

DRAFT MINUTES
JOINT TOWN/VILLAGE OF CLAYTON
CLAYTON PLANNING BOARD
JULY 11, 2019

Board Members Present: Fred Bach, Dave Crandall, Paul Heckmann, Michael Ingerson, Patrick Dewey, Duane Hazelton, alternate Therese Christensen (acting for Doug Rogers)

Absent: Doug Rogers

Also Present: Richard Ingerson, Zoning Officer; Sue Kenney, Recording Clerk

Townspople Present: Jake Tibbles, Rebecca Dahl, Jerry Wetterhahn, Diane Mackie, Mary Zovistoski, Dave Byre, Randy Williams, Peter McAuliffe, Doug Holbrook, Jonathan Taylor, James A. Palumbo, Allen D. Hebeeling, Bruce Macy, James Kenney

The meeting was called to order by Vice-Chairman Fred Bach at **7:03 pm** with the salute to the flag. Due to the absence of Doug Rogers, alternate Therese Christensen was appointed to act in his stead.

At **7:04 pm**, minutes for the June 6 meeting were reviewed, with two minor corrections noted. At 7:06 pm, **MOTION** to approve the minutes was made by Pat Dewey, second by Mike Ingerson. Motion was passed.

A public comment was made that the Village Board has placed a hold on the legal review of the proposed sign law.

7:07 pm — Thousand Islands Land Trust — Village — 135 John St., Clayton, in the Riverwalk-B District. To enlarge existing office space closer to a property line than allowed by local zoning law.

Jonathan Taylor did the presenting. He noted that the Zoning Board of Appeals, in a previous meeting, had granted a variance for the rear yard setback. Essentially nothing has changed since last month's pre-application hearing. The Village had already approved a licensing arrangement with TILT for the porch deck and roof that hang over onto Village property; the roofed porch will include a rain gutter system to alleviate rain drippage, and the addition on the side facing DiPrinzio's will be constructed to look like the porch. The large conditioning unit will be moved to the side of the building facing the River, and will be at least partially screened by plantings of small, decorative trees. The lights on the porch will not be too bright and shouldn't bother boaters at night. The light for the TILT sign will most likely be warm LED lighting, shining back on the sign.

Concerns were expressed about (a) the lights remaining on at night for the porch, and (b) the presence of the second sign advertising Westelcom. Mr. Taylor and Mr. Tibbles (director of TILT) said that they would have no problem leaving the porch lights on at night to help prevent accidents. As to the sign for Westelcom, which is considered an offsite or third-party sign, Mr. Tibbles prefers to leave it since Westelcom has done a lot of work for them in setting up their office. The current sign law says nothing about offsite signs, although the proposed new sign law (not yet enacted) will definitely ban offsite signs. On the whole, the Board decided it was best to work with the current law and not wait for the proposed law to be enacted.

At 7:18 pm, **MOTION** was made by Mike Ingerson, second by Duane Hazelton, to open the public hearing. Motion was carried. There were no public comments. At 7:19 pm, **MOTION** was made by Mike Ingerson, second by Pat Dewey, to close the public hearing. Motion was carried.

Vice-Chairman Bach went through the short environmental assessment form. At 7:21 pm, **MOTION** was made by Dave Crandall, second by Mike Ingerson, to declare this a negative declaration according to SEQR. Vice-Chairman Bach recused himself from voting on this because his wife works for TILT. There was some discussion of adding the condition that no second, third-party sign should be allowed, since the proposed new law would prohibit it. There is another small sign on the porch for TILT, which with the larger sign facing the river still comes within the sign size limitations in the current ordinance. After discussion, the condition of banning the third-party sign was withdrawn.

At 7:27 pm, **MOTION** was made by Pat Crandall, second by Duane Hazelton, to approve the application as submitted, with the condition that the porch lights be left on at night.

Aye: Crandall, Heckmann, Ingerson, Dewey, Hazelton, Christensen (acting for Rogers)

Absent: Rogers

Nay: none

Abstain/Recuse: Bach

7:27 pm — Pre-application hearing for TILT, concerning their property known as the Zenda Farms.

Rebecca Dahl and Jake Tibbles did the presenting. On the south side of Zenda Farms, within a 270-acre tract, they hope to set up an entertainment center, to eventually include some educational activities concerning the wetlands there, maybe some U-pick operations such as pumpkins or berries, a bird tower for watching wildlife, the possibility of raising sheep and goats, and a venue for outside, non-TILT events such as wedding or birthday parties. The current Board of TILT would limit these outside events to a maximum of six per year; they want to start small and increase gradually the activities, to check for possible impact to the neighborhood. There would be no permanent buildings set up for the outside event, but there would be some permanent structures required if sheep and goats were brought in. These plans differ from the original site plans for Zenda Farms, so TILT would have to come back before the Board for approval of any site plan amendments.

In the ensuing discussion, it was noted that hosting these outside events could be bringing in some potential competition to other local venues. In the Comprehensive Plan, new applicants are discouraged from competing with downtown. Mr. Tibbles pointed out first that any space set aside for these outside events would of necessity lose its non-profit status, so those areas would be returned to the local tax rolls, and therefore, as taxed entities, should be able to compete. There is no intent to make this a full scale event venue; the desire is not to make a profit but to promote TILT and all the local area. Secondly, Mr. Tibbles is working to form partnerships with the smaller businesses that would be most adversely affected by this competition, so that TILT and those businesses can work together for the better good of all. The possibility was also brought out of the Planning Board putting a limit on the number of outside events allowed, beyond what the TILT Board has already agreed to. Others were concerned that a limit should be placed on the expansion so that it doesn't expand too rapidly and become a recreational facility rather than an educational one. When Mr. Tibbles comes in for the full hearing, he was admonished to make sure all the appropriate boundaries are shown on the site plan, including parking, etc.

7:52 pm — MSG-LLC, acting for Gerald Wetterhahn — Town — Wood Road and Co. Route 9 — To erect a solar array.

Peter McAuliffe and James Palumbo did the presenting. MSG-LLC is the legal entity set up for the development. The intent is to build a 10-acre, 1.25 MW solar array on approximately 204 acres owned by Mr. Wetterhahn. A previous site plan had been submitted, but had to be revised, since further investigation of the site found some limitations of the original site, and also a sensitive biologic environment known as alvar grassland. The alvar community is especially sensitive for birds nesting in the spring. The developers will be working closely with National Grid as to the impact of the array. According to National Grid, anything over 1.25 MW would trip the system into an unfeasible and prohibitively expensive situation.

The existing 204-acre field is used for haying. At first the developers hoped to use pasture for the array, but when they and an environmental engineer walked the land in early spring, after the ground had thawed, they discovered that the pasture has shallow limestone just below the surface, making the stabilization of the array much more difficult and expensive. They also discovered the alvar community in the same pasture area. Therefore the site had to be moved. The array needs to be able to connect to the grid, and also needs a southern exposure, which makes the cost unfeasible on the south pasture. The original plan called for a fixed-position array; the new plan looks to put in a tracking system on a single axis, tracking from east to west throughout the day. This will also make it easier for snow to slide off the array in winter. The state mandates putting in power storage as well.

An access road will be built to accommodate tractor trailers going in to the site. The road will be built to be permeable, using a design worked out with the DEC, and will be 16 feet wide. The tractor trailers could drive right on the rock, but there are plenty of crevasses that would make driving difficult, and this would also disturb the fragile alvar ecology. The posts for the array will be 20-30 feet on center, pile-driven 4-6 feet deep, up to 8 feet to get them below the frostline. If these posts are removed when the array is no longer in use, the posts will be pulled out and the ground will fill back in with the frost heave. They have not yet done any trial borings. The transformers will be at the southern end of the site. There will be a perimeter fence for security, with an 8-inch gap at the bottom of the fence to accommodate the freer movement of small wildlife. A suggestion was made to make the fence black to help it "disappear" when looking at it from a distance. There will be no need for a parking lot.

The vegetation on site is currently primarily wheat and canary grass, which acts as a water quality filter. The developers are hoping to transition plantings, and frost-sow clover to hopefully beat the canary grass in the spring. Since the only real visual impact will be on Wood Road, they are looking at a combination of planting clusters, both evergreens and deciduous, along Wood Rd. to naturalize the appearance. These would not necessarily provide full coverage but would at least break up the visual. It was stressed that the application should state that the project will change the appearance of the site.

The time frame for completion of the project is 2-4 months. They are hoping to start late summer or early fall. The feed line would run straight to County Route 9. There is plenty of natural screening there. The poles have equipment on them, and that is what mainly would need maintenance. There is enough room where the feed line will run for a pick-up truck to get through for maintenance. The poles for the feed line would be shorter than the regulation National Grid poles. It was asked why a conduit couldn't be used instead of the above-ground feed line: a conduit would be prohibitively expensive, because it would have to be encased in concrete and buried 3 feet deep, which would be more difficult in the limestone and would require blasting.

Vice Chairman Bach read some letters received from various agencies. The Jefferson County Planning Board said they saw no significant county-wide impact; this was of local interest only. They made several recommendations, including using a glare analysis tool, but left it up to the local board to make the final decision. Parks and Recreation and Historic Preservation (which has land adjoining the proposed site) said that this area was of "high archeological sensitivity" and encouraged a requirement for an archeological survey. Gerald Smith of the Onondaga Audubon Chapter said that no permit should be approved since the local solar law was not yet approved. An inventory of resources present at the site should be required of the developers. In response to some of these issues, Mr. Palumbo said that a 16-foot road width would be more conducive and less obtrusive than the 20 feet recommended by Jefferson County and also required by the Clayton zoning law. As to the archeological aspects, these issues hadn't come up in their research, so they would be looking into it. Mr. McAuliffe questioned the glare analysis tool; Zoning Officer Ingerson said that the Wheeler-Sack Army Airfield and The Watertown International Airport had listed no impact from glare. Mr. McAuliffe also explained the process used to find sites to be developed, and stated that they will be leasing the land for 25 years. He said

that the power generated by the solar array will be fed back into the local grid. Locals, including the town, can access the power if they buy in; in general, they can expect 1-1½ months of free electricity.

The developers need to do a full environmental review but currently don't have all the necessary information, e.g. the archeological impact. They also need a response from the State Historic Preservation Office (SHPO). These things need to be included in the site plan which will be reviewed at the August 1 meeting: 7-foot black fence, letter from SHPO, landscaping, updated site plan.

At 9:02 pm **MOTION** was made by Pat Dewey, seconded by Duane Hazelton, to open the public hearing. A town resident expressed his concern about the solar law that is not yet passed. He believes it would be premature to approve a project such as this before the law is passed. Solar power in the Town of Clayton should be given the same attention as wind power has been given. A Board member mentioned that in the last solar project the Board looked at, the applicant was given the condition to meet the provisions of the proposed solar law. At 9:07 pm the **public hearing was adjourned** until the next meeting so further information such as the letter from SHPO can be reviewed. If the Board has all necessary information, they can make a decision on the project at that meeting. The main concern will be the Native American impact.

NEW BUSINESS

At 9:12 pm, new business was looked at. There is a project on Ron Cooper's property on Route 12 that is turning into an eyesore, and several town residents have complained. Mr. Cooper is putting in an application for a subdivision and is doing some grading, leaving over an acre of torn-up land. DEC does not currently require a permit for grading. There was also the question of the use of a DOT access road. The question was brought up of Board liability in such a case, and it was advised to get legal counsel. The zoning officer noted that he has gone to the landowner three times already in response to several complaints, and the DEC has also gotten calls and sent officers out there.

Another issue: the UStore is not doing the plantings listed on the site plan. Dangerous conditions have been created there, which the owner needs to fix. There is a building on the site that needs to be removed before it falls into the creek. It was stated that the Board shouldn't accept plans that aren't enforced. It was suggested that either the town or the zoning officer send a letter to the owner to fix the issues.

Another issue: next to the Rondette restaurant, someone has made a dump of a wetland area. This needs to be stopped and the trash removed. A meeting between the Board and the town supervisor was suggested. The question was raised as to whether there is the political will in the town to effectively do enforcement. A Board member noted that the Town and Village need to enforce the laws already on the books, not keep making new laws. The Board should follow up on all approved projects to make sure that they are done as agreed to.

At 9:30 **MOTION** was made by Dave Crandall, second by Therese Christenson (acting for Doug Rogers) to adjourn the meeting. Motion was passed. Meeting was adjourned.

Respectfully submitted,

Susan Kenney, Recording Clerk.