

**APPROVED  
JOINT TOWN / VILLAGE OF CLAYTON  
PLANNING BOARD  
March 6, 2014**

The meeting opened at 7:01 p.m. with the following **members present**: Chairman Bud Baril, Larry Aubertine, Preston Lowe, Duane Hazelton, Brian Jones, Alternate Doug Rogers (sitting in for Ron Duford). Absent: Paul Heckmann, Ron Duford, Alternate John Kehoe.

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

**Townspople Present**: Bruce MacFarlane, Mary Zovistoski, Colleen Lawlee, Brenton Lawlee, Pam McDowell, Dave Renzi, Cindy Grant, Ann Aubertine, Jim Kenney.

The Board was still unable to review the minutes from the January 2014 meeting since a quorum of members at that meeting was not present at this meeting. The January minutes will be reviewed at the Board meeting in April.

The Board reviewed the minutes from the February 6 meeting. A correction was noted. **MOTION** was made by Preston Lowe, 2<sup>nd</sup> by Larry Aubertine, to accept the minutes as corrected. Motion was carried.

**7:07 --- Village --- James Cumming, 428 Riverside Dr., Clayton, Tax Map # 20.38-1-22.2, in the Riverwalk B District. Site Plan Review application to erect a multi-use building.**

Chairman Baril read several letters received concerning this application. The first one was from the Jefferson County Planning Board, noting that a NYDOT permit was required, and that the local Board should ensure that the Riverwalk requirements were met. A second letter was from Joe Russell, the town attorney, concerning the question whether a condominium was allowed in this district, Riverwalk B. Mr. Russell was of the opinion that since such usage is allowed in both Riverwalk A and Riverwalk C, although not specified in Riverwalk B, if this is indeed a multi-use building then condominiums would be permitted. **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers (sitting in for Ron Duford) to accept ZEO LaClair's ruling that this is a multi-use building; motion was carried. A third letter showed the easement for the Riverwalk. A fourth letter from Brian Jones showed details on the foundation.

At 7:13, the public hearing was reconvened. The actual site plan review will be done at the April meeting. The Zoning Board of Appeals has agreed that the Planning Board take lead agency.

Dave Renzi, attorney for the Lawlees, owners of the neighboring property, gave the Board members copies of a memo he had prepared; he then gave a brief overview of the memo. The concerns addressed in the memo included (1) engineering concerns; (2) parking; (3) fire access; (4) actual construction: the close proximity to Rak's, the foundation wall; overload of soils, snowload, etc.; (5) the narrow separation between the buildings: would Cumming consider making a common wall, or making the space wider.

CEO Ingerson suggested that the two parties (Cumming and Lawlee) coordinate a time to take pictures of all foundations for future reference. Mr. Renzi affirmed that the Lawlees' engineer

already has some pictures, and the Lawlees would be willing to arrange a time for Mr. Cumming's engineer or representative to take pictures.

Brian Jones, engineer for Cummings, questioned how formal a response he should make to the memo, and was requested to send a copy of his response to the Board.

Chairman Baril did the SEQR. At 7:41 **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Duane Hazelton, to declare this a negative declaration. Motion was passed. At 7:43 **MOTION** was made by Doug Rogers (sitting in for Ron Duford), 2<sup>nd</sup> by Larry Aubertine, to adjourn the public hearing to April 3, since the Zoning Board of Appeals still had to rule on a height variance for the project. Motion was carried. Note: Brian Jones has recused himself from any votes on this application.

**7:47 --- Town --- MJSP Realty LLC, 39215 Farm Road, Clayton, Tax Map #20.13-1-12.11, in the Marine-Residential District. Minor subdivision.**

Chairman Baril read a letter from Jim Pontius, neighbor to the property in question. Mr. Pontius expressed concerns about the access road, which will need to be improved and lengthened, and about the maintenance of the area in its current pristine nature. Chairman Baril also read from the zoning ordinance concerning the Marine-Residential District: most dwelling types are permitted in that district.

Bruce MacFarlane did the presenting for MJSP Realty. He showed on a map that there will be a 25-foot-wide loop access to each of the riverfront parcels, which will have to be maintained by everyone involved. This is not absolutely necessary for the sellers, since river access is deemed sufficient in the ordinance; but since the river front consists of a steep cliff, the sellers wished to make the lots more reasonably accessible. He stated that he and his siblings maintained Farm Road until the properties on it were sold.

Chairman Baril noted that Bartlett Point Road, the main access to Farm Road and several other lots, needs a lot of work, and the property owners concerned need to get together to do that work. He as a taxpayer does not feel that he or other taxpayers should have to pay for problems caused by those developing properties. He and the rest of the Board strongly recommended that drainage issues on Bartlett Point Road should be addressed by the Village as more and more properties are developed.

At 8:03, Chairman Baril did the short form SEQR. At 8:05, **MOTION** was made by Doug Rogers (sitting in for Ron Duford), 2<sup>nd</sup> by Duane Hazelton, to declare this a negative declaration. Motion was carried. **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Preston Lowe, to approve the subdivision as submitted.

Aye: Baril, Aubertine, Lowe, Hazelton, Jones, Rogers (for Duford)

Nay: none

Abstain: none

Absent: Heckmann, Duford

At 8:07 **MOTION** was made by Duane Hazelton, 2<sup>nd</sup> by Larry Aubertine, to adjourn the meeting. Motion was carried.

*Respectfully Submitted,  
Susan Kenney, Recording Clerk*