

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
February 7, 2013

The meeting was opened at 7:00 p.m. with the following **members present:** Chairman Bud Baril, Paul Heckmann, Duane Hazelton, Vice Chairman Larry Aubertine, Preston Lowe, Brian Jones, Ron Duford, Alternate Doug Rogers (sitting in for Brian Jones on voting matters), Alternate John Neuffer. Absent: Alternate John Kehoe.

Also Present: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Susan Kenney, Mayor Norma Zimmer, Town Supervisor Justin Taylor, Executive Director CLDC Kristi Dippel.

Townsppeople Present: Melanie Wattenbe, Stewart Wattenbe, George Mead, Melinda Bechaz, Jeffrey Bechaz, Bobby Cantwell, Dave Tulloch, Rob Reddick, Andrew Greene, Cindy Grant, Augusta Withington, Rob Company, Pam McDowell, Ellen Stiefel, Steve Dorr, James Kenney, Amanda Taylor

The Board reviewed the minutes from the January meeting. No corrections were noted. **MOTION** was made by Larry Aubertine, 2nd by Doug Rogers (acting for Brian Jones), to accept the minutes as presented. Motion was carried.

7:02 --- Town --- Augusta Withington/Fourth Coast Realty, LLC, south of NYS Route 12, 1 mile east of town of Clayton, Tax Map # 20.11-2-12.13, in the Agricultural-Rural Residential District. Seeking Special Use Permit for small business office and storage space.

Before the public hearing was opened, Chairman Baril read some letters concerning this application. One came from Jefferson County Planning Board, suggesting that the Clayton Board solicit more information from the applicants before making a final decision. Two letters came from Robert and Donna Cantwell, whose property adjoins the applicant's property; they expressed concerns about the possible disruption of waterflow from the spring on the applicant's property, which is also used by the Cantwells (by deeded right), and also concerns about questions of right of way.

The public hearing was opened at 7:09. George Mead, agent for the Wattenbes (neighbors across the road to the property in question), expressed concern that the application was incomplete, having no description of proposed usage, nor structural drawings beyond very basic ones. He cited sections of the town zoning code concerning "small commercial enterprises" with the question of whether the applicant intends to construct anything on site. His clients, the Wattenbes, are not necessarily opposed to the project, but do not feel they have enough information.

Mr. Wattenbe also expressed concerns about the proposed signage and whether it would be lighted or not.

Chairman Baril asked for clarification on the water rights for the neighbors as expressed in the appropriate deeds. Ellen Stiefel, the previous owner of the property in question, noted that in the paperwork she had seen the establishment of a right of way for cattle from the neighbors to access the water on the property, but no other water rights. It was noted by the Board that nothing is shown on the survey about any right of way or water access. The neighbors' concern is that Fourth Coast Realty will use so much water that the neighbors currently using the water will lose out.

Rob Campany, presenting for the applicant, said that the company wishes to use the spring on the property, not put in a well. The water would be pumped from the spring, and there is no intention to block it off to the neighbors. Fourth Coast would use the water for drinking and plumbing at the office building, only during business hours; it will not be a residence and would not be using water around the clock. They do not plan on doing any manufacturing on the site, nor anything that would require a lot of water. At this time they have no estimate on the amount of water they would be using. Ms. Stiefel, previous owner, asserted that the spring had always been active even in the hottest weather.

Mr. Campany explained the proposed project in more detail. Information on the common easement for the shared drive has already been sent to the DOT for their consideration. The project consisted of an office, some heated storage, and some cold storage. The intent is to maintain the agricultural appearance of other buildings in the immediate area. The septic system would be put in according to appropriate codes; it would be located close to the office building, uphill from the spring. There would be some grading done, and some parking areas put in. The setback would be 450 feet.

No assembly is intended on the site. The company's current location is very limited in space for storage of solar panels, tools, etc., and they wish to expand storage space to better accommodate their needs. There would be a few lamps, probably 3-4 feet tall, along the drive to delineate it. All the lights would be downcast. There would possibly be some lighting on the building itself, all of which would also be downcast. The sign would be at the end of the driveway; they would like to have it lit, and were encouraged to use only low intensity lights. The Board also told them to make sure that the application specified that they would not be doing any manufacturing.

As currently planned, the gambrel roof on the proposed building will require a variance from the Zoning Board of Appeals. Since Fourth Coast will not meet with the ZBA until later this month, the Planning Board could not make any decision at this time. Therefore, at 7:38, **MOTION** was made by Larry Aubertine, 2nd by Preston Lowe, to adjourn the public hearing until March 14, at 7 pm or shortly thereafter. Motion was carried.

7:39 --- Village --- Part II of SEQR for Krog/hotel project.

The Board reviewed item by item the draft of Part II of SEQR, after Chairman Baril clarified that their decisions did not necessarily have to agree with other boards, or previous SEQRs done on this property. It was noted that the intention was to have the hotel and the townhouses done at

approximately the same time, although they represented two different phases of the overall project.

Item #1: The actual construction will not be done on land where bedrock is exposed. The northwest corner of the property, where there is exposed bedrock, is to be left undeveloped.

Item #5: No changed to yes. There is a question of the storage of oil/petroleum products over a certain amount; the applicant is currently working on alternate methods of heating, such as geothermal. If geothermal, the discharge of water would be in a closed-loop system and should not prove to be a problem. Storm water runoff would be dealt with later in the SEQR.

Item #6: No changed to yes. The draft for both items #5 and 6 was changed to add this explanation: "Stormwater runoff will be mitigated by professional engineering according to New York State standards."

Item #11: Answer changed from no to yes, with an explanation that the Riverwalk, available for the general public, is an action in mitigation.

The only problems with noise levels and air quality will be during construction. The Riverwalk should be open most of the time, with the only exception coming when Clayton is constructing the big dock.

At 8:10, this was declared a negative declaration. Kristi Dippel, executive director of CLDC, read the Notice of Determination for Non-Significance (concerning the hotel project) and solicited a roll-call vote:

Larry Aubertine: aye. Paul Heckmann: aye. Preston Lowe: aye. Ron Duford: aye. Duane Hazelton: aye. Doug Rogers (acting for Brian Jones): aye. Bud Baril: aye.

8:12 --- Town --- Pre-application Hearing for Granite Springs. Amendment of prior site plan.

Steve Dorr, agent for Dave Heinrich, did the presenting. Mr. Heinrich had a boat storage project approved just a few months ago, at which time he had no plans to do winterization or mechanical work. He now wishes to alter the plan to do the winterization. Mr. Dorr said that nontoxic antifreeze will be used.

Chairman Baril said that the biggest concern of the neighbors was their wells, and how those would be affected by procedures at Mr. Heinrich's business. Chairman Baril stressed that for the public hearing next month, Mr. Heinrich must be explicit about how he will be doing the winterizing, and how in depth. CEO Ingerson said that a letter has been sent to the DEC concerning this proposed project.

8:22 --- Town --- Pre-application hearing for Melinda and Jeff Bechaz.

Melinda Bechaz did the presenting. She and her husband want to produce cheese on their family dairy farm. They already have a 300-gallon vat in their “cheese building,” and want to add a small room off their house to sell the cheese. They would begin with making cheese curd, and at a later date perhaps move into making block cheese. In answer to questions from Board members, Mrs. Bechaz said that they would make cheese one day a week and sell it seven days a weeks. For signage, they would have one by the barn and another by the road, across from their mailbox.

They were urged to bring cheese for the March meeting.

8:28 --- Village --- Pre-application hearing for Bella’s/Mathew Hardy.

Andy Green, agent for Mathew Hardy, did the presenting. The Hardys want to build a pergola over the center of the existing deck, and another pergola over a new serving bar on the concrete section. This is to provide covering for outside guests and to relieve inside occupancy. There would be no change in the overall occupancy level, and they would be adding an extra entrance. They have already gone to the Village Board and received that Board’s approval, since they are not adding a business, just adding a outside covering for present occupancy. An engineer will design it. There was a question about the affect on restroom facilities.

It was noted that the Planning Board will probably not need to do the LWRP since the Village Board has waived the LWRP requirement.

NEW BUSINESS:

At 8:39, Chairman Baril went over the planned schedule for the Planning Board for the next several weeks. The entire meeting of March 7 will be dedicated to the hotel project. From 5-7 pm that day, Krog will make a presentation; the public hearing will be at 7 pm, at which time the Board can react to the site plan and application. To prepare the Board for this extended meeting, there will be a work session on February 21, at 7 pm. The Board will meet then with Krog for any questions or comments. All other applications for the month of March will be dealt with on March 14, at 7 pm or shortly thereafter.

At 8:47 **MOTION** was made by Larry Aubertine, 2nd by Duane Hazelton, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*