

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**PLANNING BOARD**  
**March 3, 2016**

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

**Also Present:** Zoning Officer Richard Ingerson and Recording Clerk Amanda Shane

**Townsppeople Present:**

Chairman Bud Baril opened the meeting at 7:00 PM.

At 7:11 PM **MOTION** made by Doug Rogers, 2<sup>nd</sup> by Preston Lowe to approve the February 4<sup>th</sup>, 2016 meeting minutes as amended. Motion carried.

**7:11 PM—Town—Atlantic Wind, LLC, Wind Energy Permit Application**

Jim Moscato of Iberdrola Renewables did the presenting. He presented new maps with the locations of the 2 proposed met towers located on the Parker Henry Group LLC's property. One of the towers has been moved 1,200' NW to accommodate a snowmobile trail. The proposed location is now 700' from the trail. The new locations meet the required setbacks. Chairman Baril visited the location with Richard Ingerson. The Board questioned if there are any easements because none were shown on the map. Iberdrola Renewables is not aware of any easements. There are no transmission corridors or public easements for the snowmobile trail.

Chairman Baril discussed the Code of Conduct agreement with the state that Iberdrola must address. He stated that Iberdrola Renewables must move forward with each group that their proposed project may cause conflict with and address any concerns and complete their due diligence. Iberdrola explained that they have updated disclosures and are working on their due diligence. Doug Rogers questioned an inconsistency in the 2<sup>nd</sup> paragraph in the application. Iberdrola stated there was a misprint and they will provide an update.

Chairman Baril explained to the public that due to a local law overlay district a test tower cannot be located outside the overlay boundaries. The 3<sup>rd</sup> test tower is no longer being proposed because it was in an area outside the overlay. Chairman Baril continued on explaining the ZBA and the Town Boards roll in this application.

Chairman Baril explained that the Board had received a number of letters and emails regarding the wind energy permit application. Because of the high volume, instead of reading them all, Iberdrola will receive copies of all entries.

Cindy Grant asked when the application would go to the Jefferson County Planning Board (JCPB). It was stated that it would not go to the JCPB because it is a permitted use.

Gunther Schaller raised concern over the test towers being considered individually rather than an entire entity with wind turbines in the zoning law. The Board responded explaining that as they read it, the word “may” is pertinent. Gunther Schaller asked that the Board consider looking at met towers as an entity rather than individually.

Cindy Grant addressed the Board asking that the application be rejected. She explained that local legislatures have an obligation to protect the health, safety, and welfare of their constituents. She discussed serving on the Town of Clayton Wind Law Review Committee. The committee came to a conclusion based on science and made suggestions for the law to be changed. The changes were never made so she asked the Board to consider a moratorium.

Susie Wood spoke on behalf of Jake Tibbles, Executive Director of the Thousand Islands Land Trust. She stated that TILT is an advocate for renewable energy but everyone needs to consider natural beauty. She stated that TILT is opposed to industrial wind complexes.

David Duff of St. Lawrence County asked that spouses be considered when Iberdrola address the State Code of Conduct.

Chairman Baril announced to the townspeople in attendance that they are welcome to send in letters and e-mails for the next meeting.

At 7:43 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers to adjourn the public hearing until the April 7<sup>th</sup>, 2016 meeting. Motion carried.

Chairman Baril asked Iberdrola Renewables why the met towers would need to be up for 3 years. Don Hammond, Director of Engineering, explained that to assess the value of the wind resource in the area it is necessary to understand how much energy can be produced. The wind changes from day to day so 3 years is necessary to effectively project the resource. Fred Bach, Jr. also asked how their data is effective when the met towers are not the same height as wind turbines. Iberdrola explained that data is collected at 3 different heights because wind speed changes at different elevations. Through the process of knowing how the wind flows they can use a scientific process to determine data at a higher level. Chairman Baril questioned Iberdrola’s timeline. Jim Moscato stated that the met towers require 3 years of data. They can go through Article X which has an extended period of time.

The Board reviewed the maps provided. Dave Crandall questioned the measurements provided and if they were accurate. The Board asked that Iberdrola provide new measurements/dimensions for the next meeting.

Chairman Baril thanked everyone for attending and explained that this is his last meeting as he is retiring to spend more time with his family.

**8:03 PM—Town—Stuart Studdert, Sawmill Shores, Clayton, Tax Map #30.05, Block #1, Lot #50, in the Marine Residential District. 3 Lot Simple Minor Subdivision.**

Chairman Baril stated there is a generic SEQR on file. Richard Ingerson explained the property is 14 acres and the owner is creating two lots on the river. One lot will have 100.66' river frontage and the other 156'. The right of way ends at the neighboring couple's property so a new right of way would need to be created. Because the property is located on navigable body of water, a roadway is not needed. The Board reviewed the maps provided.

At 8:12 AM **MOTION** made by Preston Lowe, 2<sup>nd</sup> by Dave Crandall to approve the application as submitted. Motion carried.

**Aye: Baril, Rogers, Aubertine, Jones, Lowe, Fred Bach, Jr. (sitting in for Heckmann), and Crandall (sitting in for Hazelton)**

**Nay: None**

**Abstain: None**

**Absent: Hazelton and Heckmann**

**8:12 PM—Town—Samuel Forkey, 31537 NYS Rte. 12, Clayton, Tax Map #52.00, Block #1, Lot #14.2 in the Agricultural Rural-Residential District. 2 Lot Simple Minor Subdivision.**

Chairman Baril stated there is a generic SEQR on file. Lot sizes meet requirements.

At 8:14 PM **MOTION** made by Doug Rogers, 2<sup>nd</sup> by Fred Bach, JR. to approve the application as presented. Motion carried.

**Aye: Baril, Rogers, Aubertine, Jones, Lowe, Fred Bach, Jr. (sitting in for Heckmann), and Crandall (sitting in for Hazelton)**

**Nay: None**

**Abstain: None**

**Absent: Hazelton and Heckmann**

**7:52 PM—Village—Jeffrey Cohen, Bayside Marina, 1061 State Street, Clayton, Tax Map #20.62-1-9, in the Marine Development District. Application for Site Plan Review.**

Jeffrey Cohen explained that parking was modified and there was now two handicap parking spaces in the front and rear of the building and the site plan for the new mobile home unit was shown. He has contacted the water department and there is an existing 10" waterline at his property.

Chairman Baril read a letter from Jeffery Cohen's contractor Vance Carpenter which addressed the slope in the rear parking area. There is a 7.5% proposed slope which is within the requirements of parking. The East and West edges will blend with the ground and drainage will

flow to the edges where the drainage currently flows. The letter stated a retaining wall is not necessary and could lead people to fall. The Board discussed the parking arrangements and raised concern over handicap parking being on the slope.

Chairman Baril called Vance Carpenter on the phone so that the Board could ask him some questions. He explained that for the handicap parking to be level they would need to extend out another 20'. On the west side of the property the grade drops and there are some spots that are higher and lower. He stated it could all be leveled out by grading it and leveling it out to the fence. After further reviewing the proposed parking, Vance Carpenter stated the map has a slight skew and that the existing fence is more on Jeffrey Cohen's property than shown. The Board has concern over the drop off and drainage.

Dave Crandall questioned the drainage of the property and was concerned grading the property would cause more water to flow onto Lingenfelter's property. Fred Bach, Jr. stated there is a berm and adding a parking lot can cause sheet drainage onto Lingenfelter's property. They requested to see in writing how the drainage issue will be resolved. Per zoning, the Planning Board cannot allow Cohen to make any changes that will allow more drainage to flow on to Lingenfelter's property. Fred Bach, Jr. agreed to meet with Vance Carpenter to address these concerns.

Vance Carpenter and Jeffrey Cohen agreed that the handicap parking can be moved to address the concern over the slope where the current proposed parking is located. Fred Bach, Jr. will call Vance on Monday to schedule a meeting. Preston Lowe suggested adding a gutter on the building which can aid in alleviating some of the runoff issues.

Chairman Baril reopened the public hearing at 8:53 PM.

Don Lingenfelter of Kay's Motel presented photos to the Board of Cohen's building and drainage issues. The drainage from Cohen's property is disrupting the areas Lingenfelter's customers like to use. He also discussed his concern over parking in the front of the building that may impede on his deeded line of sight. He also asked that the board consider requiring Cohen to add screening/fencing at the end of his porch to keep some privacy on Lingenfelter's property.

Larry Aubertine stated that Cohen's property is located in the Marine Development district so he is allowed to do certain things with his property. Chairman Baril explained that Cohen never asked for his boat sales to be on Greenizen Road. Chairman Baril had only suggested that he ask to move his boat sales.

Joan Varsics addressed the Board with a concern that the map is not accurate and that it did not depict existing structures. She was also concerned over the DEC approval for a new unit and stated that Cohen had placed the stakes on the property. She also explained that she is unit #7 but shows as unit #8 on the map.

The Board agreed that the maps presented do not show what is being proposed. They asked that accurate maps be submitted reflected what is proposed. At 9:10 PM **MOTION** made by Larry Aubertine, 2<sup>nd</sup> by Fred Bach, Jr. to adjourn the public hearing until the April 7<sup>th</sup>, 2016 meeting. Motion carried.

It was stated that curb stops for parking will be installed 30 feet from Angela Seymour's property.

### **9:18 PM—Village—Islander Marina, Pre-Application for Site Plan Review**

Jeremy Kellog did the presenting. He explained he would like to build 5 townhouses on the Islander Marina campus and turn the marina into a destination instead of a working boat yard. There are also plans for a yoga studio that will overlook the river. Each unit will have a two car garage.

The Board reviewed the proposed parking for the boat slips. Village law requires 1 parking spot per boat slip. The main entrance will be by the lodge. They plan to keep the marina look so it is conducive to the area. The timeline of the project was reviewed and construction is planned to begin this summer. The Board requested to see spot elevations, plans for garbage, aesthetics, etc. Jeremy plans to return to the board for a site plan review at the April meeting.

### **Old Business:**

John Greenizen addressed the Board concerned over Cohen's timeline for the Greenizen property. Cohen has a June 1<sup>st</sup> deadline to plant the required trees. He is also concerned that the buildings are already being used even though a certificate has not been issued.

At 9:36 PM **MOTION** made by Preston Lowe, 2<sup>nd</sup> by Fred Bach, Jr. to adjourn the meeting. Motion carried.

*Respectfully Submitted,  
Amanda Shane, Recording Clerk*