

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
APRIL 7, 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:

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

Others Present: ZEO Henry LaClair, Town Supervisor Justin Taylor, Village of Clayton Mayor Norma Zimmer, Town of Clayton Attorney Joe Russell, Recording Clerk Susan Kenney

Townspeople: Cindy Grant, Jenny Burke, Dan Murdie, Jae Lee, Sheila Badour, Leslie Drake, Bruce Knill, Lewis Badour, Dan Frank, Karen Frank, Christine Stirling, Jim Burrows, Amy Fox, Bobby Cantwell, Pam McDowell

The minutes from the March meeting were reviewed. Only a very minor change was needed for clarification. At 7:03, **MOTION** was made by Board Member Duford, 2nd by Board Alternate Hazelton to approve the minutes with the single change. Motion carried.

Added to the evening's agenda were two conference hearings and a presentation by Norma Zimmer, mayor of the Village of Clayton.

7:05 --- Iberdrola DEIS

The board members have reviewed the DEIS and made some recommendations to Iberdrola, some of which have already made in the DEIS. The board also made some clarification changes.

Chairman Baril passed out a handout taken from the SEQR book, showing the legal process for acceptance or rejection of a DEIS and the flow of public comment. Town of Clayton Planning Board is now between Steps 8 and 9, respectively "Draft EIS Accepted for Public Review" and "Public Comment." This was given to help explain the process so far.

Town attorney Joe Russell made a presentation defining what it means to "accept" the DEIS. This means that the Board is satisfied that the document is now complete and ready for the public to review and comment upon.

The Board must now make a positive declaration to follow SEQR. Attorney Russell read the resolution so declaring. **MOTION** made by Board Member Duford to adopt the declaration, 2nd by Board Member Heckmann.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Alternate Duane Hazelton
Abstain: Twyla Webb Nay: none Absent: Larry Aubertine, John Kehoe
The Board has now made the positive declaration.

The second part of this process is to consider accepting the DEIS, as defined by Attorney Russell. Chairman Baril and Alternate Member Hazelton have been working together to review the DEIS as much as possible. Alternate Member Hazelton listed several problems still in the modified DEIS. Jenny Burke, representative from Iberdrola, responded to several of Mr. Hazelton's points, in part by saying that the current DEIS also includes part of the initial draft as reference. Board Member Heckmann wanted clarification of exactly what documents were being looked at, and was so informed.

Chairman Baril introduced the idea of an informational meeting at which the public would be informed on how future meetings regarding windpower and this particular DEIS would be conducted, and where copies of the DEIS would be attainable.

MOTION to accept the DEIS as complete and ready for public comment made by Board Member Heckmann, 2nd by Board Member Lowe.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Alternate Duane Hazelton
Abstain: Twyla Webb Nay: none Absent: Larry Aubertine, John Kehoe

Chairman Baril asked Ms. Burke when Iberdrola would have copies ready for the public, and was informed that copies would be available by next Wednesday, April 13. Copies of the disk would be delivered to the Clayton Town Hall, to be available at no charge as long as the person signed for it. Other copies would be delivered to the Hawn Memorial Library, Clayton, and the Depauville Free Library by Friday the 15th at the latest; these would not be available to be taken, but would be available for perusal in the respective libraries. Any paper copies of the document made at the Town Hall or either of the libraries would not be free, but would be charged for

The Board then discussed setting up two tentative meeting dates, the first one for the informational meeting; the second date for the first of what are envisioned as workshops, as the Board thoroughly discusses previously designated sections of the DEIS, followed by opportunity for public comments. Discussion was held as to whether these would be public hearings. Attorney Russell pointed out that the law says a public hearing must be held not less than 15 days and not more than 60 days after the motion of completion of a DEIS is filed, unless the applicant accepts a different schedule. If these are workshops, Ms. Burke said that a recording presence from Iberdrola would not be required, but such is required at a public hearing. According to Attorney Russell, the Board can keep the public hearings open until discussion is complete, simply by adjourning each meeting to be reopened at a later date. He also reminded that each public hearing should be advertised.

Tentatively, April 21st is designated at the date for the informational meeting, from 6:30 to 8:30 at the Paynter Senior Center, 914 Strawberry Lane, Clayton, since the facilities there are more conducive to a larger crowd than the Town Hall. The next meeting, the beginning of the actual review process, is set for May 12th. All meetings will be videotaped by persons from the high school, minutes will be taken, and a sound system will be provided.

Board Member Heckmann observed that he had seen an article about a 3-year study on the effects of wind turbines on birds, and wanted to know if this was required or optional. It was

identified to be optional. He also stressed that with all the time and effort going into this process, Iberdrola needed to maintain their application. Ms Burke affirmed that Iberdrola would stay the course.

This part of the meeting was concluded at 7:37 p.m.

7:40 --- Town --- Amy Fox, NYS Rte 12, Tax Map No. 20.11-2-4 in the Agricultural-Rural Residential District. Pre-application Conference for a Special Use Permit for a Retail Party Supply Store with Office Space and Storage.

Ms. Fox intends to put up a 2700 sq. ft. building on 11.62 acres to accommodate her own business with some extra storage space. After consulting with state officials, she has made some alterations to her application. The driveway has been changed so that it is longer, and also not directly across from another driveway. Board Member Lowe commented that it is always a good idea to separate commercial from residential properties. Chairman Baril read a letter from the Jefferson County Department of Planning concerning the project, stating that the County department had no issues with the proposed project, other than the ones the Town Board was already dealing with.

Chairman Baril went through the short-form SEQR. **MOTION** made to declare a negative finding on SEQR, made by Board Member Heckmann, 2nd by Board Member Webb.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Twyla Webb, Alternate Duane Hazelton
Nay: none
Abstain: none
Absent: Larry Aubertine, John Kehoe

MOTION to close public hearing, made by Board Member Webb, 2nd by Alternate Member Hazelton.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Twyla Webb, Alternate Duane Hazelton
Nay: none
Abstain: none
Absent: Larry Aubertine, John Kehoe

Outside lighting for the proposed project was discussed. Needed are high dispersion lights with a relatively low height of pole.

MOTION to approve special use with the condition that the west side of the building be buffered to lend some relief to the adjacent homeowner, and that downcast lighting be used in the parking area, made by Board Member Heckmann, 2nd by Board Member Duford.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Twyla Webb, Alternate Duane Hazelton
Nay: none
Abstain: none
Absent: Larry Aubertine, John Kehoe

Ms. Fox was asked if she was ready for a signage application; she was not ready and was told that she would probably have to see the Zoning Board of Appeals to put in a slightly larger sign.

8:00 --- 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.

Edward Corbett is looking to purchase a substandard lot from the Wingerath Loving Trust (WLT) to increase his own substandard lot. Chairman Baril read a letter from the attorneys for Mr. and Mrs. Bruce Knill, who live adjacent to the WLT lands and have specific concerns with Mr. Corbett's application. In 1983 they purchased land from the WLT and were at that time given the first right of refusal on other lands of the trust, as well as the option to purchase lands from the trust. They were not offered that option concurrent with Mr. Corbett's offer to purchase, so they state that the WLT application is deficient. Attorney Jim Burrows, who presented the Knill's case to the board, suggested that the item be tabled.

MOTION to table this application until the matter of ability to purchase land from the WLT is determined, made by Board Member Webb, 2nd by Alternate Member Hazelton.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Twyla Webb, Alternate Duane Hazelton
Abstain: none
Nay: none
Absent: Larry Aubertine, John Kehoe

It was noted that the Board needs to look into the matter of undersized lots, specifically if an undersized lot can legally add a small parcel and still be undersized.

8:15 --- Town --- Winterfred Edwards, NYS Route 12, Tax Map No. 52.00-1-6.1, in the Agricultural-Rural Residential District. Consider a Simple Minor Subdivision.

With a generic SEQR on file, the lots being of legal size, and no calls or letters against this proposal, **MOTION** made by Board Member Duford, 2nd by Alternate Member Hazelton to approve the subdivision as presented.

Aye: Bud Baril, Preston Lowe, Ron Duford, Paul Heckmann, Twyla Webb, Alternate Duane Hazelton
Abstain: none
Nay: none
Absent: Larry Aubertine, John Kehoe

8:17 --- Town --- CDF & Associates, LLC, NYS Route 12, Tax Map No. 20.08-1-56.1, in the Marine Development District. Site Plan Review for Boat Storage and Maintenance.

Information for this application was presented by Dan Frank, who with his wife and son is under contract to buy Spicer Marine Basin. He plans on building a storage building with a landscape berm around it. He hopes to clean up the entire 18 acres around the bay to make it more parklike. A drainage pond will funnel water away from the residences on Jackson Lane. He is trying to buffer the commercial area from the residential and institute a best-practices green marina, including a way to wash boat bottoms and filter system. Alternate Member Hazelton suggested floor drains.

Chairman Baril suggested some ornamentation to break up the large exterior walls of the building, and Mr. Frank said there was some already planned, including 2 colors of siding on the walls.

A question was raised as to whether DEC had looked at the fuel tank on the property. Mr. Frank said that GYMO had dug test holes all around the tank and found no leakage. A Phase 2 environmental review had been done.

A public hearing will be set for the next meeting, May 5, 2011.

8:35 --- Village --- Sheila Badour / River Vista Properties, LLC, 703 State Street, Tax Map No. 20.55-1-9, in the Neighborhood Residential / Special Use District. Request for a Special Use Permit.

Mrs. Badour presented the proposal for a local H&R Block office on the site of the former B&D market, now in the Special Use district. She has recently purchased the property and is looking to have the building ready for use by the next tax season. Not much outside structural change is needed, primarily interior. A question was raised about trash and disposal: Mrs. Badour said most of the trash was confidential papers, and those were shredded and taken away by a hired service. Another question was raised about the sign, specifically if it was illuminated (legal under village ordinance) or backlit (prohibited under village ordinance). This problem of signage may need to go to the Zoning Board of Appeals. Still another question was raised about removing the porch from the current structure; Mrs. Badour wants to put a new one on the structure, but that may be prohibited under the current ordinance. Mr. LaClair will look into the matter and come back with an answer for Mrs. Badour in the next few days.

Mrs. Badour is anticipating several more meetings before she can actually begin the process of renovation, bringing the start-date into May or even June, and is concerned that her contractor will not want to wait that long, so she would appreciate some way to expedite the process. It was pointed out that the Planning Board must first set a public hearing, then it must go to Jefferson County, and then to the Zoning Board of Appeals if she needs a variance for her signage. If a special meeting is set to speed the process, that would be at extra cost to Mrs. Badour.

A public hearing was set for the next meeting of the Planning Board, May 5, 2011.

9:00 --- Village --- Norma Zimmer, mayor, concerning village parking and parking meters.

Mrs. Zimmer handed out and explained several proposed changes in the Village of Clayton to parking on Hugunin, James, and Mary Streets, and Riverside Drive, and to parking meters in those locations. These proposed changes would require changing Sections 120-57 and 120-58 of the Village Code. Extra signage would be necessary. The Board discussed the proposals and agreed that Mrs. Zimmer should bring up the changes with the Village Board at their next meeting.

Chairman Baril brought up the problem of people parking on French Creek Bridge, and the imminent hazards involved. It was agreed that this problem will need to be addressed in the near future.

At 9:10, **MOTION** was made by Board Member Lowe, 2nd by Alternate Member Hazelton to adjourn this regular meeting of the Planning Board. Motion carried.

Respectfully submitted,

Susan Kenney, Recording Clerk