

**APPROVED**  
**JOINT TOWN / VILLAGE OF CLAYTON**  
**PLANNING BOARD**  
**November 7, 2013**

The meeting opened at 7:02 p.m. with the following **members present**: Chairman Bud Baril, Larry Aubertine, Paul Heckmann, Duane Hazelton, Brian Jones, Alternates John Kehoe (sitting in for Ron Duford), and Doug Rogers (sitting in for Preston Lowe). Absent: Preston Lowe, Ron Duford.

**Also present**: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Susan Kenney, Kim Johnston

**Townspeople present**: Ann Aubertine, Heather Bartlett, Richard Withington, Cindy Grant, Carol DeMay, Jim Kenney, Jonathan Taylor

The meeting was opened at 7:02 p.m. Minutes from the October meeting were reviewed, and several corrections noted. **MOTION** was made by Doug Rogers (sitting in for Preston Lowe), 2<sup>nd</sup> by Larry Aubertine, to accept the minutes as amended. Motion was carried.

7:09 --- Board members received copies of a letter from the Town Board concerning proposed wind power projects.

**7:10 --- Town --- Jennifer Fruehauf, 15677 Round Island, Clayton, Tax Map #20.07-1-22, in the Marine-Residential District. Requesting Special Use Permit for multiple-use boathouse.**

Jonathan Taylor did the presenting. This will be a boathouse with three slips, connected to a storage area on land with guest space on the upper level. The design received inspiration both from former structures on the island and from the owners' house. The slips are open to the west but will receive some protection from Little Round Island, which forms a little harbor there. Some dredging will be done for placement of the boathouse.

The question was asked, as per the LWRP, how much disturbance would there be to the shoreline. Mr. Taylor noted that most of the onshore building will be on a sandstone ridge; there will be some postholes, some blasting. All such activity will be behind the high water mark, except for the dredging for the boathouse. They are trying to keep all the trees.

Richard Withington, also a resident of Round Island, spoke, saying that he has no problem with the project and hopes it proceeds as planned. The family has already done a lot for the island. No calls or letters or other communications were received concerning this application.

Another question was asked about the sewer. Mr. Taylor said that the family intends to rebuild and enlarge the entire septic system, probably in the spring.

Doug Rogers had completed the LWRP for this project and submitted it to the ZEO. It was a positive declaration only because of the disturbance of the shoreline and potential erosion. But all that would be above the high water mark, and the project would not diminish the view in any way.

Chairman Baril did the short-form SEQR. At 7:25 **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers (sitting in for Preston Lowe), to declare this a negative declaration. Motion was carried. **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Paul Heckmann, to close the public hearing. Motion was carried.

Members were concerned that the sanitary/sewer system would be properly engineered. It was brought out that this project maintains the historic quality of the area. There was some discussion about how the guest area should be named and defined. A “guest living space” denotes a kitchen, etc., and the idea of a more or less permanent residence. A bunkhouse, on the other hand, by definition, has only bathroom and sleeping facilities. The board is concerned that this not become a permanent or seasonal residence, since that would make a second residence on a single parcel, prohibited by town zoning ordinance. The following conditions were drafted:

- 1. This will be used for overflow of guests as a temporary guest facility and not intended as a seasonal or permanent residence.**
- 2. Kitchen facilities will not be added at any time to the multi-use boathouse.**

At 7:37 **MOTION** was made by John Kehoe (sitting in for Ron Duford), 2<sup>nd</sup> by Duane Hazelton, to approve the application with the conditions as listed above.

Aye: Baril, Aubertine, Heckmann, Hazelton, Jones, Rogers (sitting in for Preston Lowe), Kehoe (sitting in for Ron Duford)

Nay: none                      Abstain: none                      Absent: Lowe, Duford

**7:38 --- Town --- Donald G. Price, NYS Route 12, Clayton, Tax Map 20.18-2-4, in the Agricultural-Rural Residential District. Seven (7) Lot Major Subdivision.**

It was first clarified that a major or minor subdivision is defined by the number of lots to be made; anything over five is considered major.

Heather Bartlett did the presenting. She said that there are actually three owners; Mr. Price owns 50% of the land involved. The land is at the top of McCarn Hill. They are proposing seven lots of approximately five acres each. They have already met with DOT, but need to get the Town’s approval for the subdivision before they can make a final design for the right of way which would connect all of the lots with Route 12. They are willing to put the right of way wherever it would work best.

It was noted that the Department of Health might have input concerning septic systems, drainage, etc. on the lots that are just under five acres in size.

Each lot is well over the minimum size. The current application is not to decide where the right of way is going; it is just to agree on the size of the lots. Any further development will need to come back before the Board at a later time to approve the planned right of way. One of the major concerns expressed by the Board was about the line of sight for the right of way coming out onto Route 12, and the speed limit at that place. The owners would ideally like a family home on each lot, but nothing is definitely planned at this time.

The owners will maintain the road wherever it ends up. It was noted that it should be made wide enough for the town to maybe later take over its maintenance. For that, it needs to be big enough for school buses, fire trucks, etc., to turn around.

Mr. Taylor from the audience said that he had done some work on the sight lines for this property, and the DOT will possibly have to change the speed limit to make it work. The Board may need to send the DOT a letter concerning this, or even a copy of these minutes.

Another member of the audience, Carol DeMay, commented that she lives in Heritage Heights, just down the hill from the property. She is concerned about how this might affect her water supply and water quality. Other residents in Heritage Heights already have had problems with water supply.

It was noted that this is only preliminary plat approval. The Board won't agree to any actual project until they are provided with plans that have an engineer's stamp.

Chairman Baril did the SEQR. At 8:12, **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by John Kehoe (sitting in for Ron Duford), to declare this a negative declaration. Motion was carried. **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Duane Hazelton, to close the public hearing. Motion was carried.

The Board has recommended considering extending the current 45 mph speed zone in that area for safety concerns.

At 8:20, **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers (sitting in for Preston Lowe), to approve this application subject to final approval according to Town of Clayton subdivision requirements and DOT approval.

Aye: Baril, Aubertine, Heckmann, Hazelton, Jones, Rogers (sitting in for Preston Lowe), Kehoe (sitting in for Ron Duford)

Nay: none                      Abstain: none                      Absent: Lowe, Duford

At 8:21 a public hearing was set for Donald Price for December 5, at 7 p.m. or shortly thereafter.

## **OTHER BUSINESS**

It was asked that the Board get a letter from Mr. Cumming affirming that he will allow the Riverwalk to continue around his property. Brian Jones, who is working on Mr. Cumming's project, will see to this.

It was noted that John Neuffer is no longer on the Board since he has moved out of the area. Board members need to be looking for a new alternate.

At 8:24 **MOTION** was made by Brian Jones, 2<sup>nd</sup> by Duane Hazelton, to adjourn the meeting. Motion was carried.

*Respectfully submitted,  
Susan Kenney, Recording Clerk*