

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD
September 5, 2013

The meeting opened at 7:04 with the following **members present**: Chairman Bud Baril, Larry Aubertine, Paul Heckmann, Preston Lowe, Ron Duford, Duane Hazelton, Brian Jones, Alternates John Neuffer, John Kehoe, and Doug Rogers.

Also Present: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Susan Kenney.

Townsppeople Present: James Kenney, Rob Campany, Augusta Withington, Greg Card, Bob Cantwell III, Cindy Grant, John Tomasky.

The minutes for the August 1, 2013, meeting were reviewed, and no corrections were noted. **MOTION** was made by Larry Aubertine, 2nd by Duane Hazelton, to approve the minutes as submitted. Motion was carried.

7:02 --- The new town zoning ordinance was handed out to all the Board members.

7:03 --- **Town --- Augusta Withington/Fourth Coast Realty LLC, NYS Route 12, east of Village of Clayton, Tax Map #20.11-2-12.13, in the Agricultural-Rural Residential District. Special Use Permit to alter an approved Small Commercial enterprise.**

The hearing for Fourth Coast was reopened due to some changes in the original plan. Jefferson County communicated that the first Environmental Impact Statement was sufficient, and they did not see a need to re-respond.

Rob Campany did the presenting. There have been some changes to the original plan: the course of the driveway was changed; parking was changed to the rear of the building (for more protection against wind and weather); two of the buildings were split and enlarged, so that there was an increase in the overall square footage; the leach field was switched around.

A neighbor, John Tomasky, expressed some concerns. He wanted to know what activities would be done on the property, and was informed that the types of activities had not changed since the original approval: this was still a consulting municipal and commercial general engineering firm, also involved with renewable energy systems. He asked how far up from Lyellton Drive the entrance was, and further expressed a concern with the speed of cars along that stretch of road, despite the 40 mph sign at the end of the property. Mr. Campany noted that they had consulted with DOT, and the driveway as planned is in compliance. There is a possibility that the state may review the speed limit there and change it.

Another neighbor, Greg Card, was concerned with possible future development. He was told that any desired development in the future will have to come before the Planning Board and be reviewed. It was also noted that the Scenic Overlay District will serve to keep lots of green space between the road and any structures. Mr. Card was also concerned with where water runoff will go, as more and more of the land is developed. The runoff will tend to go downhill toward the river, but there is plenty of green area to help absorb the water. Mr. Card noted that

in the spring, on his property, he gets a small lake with all the runoff, even now before development. Mr. Company stated that he had done calculations with DOT on the efficiency of the present culvert, which should manage anticipated runoff; there shouldn't be any more runoff onto Mr. Card's property after development. Further, the driveway and parking lot will be gravel, not blacktop, so there will be less of a runoff problem.

Mr. Card is looking for relief concerning the spring drainage. The town had dug a ditch on the other side of Lyellton Dr., and now the water runs out onto his property even harder. Chairman Baril directed Mr. Card to talk to Highway Superintendent Bob Bolton about drainage problems.

Bob Cantwell, representing his parents, who are neighbors of the Fourth Coast property, expressed concern with water from the spring: was Fourth Coast still pumping out of the spring? Mr. Company said yes, they will still use the spring water; they will filter it if it meets the standards for surface water rather than ground water. Chairman Baril verified with Mr. Company that Fourth Coast will be using only a low volume of water. Any further concerns of the Cantwells should be worked out with Fourth Coast; the Planning Board has no control over covenants between neighbors. Since the spring is on Fourth Coast property, the Board cannot deny the application just because of questions about a covenant between individuals.

Mr. Tomasky expressed another concern about new wells on any future development taking away from his wells' capacity by draining the water table. He also questioned whether the Fourth Coast property was in a sewer district. As of now, the property is not in a sewer district, though it is anticipated that the sewer district will be extended that far. Since it is not currently in the sewer district, a leach field and septic system will take care of wastes.

At 7:35 **MOTION** was made by Ron Duford, 2nd by Paul Heckman to close the public hearing. Motion was carried. **MOTION** was made by Ron Duford, 2nd by Larry Aubertine to approve the application as submitted.

Aye: Baril, Aubertine, Heckmann, Lowe, Duford, Hazelton, Jones
Nay: none Abstain: none Absent: none

7:36 --- Discussion concerning a draft of a form to clearly set out terms and conditions for applications for Site Plans or Special Use Permits, to be filled out at that meeting and signed by the applicant or agent. This would establish exact wording and give the Board a chance to go over the terms and conditions with the applicant or agent. This could then be used as a legal tool if the applicant later does not comply with the stated conditions. The current method is to send a letter to the applicant, following approval, with conditions and terms stated therein, but there is currently no chance for the applicant to send back that letter, signed, to verify that he or she understands and accepts the conditions. There was some discussion as to whether an agent signing such a form would be accepted as legal. The Board was urged to take the draft form home to look over, and bring back input at the next meeting.

7:47 --- Town --- Raymond Brisson, Farm Road, Clayton, Tax Map # 20.13-1-12.13, in the Marine-Residential District. Simple Minor Subdivision.

The map in the application does not show a right of way to the created lot, but there is such a right of way, described in the deed, connecting to Farm Road. Lot #1 is not on the water. Both lots are of legal size.

At 7:50, **MOTION** was made by Brian Jones, 2nd by Larry Aubertine, to approve the subdivision.

Aye: Baril, Aubertine, Heckmann, Lowe, Duford, Hazelton, Jones
Nay: none Abstain: none Absent: none

There was another short discussion concerning the use of the large screen for better viewing of maps and such for applications. Brian Jones, John Neuffer, and Ron Duford volunteered to run the computer for use of the screen in future meetings.

7:53 --- Town --- Charles Baum, 13834-974 Rusho Bay, Clayton, Tax Map # 12.00-1-38.1, in the Marine-Residential District. Simple Minor Subdivision.

This is a two-lot subdivision. All are legal-sized lots.

At 7:54, **MOTION** made by Ron Duford, 2nd by Paul Heckmann, to approve the subdivision.

Aye: Baril, Aubertine, Heckmann, Lowe, Duford, Hazelton, Jones
Nay: none Abstain: none Absent: none

7:54 --- Town --- Frontenac Islanders Inc., Round Island, Clayton, Tax Map # 20.07-1-23.11, in the Marine-Residential District. Simple Minor Subdivision.

This is a legal lot with an easement down the middle. The potential purchasers are aware of the setbacks, and that they cannot encroach on the easement line.

At 7:56, **MOTION** was made by Preston Lowe, 2nd by Duane Hazelton, to approve the subdivision.

Aye: Baril, Aubertine, Heckmann, Lowe, Duford, Hazelton, Jones
Nay: none Abstain: none Absent: none

It was noted that the Johnson House application, discussed in a pre-application hearing last month, was withdrawn because the applicants could not do what they had originally planned.

At 7:57, **MOTION** was made by Paul Heckmann, 2nd by Preston Lowe, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*