ensure the water's purity. The proposed building would only be 10x14 feet and painted or stained in earth tones to blend in better with the environment. He is consulting with an engineer to make it right. Parking would be done at the building, within the boundaries of his current driveway, therefore making no intrusion on the public road. His well has an abundant supply of water and is situated about 200 ft. from his septic tank and even further from either of the neighbors. There would be lights on both the interior and exterior of the building. The State Health Department would require only regular testing of the well water; it was not known how often this would be required. The

This was an assessment form concerning a planned public dock at Frink Park. Chairman Baril read through each of the questions on the form, and the Board discussed as necessary to clarify the questions and their answers. It was noted that with this form, the Board is not approving the docks, but the concept of the docks. At 8:00 a **MOTION** to approve the assessment form, as meeting the LWRP, was made by Vice Chairman Aubertine, 2nd by Board Member Lowe.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Ron Duford, Preston Lowe, Duane Hazelton, Twyla Webb, Paul Heckmann

Nay: none

Abstain: none

Absent: none

8:05 --- Wind application update

Discussions had been held between Town Supervisor Justin Taylor, Planning Board Chairman Bud Baril, the representative from Iberdrola Renewables, and Iberdrola's attorney as to the status of the SEQR process. The town is considering amending Local Law #1 of 2007 to change the setbacks established in Local Law 1 of 2007, measuring the setbacks from the non-participating property lines instead of the non-participating residences themselves as in the prior law. Therefore Iberdrola sees no sense in pursuing the SEQR process at this point if they will have to refigure all the turbine positions with the potential passage of new setbacks.

It was brought out that the Good Neighbor Agreements that Iberdrola Renewables planned on using with non-participating residents were very restrictive regarding the property owners' rights, and also negated some of the town's zoning laws. Other documents pertaining to the DEIS were distributed to the Board members for perusal at a later time. In general, it was agreed that many more details of environmental impacts are needed in the DEIS.

The Board reviewed the Memorandum of Agreement between Atlantic Wind, LLC (a wholly owned subsidiary of Iberdrola Renewables) and the Planning Board (as lead agency for review of the Project and the DEIS). Various members brought out reservations about Clauses 3 and 4, and suggested some further additions that should be made. The agreement will not be signed by the Planning Board until such changes are made.

8:46 --- Town --- Wingerath Loving Trust, NYS Routh 12E, Tax Map No. 20.14-1-33.1, in the Agricultural-Rural Residential District. Consider a Simple Minor Subdivision.

A letter was read from Ed Corbett concerning his application in April to purchase a substandard lot from the Wingerath Loving Trust to add to his own substandard lot. The hearing had been tabled at the April meeting pending clarification of the issue of purchasing lots from the WLT. Mr. Corbett wanted to know what the status of the application was now.

Mr. LaClair pointed out that if tabled applications for subdivisions are not acted upon within 62 days, the application is considered to be passed by default, and 62 days had now passed since the April meeting. Therefore the WLT can now legally make the subdivision, and Mr. Corbett can purchase it. The combination of the two substandard lots would make a lot of legal size.

A **MOTION** was made by Board Member Webb, 2nd by Board Member Lowe, to move forward the application as presented by Mr. Corbett.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Ron Duford, Preston Lowe, Duane Hazelton, Twyla Webb, Paul Heckmann

Nay: none

Abstain: none

Absent: none

A generic SEQR was already on file. A **MOTION** to approve the subdivision, providing that the two lots would be joined together in one deed to make a legal-sized lot, was made by Board Member Lowe, 2nd by Vice Chairman Aubertine.

Aye: Chairman Bud Baril, Vice Chairman Larry Aubertine, Ron Duford, Preston Lowe, Duane Hazelton, Twyla Webb, Paul Heckmann

Nay: none

Abstain: none

Absent: none

New Business

Mr. LaClair noted that Amendment 33 had been passed. He handed out to each Board Member the amendment to be placed in their books.

At 9:01 a **MOTION** was made by Vice Chairman Aubertine, 2nd by Board Member Hazelton, to adjourn the meeting. The motion was passed.