

**APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
PLANNING BOARD
October 3, 2013**

The meeting opened at 7:00 p.m. with the following **members present:** Chairman Bud Baril, Larry Aubertine, Paul Heckmann, Ron Duford, Duane Hazelton, Brian Jones (present but not voting), Alternates John Neuffer (sitting in for Brian Jones), John Kehoe (sitting in for Preston Lowe), and Doug Rogers. Absent: Preston Lowe.

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

Townsppeople present: Mary Burke, Norma Zimmer, Stephen Curtis, Jim Kenney, Jonathan Taylor, Pam McDowell, Cindy Grant

The minutes for the September 5, 2013, meeting were reviewed, and no corrections were noted. **MOTION** was made by John Kehoe (acting for Preston Lowe), 2nd by Larry Aubertine, to approve the minutes as submitted. Motion was carried.

7:03 --- Reminder of the land use workshop on October 28, from 6:30 to 8:30, at JCC.

7:04 --- Town --- Don Boyer, Grant Road, Clayton, Tax Map #30.00-2-51.1, in the Agricultural-Rural Residential District. Simple Minor Subdivision.

There are twelve acres to be taken out of the main parcel. It meets all criteria. **MOTION** was made by Duane Hazelton, 2nd by John Neuffer (acting for Brian Jones) to approve the subdivision.

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

7:05 --- Village --- pre-application hearing for James Cumming, 428 Riverside Dr., Clayton, Tax Map #20.38-1-22.2, in the Riverwalk-B District.

Brian Jones did the presenting. The project as presented differs a little from the original plan, now being lined up with Rak's store. It is a 3-story building, designed as a split level. On the street level will be retail, and the lower level will have a dock on the river, with a restaurant and pub inside. The Riverwalk will continue around the building. There is handicapped access from both street and dock levels. It is intended to be raised up out of the flood plain, to help protect against storm surges. There was some discussion about the official flood plain level. Most of the structure is 251.7 feet from water level, so putting it above any of the figures put forth for flood plain level. The primary concern is for the sidewalk. The figures will be double-checked before the next planning board meeting.

There will be a crawl space beneath the retail space, and a privacy fence around the deck and restaurant. The upper levels will be apartments, either rentals or condominiums, with a private roof garden for two of the apartments.

The overall height of the building is 47 feet to the upper parapet, a few feet higher to the top of the pediment. Most of the other buildings downtown are between 40 and 45 feet tall, so the new building would not be much higher. There is a small alley to one side of the building, to which Mr. Cumming has a right-of-way. This would be used by future residents for private access.

There are a number of parking spaces in the garage across the street, and at another private parking lot. In answer to a question about zoning requirements for parking in the Riverwalk B district, it was noted that there are not. It was noted that Mr. Cumming must guarantee parking spaces for his tenants, and not bounce them out later if he decides to develop other properties and needs parking spaces for those. Another question was asked about potentially putting parking underneath the building: that would cut down on rentable space, and also necessitate raising the street level, making access more difficult for the handicapped. It was noted that there are sufficient parking spaces across the street, behind River Dogs, of which less than half are currently leased, and also 29 spaces at the former Kittle Motors property.

Concerning staging for the project, Mr. Jones said that had not been fully planned, but there would be more details by the next meeting. Regarding the electrical service from National Grid, there is a requirement that construction be at a minimum radius of 10 feet from electrical wires; any construction within that radius would require making special provisions. This is one reason the building was moved back from its original position. Currently there is only 6 inches between that 10-foot radius and the building, so they will need to get a certified electrician. Shutting off power to that spot would be an expensive prospect, costing almost \$10,000 for a specific area and \$20,000 for the whole street, according to Norma Zimmer.

When asked if any tenants are lined up, Mr. Jones said that Freighters is interested in the retail space, but there are no prospective tenants currently for either the apartments or the restaurant. Concerning the prospective brewery in the lower level, it was noted that it will be a vertical construct, using up less space, and it will be self-enclosed, cutting down on any odors from the brewing process. Also in the lower level, Mr. Cumming is planning on a seasonal kiosk for ticket sales for Clayton Island Tours. There will be four apartments on each of the two upper floors, making a total of eight; they would be long-term rentals, not by the week. The dumpsters for the building will be screened. Trucks for delivery and garbage pickup will have to back into the space. More probing will be done to find bedrock and decide how best to build the foundation.

A waterfront assessment will have to be done as the process goes along. According to code, this building can have only retail at street level, not apartments; there is currently nothing that prohibits retail or office space in the upper levels. It was noted that the current ordinance has nothing in it about residences in the Riverwalk B district, and this will have to be included in the rewritten code.

7:46 --- Town --- Pre-application hearing for Fruehauf-O'Neill, 15677 Round Island, Clayton, Tax Map #20.07-1-22, in the Marine-Residential District.

Jonathan Taylor, architect, did the presenting. This is to be a multi-use boathouse, for which a special use permit is needed. The boathouse would be partially over the water; new docks will be built. In the part on land, the dock level would be used for storage, and the upper level for living area. This living area would be primarily bedrooms and a game room, to handle overflow

from the main house; there would be no kitchen. They will be building over cribs, and will keep as many pilings as possible for a breakwater.

The clients' house, Carpe Diem, is on the historic register. The roof elements will help to tie the buildings together. The design is meant to echo some of the history of the island, with resemblance to the livery of the old Frontenac Hotel at that site. The only known neighbor is the Frontenac Association. There are no views getting blocked. The lot itself was bought as three separate parcels which are now accounted as one on the tax maps.

The existing septic system needs to be fixed and upgraded. They will use flood vents in the walls of the lower level to solve the problem of the needed extra two feet of protection against storm surge.

8:01 --- New Business

The Board discussed how to measure lumens in proposed lighting, who should be contacted to measure, how certain lighting will affect neighbors, etc. There is currently nothing in the zoning ordinance about specific requirements for lighting. The question was raised about putting specific requirements in the new ordinance; consensus was that such was undesirable. Brian Jones said that for a full picture, a photometric study would need to be made, including the height of fixtures, types of bulbs used, etc. The manufacturers can give some numbers, but cannot tell how a particular installation will impact neighbors. Ron Duford noted that there are some software programs available that will help determine the desired information. It was agreed that for the most part, the Board can use its own discretion in determinations, making sure that proposed lighting is "light-sky compliant," shining down and not up. For some unusual situations, such as the hotel, the Board will need to require photometric studies.

8:06 --- Old Business

The question of the brew pub was brought up. It has been closed for over a year, but not through the Planning Board, since it was a conforming usage. There was another question about the legality of the storage sheds on the corner of Mary and Webb Streets. They are not specifically prohibited in the village ordinance, nor are there any specific setbacks.

At 8:10, **MOTION** was made by John Kehoe (sitting in for Lowe), 2nd by Larry Aubertine, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*