



## Clayton Comprehensive Land Use Plan Survey Questions

The Town and Village of Clayton is beginning the job of updating its Joint Comprehensive Land Use Plan from 1998. A Comprehensive Plan is a document that describes the history, current state, and future vision for the community. It acts as a road map to guide future growth and development while promoting the health, safety and general welfare of the people.

This survey is one of the ways to allow residents the opportunity to provide input into the process. The Committee would like to know what type of development the residents would like and where this development should occur, so several questions will be area-specific while others will be more general in addressing a variety of topics usually associated with future community planning. There are three main categories in this survey:

1. Demographics
2. Area-Specific development
3. Quality of life

The purpose of this survey is to solicit public input for use in updating the Joint Town/Village Comprehensive Plan. A duly appointed committee is overseeing this process and hopes to submit a draft of the revised Comprehensive Plan to the Town and Village Boards by 2016.

If you are interested in reading Clayton's current Comprehensive Plan, you can find it online at: <http://townofclayton.com/wp-content/uploads/2012/07/Joint-Comprehensive-Plan-.pdf>. Or you may review a paper copy at the municipal offices.

The Comprehensive Plan should reflect the ideas and opinions of the community's residents. EVERY Clayton resident and/or property owner is invited to complete this survey. Each person may submit the survey once.

Your survey responses will be kept confidential.

Please submit your completed survey by May 7, 2015.

Estimated time to complete the survey: 15 minutes.

# Clayton Comprehensive Land Use Plan Survey

## Questions

\* Required

### DEMOGRAPHIC QUESTIONS

1. **Where do you live? \***

*Mark only one oval.*

- Town of Clayton
- Village of Clayton
- Live outside, but own property within

2. **Do you own where you reside?**

*Mark only one oval.*

- Yes
- No
- Live outside, but own property within

3. **Are you a seasonal resident?**

*Mark only one oval.*

- Yes
- No

**4. Please select your age range: \***

*Mark only one oval.*

- 5 - 10
- 11-17
- 18-20
- 21-25
- 26-30
- 31-35
- 36-40
- 41-45
- 46-50
- 51-55
- 56-60
- 61-65
- 66-70
- 71-75
- 75+

**5. How do you get news about the Town/Village?**

*Check all that apply.*

- Municipal websites
- TI Sun
- WDT
- TV
- Newzjunky
- Social Media

**6. Where do you work?**

*Check all that apply.*

- Clayton
- Surrounding Towns
- Watertown
- Other area in the County
- Out of County
- Do not work
- Student
- Retired

# QUESTIONS ABOUT THE WAY LAND IS USED

The way land is used (residential, retail, office, parks etc.) in the Town/Village has changed over time. The Comprehensive Plan will help to guide the Town/Village on the types of land uses the community would like to preserve or change.

Please indicate what changes you would like to see in the Town/Village:

**7. Would you encourage or discourage the following LAND USES in the TOWN?**

*Mark only one oval per row.*

	Encourage	Discourage
Residential - single family homes	<input type="radio"/>	<input type="radio"/>
Residential - multiple unit family homes (i.e. townhouses)	<input type="radio"/>	<input type="radio"/>
Affordable housing	<input type="radio"/>	<input type="radio"/>
Senior/assisted living	<input type="radio"/>	<input type="radio"/>
Agriculture	<input type="radio"/>	<input type="radio"/>
Retail Development	<input type="radio"/>	<input type="radio"/>
Public outdoor recreation	<input type="radio"/>	<input type="radio"/>
Protection of natural areas/open space	<input type="radio"/>	<input type="radio"/>
Light Industrial/Manufacturing Uses	<input type="radio"/>	<input type="radio"/>
Motels/Hotels	<input type="radio"/>	<input type="radio"/>
Convenience Stores	<input type="radio"/>	<input type="radio"/>
Retail Stores	<input type="radio"/>	<input type="radio"/>
Tourism- based (i.e. Bed & Breakfasts, restaurants, gift shops, eco-tourism)	<input type="radio"/>	<input type="radio"/>
Professional Offices (medical, legal, technology)	<input type="radio"/>	<input type="radio"/>
Department Store	<input type="radio"/>	<input type="radio"/>
Service Businesses	<input type="radio"/>	<input type="radio"/>
Home-based Businesses	<input type="radio"/>	<input type="radio"/>

**8. If you have another land use you would like to either encourage or discourage in the TOWN, please write in below:**

.....

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.....

**9. Where should commercial/retail growth be directed within the TOWN?**

.....

.....

.....

.....

.....

**10. Would you encourage or discourage the following LAND USES in the VILLAGE?**

*Mark only one oval per row.*

	Encourage	Discourage
Residential - single family homes	<input type="radio"/>	<input type="radio"/>
Residential - multiple unit family homes (i.e. townhouses)	<input type="radio"/>	<input type="radio"/>
Affordable housing	<input type="radio"/>	<input type="radio"/>
Senior/assisted living	<input type="radio"/>	<input type="radio"/>
Retail Development	<input type="radio"/>	<input type="radio"/>
Public outdoor recreation	<input type="radio"/>	<input type="radio"/>
Protection of natural areas/open space	<input type="radio"/>	<input type="radio"/>
Light Industrial/Manufacturing Uses	<input type="radio"/>	<input type="radio"/>
Motels/Hotels	<input type="radio"/>	<input type="radio"/>
Convenience Stores	<input type="radio"/>	<input type="radio"/>
Retail Stores	<input type="radio"/>	<input type="radio"/>
Tourism- based (i.e. Bed & Breakfasts, restaurants, gift shops, eco-tourism)	<input type="radio"/>	<input type="radio"/>
Professional Offices (medical, legal, technology)	<input type="radio"/>	<input type="radio"/>
Department Store	<input type="radio"/>	<input type="radio"/>
Service Businesses	<input type="radio"/>	<input type="radio"/>
Home-based Businesses	<input type="radio"/>	<input type="radio"/>

**11. If you have another land use you would like to either encourage or discourage in the VILLAGE, please write in below:**

.....

.....

.....

.....

.....

12. **Where should commercial/retail growth be directed within the VILLAGE?**

.....

.....

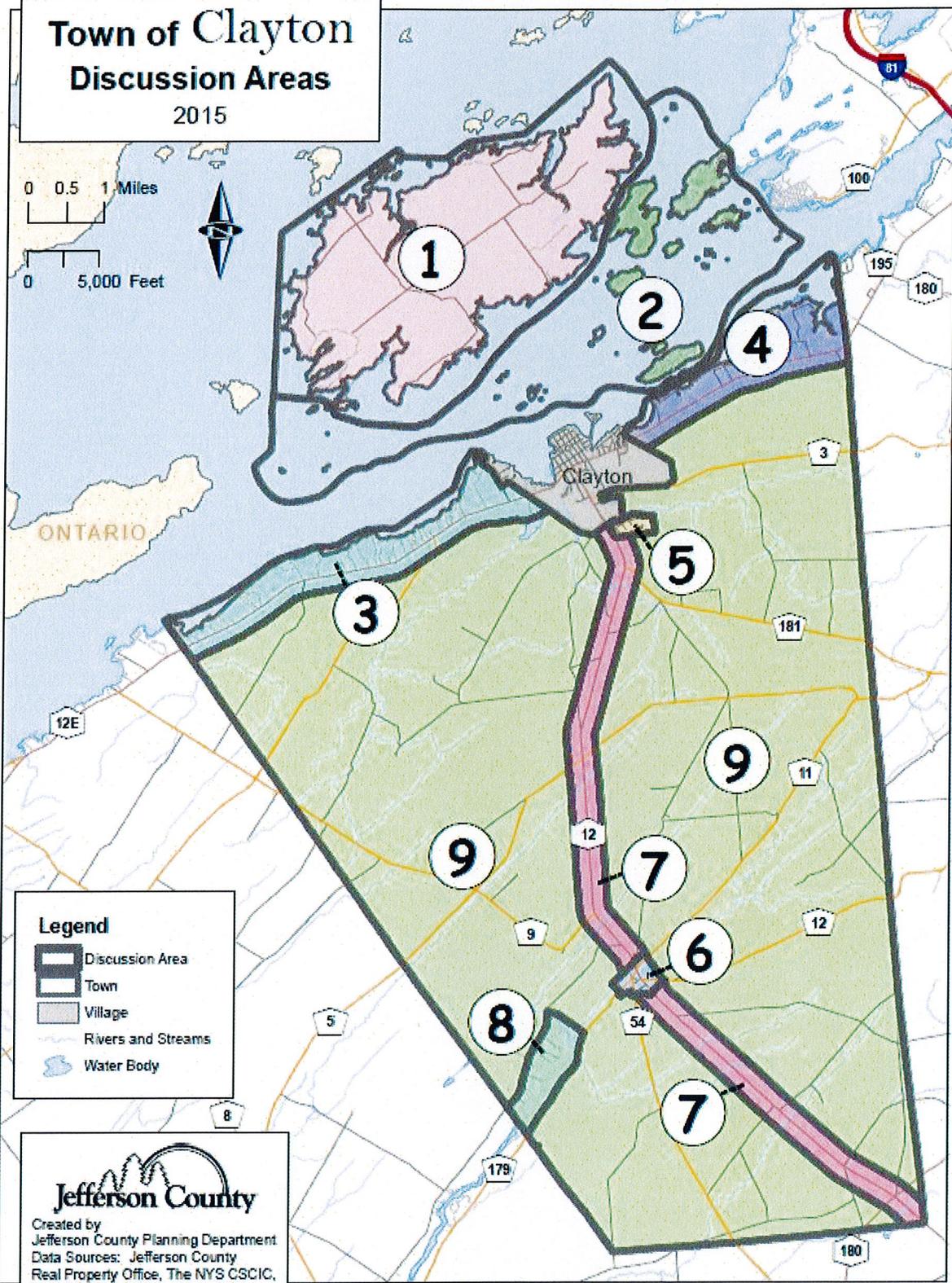
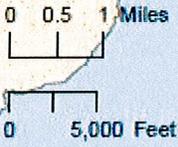
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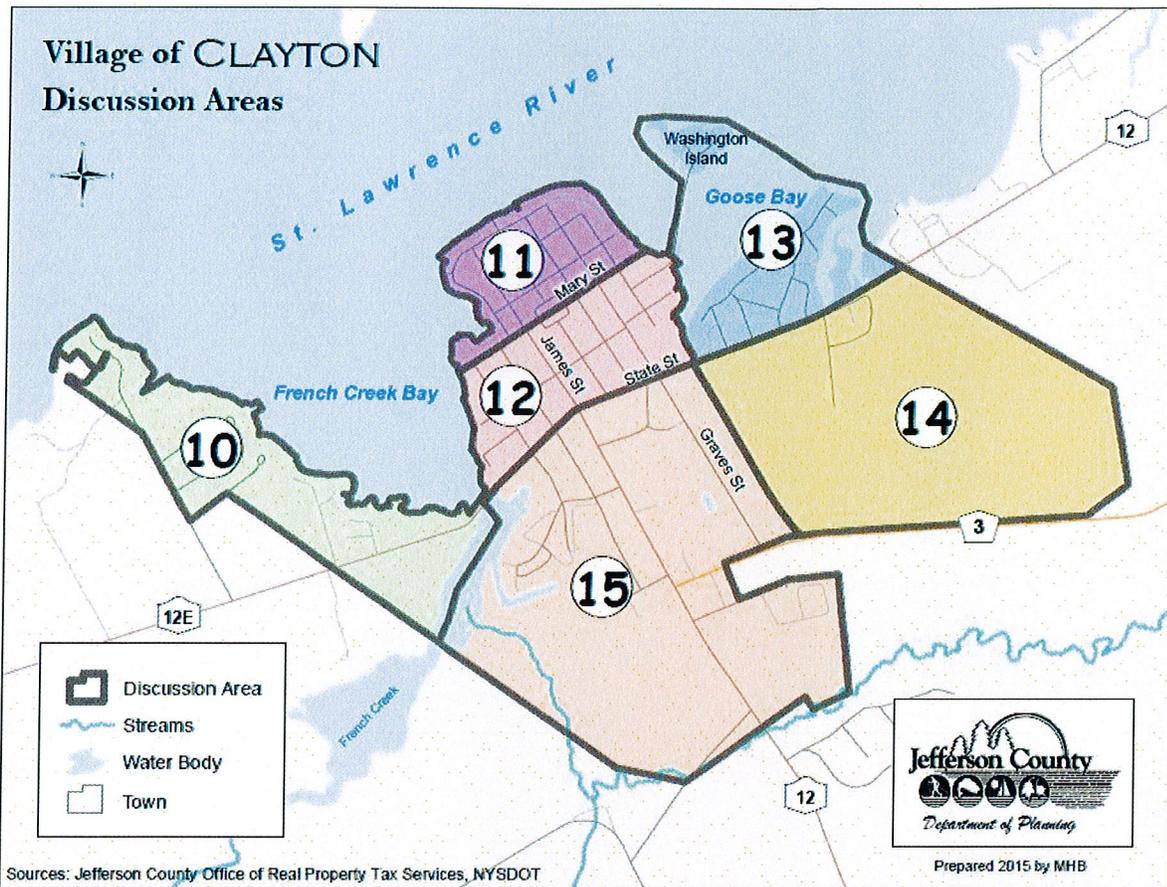
**DISCUSSION AREAS**

# Town of Clayton Discussion Areas 2015



- Legend**
- Discussion Area
  - Town
  - Village
  - Rivers and Streams
  - Water Body

**Jefferson County**  
Created by  
Jefferson County Planning Department  
Data Sources: Jefferson County  
Real Property Office, The NYS CSCIC,  
USGS EROS, NASA, NGA, ESRI



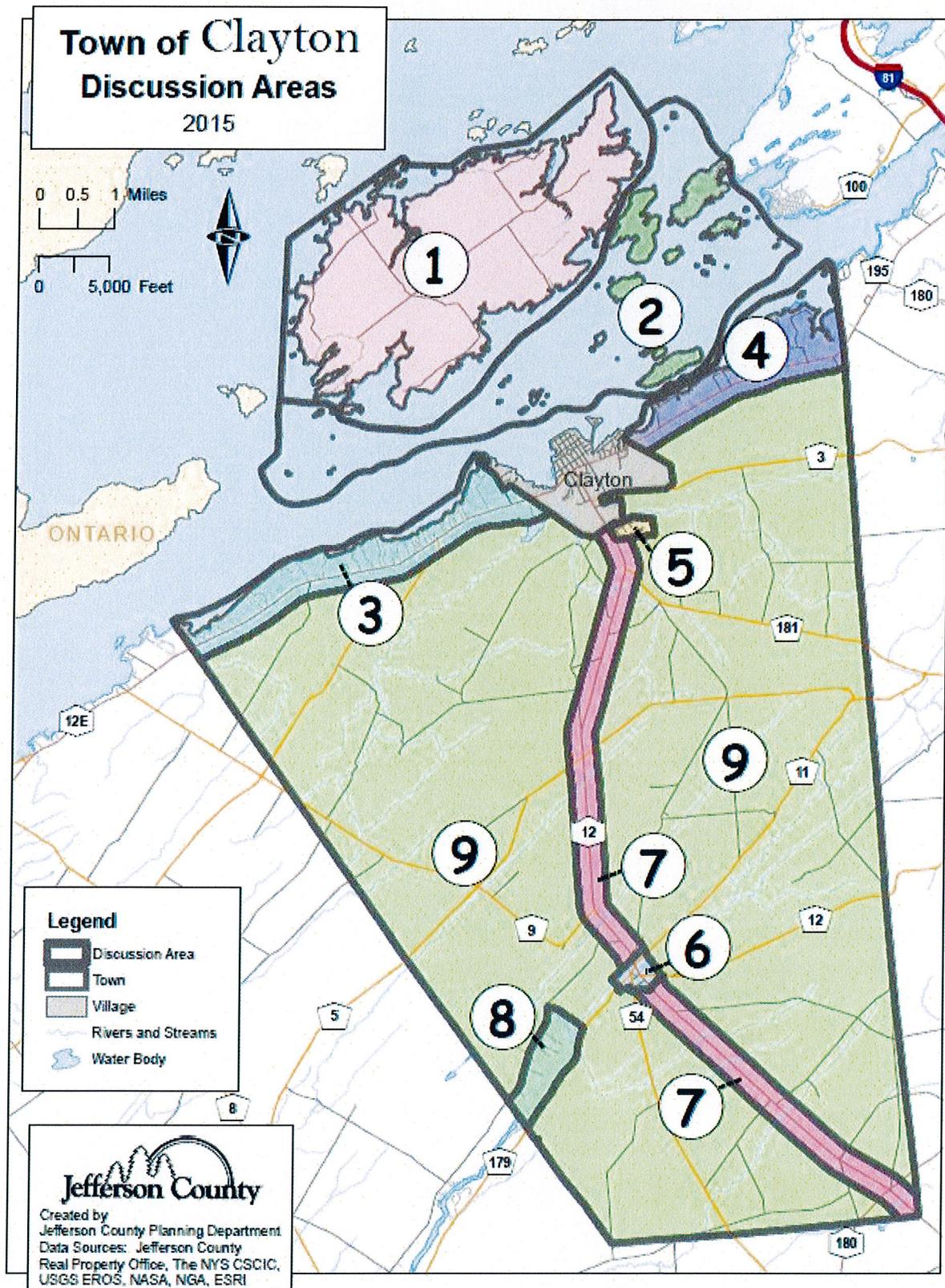
**13. Please select the area where you live: \***

If you do not live in the Town/Village, please select where you own property.  
Mark only one oval.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15

**Town Discussion Areas**

The Land Use Comprehensive Plan Committee identified areas in the Town by similar land use. Please select where you would like the specific land uses to be developed in areas 1-9.



14. **Check all of the areas in the Town you would like to see SINGLE FAMILY RESIDENTIAL: \***

*Check all that apply.*

- Area 1: Grindstone Island
- Area 2: Other Islands
- Area 3: NY Route 12E
- Area 4: NY Route 12 East of Village
- Area 5: Heritage Heights
- Area 6: Depauville
- Area 7: Route 12 Corridor South
- Area 8: Chaumont River
- Area 9: Rural Ag Interior
- No Area

15. **Check all of the areas in the Town you would like to see MULTI FAMILY RESIDENTIAL: \***

*Check all that apply.*

- Area 1: Grindstone Island
- Area 2: Other Islands
- Area 3: NY Route 12E
- Area 4: NY Route 12 East of Village
- Area 5: Heritage Heights
- Area 6: Depauville
- Area 7: Route 12 Corridor South
- Area 8: Chaumont River
- Area 9: Rural Ag Interior
- No Area

16. **Check all of the areas in the Town you would like to see COMMERCIAL uses: \***

*Check all that apply.*

- Area 1: Grindstone Island
- Area 2: Other Islands
- Area 3: NY Route 12E
- Area 4: NY Route 12 East of Village
- Area 5: Heritage Heights
- Area 6: Depauville
- Area 7: Route 12 Corridor South
- Area 8: Chaumont River
- Area 9: Rural Ag Interior
- No Area

17. **Check all of the areas in the Town you would like to see AGRICULTURAL uses: \***

*Check all that apply.*

- Area 1: Grindstone Island
- Area 2: Other Islands
- Area 3: NY Route 12E
- Area 4: NY Route 12 East of Village
- Area 5: Heritage Heights
- Area 6: Depauville
- Area 7: Route 12 Corridor South
- Area 8: Chaumont River
- Area 9: Rural Ag Interior
- No Area

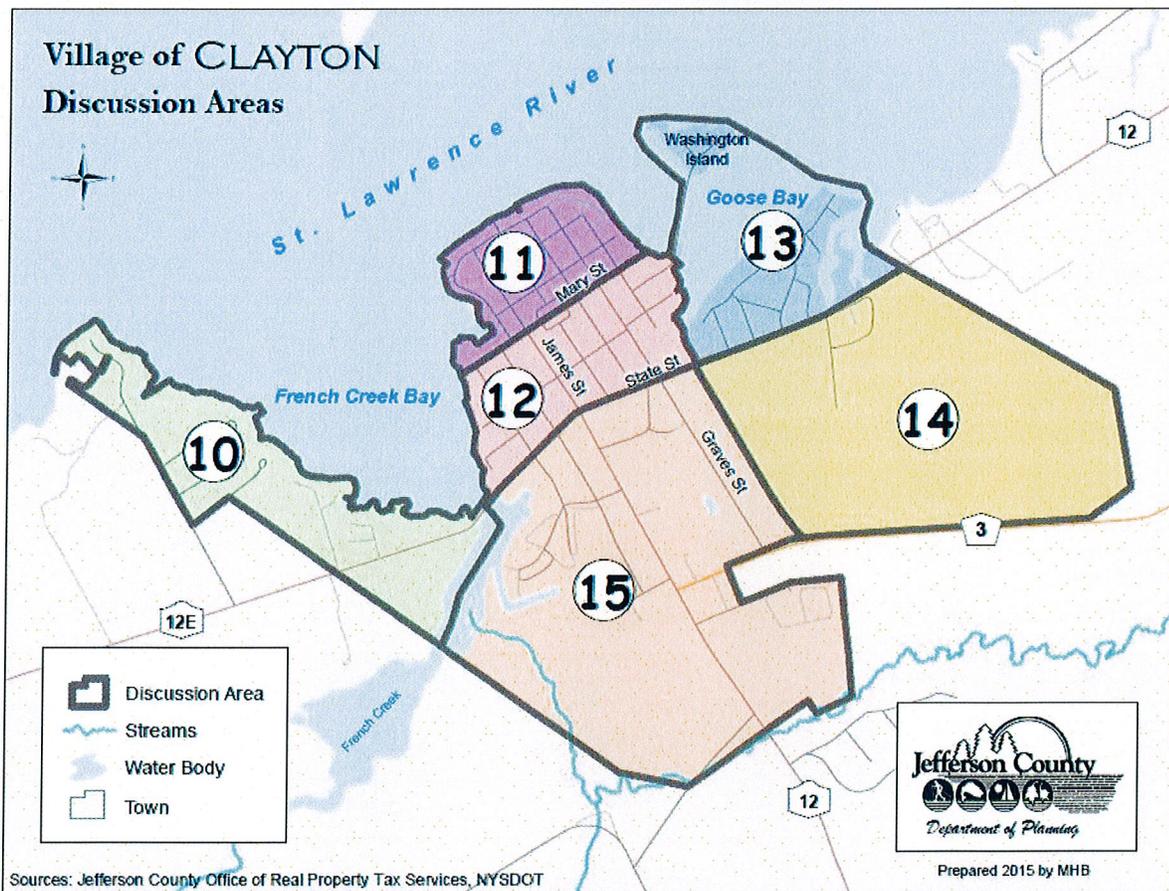
18. Check all of the areas in the Town you would like to see LIGHT INDUSTRIAL/MANUFACTURING: \*

Check all that apply.

- Area 1: Grindstone Island
- Area 2: Other Islands
- Area 3: NY Route 12E
- Area 4: NY Route 12 East of Village
- Area 5: Heritage Heights
- Area 6: Depauville
- Area 7: Route 12 Corridor South
- Area 8: Chaumont River
- Area 9: Rural Ag Interior
- No Area

### VILLAGE DISCUSSION AREAS

The Land Use Comprehensive Plan Committee identified areas in the Village by similar land use. Please select where you would like the specific land uses to be developed in areas 10 - 15.



19. **Check all of the areas in the Village you would like to see SINGLE FAMILY RESIDENTIAL: \***

*Check all that apply.*

- Area 10: Bartlett's Point
- Area 11: Downtown
- Area 12: Midtown
- Area 13: Steele's Point/Washington Island
- Area 14: Golf Course/East Line Road
- Area 15: Outer James Street
- No Area

20. **Check all of the areas in the Village you would like to see MULTI FAMILY RESIDENTIAL: \***

*Check all that apply.*

- Area 10: Bartlett's Point
- Area 11: Downtown
- Area 12: Midtown
- Area 13: Steele's Point/Washington Island
- Area 14: Golf Course/East Line Road
- Area 15: Outer James Street
- No Area

21. **Check all of the areas in the Village you would like to see COMMERCIAL uses: \***

*Check all that apply.*

- Area 10: Bartlett's Point
- Area 11: Downtown
- Area 12: Midtown
- Area 13: Steele's Point/Washington Island
- Area 14: Golf Course/East Line Road
- Area 15: Outer James Street
- No Area

**22. Check all of the areas in the Village you would like to see LIGHT MANUFACTURING/INDUSTRIAL uses: \***

*Check all that apply.*

- Area 10: Bartlett's Point
- Area 11: Downtown
- Area 12: Midtown
- Area 13: Steele's Point/Washington Island
- Area 14: Golf Course/East Line Road
- Area 15: Outer James Street
- No Area

**QUALITY OF LIFE QUESTIONS:**

**23. What do you like most about the Town/Village?**

.....

**24. What do you like least about the Town/Village?**

.....

**25. The Town/Village contains a number of special places that make the community unique. What places do you think are a great asset to the Town/Village?**

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.....

**26. How do you use the St. Lawrence? Any other body of water?**

*Check all that apply.*

- Powerboating or sailing
- Canoe or kayaking
- Swimming
- Fishing
- For the view
- Scuba diving
- Winter recreational activities
- Other: .....

27. **In the Village Historic District, do you support burying the utilities?**

*Mark only one oval.*

- Yes
- No
- No opinion/Not sure
- Other: .....

28. **Do you favor the preservation of older historic and architecturally relevant structures and districts?**

*Mark only one oval.*

- Yes
- No
- No opinion

29. **Do you believe that agriculture should be supported in the Town?**

*Mark only one oval.*

- Yes
- No

30. **Do believe that craft beverage industry (i.e. breweries, wineries, and distilleries) should be encouraged?**

*Mark only one oval.*

- Yes
- No
- No opinion/Not sure

31. On a scale from **STRONGLY AGREE** to **STRONGLY DISAGREE**, please check which box matches your opinion the closest:

*Mark only one oval per row.*

	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion/Not Sure
The quality of water resources is important	<input type="radio"/>				
Areas important to wildlife habitat should be preserved	<input type="radio"/>				
Preserving the rivers' shoreline character is important	<input type="radio"/>				
Protection of natural resources is important	<input type="radio"/>				
Identifying and preserving historical buildings is important	<input type="radio"/>				
Attracting new light industry is important	<input type="radio"/>				
Night lighting of buildings and parking lots should have minimal impact on adjacent properties	<input type="radio"/>				
Access to rivers for recreation should be increased or enhanced	<input type="radio"/>				
Attracting commercial development is important	<input type="radio"/>				
It is important to provide for affordable housing	<input type="radio"/>				
It is important to provide senior/assisted living	<input type="radio"/>				
The Town is managing growth well	<input type="radio"/>				
The Village is managing growth well	<input type="radio"/>				

32. Do you think the Village is a walkable community?

*Mark only one oval.*

- Yes  
 No

33. Do you believe there is a parking problem in the Village?

*Mark only one oval.*

- Yes  
 No

34. If yes, then what recommendations do you have to lessen the problem?

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.....  
.....  
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.....

35. Recreational activities in the Town/Village are:

Mark only one oval.

- Adequate
- Inadequate

36. Are there other recreational activities or facilities you would like to see in the Town/Village, please suggest an activity or activities:

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37. Have you noticed significant changes that have had a positive or negative impact in our community? If so, what changes have you noticed?

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.....

38. What issues trouble you living in the Town/Village?

Check all that apply.

- Maintenance issues, i.e. junky cars, blight cleanup, enforcing zoning, repairing old buildings
- Government issues, i.e. road improvements, taxes, crime, drugs, speed limits, access to waterfront
- Community, i.e. pollution, internet access, lack of appropriate housing, lack of cooperation between different levels of government
- Satisfied, no issues
- Other: .....

39. If you checked any of the first three above, please elaborate.

.....  
.....  
.....  
.....  
.....

40. If you checked any of the first three above, what changes would be helpful?

.....

41. What is your biggest concern about the future of the Town/Village?

.....

42. Additional comments or suggestions on issues in the community that this survey did not cover:

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**Sign-in Sheet**  
**Town/Village of Clayton**  
Public Input Meeting

Monday, July 18, 2016, 4:00-7:00pm

Please Sign In

Print Name

CHET MASSARI

Toni Gibson

STEVE MAEK

Audrey Blackburn

Jeff Zoller

Geneva Phelps Miller

JOE Burnash

Gayle + Art Cady

Janice Beattie VIL RESIDENT WASH ISLAND

PHIL BEATTIE VIL RESIDENT WASH ISLAND

MARY ZOVISTOSKI

John Heaslip

MARY + GENE DONATHUE DEPAWVILLE

Jane Heaslip

John Byrne

Gunter Schaller, Clayton

Tony RANUZZO, Clayton

Pam McDowell

Twyla Webb Village Clayton

Doug Holbrook

JUSTIN Taylor

Donna Zimmer

Cindy Grant

Andy Nevin, Jeff County Planning

**The following is a listing of public comments regarding the draft of the Town/Village of Clayton Comprehensive Plan made at the public meeting held by the Comprehensive Plan Committee on Monday, July 18, 2016. (Please note that some statements were edited for clarity.)**

## **CHAPTER 1 PLAN INTRO AND HISTORY**

-The vision statement starts off only describing the Village of Clayton. It should start off with a generalized statement that encompasses both village and town. There seems to be a focus on what's available in the village with the town mentioned as a side comment. The town outside the village is very much overlooked. Making the Town of Clayton, along with the village continually grow and be attractive should be a top priority. The village is not the only thing that can make this area great.

-We love the vision of this community. We do not want the area marred with big industry and especially industrial wind turbines. We moved here because it is a gorgeous tourism and scenic destination.

-Parking is not only insufficient, but may deter visitors from staying to enjoy what the village has to offer. With parking meters enforced until 8:00pm and very easily could be metered until 6:00pm as it is in neighboring communities. This is a sore point among visitors and deters some from returning.

-All the murals depicting local history/scenes should be promoted as a reason to come to Clayton-use Athens, Ontario as an example.

-Balancing development and the rights of residential property owners is a tough balancing act. Many people who live here have a significant investment in their properties. This is not about real estate values but rather the right to solitude and the quiet enjoyment of their property. Be careful what you wish for, you will surely get it.

-Introduction needs a rewrite. Mr. Angel, a Whig himself as was most of the voters in the area.

-Careful planning is needed for future commercial development. Clayton over the next five years will be "discovered" by more people precisely due to the new hotel-55+ weddings and countless business meetings. The challenge will be to retain Clayton's special character while encouraging and placing/siting new commercial development.

## **CHAPTER 2 DEMOGRAPHIC TRENDS**

-Population percentages don't add up-Town/Village 28%, Village 9% and Town outside village 28%???. *(Response: the rates are different in the portions of Town vs. Village because the population increased at different rates from 1980 to 2010, so they aren't meant to add up to 100%)*

-Same number of Village residents in 2010 census as in 1940 census yet industry has left Village implies more residents. Need to see if any of the data is statistically significant.

-In general emphasis should be placed on infrastructure maintenance and renovation in Village before new items such as burying wires are begun. Specifically sewer and water issues. Taxes in Clayton Village should not increase any more than 1.5% a year.

-Why do we need a Village?

-Many changes (?) of people, infrastructure and buildings-negative impact to the Village.

### **CHAPTER 3 HOUSING**

-Considering housing goals, especially #3, how do you justify changing zoning regulations on 12E for one business when so many long term home owners objected? Protect?

-Seriously concerned that the use of MD2 does not become a precedent that could be used on any 5+ acre parcel that is waterfront in an MR district. Assessment and property taxes would be reduced. What would the impact be for prospective buyers? Property taxes are most expensive on the riverfront and would be adversely affected by the use of MD2. It's use needs to be restrained and limited.

### **CHAPTER 4 ECONOMIC TRENDS**

-47% of Village residents earn less than 50,000 dollars yet Village taxes continue to increase.

-What % of property taxes are from seasonal residents? Are they represented in this plan?

-Hoping for more tourists, you need more parking.

-Industrial wind turbines will destroy the tourists coming to our area. All economic issues should be thoroughly vetted.

### **CHAPTER 5 NATURAL RESOURCES**

-Clarify green infrastructure.

-Migrating bird flyways and industrial wind do not mix. The natural beauty and scenic values of the St. Lawrence River need to be respected and protected. Would wind turbine towers be placed next to the Washington Monument or the Lincoln Memorial? Same principal here. French Creek should be taken and restore it.

-Cluster development may work out well for existing grasslands, but their respective habitats are slowly being diminished through agriculture and development pressure.

-Good water is essential for Clayton's citizens. It is important that everyone understand how fragile are water sources are here.

### **CHAPTER 6 TRANSPORTATION**

-Our roads and highways are critical in keeping our Town going. I hope that they are kept in good shape for everyone's safety. Industrial wind turbine activity and construction tends to destroy local roads by all the heavy equipment and use.

-Agree with walkability, parking behind buildings and sharing driveway entries. There is a need to identify future new roads in the Town of Clayton. For example a new connector road from route 12 to East Line Road. This will help in deciding how large tracts of land will be subdivided and developed. Developers can more clearly see how land can be developed.

## **CHAPTER 7 COMMUNITY FACILITIES**

-Trails, especially those that could be used by snowmobiles and others pursuing recreational activities could help offset the present dependence of seasonal tourism in Clayton.

-If new docks are part of the recreation facilities, what is the long range impact of income versus maintenance to the taxpayer?

## **CHAPTER 8 PUBLIC INPUT**

-The following question may not have been asked on the survey and data key to do market representation----How long have you lived in the Town/Village of Clayton?

## **CHAPTER 9 RENEWABLE/ALTERNATIVE ENERGY**

-The health, safety and welfare of the citizens should be considered before the profit of a couple of large property owners and a foreign-owned wind company.

-Wind: 1. Need to protect endangered birds/bats

2. Setbacks setbacks setbacks

3. Noise limits for day and night

4. Light pollution (open skies)

5. Need a substantial escrow fund to take down the turbines at the end of their lives. Town needs to hold this escrow as these facilities are sold-resold-and sold again. Tax payers cannot be left holding the bag. Faced with the end of pilots and dying turbines, wind companies will walk away (example, Hudson Valley).

6. We have wells outside the Village-protection. Mitigation will be impossible in Karst formations.

7. Property values

8. Fort Drum Aviation/Missile/ Interceptor base. Interferes with training and force readiness. Jobs: 1800 plus jobs at Fort Drum (permanent) vs 3 permanent jobs for industrial wind site.

## **CHAPTER 10 AGRICULTURE**

-The agricultural areas in our town are very valuable and hopefully will be cherished. I am especially pleased with all the 25+ families that have moved into our area. They take abandoned or neglected farms and have turned them into very productive farms. The Amish (contrary to popular belief) pay all their taxes-school and property taxes. They are great additions to our community.

-Stress importance of family farming. Ag district regulations out of date.

## **CHAPTER 11 LAND USE/LAND COVER**

-Wind-very good, no excellent info in the draft document. An article appeared in the "Watertown Daily Times" where Denise, the former Clayton Town assessor is quoted something to the effect that "Before the Wolfe Island turbines were built I didn't think property values would be impacted. But in the three years since, I've seen property values on Tibbets Point decline on the average by 25%.

-The north side of Route 12 should remain primarily residential to maintain scenic vistas of the river. There is ample space for commercial development on the south side of route 12, should more commercial development be needed.

The following comments note some common areas from those who submitted letters:

-ground water supply should be studied and protected, regulate commercial development

-the small town feel of our community is very important

-Amish families have added value to our community

-Great school system and libraries

-need to improve and expand internet access

-Fort Drum as a major employer is appreciated

-this area is a major migratory route for birds

-enjoy the rural lifestyle

-no light pollution

-important to maintain roads and bridges

-appreciate the close knit community

**July 18, 2016**

**Dear Town of Clayton and Comprehensive Plan Committee,**

**I heard that you are looking for feedback about what we want our town to look like in the future. The following are some of my suggestions and concerns.**

**Our ground water supply should be studied and protected.**

**I am fortunate that I have good water and my well is shallow, but I know of many others who have a lot of problems and without a good and safe supply of water you can't live in your homes. It wouldn't take much to contaminate and destroy the drinking water for many of our citizens so all commercial operations should be regulated so they don't contaminate our ground water. The public should be regularly reminded how to properly dispose of waste materials. Also large agricultural operations, such as a large pig farm, should be designed to protect everyone's water.**

**Our area is known for the karst rock formations and water issues. We also have some naturally occurring pockets of radon gas. All future developments should bear this in mind.**

**Tom Carr 31035 Co. Rte. 54 Chaumont, NY 13622**



783-1562

July 18, 2016

Dear Town of Clayton Comprehensive Plan Committee,

I heard that you were updating our comprehensive plan and wanted some suggestions about what we like in our town. Here are my "likes".

I like the small town feel of my community. Everybody knows one another and is willing to chip in to help. I like the peaceful nights. I like all the wildlife we get to see and hear. The birds really like our area too and use it as a resting place as they migrate each year. We are even seeing many turkeys and deer.

But one of the things I love is the many Amish families who have chosen to make this area their home. I am not sure how many there are now, but at one time we counted over 25 Amish families in the area. They make wonderful neighbors and they supply me with great fresh vegetables!

Hope this helps and thank you for your service!

Keitha Haas PO Box 153 Depauville, NY 13632

A handwritten signature in cursive script that reads "Keitha Haas".

July 18, 2016

Dear Clayton Comprehensive Plan Committee,

Thank you for your hard work to update our Comprehensive Plan. I know that you have invested much time and effort.

I enjoy living in the Town of Clayton with it's great school system and local libraries. If there was one thing that I think the Town could improve it would be internet service for everyone. At my house we have to use a satellite system to receive internet and it doesn't work well, especially in bad weather.

We appreciate all the jobs that Fort Drum produces and we hope it stays here!

This area is a major migratory route for birds and we hope that is always protected.

Ground water is precious and should also be protected.

Thanks for all your hard work!

Cindy Grant



12610 House Rd.

Clayton, NY 13624

July 18, 2016

Dear Town of Clayton and the Comprehensive Plan Committee,

We read that you wished to find out what the community thinks about the future development of the Clayton area. In a few short words here is what we'd like to see:

We found the rural lifestyle was a great place to raise a family. We've enjoyed the peace and quiet of living in the country and the abundant wildlife. We hope that this area will remain mostly rural in nature.

We hope that our local ground water supply will be safeguarded because everyone needs good water to live. Our rock formation (karst) and water is very fragile in this area.

We hope that Fort Drum is able to stay here because it provides a lot of jobs for our area.

We would like to see better and more wide spread internet connection for our area. It might enable more people to work from home.

Thanks for listening!

Edwin and Diane Carr 15162 Carr Rd, Clayton, NY 13624

*Edwin & Diane Carr*

Dear Town of Clayton Comprehensive Plan Committee,

My family and I live outside Depauville in the country and we hope it will always be as peaceful and quiet as it is today! My children and I can safely ride our bikes on our road all the time.

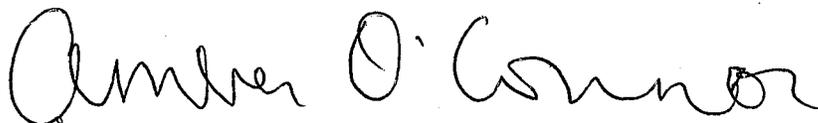
We also enjoy a lot of wildlife that have also chosen this area to call home too! Every time we go outside we are greeted by the beautiful birds talking to us or the deer who like to raise their babies in our backyard!

The nights give us beautiful skies filled with stars because there are no bright lights to disrupt or disturb our views.

This is a great "bedroom community" since we are close to Watertown (which is where my husband works). But my children can still go to the great school system at Thousand Islands School.

We like where our home is and hope it always stays peaceful like it is now! Thanks for all your hard work!

Amber O'Conner 17398 Morris Tract Rd. Chaumont, NY 13622

A handwritten signature in black ink that reads "Amber O'Conner". The signature is written in a cursive, flowing style.

July 18, 2016

Dear Town/Village of Clayton Comprehensive Plan Committee,

We thank you for your service to update our comprehensive plan and wanted to share some of the things we like about our town and hope to have way into the future.

We enjoy the rural area we live in and how quiet and peaceful our community is. There are 25 Amish families that live here outside Depauville and into Lafargeville. It is wonderful to see them take an abandoned farm and restore it to a productive farm once again! The Amish families have made excellent neighbors and are very hard working members of our community. They also provide us with a source for delicious fresh vegetables and eggs.

We also appreciate all the birds that use this area year round, as well as those that use it as they migrate back and forth.

We also hope your comprehensive plan includes our desire for safe and well maintained roads and bridges so we can safely get around.

Jasper and Leona Wilkie PO Box 54 Depauville, NY 13632

*Jasper R Wilkie*  
*Leona Wilkie*

July 18, 2016

Town of Clayton Comprehensive Plan Committee,

We heard that you want input into what we like about our town.

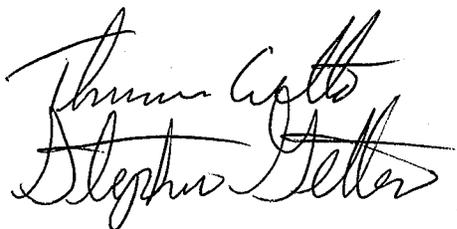
My husband and I like how everyone here knows one another and is very friendly and really cares about each other. Both my husband and I have lived through some very serious health issues and my community and friends rallied around us and even held fundraisers to help us pay our medical expenses. You won't find a better place to live than my community!

We hope it always stays a quiet community where people want to move to, to raise a family. My husband and I grew up in the city of Watertown and we are so glad we could raise our own family in this town.

We also have a great school system and library here!

Thank you!

Theresa and Steve Getter P.O. Box 24 Depauville NY 13632

Handwritten signatures of Theresa and Steve Getter. The signatures are written in black ink and are positioned one above the other. The top signature appears to be 'Theresa Getter' and the bottom signature appears to be 'Steve Getter'.

## ***Clayton Coalition to Preserve Residential Zoning***

August 15, 2016

**To: Clayton Comprehensive Plan Committee**

Re: Comments on Draft Town and Village of Clayton Comprehensive Plan

Dear Committee Members:

The *Coalition* truly appreciates the extensive time and attention the Clayton Comprehensive Plan Committee has devoted to creating a draft Comprehensive Plan and is pleased to respond to the Committee's request for input and discussion on the draft.

It is noted that the draft Comprehensive Plan (as posted on the Town of Clayton website under Legal Notices) is an extensive document consisting of over 150 pages. The length and complexity of the document actually makes it difficult to fully digest. However, it is very important that the Clayton Community understands the findings of the Plan, since these findings are presented as the "vision of the Clayton Community" and will be used to effect zoning changes.

### **Town of Clayton already has a good Zoning Ordinance.**

The attached comments underscore the need for the draft Plan to recognize the current Town Zoning Ordinance as an important factor in the growth and success of Clayton overall. In fact, there are only two changes that are needed to the current law: (1) industrial wind development should be prohibited and (2) the landing MD2 development districts in residential areas should be prohibited. Both types of development will disturb and degrade residential properties and their important value to Clayton. Both endanger the tax base, economy and quality of life of Clayton.

### **Residential Development: Primary Driver of Clayton Economy.**

Based on all the information in the draft Plan, it is clear that the single most important factor driving the economic, social, cultural and environmental growth of Clayton is the fact that people want to live in Clayton and make it their home.

Clayton is no ordinary place. Clayton is a small, remote and very beautiful area that has attracted many residents both year-round and seasonal. The residential property owner in Clayton is far and away the most important driver of the growth that sustains the governmental, business, cultural, social and environmental institutions of Clayton. In particular, revenues to Clayton government from property taxes come primarily from residential property owners (81%). And, in turn, Clayton's share of the County's sales tax revenues is based on the level of Clayton's property assessments, not the level of its retail sales.

## **Comprehensive Plan must protect Residential property owners.**

Accordingly, for the updated Comprehensive Plan to reflect the interests of the community it must seriously protect the interests of residential property owners. This was well understood in 1989 when the Town's current Zoning Ordinance was enacted. The Town Zoning Ordinance provides important residential zoning rights on the mainland and the islands, while at the same time providing extensive districts for commerce and agriculture. It is not broken and, with the two exceptions noted above, it does not need fixing. In addition and without question, government should not be given any more discretion than it already has to alter the residential zoning rights of Clayton taxpayers.

An updated Comprehensive Plan should clearly and unambiguously preserve and protect the residential fabric of Clayton. The draft Plan is quite clear that industrial wind development will degrade the residential and economic fabric of Clayton while at the same time offering no real offsetting benefits. However, the draft Plan is frankly ambiguous with respect to other types of development, particularly MD2 commercial development of residential properties. Apart from industrial wind development, MD2 development is the biggest threat to residential rights in Clayton and it is not even mentioned in the draft Plan.

**Committee Members, please understand that Residential Property Owners Matter!** They are the primary payers of property taxes; they are the primary supporters of commerce in Clayton; they are the primary purchasers of products and services in Clayton; they are the primary givers of charitable contributions to Clayton institutions. In return, their property rights need to be clearly protected and preserved in the updated Comprehensive Plan.

## **Conclusions and Requests**

The updated Comprehensive Plan should do the following:

- Be clear about the value of residential property owners, both year-round and seasonal, and the essential revenue stream they provide to Clayton.
- With two exceptions, endorse maintaining the current Zoning Ordinance of the Town of Clayton and specifically recognize it as a significant reason why Clayton has been so successful in bringing new residents and new economic development to Clayton.
- Endorse prohibiting (1) industrial wind development in the Town and (2) landing MD2 districts in residential areas.
- Faithfully follow the sound advice and direction of the community survey.
- Not cede residential property rights to the whims and discretion of local government.

Again, we extend our thanks and appreciation for providing your time and talent to this important effort.

Sincerely,

*Clayton Coalition to Preserve Residential Zoning*

Ellen and Jim Adamson  
Carolyn and Andy Anderson  
Sandy and Bob Avery  
Audrey and Waring Blackburn  
Linda Blake et al.  
Bonnie and Tom Bogenschutz  
Mary and David Bowman  
Bari Bryant and Marv Hart  
Mary and Joe Burnash  
Jane Carver and Ron Cooper  
Wende and David Carver  
Michele and Jay Corey  
Pat and Dean Chamberlain  
Jennifer and Dan Churchill  
Bev and Rachel Cole  
Jerry and Art Couch  
Cherie and Doug Danforth  
Robyn and Tom Davison  
Ken Deedy  
Susan and Frank Delorio  
June Denny  
Suzanne and Bill Dertinger  
Shirley and Bob Digel  
Ann and John Dorr  
Janet and Rex Ennis  
Michaele Farber  
Luise and Tom Farrell  
Joan Flint  
Louise Ford  
Donna Fisher and Skip Berhorst  
Terri and James Ganter  
Deb and Walt Gardner  
Alyssa and Jim Geiger  
Mary Ellen and Bruce Gilmore  
Ann and George Grobe  
Carol and George Gershowitz  
Alicia and Joe Guardino  
Cathy and Pete Haak  
Jenn Hayes and David Doubilet  
Johanna and Harold Hambrose  
Deborah Heineman et al.

Yvonne and Mike Hogan  
Ginger and John Howard-Smith  
Sherry and Harvey Hurley  
Linda and Fred Jackson  
Caroline and Ken Larson  
Ledgewood Partners et al.  
Elaine and Herb Listemann  
Marc Leuthold  
Mary and Ted Mascott  
Ann and Chet Massari  
Linda and Tom McCausland  
Janice and Dan McPhail  
Barbara Mead  
Marianne and Geoff Mead  
Jen and Jon Mead  
Luke Metcalf  
Lisa and Patrick Moynihan  
Eliza Moore and Jeremy Greene  
Karen and Gary Muisus  
Carol and Dick Munro  
Judy and Bill Munro  
Gloria Musser  
Carol and Rudy Napodano  
Ron Napodano  
Katherine and James Nyce  
Roxane Pratten and Betsey Fitter  
Barb and Chuck Peterson  
Lolita Pfeiffer  
Pat and Don Pickworth  
Peggy and Jim Pontious  
Carol Reed and Bill Moth  
Jean and Sam Rivoli  
Toni and John Rivoli  
Joan and Fred Rueckert  
Jackie Sanson and Dan McCollister  
Katrín Schubert  
Phyllis Schwartz et al.  
Dawn and Sam Showers  
Rick Spencer  
Liz Raisbeck and Zell Steever  
Marcia and Joseph Stio

Theresa Stolz and Bruce Baird  
Dan Tack et al.  
Shirley and David Taylor  
Joan and Skip Tolette  
Dorothy and Bob Topping  
Camilla Smith and Marty Kenner  
Sue and Dave Smith  
Chris Sterling  
Joyce Udovich  
Peggy and Leroy White  
Pat and Bruce Zicari  
Courtney and Jeffery Zoller  
Ineke and Martin Zonnenberg

## **Comments on Draft Clayton Comprehensive Plan**

### **Summary of Comments**

Since fewer words would probably create greater clarity for the Plan, there is a reluctance to suggest that certain important items are missing. Yet, this is the case. We feel that certain items need to be addressed for the general welfare of Clayton, its residents and its taxpayers. Please note our comments relate largely to the Town of Clayton outside the Village.

The purpose of the Plan is to “set forth the Community vision, goals, objectives and strategies for future development”. On page 88, the Plan states that “after the Plan is completed, a Zoning Law Update should be initiated to ensure that both the Town’s and the Village’s Zoning requirements continue to be in compliance with the Community vision and related strategies”.

In actual fact, the Town Zoning Ordinance as it now stands is very much in compliance with the Community’s vision for Clayton. The 2015 Community Survey certainly demonstrates that. Indeed, the Town Zoning Ordinance has played a pivotal role in the physical and economic development of Clayton. Furthermore, the types of development desired by the majority of survey respondents are adequately addressed by the current Zoning Ordinance.

The current Town Zoning Ordinance was carefully crafted to protect residential rights and residential neighborhoods while providing extensive areas for commerce and agriculture. But this fact is not discussed in the Plan. Also, recent actions by town government to undermine those residential rights and neighborhoods (via “landing” an MD2 commercial district in a residential neighborhood) is not referenced in the Plan.

Changes in the draft Plan are needed to underscore the importance of residential development (past, present and future) to Clayton and the importance of maintaining a strong Town Zoning Ordinance which does not give broad license to town government to curtail residential rights.

### **Specific Comments**

#### **1. Section 3. Housing**

In order for the important connection between land use and real property tax revenues to be clear to the public, more information is needed concerning the extent of properties owned by “seasonal residents”. The current information understates the extent of ownership by seasonal residents.

Figure 19 on page 22 shows that 52.8% of housing units are “year-round” while 45.9% are “seasonal”. This information is based on the Jefferson County/New York State coding system for identifying real property units. This system describes “seasonal residences” as “not constructed for year-round occupancy (inadequate insulation,

heating, etc.)". However, it is a well-known fact that an extensive number of "seasonal" residents are occupying "year-round" units in Clayton. This is particularly true of seasonal residents on the mainland.

Many seasonal residents spend May through October in Clayton and thus need heated, insulated residences which are coded as "year-round" residences. In order for the Comprehensive Plan Committee to better identify the number of housing units of seasonal residents, the mailing address for real property tax bills would be a more appropriate reference.

Why is this information important? The public needs to be given the most accurate information available on the type of residents living in Clayton. Seasonal residents are a significant and growing part of the economy of Clayton. Seasonal residents provide a significant portion of Clayton's real property tax revenues and, equally important, require very little in terms of town and school expenses.

## **2. Section 4. Economic Trends and Development**

Continuing on with the need for accurate information about seasonal residents and their importance to Clayton, more data is need concerning the breakdown in the assessed value of residential property between year-round and seasonal residents. On page 44 under Town Assessed Values, it is concluded that seasonal residences comprise 49% of the total residential assessment and year-round residences comprise 51% of the total. Again, this is based on a government coding system and not on reality. In actuality, units owned by seasonal residents represent well more than 50% of the assessed residential value.

It is important for the Comprehensive Plan Committee to be clear with the public that seasonal residents produce high real property tax revenues for Clayton thus helping to keep Clayton's tax rate one of the lowest in Jefferson County. Certainly a Comprehensive Plan for Clayton would want to protect and promote residential zoning rights for seasonal residents as well as year-round residents.

## **3. Section 8. Public Input**

In this section, the responses to the spring 2015 Community Survey are set forth in some detail. These responses are very informative and certainly show what the respondents think about further development and where it should occur. Interestingly, there is nothing in these responses which would call for any changes in the Town of Clayton Zoning Ordinance. If anything, the responses show that better code enforcement is desired.

Certainly respondents want Clayton to continue to grow. But respondents seem to be equally concerned about the high real property taxes they are paying. Some residents are concerned about being “priced out” of their home town.

No responses indicate that current zoning presents a barrier to new development. In addition, the survey shows that many respondents are concerned with the effects of too much development and fear that Clayton could become an “Alexandria Bay”.

#### **4. Section 11. Land Use**

The intent of this final section is to pull together conclusions as to what changes, if any, are needed in the Town’s Zoning Ordinance in order to realize the “vision” of the Town’s residents. But while this section is twenty pages long, it does not answer basic questions such as:

- Is the current Zoning Ordinance of the Town Of Clayton adequate to protect the property and investments of Clayton residents as additional growth occurs?
- If any zoning changes are needed, what are they and who is suggesting them? How will they benefit the general welfare of Clayton? This question is only answered with respect to industrial wind development.
- What prevents town government from arbitrarily threatening the property rights of residential owners in particular? A very wordy, so-called “guiding principle” is suggested based on “protecting, preserving and enhancing the character of Clayton”. This guiding principle is, on its face, completely subjective and gives Clayton town government “carte blanche” to make zoning changes never envisioned or supported by the general public.
- Why is the 2015 landing of a “floating” commercial zone (MD2) in a residential neighborhood (leaving surrounding property unsaleable) not even mentioned? When MD2 was “landed” on an historic residence, the Town Council claimed that it was NOT precedent setting but was a unique move not to be followed in the future. If that is the case, why is there not a recommendation to circumscribe the landing of an MD2 district? If MD2 provisions are not changed, no waterfront residential neighborhood is safe from commercial development facilitated by town government.
- And even more unsettling, why is the concept of “mixed use” normally used for downtown areas, suddenly suggested as appropriate for the Route 12E corridor and the Route 12 east of the Village? Does this mean that the Marine Residential zones along the north side of these routes are to become “mixed use”? Why would this be necessary when currently the Town Zoning Ordinance permits commercial development all along the south side of these routes? The community survey supports residential and commercial development in the

12/12E corridors, but nowhere does the public suggest that zoning changes are necessary or desirable or that residential areas be used for commerce.

- Lastly, why, in the extensive draft Plan, is a Clayton Zoning Map not included? The Clayton Zoning Map actually shows that much development, both residential and commercial, is more than possible under the current zoning ordinance.

Submitted by the *Clayton Coalition of Preserve Residential Zoning*

# MEETING SIGN-IN SHEET

Meeting Type: REGULAR MEETING OF THE VILLAGE BOARD

Meeting Date:

PLEASE PRINT

Place/Room: CLAYTON MUNICIPAL BUILDING

Name	Address	Phone	E-Mail
Preston L Lowe	39735 St 12 Clayton	672-3180	plowe@tdcnv.org .com
Janie Roberts	Clayton	3852	
Linda L. Brown	Clayton	3380	Kmotel@verizon.net
Loe			
Gardner Schaller	17348 CTRY RD 5 Clayton		
Jan P David Mellow	Clayton		
Bobby Cantwell	Clayton		
Dan Murdochie	Lowville		
Mike Ringel			
HILARY SHEEDER	CLAYTON		
JOHN VERDIGAAL	CLAYTON		
SCOTT McDONALD	CLAYTON PARK		
Ann Roberts	Clayton	3852	
Michael Boney	County Planning Dept		
Henry Curtis	Grindstone Isl	4311	
Donna Peck	CLAYTON		
Art & Gayle Cady	Clayton Village		
Jan & Phil Beattie	Clayton - Village		



**The following is a listing of comments regarding the draft of the Town/Village of Clayton Comprehensive Plan made at the Committee Public Hearing - held on Monday, September 19, 2016.**

Please note that this is a written summary of spoken comments, therefore the statements were meant to be a general recollection, and not a word for word quotation as a stenographer was not present.

**Norma Zimmer (the Village Mayor):** Opened the meeting introducing the Committee members and County Planning staff in attendance. She stated the purpose of the public hearing is for the Committee to hear public comments. She said staff will present a short presentation summarizing the Comprehensive Plan process.

**Andy Nevin:** I'm Andy Nevin, a Senior Planner from the Jefferson County Department of Planning. Our office has been providing technical assistance throughout the Planning Process, while I've not been involved since the beginning, we had some staff turnover since the project started so I became involved about a year ago.

I'd like to present a 10 to 20 minute PowerPoint presentation highlighting the state definition of a Comprehensive Plan, planning process followed, the Vision, Goals and objectives within the plan, and some selected data, maps and other relevant aspects of the plan for those who may not have had time to look over the draft materials online. After that we'd like to open the public hearing up for public comments for the committee to hear and consider during this phase of the process. Afterwards, the committee will consider the comments received and potentially edit the document further based on the comments. Written comments will be accepted in case someone could not attend tonight, or if something occurs to someone later they can still submit their thoughts in a timely manner.

**Cindy Grant:** The Mt. Zion Church name has been changed to...New Life Christian Church.

**Michael Ringer:** Stated he was impressed reading through the Comprehensive Plan. However, he's concerned with a potential wind turbine project's effect on residences in the community. He stated a 10,000 acre industrial wind complex shouldn't be located here in Clayton. He said it will hurt property values, will be much harder to sell homes, and that we've got to stop it. He said renewables sound good but the average time wind projects generate electricity is 27 percent, but in upstate New York it only averages out to be about 22 percent of the time. He said the parent company is the largest collector of wind incentives in the world. He said they're only being proposed because of the subsidies and rate guarantee. A major concern of his are the tourists that frequent the area, would they return to visit again if they had to travel through a corridor of wind turbines, and see them as a backdrop to the Thousand Islands? A recent Clarkson University survey indicated the 95% of visitors said visitors wouldn't come back if wind turbines become a part of the community. Imagine even a 30% drop in tourists, that would be a huge economic impact.

**Henry Custis:** Grindstone Island resident, he agrees that the character of the community is important. However, the current marine residential district is primarily residential and therefore the potential placement of an MD2 floating district would be contrary to the character of the MR district and should not be considered by the Town. He feels that low

density housing areas should not be subjected to higher density, conflicting uses. He's worried about a non-compatible use coming in using this term.

**Mike Geiss:** He stated the next step will be a review and update of the zoning law, and that the ZBA will do this.

**Henry Custis:** He also wondered about the political bureaucratic reality of merging the Town and Village? How long range are the considerations, and whether the plan should look at potential dissolution of the Village to merge with the Town way into the future?

**Mike Geiss:** The Plan did not consider this.

**Norma Zimmer:** Staff from Department of State considered this and made a presentation, but did not come back with any follow-up after their initial presentation.

**Bobby Cantwell:** responded that Clayton is ahead of the curve with many aspects of sharing resources and consolidation of operations. He added that sometimes sharing is good, and in some cases its not. Current examples are the fuel depot, H/W garage, and the joint PB and ZBA as well as the joint zoning and building code officer position.

**Gunther Schaller:** noted that some of the data used in the Comp Plan is limited that the conclusions were based upon, implying that perhaps additional data could be sought. He stated that with the online survey, the limited access to broadband internet in parts of the town limited the number of respondents and therefore skews the data. He also noted the limitations of conducting an online survey. Also that during the time the survey was conducted (2014) most people in the Town felt that the feasibility of establishing a wind turbine project in the Town had expired and that it would no longer be pursued. Therefore, most people no longer considered it a possibility so they didn't feel it necessary to comment on it within the survey. He felt like the lack of input regarding wind would give a false impression of the community's desires. Therefore, now giving the potential wind project being closer to a real potential, he urged the committee to consider conducting another survey to gauge public support for a wind project in the community now. He felt that the Committee shouldn't rush to finish the Comprehensive Plan without either looking at more data or conducting another survey to be certain about peoples' feelings toward a wind project in the community. He said, how much money will be spent defending the Town against wind, slow down and examine people's opinion toward wind energy facilities to ensure the Town follows their desire.

**Larry Aubertine:** French Creek causeway mentioned on page 50 has not been the cause of low water within French Creek. Siltation has limited navigation in the creek. He said it should be reworded.

**Don Willinghamu:** Tourism is the leading industry in the Town, therefore what are the Town and Village doing about supporting tourism to maintain local businesses that depend on it.

**Mike Geiss:** The Plan stresses the importance of tourism and tries to consider it as a priority.

**Doug W:** Echoed Mike Ringers stated concerns. Also, concerned with red lights on the wind turbines as seen on Wolfe Island. Also, green energy development should be balanced appropriately with other environmental concerns. Marine residential areas need to be protected.

**Cindy Grant:** Mentioned Iberdrola's website regarding the Horse Creek Wind Project. She said that Depauville is an ideal bedroom community with easy access to Watertown and the Village of Clayton. She said as residents move out of the City seek areas close by but it is quieter, have good schools, etc. However, a series of wind turbines close to the Hamlet will alter its desirability as a bedroom community. She also mentioned there are 27 Amish Families living, working, and educating their families in the area who never anticipated such a project to be within their close proximity of their front/back yards. She said that NYS Route 12 is the gateway to the community and should be recognized/protected as such.

She concluded with the point that tourists will have to travel through the wind farm to get to Clayton. She feels that the Town is generally flat which will allow turbines to be viewed from most if not all the Town, and likened the turbines to being visual pollution.

**Gunther Schaller:** Talked about a lack of broadband access in many areas of the Town, and while the Town has come a long way, it has to recognize that many of its residents may not be accessing information through the internet, so involving them in surveys must use broader outreach. Also, could the community show a desire to expand broadband access coverage?

He said to the Village and Town should consider promoting the expansion of broadband access to the remaining areas of the Town that may not have access currently.

**Norma Zimmer:** Said that members of the audience or those who may not have attended can submit written email comments to the Committee before September 22 so they can be considered by the Committee as well.

September 19, 2016

Dear Town/Village Comprehensive Plan Committee,

Thank you so much for all the hard work on the Comprehensive Plan!

I work in the Real Estate field and I am glad you included a whole section which included industrial wind in your Renewable Energy section.

Industrial wind turbines can clearly effect the property values of any neighboring parcels. In the Village of Cape Vincent, the homes for sale that had a view of the industrial wind turbines on Wolfe Island saw their property values go down and some prospective buyers didn't even want to consider the properties (no matter the costs) because of the view shed of the turbines.

Industrial wind turbines are not compatible in the beautiful Thousand Islands region!

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy E. Tubolino".

Judy E. Tubolino

19014 Tubolino Rd.

LaFargeville, NY 13656

September 19, 2016

Dear Clayton Town/Village Boards and  
Comprehensive Plan Committee Members,

Thank you for all your hard work at updating the Town/Village Comprehensive Plan. It is a very professional and a very thorough and impressive document!

Thanks especially for including all the up-to-date information on renewable energy. Things are changing at a faster rate than ever before. Who would have thought ten years ago that people would have their own drones or electric cars or driverless cars!!

I hope that the Clayton Town Board considers making the proposed LL#5 into a "Renewable Energy Ordinance" which could list and regulate all present and FUTURE renewable energy systems. Things are changing so quickly that having a separate "Renewable Energy Ordinance" would put all your renewables in one location. I can see in the future that there may be small household wind turbines that a private homeowner puts up to generate enough energy to charge his electric car and his home. Who knows!

All these kinds of renewable energy systems need to be managed to protect the health, the safety and the welfare of the residents.

Thanks! Cindy Grant 12610 House Rd Clayton, NY 13624

A handwritten signature in cursive script that reads "Cindy Grant". The signature is written in black ink and is positioned below the typed name and address.

September 19, 2016

Dear Town of Clayton,

My family bought a home on Miller Road in the Town of Clayton a couple years ago. We have invested many hours and much money to make a beautiful home that we are proud of.

Recently we were informed that the foreign owned industrial wind giant Iberdrola wants to put 500-600' tall industrial wind turbines all around our home!! This is wrong that our rights to a peaceful existence can be taken away.

We of course have many concerns. We don't think that industrial wind turbines should be permitted so close to where people live. We hope our town will protect us and our property.

The draft Comprehensive Plan looks good. Thank you.



John Ruttan

31280 Miller Rd.

Lafargeville, NY 13656

September 19, 2016

To Whom it may concern,

We wish to congratulate your committee on a good job of updating our Comprehensive Plan.

We are pleased to see that you developed a large section on Renewable Energy. This whole topic has exploded in the last twenty years and it will keep evolving as new technology is invented.

Thank you for really exploring all the negative effects of industrial wind.

We live in the Hamlet of Depauville and are very concerned about the proposed industrial wind project, Horse Creek. It is proposed to be placed right adjacent to the Hamlet of Depauville. In February the developer even said they wanted to put the industrial wind turbines in Clayton Center which would mean Depauville would be surrounded by 500 foot tall industrial wind turbines.

The Hamlet of Depauville is situated at the bottom of a steep valley with rock walls on both sides. When noise falls into this valley, it bounces off these rock walls. Please don't let them put industrial wind turbines near Depauville. Thank you.

Jasper and Leona Wilkie PO Box 54 Depauville, NY 13632

*Jasper and Leona Wilkie*

Dear Clayton Comprehensive Plan Committee,

Your draft of the updated Comprehensive Plan was very impressive!!  
Looks like you did a lot of hard work! Thanks!

I am grateful that you included some information on industrial wind turbines. These things need to be regulated and placed in areas where people already don't live!

I have a great well at my residence. It didn't even have any issues this summer with the severe drought conditions. I am concerned what might happen to my well if the industrial wind turbines were permitted nearby.

My well is only 32 feet deep. If my well was affected from the blasting to put in the huge concrete bases for these 500 feet tall industrial turbines, who would pay to fix my well? I also have a natural creek behind my house that my pet ducks live next to.

Please consider how you would safeguard the wells, springs and ponds of the residents who live here already. How about protecting the Amish too.

They live a peaceful life here and shouldn't be forced to live near industrial wind turbines too. Thanks.

Tom Carr

31035 Co. Rte. 54

Chaumont, NY 13622

A handwritten signature in cursive script that reads "Thomas J. Carr".

9/19/16

Dear Comprehensive Plan Committee,

I think your updated Comprehensive Plan looks very nice. It looks like a lot of hard work went into drafting this document!

My husband and I live in the Hamlet of Depauville and we have many concerns about the proposed industrial wind project Horse Creek that Iberdrola wants to put on the south side of Depauville.

Depauville and the surrounding area is heavily populated already with people who have made this their home. We are centrally located so we make a good bedroom community to people who work in Watertown or Fort Drum. At the February 4<sup>th</sup> 2016 Planning Board meeting Iberdrola representatives said they even want to put industrial wind turbines in Clayton Center! This is no place for industrial wind turbines!

Please protect the citizens that have homes and live in and around Depauville. Please enact laws to protect us from industrial wind.

Sincerely,



Theresa Getter

PO Box 24

Depauville, NY 13632

# Young / Sommer LLC

YOUNG SOMMER WARD RITZENBERG BAKER & MOORE LLC

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DAVID C. BRENNAN  
JOSEPH F. CASTIGLIONE  
JAMES A. MUSCATO II  
J. MICHAEL NAUGHTON  
ROBERT A. PANASCI  
DEAN S. SOMMER  
KEVIN M. YOUNG

LAURA K. BOMYEA  
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September 19, 2016

Via Fax 315-686-2651 and  
[Email zoning@townofclayton.com](mailto:zoning@townofclayton.com)

Town/Village of Clayton  
Comprehensive Plan Committee  
Village of Clayton Municipal Building  
425 Mary Street  
Clayton, NY 13624

Re: Joint Town/Village of Clayton Draft Comprehensive Plan  
Posted On-line September 2016

Dear Comprehensive Plan Committee Members:

We represent Atlantic Wind, LLC ("Atlantic Wind") and submit these comments on the Joint Town/Village of Clayton Draft Comprehensive Plan posted on the Town of Clayton's website at: <http://townofclayton.com> (hereinafter "Comprehensive Plan"). These comments focus on Chapter 9 of the Comprehensive Plan, entitled "Renewable Energy." The references to Chapter 9 in this letter refer to the version of the draft Comprehensive Plan posted on the Town's website on September 13, 2016.

The Town of Clayton ("Town") is revising/updating its Comprehensive Plan at the same time it is considering a major overhaul of its law governing the development and operation of wind energy facilities. Like proposed Local Law No. 5 of 2016, the Renewable Energy section of the draft Comprehensive Plan is inconsistent in many respects with current State policy supporting wind development; it is also unsupportable as a vehicle for guiding the Town's land use choices because it reaches far beyond the proper scope of local zoning matters and presents a biased and largely unsubstantiated view of the relative costs and benefits of wind energy. As a result, the draft Comprehensive Plan requires considerable revision before it can be finalized.

On first glance, what is most striking about Chapter 9 is the extraordinary level of detail and bias exhibited relative to other chapters in the draft Comprehensive Plan. Chapter 9 reads not like a reasoned analysis of the land use and related issues surrounding the development of renewable energy in the Town but like a diatribe against wind energy. The only other chapter containing a similarly detailed and biased analysis is Chapter 11 "Land Use and Land Cover" where many sections of Chapter 9 are repeated.

Chapter 9 also is striking for its inconsistency with the public input that supposedly drove the formation of the Plan. As set forth in Chapter 8, "Public Input," an online survey was conducted to gauge public sentiment on a number of issues. Those survey results evidenced a striking lack of concern over large-scale wind projects. In fact, of the 73 respondents to an open-ended inquiry as what other land use should be encouraged or discouraged in the Town, only 4% of the respondents (or approximately 3 people) identified "wind turbines" as a land use to be discouraged (Chapter 8, p. 94, Question 8,). Survey respondents were also given the opportunity to identify negative changes they have observed in the town or village. Of the 37 responses to that question, only 2.7% identified changes that were grouped as a combined "marine resource changes/potential wind farm" as a negative change (Chapter 8, p. 109, Question 37b).

Given that the public input solicited for the Plan barely mentioned wind projects as an area of concern, the degree of attention the draft Plan directs at wind farms is clearly out of context and out of proportion, suggesting possible bias by at least some members of the comprehensive plan committee. As set forth more fully below, that bias is demonstrated by the unfounded allegations and "conclusions" regarding the negative impacts of wind projects, particularly the unfounded statements that wind projects have a negative impact on agriculture.

**The Draft Comprehensive Plan Includes Extensive Discussion of Subjects that are Not Properly Addressed During the Local Land Use Review Process.**

Comprehensive plans are intended to guide municipalities in their development of local land use laws, setting out their future land use development goals and providing a road map to help the municipality achieve those goals. Once the plan is adopted, changes to the municipality's zoning laws are compared to the Plan to ensure consistency. The focus of comprehensive plans is necessarily on local land use concerns. The comprehensive plan is not a vehicle for the municipality to assume control over areas of statewide or national concern, nor does it confer jurisdiction on the municipality to act in ways not otherwise authorized by statute or regulation.

Over the years, conflicts have continually arisen between the state's need to ensure an adequate supply of energy and local land use concerns. The State Legislature resolved this conflict by enacting Article 10 of the New York Public Service Law ("PSL"), which creates a centralized system for review and approval of large electric generators, including large wind energy projects, by a state-level Siting Board. The Siting Board is charged with ensuring that

each project conforms with certain application and review requirements, making findings regarding the nature of probable impacts from the construction and operation of the proposed project, and deciding whether to certify the project at the proposed location. NY PSL § 168. As part of this process, the applicant is required to submit extensive studies covering a wide variety of areas including: land use; electric system effects; public health and safety; noise and vibration; cultural resources; geology, seismology and soils; terrestrial ecology and wetlands; and water resources and aquatic ecology, among many other subjects. 16 NYCRR §§ 1001.4-1001.6, 1001.

More generally, the Siting Board is charged with reviewing each project within the broader context of State energy policy, statewide generation needs, resiliency and reliability of the State electric grid, and various other broad-stroke issues that are not specific to any one project in a particular location. Ultimately, the Board's decision must include a finding that the project is consistent with the State energy policy and represents "a beneficial addition to or substitution for the electric generation capacity of the state;" that the project will "serve the public interest" and complies with applicable state or local laws not determined to be "unreasonably burdensome;" and that the applicant's proposal minimizes or avoids significant adverse environmental impacts to the greatest extent practicable, or mitigates them where avoidance is impossible. NY PSL § 168(3).

Smaller wind energy projects that are not covered by Article 10 must undergo an environmental review under the State Environmental Quality Review Act ("SEQRA"). The SEQRA process ensures that all environmental impacts associated with a wind energy project will be considered even if the project is not subject to Article 10.

Particularly with respect to wind energy facilities, Chapter 9 of the draft Comprehensive Plan oversteps the bounds of an appropriate planning document by including extensive (and uniformly negative) analyses of environmental and other impacts that are not properly the subject of local government regulation and/or are thoroughly addressed either by Article 10 or other mandatory review processes.

- In several cases, the Comprehensive Plan includes a discussion of "impacts" that are specifically and exclusively addressed by federal agencies and over which the Town has no jurisdiction. For example, the draft Comprehensive Plan includes an extensive discussion of the possible adverse impacts of large-scale wind energy projects on Fort Drum (which notably is located well outside the boundaries of the Town). *See* Section 9.C.2. However, wind energy developers must engage with the Department of Defense to ensure that proposed projects will not impair the operation of any nearby military facilities and must mitigate any identified potential adverse impacts. The Town has no role in this review. As a result, it is not a proper subject of the

Comprehensive Plan. Similarly, the possible impact of wind farms on aviation (Section 9.D.7) must be addressed by the developer in accordance with Federal Aviation Administration (“FAA”) requirements. Finally, any possible communication interference and civilian radar interference (Section 9.E) is addressed by the FAA, Federal Communication Commission and/or Public Service Commission (“PSC”). Because compliance with these requirements is within the sole purview of federal regulators, they are not properly the subject of the Town’s draft Comprehensive Plan and the Town should not pre-determine that a wind project is inconsistent with military activities or communications. Accordingly, all discussion of these subjects should be deleted from the Plan.

- More generally, the draft Comprehensive Plan includes a detailed discussion of various types of environmental impacts that do not relate directly to land use concerns and so are not properly the subject of a comprehensive plan. For example, the draft Comprehensive Plan includes a detailed discussion of the purported adverse impacts of wind farms on flora and fauna, birds and bats. See Sections 9.D.2, 9.D.3, 9.D.4. It also contains discussions of other non-land use-related subjects such as impacts to the alvar environment (Section 9.D.1) and hydrological impacts (Section 9.D.9). However, these types of purely environmental impacts are not typically addressed by municipal land use regulations and so are not properly the subject of a comprehensive plan. To the extent the Town is concerned about these issues, it is not appropriate to focus solely on wind energy to the exclusion of other projects that could have similar impacts. Finally, these subjects are thoroughly addressed during the Article 10 review process (for larger wind energy projects)<sup>1</sup> and under the SEQRA process (for smaller wind energy projects that are not subject to Article 10). As a result, all discussion of these subjects should be deleted from the draft Comprehensive Plan.<sup>2</sup>

It is worth noting that even those subjects—such as economic impacts (tourism and scenic impacts, agriculture, property values), preservation of open space, and cultural resources—that are arguably a proper subject of a comprehensive plan, will ultimately be addressed by the Siting Board as part of the Article 10 process in the case of larger wind energy

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<sup>1</sup> In fact, to the extent the Town imposes conditions on wind energy projects relating to wildlife, birds, bats, geology or hydrogeology that the Siting Board concludes are “unreasonably burdensome,” the Siting Board has the express authority under Article 10 to override the local requirements.

<sup>2</sup> The discussion of these topics also suffers from many of the same flaws as the remainder of Chapter 9.0. They are biased against wind, contain numerous factual errors, and lack scientific support. However, because these topics are not a proper subject for a comprehensive plan and so must be deleted altogether from the document, the flaws in the discussion of these subjects have not been specifically addressed in the remainder of these comments.

projects. The Siting Board will review the comprehensive plan and local zoning law and may reject any local laws that are determined to be “unreasonably burdensome.” Thus, to the extent the Town’s Comprehensive Plan contains unreasonable findings or requirements, they will likely be rejected by the Siting Board. This fact argues in favor of ensuring that the Comprehensive Plan contains reasonable/rational guidelines relating to wind energy development.

**The Draft Comprehensive Plan Misrepresents the Relative Costs and Benefits of Wind Energy and Renewable Energy Generally.**

**1. The Draft Comprehensive Plan Ignores the Benefits of Wind Energy.**

The draft Comprehensive Plan presents a biased and narrow view of the relative costs and benefits of wind power. The section entitled “Renewable Energy Perspective”—which is presumably intended to provide a broad perspective on the role of renewable energy—contains no background information concerning the important role wind energy and other renewable energy sources can and must play in New York’s energy grid. New York’s recent State Energy Plan, issued in 2015, contains a series of policy objectives to increase the use of energy systems that enable the State to significantly reduce greenhouse gas (“GHG”) emissions while stabilizing energy costs. Through the State Energy Plan, New York has committed to achieving a 40% reduction in GHG emissions from 1990 levels by 2030 and reducing total carbon emissions 80% by 2050. In addition, the State Energy Plan calls for 50% of generation of electricity from renewable energy sources by 2030. As set forth in the State Energy Plan, “renewable energy sources, such as wind, will play a vital role in reducing electricity price volatility and curbing carbon emissions.” New York State Energy Plan, p. 45.

In furtherance of these objectives, on August 1, 2016, the PSC approved the State’s Clean Energy Standard (“CES”), which represents the most comprehensive and ambitious clean energy mandate in the State’s history, to fight climate change, reduce harmful air pollution and ensure a diverse and reliable energy supply. The CES will require 50% of New York’s electricity to come from renewable energy sources like wind and solar by 2030, with an aggressive phase-in scheduled over the next several years.

In addition to ignoring the statewide, national and global benefits of renewable energy, the draft Comprehensive Plan also ignores the potential benefits of wind at the local level. Wind projects contribute significant funds to local budgets through local property tax revenues, host community agreements and/or Payment in Lieu of Taxes (“PILOT”) agreements, which help to offset local government spending and support the operating budgets of local schools. However, none of these benefits are cited in the Plan’s discussion of renewable energy.

Moreover, wind energy is helpful in sustaining local agriculture, and helping to insulate farmers from the uncertainties inherent in raising crops and livestock, producing milk, and

otherwise generating income from their land. Farmers face a host of challenges, from rising costs and fluctuating commodity prices, to unpredictable weather patterns and the risks of drought, pests or destructively heavy rains. Across the country, the agricultural community has welcomed wind energy development as a financial safety net during lean years, as well as an effective tool for practicing good stewardship of land. Wind turbines can exist harmoniously on the same parcel as grazing livestock or fields of corn or soybeans, giving farmers a greater per-acre return on their investment, while also preserving open space and the benefits it provides.

None of these obvious benefits of wind power (and renewable energy generally) are reflected in the draft Comprehensive Plan. As a result, the Plan presents a biased view of renewable energy generally and wind power, in particular.

**2. The Draft Comprehensive Plan Presents a Biased and Unsupported Negative Assessment of the Impacts of Wind Energy.**

The draft Comprehensive Plan reads as though it was prepared by an opponent of wind energy rather than as an objective assessment of the potential role of impact of wind energy facilities on land use in the Town. The “Wind Energy Conversion System (WECs) and Heavy Industrial Facility Considerations” section of the draft Plan is characterized by strong anti-wind rhetoric that is either not backed up by any facts/studies or presents only research that supports an anti-wind position. Nor is it an accurate reflection of the land use views and concerns of the community. An assessment of key sections of the Plan is set forth below:

- *Human health and safety section (Section 9.A)*: This section declares that “The potential negative health and safety impacts to the public have been reasonably determined to be an [sic] high and unacceptable level of risk.” However, the section contains no reference to any studies supporting this or any other conclusions regarding the purported health and safety risks of wind energy facilities. Although the section includes various notes suggesting studies may be added later, their absence makes it impossible to comment now on their merits. Moreover, much of the discussion of human health and safety impacts is focused on the suggestion that the increasing population density of the Town increases the likelihood and severity of potential impacts to human health and safety and makes mitigation difficult. In fact, however, as of 2010, the Town, which is 82.6 square miles in size considering land only, had a population of 3,175 (outside the Village of Clayton), for a population density of only 38.4 residents per square mile of land. The portion of the Town which is the location of the current Wind Energy Overlay District, is the least densely populated portion of the Town. Accordingly, any concerns relating to the increase in population density are clearly overstated and

certainly do not support the conclusion that wind energy projects pose a risk to public health and safety.

- *LWRP & Consistency (Section 9.B)*: This section of the plan declares that wind energy facilities will have an adverse impact on the Town's Scenic Overlay District and that large wind turbines are inconsistent with the Local Waterfront Revitalization Program ("LWRP") regardless of their location in the Town. As a preliminary matter, the focus of the LWRP from a scenic perspective is on the St. Lawrence River. Individuals looking at these views will necessarily be turned away from any wind energy facilities, which will be located in the Town's Wind Energy Overlay District, which is currently located at the opposite end of the Town many miles away. More generally, the draft Plan appears to be asserting that if wind turbines are visible from anywhere in the local waterfront area they are necessarily inconsistent with the LWRP and must therefore be prohibited. This conclusion reflects a complete failure to balance the various economic, land use and other concerns that should inform a comprehensive plan and so must be rejected.
- *Tourism and Scenic Impacts (Section 9.C.1)*: This section declares that "Impacts [to tourism, recreation and scenic elements] can be severe, substantial and demonstrable" and "severe and catastrophic." However, it includes no factual support whatsoever for these dire assertions. Moreover, as previously discussed, the analysis elevates preservation of scenic values over all other concerns and so fails to demonstrate the balance expected/required for a comprehensive plan let alone an actual project-specific review.
- *Negative impacts on property values (Section 9.C.3)*: This section declares that a "negative impact to property values is a supportable and logical consequence of this type of development in our Town." The study referenced in the draft Comprehensive Plan was conducted by North Carolina State University and concerned perceived impacts from an off-shore wind project on vacation rentals – the opposite of the situation in Clayton where any proposed wind development is on-shore and located in the opposite direction of the views cherished by tourists and second-home buyers. Studies of the actual impacts of wind energy development on nearby communities have overwhelmingly shown no negative impact on property values resulting from wind development.<sup>3</sup> It is inappropriate to present unproven and factually

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<sup>3</sup> In fact, in a study performed for the U.S. Department of Energy, which collected data on 7,500 sales of single family homes within 10 miles of 24 existing wind facilities in nine U.S. states, there was no evidence that wind facilities resulted in diminution of local property values or depression of home sale values. See <https://emp.lbl.gov/sites/all/files/REPORT%20lbl-2829e.pdf>. See also, *Relationship between Wind Turbines and*

unsupported anti-wind claims as “facts” upon which to base the Town’s Comprehensive Plan.

- *Agricultural economic impacts (Section 9.C.5)/Preservation of agricultural lands (Section 9.F)*: Section 9.F acknowledges and then dismisses the widely held conclusion that wind energy facilities benefit farmers by providing them with a stable source of income; it then goes on to declare that wind energy facilities may incentivize the removal of farmland from production. However, the Plan includes no evidence to support this assertion. In fact, multiple independent sources have confirmed that wind energy development helps sustain agricultural uses by providing farmers with predictable sources of income to insulate them in times of drought, crop losses, or downturns in commodity prices.<sup>4</sup> On the issue of preservation of farmland (Section 9.F), the draft Comprehensive Plan declares that constructing turbines takes agricultural land out of production and thus is incompatible with the goal of preserving farmland. However, this analysis ignores the obvious fact that providing farmers with a steady source of income in the form of rents on wind turbine sites enables them to continue farming by insulating them from the economic shocks that make farming difficult. While very small amounts of land must necessarily be taken out of production when constructing a turbine on a farm, wind turbine projects are likely to preserve agricultural land when viewed more broadly, since wind turbines and farming can readily coexist.
- *Light pollution (Section 9.D.6)*: This section declares that light from wind turbines would “impact the major portion of the Town with a drastic new element and source for unavoidable and unacceptable light pollution.” Again,

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*Residential Property Values in Massachusetts, a Joint Report of the University of Connecticut and Lawrence Berkeley National Laboratory* (C. Atkinson-Palombo and B. Hoen), January 2014 (available at [https://emp.lbl.gov/sites/all/files/lbnl-6371e\\_0.pdf](https://emp.lbl.gov/sites/all/files/lbnl-6371e_0.pdf)). *A Spatial Hedonic Analysis of the Effects of Wind Energy Facilities on Surrounding Property Values in the United States* (B. Hoen, J.P. Brown, T. Jackson, R. Wiser, M. Thayer and P. Cappers), August 2013; *Impact of the Lempster Wind Power Project on Local Residential Property Values* (M. Magnusson and R. Gittel), January 2012; *The Effect of Wind Farms on Residential Property Values in Lee County, Illinois* (J. Carter), Spring 2011; *Values in the Wind: A Hedonic Analysis of Wind Power Facilities* (M.D. Heintzelman and C.M. Tuttle), July 2011; *Wind Farm Proximity and Property Values: A Pooled Hedonic Regression Analysis of Property Values in Central Illinois* (J.L. Hinman), May 2010; and *The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis* (B. Hoen, R. Wiser, P. Cappers, M. Thayer, and G. Sethi), December 2009.

<sup>4</sup> See Union of Concerned Scientists, *Renewable Energy and Agriculture: A Natural Fit*, available at [http://www.ucsusa.org/clean\\_energy/smart-energy-solutions/increase-renewables/renewable-energy-and.html#Vsb\\_AfkrKM8](http://www.ucsusa.org/clean_energy/smart-energy-solutions/increase-renewables/renewable-energy-and.html#Vsb_AfkrKM8). See also, Union of Concerned Scientists, *Farming the Wind: Wind Power and Agriculture*, available at [http://www.ucsusa.org/clean\\_energy/smart-energy-solutions/increase-renewables/farming-the-wind-wind-power.html#VriuV1L3TVI](http://www.ucsusa.org/clean_energy/smart-energy-solutions/increase-renewables/farming-the-wind-wind-power.html#VriuV1L3TVI).

the draft Comprehensive Plan dramatically overstates the problems associated with wind turbines without any factual support. Currently, wind turbines can only be located in the Wind Energy Overlay District which comprises approximately 17% of the Town. Furthermore, lighting associated with wind turbines is for air traffic only and thus only includes limited lighting that does not result in glare or impacts to night-sky conditions. Thus, contrary to the assertions in the Plan, light from any turbines actually constructed will not affect "the major portion of the Town." As with other aspects of the Plan, its absolutist approach to the lighting issue reflects a complete failure to balance the various economic, land use and other concerns that should inform a comprehensive plan.

- *Preservation of Open Spaces (Section 9.D.8)*: This section declares "There is no past or present data from the Clayton's public to indicate that even a significant minority proportion of residents or visitors would consider the components of WECs as an element of Open Space. Using this benchmark, the potential negative impacts of WECs to Clayton's rural Open Spaces, can be substantial, severe, and permanent, and have no reasonable mitigation." Based on this finding, the document concludes that "if possible, WECs should not be considered as a permitted land-use or a desirable development." The flaw in this analysis is obvious. The draft Plan uses an admittedly non-existent benchmark to conclude that the purported negative impacts of wind turbines on open space are "substantial, severe and permanent." The quoted statements are baseless and unnecessarily inflammatory and must be deleted from the Plan. More generally, as noted above, wind turbines can currently be located only in the Wind Overlay District, which comprises a small percentage of the Town; the remainder of the Town's open space will be wholly unaffected by wind energy. Within the District, the wind turbines will be located in fields and other comparatively flat, vacant land, much of which is used for farming. And as noted above, only a very small percentage of residents who responded to the survey about land use issues identified wind turbines as a significant issue. These facts should be reflected in the Plan's analysis of open space impacts.
- *Historic/Pre-Historic Cultural Resources (Section 9.G)*: The draft Comprehensive Plan appears to concede that that the impact of wind energy projects on cultural/historic resources associated with European settlement of the Town can be addressed by existing surveying methods. However, the document expresses considerable concern about the ability of developers and others to detect and address potential impacts of wind project development on Native American cultural resources and offers a framework for addressing this

impact. As a preliminary matter, the issues raised by wind energy construction are no different than those raised by any other actions in the area that necessitate the disturbance of the soil. If there are concerns that archaeological resources are not properly identified by a project applicant, the normal project review process under Article 10 or SEQRA provides ample opportunity to raise questions regarding the scope of the archaeological investigation. As a result, there is no reason to single wind energy out for special treatment in the Comprehensive Plan.

**Many of the Recommended Local Standards for “Industrial Wind Turbines” Are Not Local Concerns and So Should Not Be Addressed in the Comprehensive Plan**

The Section entitled “Renewable Energy Regulations” is apparently intended to provide an outline for the development of local zoning or other regulations to ensure that renewable energy projects are consistent with the framework established by the Comprehensive Plan. However, as set forth above, several of the issues identified by the draft Comprehensive Plan for regulation by the local government are not a proper subject for local regulation. For example, the draft Comprehensive Plan suggests that Town standards should “[c]onsider avoiding aviation migration flyways” and “[a]dequate setbacks from: wildlife roost and habitat areas, recognized migration stopover areas, breeding grounds, and winter habitat areas.” However, wildlife impacts are not a proper subject of the comprehensive planning process. Moreover, as set forth above, the potential impacts of wind turbine projects on wildlife are thoroughly addressed by the Article 10 process (for larger wind projects) and SEQRA (for smaller projects), making local regulation under the Town’s zoning code unnecessary.

Similarly, the draft Plan recommends that the Town “[c]onsider limiting placement due to Fort Drum installation impacts.” However, as set forth above, the U.S. Department of Defense is responsible for reviewing the impacts of any wind energy project on the operation of military facilities. There is no basis for the draft Plan to act to preclude wind projects in any portion of the town without the benefit of a formal study demonstrating that such a project is *per se* incompatible with Fort Drum. No such study exists.

More generally, regardless of the standards set in the proposed law, the existing Article 10 siting law ensures that environmental and other interests are protected in the case of wind projects of 25 megawatts or more. Under Article 10, the Siting Board cannot issue a certificate unless it determines that potential adverse impacts from a project on the environment (which include impacts to human health, cultural resources, property values etc.) have been avoided or minimized to the maximum extent practicable. *See* PSL § 168(3)(c). This means that the Siting Board can require a greater measure of protection than required by local law if the actual Article 10 field studies show that the law does not provide appropriate protection in a given circumstance. For example, even in the absence of local laws addressing property value impacts,

the Siting Board has the authority to require project developers to implement mitigation measures if it determines that a particular project will negatively impact local property values. At the same time, Article 10 also makes clear that the Siting Board will not adhere to local laws if they are unreasonably burdensome. As a result, if a Town enacts “setbacks to mitigate or limit property value decreases causes [sic] by turbine placement”—as the Town has recommended here—the Siting Board may ignore those setback requirements if it finds that they are unreasonably burdensome.

In another example, the draft Comprehensive Plan calls on the Town to “[c]onsider limiting tower placement due to the potential impact of Native American artifacts or sites that may not be known as of yet.”<sup>5</sup> However, Article 10 specifically requires applicants to prepare studies of “cultural resources,” such as archeological resources, which includes impacts on Native American sites. 16 NYCRR § 1001.20 (cultural resources). An applicant must develop, in consultation with the New York State Historic Preservation Office (“NYSHPO”), archeological and cultural resources studies, as well as an “unanticipated discovery plan,” which outlines procedures for work stoppage in the event that possible artifacts or human remains are discovered during construction, and protocols for the proper handling of such items. 16 NYCRR § 1001.20(a)(6). If, as suggested in the draft Comprehensive Plan, there is evidence that Native American cultural resources are prevalent in the Town and cannot be adequately assessed by a Phase 1A archeological and cultural resources, NYSHPO can require a Phase 1B survey and/or a Phase II survey to more fully assess these resources. 16 NYCRR § 1001.20(a)(2)-(4). Participants in the Article 10 review process can provide information on the potential location of such resources during the application process to assist in these evaluations. Ultimately, however, the NYSHPO and the Siting Board will decide whether these resources are threatened by a particular project and whether the applicant must take steps to mitigate any adverse impacts. Any local standards, while they may be considered in making this evaluation, will not drive the result, since these issues fall squarely under the jurisdiction of NYSHPO, are governed by provisions of State and federal law (Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act), and must be conducted in accordance with established state protocols, including the agency’s Standard for Cultural Resource Investigation and Curation of Archeological Collections in New York State.

With respect to small wind turbine projects that are not regulated under Article 10, the applicant must comply with the SEQRA process, which provides a well-tested means of assessing the environmental impacts of all types of government actions. That review process covers the issues addressed by Article 10 and identified as concerns in the draft Comprehensive Plan, including land, surface and groundwater, plants and animals, agricultural resources,

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<sup>5</sup> This statement is something of a tautology since it suggests that the Town consider limiting wind turbine placement due to the potential impact “on sites that may not be known as yet.” If the Town does not know where the sites are located, how can they limit the placement of towers on them short of banning towers altogether from the Town.

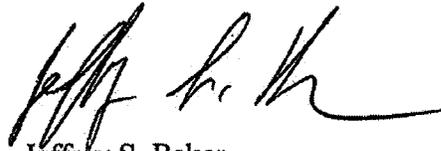
aesthetic resources, historical and archaeological resources, open space, critical environmental areas, noise and light, and human health. The SEQRA process ensures that any legitimate concerns arising from the development of small scale wind energy projects will be fully addressed and renders the detailed and biased assessment of these concerns in the draft Comprehensive Plan wholly unnecessary.

### Conclusion

For the reasons set forth above, Chapter 9 of the draft Comprehensive Plan addressing renewable energy is overly broad, biased and unsupported by facts, particularly as it relates to wind energy. Accordingly, Atlantic Wind recommends that the Town revise this section of the plan to reflect the issues identified above and make it available for further review as well as any comparable discussions in Chapter 11.

Thank you for your consideration.

Respectfully submitted,



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