

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
November 3, 2011

At 7:00 p.m. Chairman 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, Paul Heckmann, Preston Lowe, Duane Hazelton, Alternate John Kehoe, Alternate Brian Jones sitting in for Ron Duford, and Alternate John Neuffer.

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

Townspople Present: Candi Kittle, Ellen Stiefel, Gordon Stiefel, Marla Hays, Janice Beattie, Phil Beattie, Joseph Bogovian, Cindy Grant, James Kenney

The minutes from the October meeting were reviewed, and several corrections were suggested. At 7:16, **MOTION** was made by Vice Chairman Aubertine, 2nd by Member Webb, to approve the minutes as amended. Motion carried.

Chairman Baril noted for the Board and for the townspeople present that at the next Planning Board meeting, on December 1, that desserts and coffee would be available in honor of the holidays.

7:19 --- Village --- Marla Hays, 210 James St., Clayton, Tax Map # 20.46-1-31, in the Riverwalk B District. Site Plan Review for a Restaurant.

Ms. Hays was on hand for comments and information as needed. The hearing was opened for public comments and questions. Mr. Phil Beattie, from Washington Island, questioned that (a) with the Lyric, the Koffee Kove, Bella's, and so on, should the village be giving thought to "food service density," having too many food service businesses in too small an area, as in Alexandria Bay? He also wondered if, (b) since the site had formerly held a gas station, were there still tanks underground, and was there any possible ground contamination that would adversely affect a restaurant. He further noted that (c) there was already work going on at the site, even before the Board had heard or approved the application, and questioned if this was legal.

In answer to Mr. Beattie's questions, Chairman Baril noted that (a) there are no current village regulations concerning number of food service providers; personally he feels that competition is good, and everyone should have the right to open a business as long as everything is within the zoning ordinance. (b) Per DEC regulations, the tanks will be either removed or filled with concrete. (c) There are no regulations to prevent a person from working on a property such as this, and it is not necessary to come to the Board until it comes to the actual operation of the business. Chairman Baril also noted that Ms. Hays has been in consultation with himself and the zoning officers already.

Code Enforcement Officer Ingerson added that in this specific district, Riverwalk B, this site could never be a gas station again. The tanks are still there at the present, but they will be removed.

Chairman Baril went through the short-form SEQR. In answer to a question from Alternate Jones (acting for Member Duford), it was noted that there was an oil-grease separator. At 7:29 **MOTION** was made by Vice Chairman Aubertine, 2nd by Member Lowe, to declare this a negative declaration.

Aye: Chairman Baril, Vice Chairman Aubertine, Twyla Webb, Preston Lowe, Paul Heckmann, Duane Hazelton, Alternate Brian Jones (acting for Ron Duford)

Nay: none

Abstain: none

Absent: Ron Duford

Vice Chairman Aubertine read a letter from the Jefferson County Planning Board concerning the application. The County Planning Board asked that they be provided with a scaled site plan, and suggested that the Board consider a barrier to separate outside seating from the vehicular traffic flow.

At 7:32, **MOTION** was made by Vice Chairman Aubertine, 2nd by Member Webb, to close the public hearing.

Aye: Chairman Baril, Vice Chairman Aubertine, Twyla Webb, Preston Lowe, Paul Heckmann, Duane Hazelton, Alternate Brian Jones (acting for Ron Duford)

Nay: none

Abstain: none

Absent: Ron Duford

It was questioned what the exterior color scheme would be, and noted that it should be in keeping with the downtown as a whole; the applicant is planning on flat tan or cream. It was also noted that the band around the building should be painted, but considering the weather, when would be the best timing on this so as not to overly burden the applicant. The outside seating for the restaurant had been discussed, and Ms. Hays is thinking of having outside seating where the pumps are now, on the existing island. Simple fencing is being considered to block the seating from traffic. It was also noted that the dumpsters are being removed (probably moved to a spot behind the adjacent building), and the big lightpoles are staying, but will have all downcast lighting.

Chairman Baril noted that Ms. Hays will need approval from the Department of Health. The Department of Transportation (DOT) does not necessarily have much to say on existing properties and buildings, but Ms. Hays should talk with them anyway. The most that the DOT would require would be a possible closure of one of the entrances by decorative fencing to be erected inside the sidewalks.

A question was brought up about how many doors and bathrooms the restaurant would have. It was established that there would be a large front door for customers, and a smaller door in the back for deliveries. The plan currently shows only one existing bathroom; with an occupancy of over 15, separate bathrooms for men and women are needed. It was stressed that the finished painting job on the exterior should not leave the building looking like a gas station.

Another question concerned when the Board could legitimately request that the exterior would be painted. Due to the mess involved with the removal of the tanks, and the oncoming winter, this would need to be put off until 2012, probably mid to late spring. The parking spaces cannot be

repainted until the tanks are gone and the lot is blacktopped. There are roughly 16 spaces in the lot, which should be adequate.

Another question concerned handicapped parking. There is a handicapped ramp in the front of the building facing James St., so the most logical location is close to that ramp. There are currently two spaces running parallel to James St., so one of them would work. There will need to be a sign for the handicapped parking.

The following conditions will be placed on the application:

- (1) The building is to be painted by May 25, so as not to look like a gas station.
- (2) The band around the building is to be painted in an appropriate color that matches the “historic fabric.”
- (3) Any outside seating is to be provided with an aesthetically appealing separation between vehicles and the seating.
- (4) The tanks and pumps will be removed; the lot will be appropriately restored; and after blacktopping, lined for parking including handicapped parking.
- (5) One handicapped parking spot will be located as near to the handicapped ramp as possible.
- (6) The existing metal sign will be removed, and a legal sign put up.

At 7:53, **MOTION** made by Vice Chairman Aubertine, 2nd by Member Lowe, to approve the application with the above noted conditions.

Aye: Chairman Baril, Vice Chairman Aubertine, Twyla Webb, Preston Lowe, Paul Heckmann, Duane Hazelton, Alternate Brian Jones (acting for Ron Duford)

Nay: none

Abstain: none

Absent: Ron Duford

7:34 --- Town --- Teresa J. Bearup, 39935 NYS Route 12, Clayton, Tax Map # 20.11-2-12.11, in the Agricultural-Rural Residential District. Simple Minor Subdivision.

Ms. Bearup is requesting a simple minor subdivision, taking 40 acres from a larger lot of 240 acres. The newly formed lot is big enough and has sufficient road frontage. There is a generic SEQR already on file.

One member suggested that in the future, the Board should be getting all these applications on topographical maps, which should be easily available.

At 7:57, **MOTION** was made by Member Hazelton, 2nd by Member Lowe, to approve the application.

Aye: Chairman Baril, Vice Chairman Aubertine, Twyla Webb, Preston Lowe, Paul Heckmann, Duane Hazelton, Alternate Brian Jones (acting for Ron Duford)

Nay: none

Abstain: none

Absent: Ron Duford

7:58 --- Town --- S. Gerald Ingerson, County Route 3, Tax Map # 20.15-1-1.1, in the Industrial District. Simple Minor Subdivision.

Mr. Ingerson wishes to divide 142 acres to give about half of it to the Thousand Islands Land Trust (TILT) to be used for a walking/hiking trail. The parcel includes an old railroad bed with a deteriorating trestle; this trestle would be restabilized. There would be no hunting on the lot after this season, and no motorized vehicles allowed. There is a generic SEQR on file.

It was brought out that the new lot would be landlocked, with no access to a public road, hence would be illegal. There must be an established right of way either from Black Creek Road or Route 3.

At 8:12 **MOTION** was made by Member Webb, 2nd by Member Heckmann, to approve the application with the following condition: that there be a 15-foot minimum easement connecting to a public road, as well as the old railroad right-of-way.

Aye: Chairman Baril, Vice Chairman Aubertine, Twyla Webb, Preston Lowe, Paul Heckmann, Duane Hazelton, Alternate Brian Jones (acting for Ron Duford)

Nay: none

Abstain: none

Absent: Ron Duford

OLD BUSINESS

The question was put again to the Planning Board about receiving the applications by email rather than regular mail. Alternate Kehoe voted in favor of receiving the applications by email; all the other Board members would prefer to continue receiving applications via regular mail.

Member Heckmann asked for a clarification on the Board's jurisdiction on docks and boathouses: why does the Board not have jurisdiction? The response was that docks and boathouses are on the water, and in New York State, the water is owned by the state, not by the individual landowners, with the exception of some places on Round Island where the deeded property extends out into the water. So the Board cannot issue permits for building docks and boathouses. That should be changing with the Local Waterfront Revitalization Program (LWRP) and a new emphasis on the waterfront.

So far our consistency reports have only commented on state and federal forms. But a consistency form is in the process of being drafted that will encompass local, state, and federal requirements.

At 8:24 **MOTION** was made by Member Hazelton, 2nd by Member Webb, to adjourn the meeting. The motion was carried.

Respectfully Submitted,
Susan Kenney, Recording Clerk