

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
April 5, 2012

Chairman Bud Baril opened the regular meeting of the Joint Town / Village of Clayton Planning Board meeting at 7:03 pm with the following members present:

Chairman Bud Baril, Vice Chairman Larry Aubertine, Ron Duford, Preston Lowe, Paul Heckmann, Duane Hazelton, Brian Jones, Alternate John Neuffer. Absent were Alternate Doug Rogers and Alternate John Kehoe.

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

Townspeople Present: Mary Burke, Tom Bogenschutz Jr., Dave Heinrich, Chris Wendt, Cindy Grant, Les Drake, Pam McDowell, Patty Calhoun, Sheila Badour, Louis Badour, Paul Calhoun, Paul Calhoun Jr., Joe Guyett, Jim Kenney, Shari Scott, Cliff Rose, Joe ??? (can't read), Fred Schmitt, Nancy Schmitt, Justin Taylor, Augustus Potter

The minutes from the March meeting were reviewed. Several minor corrections were made. At 7:07 **MOTION** was made by Larry Aubertine, 2nd by Preston Lowe, to approve the minutes as amended. The motion was carried with abstentions from Paul Heckmann, Duane Hazelton, and Brian Jones, who were not present at the last meeting.

7:08 --- Town --- Granite Springs, LLC, between 38054 and 38068 NYS Rte. 12E, Clayton, Tax Map # 19.20-1-66, in the Agricultural-Rural Residential District. Site plan review for using property for self-storage facility.

Dave Heinrich, president of Granite Springs, did the presenting. He gave a quick review of what he had said at last month's pre-application hearing, that he planned on building a barn for boat storage with self-storage units on either side. He supplied maps with elevations for the Board and townspeople to look at. Several questions were posed to Mr. Heinrich, the first concerning the trench that had been dug on the property. The Board's concern about the trench was that it would make the land more unstable and bring more water down onto the neighboring properties, which are at lower elevations. The Board also needed an assurance that the screen between the properties would not be compromised. Mr. Heinrich assured that the trench would be filled in as some of the property's berms are flattened, and made more stable. As part of the solution, Mr. Heinrich should consider routing the water coming off the buildings, perhaps to manholes to take the water to safer lower areas. Gutters on the buildings could be angled to take the water toward the back of the buildings and toward the pit. Mr. Heinrich noted that he plans to have the property sloped toward the pit anyway, so everything will drain there. He can also put a small berm between his property and the one immediately in front of his, to prevent drainage into the adjacent property.

Another concern was the septic system on the other side of the area; it does not drain into the old gravel pit but has its own leach field. The concern was whether the leach field was the requisite 100 feet from the wells of the neighbors. The neighboring wells were not shown on the map, but the neighbors were present and pointed out the approximate locations of their wells. It was suggested that the leach field be moved to the other side of the building so as to be far less likely to compromise the wells. One neighbor present noted that there is water in the pit even in dry years, so it obviously was dug into the water table. He questioned whether drainage to the pit will contaminate the water table. Another question involved whether those storing boats or other vehicles would be dumping oil, or antifreeze, or other toxic liquid materials. It was noted that this facility will be limited to storage only, not for changing or dumping oil or anything else.

The point was made that under town zoning, Mr. Heinrich has the right to develop his property, while the neighbors have the right to live there. The Board can ask the owner of a commercial facility to be quiet and to respect the neighbors, but can't forbid him the use of his property.

Mr. Heinrich has to make sure that even in a downpour, water won't be draining from his buildings onto the neighbors. The question of paving the area was brought up; paving could exacerbate the problem by eliminating proper drainage, or could direct the drainage with the use of curbs, etc. Using stone instead of pavement isn't the whole answer either, since stone won't direct water to drain intakes. It was noted that New York state has plans available for building a septic tank for highly permeable soil, such as the sand on Mr. Heinrich's property.

One of the neighbors was concerned with whether the leach field would contaminate the general aquifer in the area. If designed correctly, a leach field won't drain into the water table. A letter was read from New York state DOT concerning the driveway leading back to the property.

At 8:11, Chairman Baril did the SEQR form. At 8:15, **MOTION** was made by Larry Aubertine, 2nd by Brian Jones, to declare this a negative declaration. Motion was carried. At 8:16, **MOTION** was made by Larry Aubertine, 2nd by Ron Duford, to close the public hearing. Motion was carried.

The following conditions were decided upon by the Board:

1. Move the septic system from the northwest corner to the southeast corner; leave the leach field on the south side
2. Water drainage from both buildings should be routed from the gable ends to a drainage system to the pit
3. Make sure the area in front of the closed storage structure is drained so as to ensure that water won't be directed toward the adjacent properties, Tax Map numbers 19.20-1-68, 19.20-1-67.1, and 19.20-1-67.2
4. On the open storage building, gutters and drainage should direct water toward the pit, not the neighboring properties.
5. The cut will be filled in so as not to create an erosion problem and to protect the treeline.
6. There will be no commercial servicing, maintaining, draining, cleaning, or washing of any boats or vehicles within the storage facilities or anywhere on the premises.
7. There will be no storage of any hazardous materials anywhere on the premises.

8. Use tan or brown siding (or some muted color or earth hue) on the buildings, not white, to make them less obvious to the neighbors.
9. Any materials used for storage will be removed and disposed of properly; use of a dumpster will be okay.
10. Make sure all noise is kept to an acceptable level.
11. For the treeline, space the trees 6-8 feet apart; begin with 4-6 foot trees; keep them far enough from the neighboring property lines so that as they grow they won't encroach on the boundaries; replace the trees if they die out.
12. Have low-level, downcast lighting on the site; no lighted signs in the front (at the road).
13. Place some type of stop sign (professionally done; not scribbled on cardboard) at the exit.
14. Put some sort of speed limit sign on the access road; something along the lines of "Respect Your Neighbors; Go Slow" would be acceptable.
15. The owner is allowed to work on his own vehicles/boats, one at a time, in his own building.
16. The office's hours of operation will be M-F 7:30 am - 6 pm, and Sat. 7:30 am - 2 pm.

At 8:24, **MOTION** was made by Larry Aubertine, 2nd by Ron Duford, to approve the application with the above conditions.

Aye: Bud Baril, Larry Aubertine, Ron Duford, Preston Lowe, Paul Heckmann, Duane Hazelton, Brian Jones

Nay: none

Abstain: none

Absent: none

8:25 --- Village --- Shari Scott, 545 John St., Clayton, Tax Map # 20.47-1-34, in the Neighborhood Residential District. Site plan review for use of the property for a bed and breakfast.

Shari Scott did the presenting. She plans to construct a bed and breakfast within her residence, which would consist of one bedroom with a bath and off-street parking. A question was asked whether this meant a change in zoning; the answer was no, since it didn't really change the use of the property.

At 8:27 Chairman Baril did the SEQR. At 8:29 **MOTION** was made by Preston Lowe, 2nd by Larry Aubertine, to declare this a negative declaration. Motion was carried. At 8:29 **MOTION** was made by Duane Hazelton, 2nd by Paul Heckmann, to close the public hearing. Motion was carried. No conditions were added to the application.

At 8:30, **MOTION** was made by Preston Lowe, 2nd by Larry Aubertine, to approve the application as proposed.

Aye: Bud Baril, Larry Aubertine, Ron Duford, Preston Lowe, Paul Heckmann, Duane Hazelton, Brian Jones

Nay: none

Abstain: none

Absent: none

8:31 --- Village --- Augustus Potter, 627 State St., Clayton, Tax Map # 20.55-1-10, in the Neighborhood Residential- Special Use District. Consideration of a Home Occupation-B application.

Mr. Potter did the presenting. He plans on opening a home business making Adirondack furniture, with construction done within a rebuilt garage and sales done off-site. He had hoped to have the entire property cleaned up by the date of this meeting, and has gotten much done, but is not quite complete.

Letters from the Jefferson County Planning Board and a planning committee were read giving lists of concerns and advisory comments.

One neighbor asked that all stuff would be kept off the corner of the property and that the property as a whole be kept neat. Another question was asked about whether this meant a change in zoning for the property, and the answer again was no. It was noted that in the village, there are two residential zones, Neighborhood Residential and Neighborhood Residential-Special Use; this falls under the latter. Because the application falls under Home Occupation-B, the Board must go to a site plan review.

Chairman Baril did the SEQR. At 8:44 **MOTION** was made by Brian Jones, 2nd by Duane Hazelton, to declare this a negative declaration. Motion was carried. At 8:44 **MOTION** was made by Preston Lowe, 2nd by Ron Duford, to close the public hearing. Motion was carried.

The following conditions were decided upon by the Board:

1. All manufacturing operations are to be done within the garage structure.
2. All storage of materials for construction is to be contained within the garage structure.
3. Leave one space in front of the garage for customer parking.
4. Applicant is allowed an outside display area right in front of the picture windows or immediately to the left of the door; display will be limited to two chairs and a small table, with NO for-sale sign. *(This outside display was granted to the applicant by the Board waiving the restriction within the ordinance.)*
5. No machinery is to be stored or operated in the gravel parking area; all must be within the building.
6. Screen any trash barrels outside with a screened-in area on the south side of the garage.
7. Use low-intensity, downcast lighting outside, on the gable end of the building only.
8. The hours of operation are limited to Mon-Sat, 8 am - 9 pm, no Sunday hours.
9. If the applicant decides on installing an external dust-collection system, he must come back to the Board.

It was noted that the applicant has already done a lot of clean-up on his property. The Village needs to make sure that others also toe the line in regards to village zoning law as well as general village law.

At 8:59 **MOTION** was made by Ron Duford, 2nd by Paul Heckmann, to approve the application with the above conditions.

Aye: Bud Baril, Ron Duford, Preston Lowe, Paul Heckmann, Duane Hazelton, Brian Jones
Nay: none Abstain: none Absent: Larry Aubertine

9:00 --- Town --- Georgette Jones, County Route 3, Clayton, Tax Map #20.00-1-69.1, in the Agricultural – Rural Residential District. Simple Minor Subdivision.

There is a generic SEQR on file. At 9:00 **MOTION** was made by Duane Hazelton, 2nd by Paul Heckmann, to approve the application.

Aye: Bud Baril, Ron Duford, Preston Lowe, Paul Heckmann, Duane Hazelton, Brian Jones
Nay: none Abstain: none Absent: Larry Aubertine

9:01 --- Village --- Town of Clayton Fire District, 885 Graves St., Clayton, Tax Map # 20.56-1-2.3, in the Business District. Site Plan Review for the construction of a helipad.

Much of the presenting was done by Justin Taylor, Town Supervisor. The helipad would be used for an emergency landing site by various agencies (Coast Guard, National Grid, etc.) and possibly some annual training by the fire department and TIERS. There are no plans for regular runs or any commercial use. This would be financed by the federal government. The lights on the helipad site will normally be off but will come on for an emergency with a special signal. The landing and take-off pattern comes in over a field; there are no residences nearby.

Chairman Baril did the SEQR. At 9:09 **MOTION** was made by Preston Lowe, 2nd by Brian Jones, to declare this a negative declaration. Motion was carried. At 9:09 **MOTION** was made by Ron Duford, 2nd by Paul Heckmann, to close the public hearing. Motion was carried.

At 9:10 **MOTION** was made by Brian Jones, 2nd by Ron Duford, to approve the application as presented.

Aye: Bud Baril, Ron Duford, Preston Lowe, Paul Heckmann, Duane Hazelton, Brian Jones
Nay: none Abstain: none Absent: Larry Aubertine

NEW BUSINESS:

ZEO LaClair discussed with the Board the necessity of getting all pertinent information before applications are sent to the County. Board members were urged to make an effort to look at the properties under discussion for each meeting and be as informed as possible. The Board will need to come up with a checklist for all pre-application hearings; if the applicant cannot come up with adequate answers to all the items on the checklist, this must be completed before a public hearing is set.

At 9:22 **MOTION** was made by Preston Lowe, 2nd by Paul Heckmann, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*