

**APPROVED  
JOINT TOWN / VILLAGE OF CLAYTON  
PLANNING BOARD  
July 3, 2014**

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

**Also Present:** CEO Richard Ingerson; Kim Johnston, Clerk; Susan Kenney, Recording Clerk.

**Townspople Present:** Jim Kenney, Peter Freer, Ben Lees, Ron Gross, Gary McElfresh, Lynn McElfresh, Steve Taylor, Dennis Weller, Gerald M. Clum, Renee Clum, Bruce Lippo, Jonathan Mead, Geoffrey Mead, ...name indecipherable..., Carla (?) Anderson, Harold Anderson, Karin Frank, Dan Frank, Pam McDowell, Tricia Bannister, Kevin David (?), Matt Morgia, Phil DeLuke, Bonnie Banello, Selentin (?) Bonello, Ann Aubertine.

The minutes for the June 5, 2014, meeting were reviewed and corrections made. **MOTION** was made by Doug Rogers (sitting in for Paul Heckmann), 2<sup>nd</sup> by Larry Aubertine, to approve the minutes as amended. Motion was carried.

**7:04 --- Town --- CDF & Associates, LLC, at 40616 Marina Road, Tax Map # 20.08-1-55, in the Marine Development District. Special Use Permit to erect large storage building.**

It was noted that this application has been sent to the County, and the County has responded with a letter, which Chairman Baril read to the Board. The County said that this application is of local interest only, but gave a few advisory comments, including asking the applicant for lighting plans and asking the Fire Department to review the site plan to ensure adequate access. There was one call: a neighbor was asking for the replacement of dead pine trees in the buffer area.

Dan Frank, who did the presenting, answered the question from the pre-application hearing concerning the firewall in the current storage building. He had originally intended to use the building in the winter for maintenance and repair, but is not doing that, so is not heating the building, and does not feel that a firewall is necessary. He is currently awaiting an answer from an engineer as to whether a firewall is needed.

At 7:10 the public hearing was opened. Mr. Frank said that the new storage building would look much like the first one, using darker, non-reflective metal. He also is already planning to replace the dead trees in the buffer area. There were no comments from any other attendees of the meeting.

At 7:12 **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Doug Rogers (sitting in for Paul Heckmann), to close the public hearing. Motion was carried.

Mr. Frank was questioned about outdoor lighting. He said that he has lights at entrances, but not much elsewhere because the facility is not used at night. It was also noted that the 911 number is

not visible; Mr. Frank said that there had been some problems with delivery services not recognizing the number, to the extent that he wondered if the 911 service might also not recognize the number; but he said he would get the number up and visible.

At 7:15 **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Duane Hazelton, to approve the application.

Aye: Baril, Hazelton, Aubertine, Rogers (sitting in for Heckmann), Kehoe (sitting in for Lowe)  
Nay: none                      Abstain: none                      Absent: Heckmann, Lowe, Jones

**7:16 --- Town --- Blind Bay Associates, off NYS Route 12 near Reed Point Road, Tax Map # 13.13-1-9, in the Marine-Residential District. Four lot minor subdivision.**

Matt Morgia, representing Aubertine & Currier, did the presenting. Of the four proposed lots, three are split between the Towns of Clayton and Orleans, and one is entirely in the Town of Clayton. All four lots are waterfront lots, and range in size from 1.6 to 2.6 acres. There will be both private and public roadway to access the lots. Once the lots are sold, the individual homeowners will be responsible for their own wells and septic. As the lots are laid out, it is anticipated that the houses themselves, once built, as well as the septic systems, will lie in the Town of Clayton rather than on the parts of the lots within the Town of Orleans. The total size of the original lot is about 62.8 acres: the four smaller lots will be created out of this, so the “residue” will not be considered a fifth lot, so it is still a minor subdivision.

At 7:21 the public hearing was opened. Gerald Clum, who owns the adjacent trailer park, noted that his lot is also split between the two towns. He was concerned about a recent newspaper article which said that the road leading to the newly created lots would be running through his trailer park. There is no road there currently; he does not want the road through the trailer park. He is in the process of selling the lot, and is not sure whether he or the prospective buyer would have a say on the potential road. He also is upset that the drawing on the application plans shows a road through his lot.

Dennis Weller, owner (?) of the lot, said that the newspaper article was mistaken. He has no intention to put a road through the trailer park.

Ron Gross, of the Fisher’s Landing Fire Department, wanted to know where the line dividing the fire districts in that area ran, and which fire department would be covering these lots, No one was sure of where the line ran between the districts, but since the local fire departments had agreed to mutual aid, the area should be adequately covered.

Kevin David wanted to know how big the lots were, and were the lots being created smaller than acceptable in each town because they were split between towns. Mr. Morgia noted in reply that each lot is a deeded parcel that can be in multiple townships. These lots are considerably larger than the minimum required in either township. Mr. David then asked about the difference between a major and minor subdivision, and was told that the difference is in the number of lots, up to four being a minor subdivision, and five and over being a major subdivision.

Mr. Morgia further commented that there is no road proposed through the trailer park. The only discussions of that nature had been concerning possible connections of sewer and electrical. There is a future sewer planned for Route 12, but nothing is definite yet, so that does not come into consideration. He cannot answer to the location of the fire district line. When asked if there were plans for more lots, he said that these four are to test the water; nothing further is planned at this time. When asked if the proposed roadway would be constructed in a manner that could facilitate it being made public, Mr. Morgia replied that the roadway would be constructed as a typical town road, with 20 ft. of width, 2-foot shoulders, and 65-foot right-of-way. He also stated that they are trying to maintain a 50-foot tree buffer between the proposed lots and the trailer park. When asked about the possible future subdivision of the proposed lots, he said that the developer would probably put in the deeds requirements to not split the lots.

Pam McDowell again asked about the possible road through the trailer park and also noted that the inhabitants of Fisher's Landing are concerned about the effects of construction on their community.

Chairman Baril went through SEQR (short form). He noted that when future owners are ready to build, they will need a waterfront assessment; this has already been done by Doug Rogers.

At 7:46 (amended from 7:32), **MOTION** was made by Doug Rogers (sitting in for Paul Heckmann), 2<sup>nd</sup> by John Kehoe (sitting in for Preston Lowe), to close the public hearing. Motion was carried. **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Duane Hazelton, to declare this a negative declaration. Motion was carried.

Doug Rogers noted that the proposed lots passed the waterfront assessment.

At 7:47 a **RESOLUTION** was made by Larry Aubertine, 2<sup>nd</sup> by John Kehoe (sitting in for Preston Lowe) to approve the subdivision. The roll call vote was unanimous.

Aye: Baril, Hazelton, Aubertine, Rogers (sitting in for Heckmann), Kehoe (sitting in for Lowe)  
Nay: none                      Abstain: none                      Absent: Heckmann, Lowe, Jones

**7:50 --- Town --- Philip H. DeLuke Jr., 16738 May Irwin Road, Clayton, Tax Map # 20.08-1-18.3, in the Marine-Residential and Marine Development Districts. Special Use Permit to raise fruit on his property.**

Philip DeLuke did the presenting. He currently grows other things of an agricultural nature and has applied to also grow grapes.

At 7:53 the public hearing was opened. Chairman Baril read a letter from Jefferson County stating that the project was of solely local concern. The application is just for growing grapes, not for constructing a winery.

Chairman Baril went through SEQR. At 7:56 **MOTION** was made by Larry Aubertine, 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 John Kehoe (sitting in for Preston Lowe), to close the public hearing. Motion was carried.

At 7:58 **MOTION** was made by Doug Rogers (sitting in for Paul Heckmann), 2<sup>nd</sup> by John Kehoe (sitting in for Preston Lowe), to approve the special use permit.

Aye: Baril, Hazelton, Aubertine, Rogers (sitting in for Heckmann), Kehoe (sitting in for Lowe)  
Nay: none                      Abstain: none                      Absent: Heckmann, Lowe, Jones

**7:58 --- Town --- Judith Foster, Trustee, Quebec Head Lane, Clayton, Tax Map # 19.18-1-9.1, in the Marine-Residential District. Simple Minor Subdivision.**

This is a two-lot simple minor subdivision. It is primarily a lot line adjustment, with the smaller part of the current lot going back to another lot.

At 8:02 **MOTION** was made by Duane Hazelton, 2<sup>nd</sup> by Larry Aubertine, to approve the minor subdivision.

Aye: Baril, Hazelton, Aubertine, Rogers (sitting in for Heckmann), Kehoe (sitting in for Lowe)  
Nay: none                      Abstain: none                      Absent: Heckmann, Lowe, Jones

**8:03 --- Town --- Karen Lashomb, County Route 5, Clayton, Tax Map # 31.15-1-24, in the Agricultural-Rural Residential District. Simple Minor Subdivision.**

Ms. Lashomb has already received a variance from the Zoning Board of Appeals, to allow the division of the current lot into two lots which are both just slightly less than the required acreage. The bungalow currently on one of the proposed lots would be removed and replaced with a house.

At 8:08 a **RESOLUTION** was made by Doug Rogers (sitting in for Paul Heckmann), 2<sup>nd</sup> by Larry Aubertine, to approve the subdivision. The roll call vote was unanimous.

Aye: Baril, Hazelton, Aubertine, Rogers (sitting in for Heckmann), Kehoe (sitting in for Lowe)  
Nay: none                      Abstain: none                      Absent: Heckmann, Lowe, Jones

**8:09 --- Town --- Gary O. McElfresh, 16463 Grenell Island, Clayton, Tax Map # 12.11-2-38.1, in the Marine-Residential District. Simple Minor Subdivision.**

Chairman Baril noted that the Planning Board cannot create undersize lots; the Zoning Board of Appeals (ZBA) is able to create undersize lots, but the Planning Board has final approval. He asked Mr. McElfresh to explain why he wanted this subdivision of an already undersized lot.

Mr. McElfresh said that this lot is currently the third largest lot on Grenell Island and has been in his family for the past 134 years. It is much larger than most of the lots on Grenell Island. He wants to be able to will one lot to one child and a second lot to the other child, rather than face a possible family conflict in future years. The ZBA had had strong issue with the shared septic

system, because of CEO Ingerson's insistence that the system was not acceptable under NYS health regulations. A State of New York compliance specialist gave approval to the shared septic system, after which the ZBA approved the variance.

It was noted that the original parcel is surrounded by water, making it an island, hence difficult to add land to it. It remains well under the 30,000 sq. ft. required by the zoning ordinance. CEO Ingerson noted that the request had originally been brought in so that a second boathouse could be put in. Chairman Baril said that special consideration should be taken because of the longevity of the property's possession by one family. Larry Aubertine said that the Board should also take into consideration that there are already two houses on the lot, so the owners are not really adding anything; they are just drawing a line. Steve Taylor said that this is a lot of record, and asking for a variance is a reasonable consideration of the situation.

At 8:27 a **RESOLUTION** was made by Larry Aubertine, 2<sup>nd</sup> by John Kehoe (sitting in for Preston Lowe), to approve the application. A roll call vote was taken.

Aye: Hazelton, Aubertine, Rogers (sitting in for Heckmann), Kehoe (sitting in for Lowe)  
Nay: Baril                      Abstain: none                      Absent: Heckmann, Lowe, Jones

#### **NEW BUSINESS**

John Kehoe said that the Board should be consulting maps showing Indian burial grounds in this area, to avoid future conflicts.

#### **OLD BUSINESS**

The Board was reminded of the five proposed amendments that they had reviewed, and of the one on farm wineries that they had had reservations about.

CEO Ingerson spoke of the need of adding more Marine Development parcels and his conversations with Town Supervisor Justin Taylor on that subject.

The Board briefly reviewed some upcoming applications.

At 8:37 **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by John Kehoe (sitting in for Preston Lowe), to adjourn the meeting. Motion was carried.

*Respectfully submitted,  
Susan Kenney, Recording Clerk*