

September 17, 2014

The Town Board of the Town of Clayton held a **Special Meeting** with the Town of Orleans Town Board in the Clayton Town Board Room with the following persons present:

Town of Clayton:

Justin A. Taylor; Lance Peterson; Robert W. Cantwell III; Chris Matthews (8:12); Mary Zovistoski; Kathy LaClair, Town Clerk

Town of Orleans:

Terra Bach, Kevin Rarick; Thomas Johnson Jr.; Peter Wilson; Mary Ford-Waterman; Gwendolyn Kirkby (absent)

Others:

Dennis Weller; Gene Armani; Matt Morgia; Bud Baril, Iris Waterson; Pam McDowell; Katie Ross

Meeting Opening:

Supervisor Taylor opened the meeting at 7:30 PM and led the assembly in the Pledge of Allegiance.

The meeting was turned over to Dennis Weller, Clayton resident and potential developer. Mr. Weller in turned introduced Matt Morgia, PE – Aubertine and Currier and Gene Armani as the other member of Blind Bay Associates.

Mr. Weller reiterated that the property is divided by the Town of Clayton/Orleans boundary, with approximately 6.2 acres in the Town of Clayton on the waterfront and 55 acres within the Town of Orleans that fronts along NYS Route 12. All the property lies within the Thousand Islands School District. For the project to move forward, Mr. Weller is looking for favorable acceptance from both Townships to move forward to the next steps.

Mr. Weller discussed that he has had conversations with the Engineer about the NYS Route 12 Sewer line being built in the spring of 2015; and it is possible that he would have the option to hook into this line. Originally the first option was to use septic systems with raised beds in the Town of Clayton portion as that would be developed first.

Both Town Ordinances for subdivisions came under different reviews. Town of Orleans considers the application a major and Town of Clayton considers it a minor. The application submitted to the Town of Clayton was approved as submitted; in the Town of Orleans the application was withdrawn due to Orleans Planning Board discussion on several issues, ie: Major subdivision criteria, public road acceptance, lot sizes conformances in Orleans (one lot was considered non-conforming as not 14,000 square foot), possible set back criteria, and costs to the Town of Orleans for taking over a dead end road.

Mr. Weller indicated he was not asking the Town of Orleans to build the road from NYS Route 12 to the waterfront properties. He has said from the start, that he as the Developer would build the road to the Town of Orleans standards, which is the same standards, used by Jefferson County and the Town of Clayton. Sometime in the future, as the other 14 potential lots are built in the Town of Orleans, Mr. Weller would approach the Town of Orleans with the dedication of this road. Mr. Weller said if Blind Bay Associates paid for a road to be built by County Department standards, the company would like to know if there was potential that either town would consider taking it over sometime in the future. An

option might be for the Town of Orleans to maintain the road and tax the homeowners to pay for the services. Or another option would be for the Town of Clayton Highway Department to maintain the road.

On September 8th, 2014, a joint meeting was held with Supervisor Taylor, Supervisor Rarick, both Planning Board Chairman from the Towns, Atty. James Burrows for Town of Orleans and Atty. Joseph W. Russell for Town of Clayton. At this meeting there was no conclusion on a direction to recommend to the respective boards and therefore that is why we're here tonight, to re-visit and explore some options.

Mr. Weller discussed three options that were reviewed at the last meeting:

- 1) Annexation of the Town of Clayton tax parcels to Town of Orleans. Mr. Weller stated that he would have to initiate the request, and doesn't feel that this is in the best interest to the Town of Clayton.
- 2) A Joint Inter-Municipal Agreement between Clayton and Orleans for Planning Board review and approval by Orleans, since their ordinance is more stringent than Clayton's.
- 3) Resubmission by owner for a major subdivision to Orleans, which would be required in all cases by Orleans, but would require requesting lot size variances or redrafting the overall plan for lot sizes. This may not be acceptable by Orleans due to road construction and potential acceptance and future sewer tie in requirements. Access to site is entirely through T/Orleans.

Mr. Weller stated that there are issues with each of the above.

Matt Morgia stated that Clayton's Ordinance is similar to the Health Departments and considers this a minor division, but the Town of Orleans considers 5 lots and a road as a major.

The Town of Orleans is worried about the costs associated with the development. The developer would need to draw up the IMA then both Attorneys would need to review. Councilman Johnson stated he doesn't believe the Town of Orleans should be in favor of a plan that would have their town providing services for a road to the homes that aren't going to pay taxes to the Town of Orleans. Councilwoman Mary Ford-Waterman of Orleans stated that the town board should consider the opinion of the zoning and planning board before making any final decision. She stated she was feeling a little pressured to make a decision this evening. Councilman Johnson stated that he didn't see any benefit for the Town of Orleans in this development. Councilman Wilson was not going to overstep their Planning Board and wants them to review their process. He stated he was not interested in taking over a road at this time.

Councilman Peterson stated that we're just trying to look at and come to some kind of consensus on what direction to go.

Councilman Johnson feels that this is not the case and that this is a private entity; if it were utilities, then both the Town of Clayton and Town of Orleans would benefit. The Developer should go ahead, put the IMA together for both municipalities. Town of Orleans would look at. The Developer could build his road and the Town of Clayton maintain it.

Supervisor Taylor said that while the proposal as submitted at present is in the Town of Clayton, eventually more homes will be built on the remaining 55 acres, which is in the Town of Orleans. This is just a starting point.

Matt Morgia indicated that a dedication of the road could take place after a certain number of lots were built.

Councilman Matthews said that the Town of Orleans does not need to take over the road.

Mr. Weller indicated that if an agreement is not reachable, the developers could decide to create the five lots completely in the Town of Clayton. He is hoping to start the infrastructure part of the development this fall and construction on the houses could start in the spring.

Mr. Weller stated he would draft both IMA's trying to keep the zoning in Clayton to start with and in Town of Orleans for the future lots. He stated he is just trying to move forward with this proposal.

MOTION by Mary Zovistoski, seconded by Bob Cantwell III, to adjourn this Special meeting at 9 PM.

Kathleen E. LaClair, Town Clerk