

APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
PLANNING BOARD MINUTES
July 12, 2007

At 7:00PM Chairman Baril opened the regular meeting of the Joint Town /Village of Clayton Planning Board with the following board members present:

Bud Baril, Paul Heckmann, Ron Duford, Preston Lowe, Larry Aubertine, John Eppolito, John Kehoe

Others present included: ZEO Henry LaClair and recorder Diane Clark

Townspople present: Jeffrey Cohen, Neal Cohen, Norma Zimmer, Daren Morgan, Rob Company, Augusta Withington, Jim & Jean Mellor, Clayton Improvement Assoc. Representative, Pauline Zach, Gerald Ingerson, Joseph Kehoe, Laurie Rush

Minutes from June 18, 2007 were reviewed. The following changes were made:

Pg. 1 under John Eppolito – 4th bullet comment should read “Closest” neighbors do not have a problem.

Pg. 2 – last sentence should say The building to the west of the store has “often” been vacant....

Pg 3 – Under Presto Lowe’s comments: 1st sentence “questionnaire” should replace “packet”. Preston asked to have the following statement that he made at the meeting included in these minutes. *“John Buker withdrew his initial application in light of Public and apparent board opposition. He brought back the proposal when favorable members returned from the South, with his lawyer. Presentation was made at a workshop that was not publicized as involving the Buker project. The organized opposition was not present to rebuke his statements.”*

Alternate, Gail Richardson emailed her comments about the minutes to Chairman Baril and asked to have them added to the minutes. The addendum reads: *“It is important to be aware that south on James St. especially as well as much of east and west on State St. is still primarily residential homes and we must be careful to not allow commercialism to gradually creep in and encroach on these neighborhoods.”*

Pg 4 – 2nd paragraph, 1st sentence replaced with “Discussion ensued as to whether Alternate, Gail Richardson should be allowed to vote instead of John Kehoe since Gail was present at all the meetings regarding the Buker property and John Kehoe wasn’t. Same paragraph - Correct the spelling of “Aubertine”

Pg 5 – Under Jeffrey Cohen, last paragraph beginning with Mr. Cohen. Remove “*add a deck*” replace with “*increase enclosed area*” rather than build a porch....

Pg 8 – Number 11 & 12 should be combined as this is the same property owner’s response. (13 not 14 property owners were contacted).

MOTION was made by Larry Aubertine, 2nd by Preston Lowe to approve these amended minutes.

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito
Nay: None Abstain: None Absent: None

7:15 – Town – Gerald Ingerson – Heritage Heights, Tax Map # 20.18-1-14.111 in the Residential I District. Lots # 1022, 1024, 1028. Public Hearing for a major subdivision request.

Mr. Ingerson presented an overlay map of his proposed subdivision changes. The board reviewed the plans with Mr. Ingerson. There were no Public questions or comments.

7:50- MOTION was made by Preston Lowe, 2nd by John Eppolito to close the Public Hearing. Motion carried.

The board completed the SEQR short form, part II. **MOTION** was made by John Kehoe, 2nd by Larry Aubertine to declare this a negative declaration, an unlisted action under the SEQR Law.

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito
Nay: None Abstain: None Absent: None

7:30 – Village – Clayton Improvement Association – 909 Strawberry Lane – Tax Map# 20.55-1-54.7 & 54.8 in the Neighborhood Residential District. Public Hearing for a new Medical Facility.

Rob Campany, representing the CIA, was present for questions. At the last board meeting the board received the application for SPR and their completed SEQR to review for this meeting. The board was concerned with drain water runoff and parking. Mr. Campany noted options from the board members. The board also suggested that the facility wait until the sign ordinance is in place before having a sign made.

8:00 – MOTION was made by Preston Lowe, 2nd by John Kehoe to close the Public Hearing. Motion carried.

The board reviewed the SEQR Part II & III. The board asked that #26 (pg 4) of the Site Plan Review be changed to read as follows: *“As the proposed medical facility is replacing an existing medical facility of larger size and service, there would be a shortage of parking.”*

MOTION made by Preston Lowe, 2nd by Larry Aubertine to declare this a negative declaration, an unlisted Action under the SEQR Law.

The board completed the review of the SEQR and noted the following:

- 1) The *“reference to future expansion”* should be deleted.
- 2) Develop maximum on site parking spaces as close to the 40 spots as stated in the SEQR.

MOTION was made by Larry Aubertine, 2nd by Preston Lowe to approve this application with the above conditions.

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito
Nay: None Abstain: None Absent: None

8:30 – Town – Grant Family Trust – South Shore Dr. Tax Map # 20.13-1-13 in the Marine-Residential District. Public Hearing for minor subdivision.

The board completed the SEQR short form, Part II. **MOTION** was made by Larry Aubertine, 2nd by Paul Heckmann to declare this a negative declaration, an unlisted Action under the SEQR Law.

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito
Nay: None Abstain: None Absent: None

8:35 – MOTION made by Larry Aubertine, 2nd by John Kehoe to open the Public Hearing. Motion carried.

Daren Morgan, representing the Grant Family Trust was present for questions. The board reviewed the subdivision. Neighbors to the subdivision, Jim & Jean Mellor, were present and expressed concern with rainwater runoff flooding their property. They asked if the culvert could be made deeper. Mr. Morgan stated that would be up to the property buyers. Board member Ron Duford, suggested a condition be included with the approval that any lot development will not increase the offsite drainage.

8:45 – MOTION was made by Preston Lowe, 2nd by John Eppolito to close the Public Hearing. Motion carried.

MOTION was made by Larry Aubertine, 2nd by John Kehoe to approve the subdivision with the condition that “Any site development of any lot shown on this subdivision map will be conducted in a manner so as to not add to or increase the rate of off site drainage of surface water.”

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito
Nay: None Abstain: None Absent: None

8:50 – Town – Jeff Cohen – Rt 12 & Greenizen Rd. Tax Map # 31.06-1-9.2 in the Business District. Public Hearing for a Site Plan Review to create a Marina.

Chairman Baril read a letter of opposition from neighbor, L.R. Trumpore. Chairman Baril also stated concerns about Mr. Cohen’s facility.

- 1) Building is being used for commercial not private storage.
- 2) Removal of old auto requested months ago wasn’t removed until 2 days ago.
- 3) The sign was put up without a permit.

- 4) The board hasn't seen approvals for the driveways.
- 5) The land is not maintained properly.

The board asked that Mr. Cohen show on the site plan where the trailers will be located. Mr. Cohen asked for a list of what the board would like him to address. The board referred him to the 12 points on his application. ZEO LaClair gave the board a copy of the letter he sent Mr. Cohen on June 20, 2007 stating he needed the following information ASAP to give to the Planning Board for the Public Hearing.

Stamped survey of the property with:

- a. The existing building sited on it.
- b. The placement of the proposed building/buildings
- c. Showing curb cuts on NYS Route 12 and on Greenizen Rd.

Rendering of the building/buildings showing:

- a. width
- b. length
- c. height
- d. color
- e. type of construction:
 - wood frame
 - metal truss

Mr. Cohen did not respond to ZEO LaClair's request. **MOTION** was made by Chairman Baril, 2nd by Preston Lowe to adjourn this Public Hearing until August 9, 2007 at 7:15PM

9:20PM – Town – Kehoe and Sons Kehoe Dr. Tax Map # 12.20-2-40.112 in the Marine-Residential District. Public Hearing for a major subdivision application for revised site plan.

Board Member John Kehoe recused himself.

Neighbor and archeologist, Laurie Rush addressed the board with concerns about the aquifer and how many more septic systems the land form can handle. She stated she does not oppose Mr. Kehoe's subdivision of the land but is concerned about the future development.

The board completed the SEQR, Part II. **MOTION** was made by Paul Heckmann, 2nd by John Eppolito to declare this a Negative Action under the SEQR Law..

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Eppolito

Nay: None

Abstain: Kehoe

Absent: None

9:40 – MOTION made by Larry Aubertine, 2nd by Paul Heckmann to close the Public Hearing. Motion carried.

MOTION made by Larry Aubertine, 2nd by Ron Duford to approve this application as submitted

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Eppolito

Nay: None

Abstain: Kehoe

Absent: None

9:45 – Town – Daniel French and James Fulton –Murray Island. Tax Map # 12.07-1-15 in the 260 Seasonal Residence District. Consider simple minor subdivision.

The board reviewed the application and determined there is a generic SEQR on file. There were no comments from the Public. **MOTION** was made by Larry Aubertine, 2nd by John Eppolito to approve this application.

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito

Nay: None

Abstain: None

Absent: None

Other Business: Chairman Baril suggested to the board that they hold a series of Public workshops to discuss sections of the PPM Energy Wind farm DGEIS. He mentioned that Twyla Cushman has been hired to put the record in order by category, make copies for each Board member and other Town officials and will be maintaining the documents. Chairman Baril cautioned the Board that if they receive any mail in regards to the Wind farm project that it must be turned over to the Town Office and made Public record.

The Board determined the first workshop would be held on July 26, 2007 at 6:00PM.

Family Dollar Store – Board member Ron Duford stated the Family Dollar Store and the Lucky Kitchen Restaurant have not done the paving work for the new entrance and exit for the two businesses that were agreed upon in their permit. ZEO LaClair stated he has tried to reach the owners of the property but to no avail. ZEO LaClair stated he will continue to work on the issue.

Being no further business to discuss, **MOTION** was made by John Kehoe, 2nd by Paul Heckmann to adjourn this meeting at 10:30PM.

Aye: Baril, Duford, Heckmann, Aubertine, Lowe, Kehoe, Eppolito

Nay: None

Abstain: None

Absent: None

Respectfully submitted,

Diane Clark
Recorder