

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD
July 7, 2016

The meeting opened at 7:00 p.m. with the following **members present:** Chairman Doug Rogers, Preston Lowe, Brian Jones, Duane Hazelton, Paul E. Heckmann, and Alternate Dave Crandall (sitting in for Aubertine) **Absent:** Larry Aubertine and Fred Bach, JR.

Also Present: Zoning Officer Richard Ingerson, Zoning Officer Kimberli Johnston, and Recording Clerk Amanda Shane

Townspople Present: Jacquelyn and Richard Badour, Christy Hunter, Tim Gaynor (on behalf of Mitch Roy), Ellen Leahy, James and Candy Duswalt, Jody Garrett, Kelly Cantwell, Rosemarie Soindio, Waring and Audrey Blacklua, Jonathan Taylor, Jake VanReenen, Zachary Russell, Ted Stuart, and Scott Piper.

At 7:03 PM **MOTION** made by Duane Hazelton, 2nd by Paul E. Heckmann to approve the June 2nd meeting minutes as amended. Motion carried.

Communications:

Chairman Doug Rogers will e-mail Board Members proposed changes to the amendment for all to review. Chairman Rogers also serves as the chair of the Comprehensive Plan and there will be a public meeting July 18th at the municipal building. All Board members are encouraged to attend. The Planning Board will be solicited for their input as well as the ZBA and Town Board.

Continuing Business:

At the June 8th, 2016 meeting the Fairview Manor application was passed in a 5:2 vote. Jody Garrett was asked to resubmit his site plan application with the requested conditions. Town Attorney Joe Russell explained that because it was a special use permit Jody Garrett had to resubmit the application and the original board members who voted previously would vote again tonight. Jody Garrett and his neighbors have agreed per counsel on some additional conditions such as a 10:00 closing time, the dock is limited to personal use only, and there is a set occupancy for the terrace. The Planning Board's vote on this application will be effective as of June 14th, 2016. If the application is approved all legal actions will be discontinued. Board members took a moment to review the updated application before making a vote.

At 7:15 PM **MOTION** made by Preston Lowe, 2nd by Duane Hazelton to approve the final application for a special use permit as of June 14th, 2016. Motion Carried.

Aye: Hazelton, Jones, Rogers, Lowe, and Heckmann

Nay: None

Abstain: None

Absent: Bach and Aubertine

7:17 PM--Village-- Jake VanReenen, 815 Union Street, Tax Map #20.46-2-6.1, Clayton, in the Marine Development District. Site Plan Review.

Jake VanReenen had a pre-application hearing at the June meeting then was sent to the Zoning Board of Appeals for a variance which he was granted. Chairman Rogers reviewed the ZBA meeting minutes. The building was moved closer to the Wahl property and now has a 5'6" set back on the side and rear. Two dumpsters are proposed in the front with a fence around it for the neighbors. There is a 10'6" set back from the residences along the property line. Signage must meet an 18 square foot condition. Hours of operation are set for 8:00am-5:00pm with his tow boat being used 24/7. The structure will be used for boat maintenance, engine repair, barge fabrication, and storage. The slab will be custom to fit the prefabricated building and it will connect to storm drain. Gutters will be installed and run to downspouts if it is deemed necessary. A color has not been determined for the building at this time and a 6' fence has been approved to buffer the lockable dumpsters at the neighbors benefit.

Dave Crandall stated that the views of the river from neighboring properties will be affected and the Board should consider the residences and the applicant should come up with a proposal for a softer look. A privacy fence was discussed however, two residences already have privacy fences and installing another one would hinder the ability to maintain both fences. The applicant is willing to continue the sidewalk along the front of the property and plans to pave from street to sidewalk. The rest of the property will be all be gravel. Jonathan Taylor will modify the site plan with grade lines. Brian Jones stated that the application is complete with the conditions of a 6' fence around the dumpsters, the addition of the sidewalk, grade lines, and the installation of gutters.

At 7:46 PM **MOTION** made by Preston Lowe, 2nd by Brian Jones to open the public hearing. Motion carried.

Kristy Hunter addressed the Board explaining she has a privacy fence and has plans to install a new one. She was also happy with the installation of gutters on the proposed structure. Jim Duswalt explained that she sent an e-mail to the board and was told at the ZBA meeting that VanReenen's property was grandfathered in. Zoning Officer Richard Ingerson explained that the lot is of record and meets zoning ordinances. Zoning was changed and Chairman Rogers explained that the property is consistent with the LWRP. Jim Duswalt went on to state that the property doesn't meet permit requirements to build barges and it is supposed to be small retail/service only.

Candy Duswalt presented photos to the board depicting what the area would look like with the proposed structure and stated she didn't feel it would exist harmoniously. Mr. Duswalt continued to explain that according to the Department of State the town can change zoning but needs to submit it to the LWRP and that he has met with a zoning lawyer. The Duswalts stated they intend to pursue looking further into the zoning and "grandfathering" of the property and do not feel it will hold up in court. Mrs. Duswalt also addressed the Board stating that only one (1) dumpster was discussed at the ZBA meeting, she does not want the

dumpster outside her bedroom window, she feels the proposed building is ugly, and feels it does not enhance the street.

Kristy Hunter spoke to the board again questioning snow removal. It was stated that snow will not be removed from the 10'6" setback area unless needed. In addition, VanReenen stated he will only be maintaining for his marine business, not manufacturing.

At 8:00 PM, Chairman Rogers conducted the SEQR.

At 8:05 PM **MOTION** made by Paul E. Heckmann, 2nd by Duane Hazelton to declare a negative declaration. Motion carried.

Aye: Hazelton, Jones, Rogers, Heckmann.

Nay: Lowe and Crandall Abstain: None

Absent: Bach and Aubertine

Zoning Officer Richard Ingerson questioned a paint color that would make the building more appealing. Candy Duswalt stated she would like to see the front of the building look more residential and feels there hasn't been any compromise.

At 8:08 PM **MOTION** made by Preston Lowe, 2nd by Dave Crandall to adjourn the public hearing pending legal opinion until the August 4th meeting. Motion carried.

8:10 PM--Town-- Kelly Cantwell, NYS Rte. 12, Clayton, Tax Map #20.11, Block #2, Lot #1, in the Agricultural Rural-Residential Area. 2 Lot Simple Minor Subdivision.

Kelly Cantwell did the presenting. There is a mobile home on one lot and he would like to put a mobile home on the other lot as well if approved. Each lot is over 40,000 square feet. There is a generic SEQR on file.

At 8:12 PM **MOTION** made by Duane Hazelton, 2nd by Dave Crandall to approve the application as presented. Motion carried.

Aye: Hazelton, Jones, Rogers, Lowe, Heckmann, and Crandall.

Nay: None

Abstain: None

Absent: Bach and Aubertine

8:13 PM--Town --Ronald Littlefield, Ellis Road, Clayton, in the Agricultural Rural Residential District. 2 Lot Simple Minor Subdivision.

The application is complete unless deemed otherwise. There is a generic SEQR on file.

At 8:15 PM **MOTION** made by Paul E. Heckmann, 2nd by Preston Lowe to approve the application as submitted. Motion carried.

Aye: Hazelton, Jones, Rogers, Lowe, Heckmann, and Crandall.

Nay: None

Abstain: None

Absent: Bach and Aubertine

8:15 PM--Town--Rick Davison, 16874 Black Creek Road, Clayton, Tax Map #20.00, Block #1, Lot #58.22, in the Agricultural Rural-Residential and Industrial Districts. 2 Lot Simple Minor Subdivision.

Richard Ingerson did the presenting. The Thompson Farm is buying one lot if approved. The Board discussed right of ways and landlocked properties. The Applicant is keeping 5 acres and selling 30. There is a generic SEQR on file.

At 8:22 PM **MOTION** made by Brian Jones, 2nd by Duane Hazelton to approve the application as submitted with the condition that the Chairman reviews the submitted maps. Motion carried.

Aye: Hazelton, Jones, Rogers, Lowe, Heckmann, and Crandall.

Nay: None

Abstain: None

Absent: Bach and Aubertine

8:23 PM—Town—Jacquelyn Badour, 12283 County Rte. 9, Clayton, Tax Map #20.07, Block #2, Lot #27.6, in the Marine-Residential District. 3 Lot Minor subdivision.

Per Chairman Rogers, the application submitted is complete and there was a typographical error and the application and agenda should state a “3 lot Minor Subdivision” not 4. The property is contiguous across the road and all lots would meet requirements. The applicant plans to build a home on one lot, her brother plans to build a home on the next lot, and then save the third lot for all family to utilize. Board discussion regarding the road/right of way. Richard Ingerson explained that it is not up to the Planning Board to determine curb cuts. Chairman Rogers read a letter submitted by Mitchell Boyd who expressed concern over safety issues on Calumet Blvd.

At 8:33 PM **MOTION** made by Dave Crandall, 2nd by Duane Hazelton to open the public hearing. Motion carried.

Rob Baker addressed the Board stating he lives in the location and is representing his family. He stated he was concerned that property values would decrease in the area. He also stated that drainage is a major issue in the area as well.

Tim Gainer stated he has no concern over the subdivision but did have concern over the driveways. Calumet is a 10’ dirt road and the property owners maintain the road themselves. He questioned in the Badour property could change their 911 address to Fontaine. Richard Ingerson explained that the Planning Board cannot make that decision.

At 8:46 PM **MOTION** made by Brian Jones, 2nd by Duane Hazelton to close the public hearing. Motion carried.

At 8:48 PM **MOTION** made by Duane Hazelton. 2nd by Brian Jones to approve the application for a 3 lot Minor Subdivision. Motion carried.

Aye: Hazelton, Jones, Rogers, Lowe, Heckmann, and Crandall.

Nay: None

Abstain: None

Absent: Bach and Aubertine

8:49 PM—Town—Scott Piper, 12283 County Rte. 9, Clayton, in the Agricultural District. Pre-Application hearing.

Scott Piper would like to construct a welding shop on his property. The closest residence to the proposed location is his own home and customers do not stay on the property. He does not plan to install water or a bathroom in the structure. The building will be entirely steel and the property is flat. Duane Hazelton suggested obtaining a survey from the county website and present drawings depicting the dimensions of the structure. The Board also asked for parking to be shown on the map as well. The applicant will return to the Planning Board at the August 2016 meeting for a site plan review.

At 9:03 PM **MOTION** made by Duane Hazelton, 2nd by Preston Lowe to adjourn the meeting. Motion carried.

Respectfully Submitted,

Amanda Shane, Recording Clerk