

**APPROVED  
JOINT TOWN / VILLAGE OF CLAYTON  
PLANNING BOARD  
September 4, 2014**

The meeting opened at 7:00 p.m. with the following **members present:** Chairman Bud Baril, Larry Aubertine, Paul Heckmann, Preston Lowe, Duane Hazelton, Brian Jones, Alternate John Kehoe, Alternate Doug Rogers

**Also Present:** Clerk Kim Johnston, Recording Clerk Susan Kenney

**Townpeople Present:** Henry LaClair, Jeffrey Messenger, Lohanne Messenger, Hayley Messenger, Jim Kenney, Ann Aubertine

The minutes for the August 7, 2014, Planning Board meeting were reviewed, and minor corrections noted. **MOTION** was made by Larry Aubertine, 2<sup>nd</sup> by Brian Jones, to approve the minutes as amended. Motion was carried.

The minutes for the July 3, 2014, Planning Board meeting were reviewed, after ascertaining that a quorum from that meeting was present (Bud Baril, Larry Aubertine, Duane Hazelton, John Kehoe, Doug Rogers). No corrections were noted. **MOTION** was made by Doug Rogers, 2<sup>nd</sup> by John Kehoe, to approve the minutes as submitted. Motion was carried.

The hearing for Jeff Cohen will not happen tonight since Mr. Cohen has not brought in any of the information he was asked to bring.

**7:10 --- Town --- Jeffrey & Lohanne Messenger, 36563 Bald Rock Road, Clayton, Tax Map # 30.00-3-10.2, in the Agricultural-Rural Residential District. Two (2) Lot Simple Minor Subdivision.**

There is a generic SEQR on file for this lot. It was noted that this Planning Board cannot create a landlocked lot: there must be access for each lot. There is a tentative right-of-way, but this must be definitive. A 25-foot right-of-way through Lot 1 to access Lot 2 will be deeded as a perpetual easement. The new lot also must be surveyed.

At 7:15 **MOTION** was made by Alternate John Kehoe (sitting in for Ron Duford), 2<sup>nd</sup> by Duane Hazelton, to approve the application subject to the creation of a dedicated right-of-way on the deed, not to be changed.

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

**7:16 --- Town --- Kimberly Jane Duellman, 36197 NYS Rte 12, Clayton, Tax Map # 31.10-1-23.1, in the Agricultural-Rural Residential District. Two (2) Lot Subdivision.**

A generic SEQR is on file. **MOTION** was made by Duane Hazelton, 2<sup>nd</sup> by Doug Rogers (sitting in for Ron Duford), to approve the application.

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

**7:19 --- Town --- Dennis Parker, County Route 54, Clayton, Tax Map# 52.00-1-38.1, in the Agricultural-Rural Residential District. Two (2) Lot Subdivision.**

A generic SEQR is on file. MOTION was made by Preston Lowe, 2<sup>nd</sup> by Brian Jones, to approve the application.

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

**OTHER BUSINESS**

At 7:21, Brian Jones gave a brief update on the progress of the construction at the former Golden Anchor, now called the Clayton Yacht House. Bach & Co. is going to do the seawall and the caissons; it is expected to be a two month process. The building will probably start late October; it is not out to bid yet. Construction must be done by the end of 2015. The team is keeping Rak's in the loop.

Strong interest has been expressed in at least five of the ten planned condos in the building. There will be two parking spots per unit.

Chairman Baril suggested that the DPW be asked to block off part of the street during the construction, although that would not work out well after Memorial Day. Preston Lowe also encouraged that the team work with the village board to help forestall or assuage possible complaints from nearby business owners.

At 7:31, Chairman Baril said that he will request the town to find an alternate for the Planning Board. He has already received a letter of interest from Dave Crandall, a landscape architect now living in the village.

Beginning at 7:35, there was some discussion about the Blind Bay subdivision. There has been some contention from the Town of Orleans, primarily stemming from differences in zoning ordinances in the two towns. The Town of Clayton says that if a lot is navigable from the river, an access road is not needed; but the Town of Orleans says that building must be done on road frontage. Also, the Town of Orleans is looking at the lot as two pieces, while Town of Clayton sees it as one lot. Another problem is that if the Town of Orleans had to build an access road, it would have all the expense but none of the potential tax revenue.

At 7:42, Larry Aubertine brought up the topic of the Johnston House and the lack of adherence to the conditions placed on the project by the Planning Board. He had spoken with a woman on the alcohol board, who told him that if the conditions are in the Planning Board's minutes and the

entity is not adhering to those conditions, the alcohol board needs to be called. Chairman Baril said that whatever affect the village also affects the town, and both the town and village need to look at the most effective way to deal with the issue. Clayton needs to consider what it wants to be, and what is a “small town atmosphere.” One option for the Johnston House issue would be to legally recommend that the Village Board have a local law stating that no alcohol will be served after a certain hour; a municipal law would have more teeth to it than just what the Planning Board says. What the Planning Board says is enforceable, but someone has to want to enforce it. The Board should also check with the alcohol board on the local or town laws to cover. The main complaint about the Johnston House has been the noise.

At 7:55 **MOTION** was made by Duane Hazelton, 2<sup>nd</sup> by Paul Heckmann, to adjourn the meeting. Motion was carried.

*Respectfully Submitted,  
Susan Kenney, Recording Clerk*