

November 4, 2015

The Town Board of the Town of Clayton held their regular meeting at 5:00 PM in the Town Board at 405 Riverside Drive, Clayton, New York with the following persons present:

Justin A. Taylor	Lance Peterson	Robert W. Cantwell III
Christopher D. Matthews	Mary Zovistoski	Kathleen E. LaClair
Atty. Joseph W. Russell	Bill Sherman	Alicia Dewey
Dave Storandt	Mary Bowman	Brody Smith
Pam McDowell	Doreen Garrett	Jenna Kraeger

Pledge of Allegiance:

Supervisor Taylor opened the regular meeting at 5:00 PM by leading the assembly in the Pledge of Allegiance.

Town Clerk:

Correspondence:

- Time Warner Cable notice of developments for the subscribers in the central New York Division.
- Public Notice- Comprehensive Plan Committee meeting will be on Thursday, November 19, 2015 from 3:30pm to 5:00 for this month only.
- ACR Health – View Point.
- Resignation letter from Kenneth Garnsey effective November 18, 2015.

Minutes:

Public Hearing MD-2: October 14, 2015:

Motion by Bob Cantwell III, seconded by Mary Zovistoski, to accept the minutes of October 14, 2015 (Public Hearing MD-2) as presented. Motion carried.

Regular Workshop Meeting: October 28, 2015:

Motion by Lance Peterson, seconded by Chris Matthews, to accept the minutes of October 28, 2015 as presented. Motion carried.

Public Comment on Agenda Items: None

Supervisor:

Action on Assessor Recommendations: Board discussion with Councilman Matthews weighing in that most years it wouldn't be necessary to have a Grievance Day Clerk. Possibly on a reval year depending upon the amount of grievances being heard, it might be okay, but generally he doesn't feel that it would be warranted.

Atty. Russell stated from his view point of having to address tax certs in court that he relies on forms & exhibits and doesn't feel that hiring a clerk for grievance day would be cost effective or warranted in the Villages and Towns.

SEQRA-MD2 Application:

The Application had previously been submitted and the Town Board had reviewed Part 1 – Project and Setting of the Full Assessment Environmental Assessment Form. This evening is for the Town Board to

complete Part 2- Identification of Potential Project Impact of the Full Environmental Assessment Form. Ms. Dewey will read the questions; the Board will discuss and answer.

1) Impact on Land – Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. Checked: No

a) Council Peterson stated “No” - the applicant is not changing the foot print.

B) Council Matthews stated “yes” – as they would be physically altering land. Response: that there is no intention of altering the land; there is adequate room for parking at this time.

C) Council Zovistoski stated “No”.

d) Council Cantwell stated “No”.

e) Supervisor Taylor stated “No”

Further discussion: consensus the answer to this question is “No”.

2) Impact on Geological Features – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). Checked: No

Little discussion: consensus by all that the answer to this question is “No”.

3) Impacts on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). Checked: No

a) Supervisor Taylor stated that there are no wetlands on this parcel and that the parcel is bound on one side by the St. Lawrence River.

b) Council Zovistoski stated “No”.

c) Council Matthews stated “No”.

d) Council Peterson stated “No”.

e) Council Cantwell stated “No”.

f) Atty. Russell the applicants state they are drawing water from the St. Lawrence River; but this is already in existence.

4) Impact of groundwater – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. Checked: No

On a question to the Applicant/Attorney, Attorney Smith answered the water is coming out of the river; there is a holding tank; everything is already in existence. This was disclosed in the letter at the last meeting.

No further discussion – Consensus by all that the answer to this question is “No”.

5) Impact on Flooding – The proposed action may result in development on lands subject to flooding. Checked: No.

Consensus by all that the answer to this question is “No”. The elevation is significantly higher up at 340’, which is well above the flood plain.

6) Impacts on Air – The proposed action may include a state regulated air emission source. Checked: No.

Consensus by all that the answer to this question is “No”. This is a “smokeless facility”.

7) Impact on Plants and Animals – The proposed action may result in a loss of flora or fauna. Checked: No.

Consensus by all that the answer to this question is “No”.

8) Impact on Agricultural Resources – The proposed action may impact agricultural resources. Checked: No.

Consensus by all that the answer to this question is “No”. Discussion that this is more of a “positive” impact.

9) Impact on Aesthetic Resources – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. Checked: No.

a) Council Zovistoski stated “No”.

b) Council Matthews stated “Yes”. He stated he would bring up the tent issue of being visible.

c) Supervisor Taylor stated “No”; this is nothing in sharp contrast as it is a common occurrence along that section of Route 12E corridor at other nearby locations.

d) Council Peterson stated “No”.

e) Council Cantwell stated “No”.

10) Impact on Historic and Archeological Resources – The proposed action may occur in or adjacent to a historic or archaeological resource. Checked: Yes.

Town Board consensus is these would be a “yes” answer.

The building is listed on the National Historic Register of Historic Places.

10a) answer – No, or small impact may occur.

10b) answer – No, or small impact may occur.

10c) answer – No, or small impact may occur.

Atty. Russell indicated that the applicants are proposing nothing that will interfere or disturb the current location.

11) Impact on Open Space and Recreation – The proposed action may result in an loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. Checked: No.

The Town Board all agreed the answer was “No”.

12) Impact on Critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area (CSE). Checked: No.

The Town Board agreed that this is not a designated area.

13) Impact on Transportation – The proposed action may result in a change to existing transportation systems. Checked: Yes.

The Town Board agreed that this proposed action may result in a change to existing transportation systems.

13a) Projected traffic increase may exceed capacity of existing road network – There was a traffic survey completed in that vicinity; Consensus: No, or small impact may occur.

13b) The proposed action may result in the construction of paved parking area for 500 or more vehicles – Consensus: No, or small impact may occur.

13c) The proposed action will degrade existing transit access –Consensus: No, or small impact may occur.

13d) The proposed action will degrade existing pedestrian or bicycle accommodations - Consensus: None there now; No, or small impact may occur.

13e) The proposed action may alter the present pattern of movement of people or goods. –
Consensus: No, or small impact may occur.

14) Impact on Energy – The proposed action may cause an increase in the use of any form of energy. Checked: Yes.

The Town Board all agreed that the proposed action may cause an increase in the use of any form of energy.

14a) The proposed action will require a new, or an upgrade to an existing substation –
Consensus: No, or small impact may occur.

14b) The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. Consensus: No, or small impact may occur.

14c) The proposed action may utilize more than 2,500 MW hrs per year of electricity. – No, or small impact may occur.

14d) The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. – No, or small impact may occur.

15) Impact on Noise, Odor, and Light – The proposed action may result in an increase in noise, odors, or outdoor lighting. Checked: Yes.

The Town Board all agreed that the proposed action may result in an increase in noise, odors, or outdoor lighting.

15a) The proposed action may produce sound above noise levels established by local regulation. –The only noise regulations in the Town of Clayton deal with Wind Energy Conservation Systems.
Consensus: No, or small impact may occur.

15b) The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home. Consensus:- No, or small impact may occur.

15c) The proposed action may result in routine odors for more than one hour per day. Consensus that the distillery is filtered; there is a possibility that some yeast smell could escape, however, the other distilleries have not experienced any odor loss. No, or small impact may occur.

15D) The proposed action may result in light shining onto adjoining properties. Council Cantwell stated that this should not be obtrusive as the lighting is a down-lit variety. Consensus: No, or small impact may occur.

15e) The proposed action may result in lighting creating sky-glow brighter than existing area conditions. Council Cantwell stated that the lighting proposed is of the down-lit variety and shouldn't be obtrusive. Consensus: No, or small impact may occur.

16) Impact on Human Health –The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. Checked: No.

The Town Board agreed that the proposed action will not have an impact on human health from exposure to new or existing sources of contaminants.

17) Consistency with Community Plans – The proposed action is not consistent with the adopted land use plans. Checked: Yes.

The Town Board agreed that the proposed action is not consistent with adopted land use plans.

17a) The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). Councilman Peterson stated that there is a Gravel Pit and numerous campgrounds in close proximity. This may be considered as contrast, but not sharp contrast. He stated that commercial is commercial. Consensus: No, or small impact may occur.

17b) The proposed action will cause the permanent populations of the city, town or village in which the project is located to grow by more than 5%. Councilman Cantwell responded “no”.
Consensus: No, or small impact may occur.

17c) The proposed action is inconsistent with local land or zoning regulations. Consensus: That it is consistent, because Article III Section A of the Ordinance permits the landing of the MD2 District to provide for such uses as are proposed with the project. Therefore, no, or small impact may occur.

17d) The proposed action is inconsistent with any County plans, or other regional land use plans. The County sent back that it was of local concern and to make sure to follow the Comprehensive Plan.
Consensus: No, or small impact may occur.

17e) The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. Consensus: No, or small impact may occur.

17f) The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. Consensus: No, or small impact may occur.

17g) The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action). Consensus: No, or small impact may occur.

18) Consistency with Community Character –The proposed project is inconsistent with the existing community character. Consensus: No, or small impact may occur.

Attorney Russell indicated that he will prepare an elaborate resolution and do the Determination of Significance from these findings and have ready before your next meeting to review.

Supervisor Taylor indicated the next meeting is November 18th.

Executive Session: Supervisor Taylor stated he would like to go into Executive Session to discuss a personnel issue, after we have completed our agenda. The Town Board requested that David Storandt and Alicia Dewey stay for the Executive Session.

Highway Superintendent’s Report:

-  Cleaning up all the odd jobs at this time.
-  Finishing up at Rec. Park.
-  CHIPS discussion after checking the road mileages, we determined that the new mileage figures sent to us are accurate.

Budget Hearing:

Motion by Bob Cantwell III, seconded by Lance Peterson, to open the Public Hearing to hear all concerned in regard to the 2016 Preliminary Budget, at 6:01 pm. Motion carried.

There was no attending public.

Motion by Mary Zovistoski, seconded by Bob Cantwell III, to close the Public Hearing for the 2016 Preliminary Budget at 6:03 pm. Motion carried.

Supervisor Taylor suggested that the Board not adopt the 2016 Budget this evening given that going into Executive Session may have some bearing on a couple budget line changes. The final tax rate will not change, however a couple budget lines may need to be adjusted.

Council Reports:

Councilman Matthews: Acknowledged that the T. I. Vikings Boy's Soccer team won their "sectionals" last night by beating IHC. Discussion of doing a proclamation.

Councilwoman Zovistoski: Questioned when would handrails and guardrails be installed at the Depauville Library. It is a requirement of obtaining the Certificate of Occupancy. This project needs to be completed before the end of the year. This wasn't included in the original estimate. Bob Schrader is working with Don Badour on this and will coordinate with Bill Sherman.

Public submitted requests to address the Board: None.

Adjournment:

Motion by Lance Peterson, seconded by Bob Cantwell III, to adjourn this regular meeting at 6:19pm and to go into Executive Session for discussion of a personnel issue. Motion carried.

Kathleen E. LaClair, Town Clerk