

APPROVED
JOINT TOWN/VILLAGE OF CLAYTON
PLANNING BOARD
DECEMBER 5, 2019

Board Members Present: Fred Bach, Dave Crandall, Therese Christensen, Pat Dewey, Duane Hazelton, Paul Heckmann, alternate Kevin Patchen.

Absent: Doug Rogers.

Also Present: Sue Kenney, Recording Clerk

Townspeople Present: Jonathan Taylor, Christopher Ciolfi, Branden Jacobson, Josh Heintz, Pam McDowell, Mary Zovistoski, Jim Kenney

The meeting was called to order at 7:00 pm by Vice Chairman Fred Bach with the salute to the flag. Due to the absence of Doug Rogers, alternate Kevin Patchen will be acting in his stead. It was noted that a quorum of members is present.

At 7:01 pm, the minutes for the November meeting were reviewed and corrections noted. **MOTION** was made by Paul Heckmann, second by Therese Christensen, to approve the minutes as corrected. Motion was passed with all in favor.

COMMUNICATIONS/CONTINUING BUSINESS

At 7:03 pm, Vice Chair Bach reminded the Board of the Tug Hill seminar coming up in March 2020. A reminder was given that Members Crandall and Rogers need to be sworn in for the new term.

7:05 pm – Three Pre-applications presented by Jonathan Taylor

(1) The Art Center: There is a DRI grant process in motion for the project, which is still very conceptual. There is no guarantee of when the project might be accepted into the grant process. This art center is a small parcel on James St., currently the Fibonacci Gallery. The hope is to partly tear down the building, keeping two of the corners, and build a three-story museum facing James St. The building would probably have a wooden street façade, possibly clapboard, to maintain the downtown esthetic. On the first floor would be the receptionist and the museum/galleries. On the second floor would be classrooms and offices. A second-floor balcony is proposed to cover the first floor entrance, going right to the curb. Mr. Taylor is asking if the Board sees any possible red flags. Questions were raised about what was on either side and across the street and how the size of the building would fit in; what accommodations would be made for parking; and what was planned for snow removal and gutters. Mr. Taylor noted that as of right now, no gutters are planned. There would probably be the same number of staff, possibly one more. The plan is to have windows on the sides of the building because it won't be built flush with the side property lines. It was also noted that this is on the borderline of business to residential.

(2) The owners of the Raks building are looking for a DRI grant. They are proposing a façade with changes to the brickwork and the window configuration, possibly putting in some recessed nooks (not

full windows) to break up the wall expanse. They would make the peak like other buildings downtown, with a cornice. This is more of an esthetic improvement; there will be no change to the footprint and no internal changes. Questions were raised about signage and lighting. They would be keeping the same signage and are not planning any elaborate lighting. The owners will not do anything without receiving a grant. It was noted that this building is in the historic district but is not itself a historic building; it was built 30-40 years ago after the previous building burnt.

(3) The new owners of the Birches, at the end of the road on Bartlett Point, want to make improvements to the property. They are looking for a special use permit to put a bunkhouse, less than 500 ft², over the garage on the property. This bunkhouse would be strictly for the use of their family and guests, and would not be rented out. It would consist of sleeping quarters and a bath, no cooking facilities. The main house is not in good shape and needs to be mostly replaced; they are hoping to save some of the gingerbread on the house. Mr. Taylor will return in February with the actual application. It was suggested that at that time, it be made a stipulation in the approval that the bunkhouse would be only for family and friends and not be rented.

7:32 pm – Evolution Site Services (Lessee), Sam Weaver (Owner) – Town – NYS Route 12 west of NYS Rte. 180 – To erect a new cell phone tower.

Chris Ciolfi did the presenting. His company, Evolution Site Services, would like to erect a telecommunications tower on the northeast side of Route 12, just north of Gunn's Corners. This is an allowed use in this district. The owner of the property, Mr. Weaver, will not lease the land but is willing to sell the smallest amount of land possible for the tower. Because of the various requirements of the Clayton zoning ordinance, Evolution Site Services has worked out an odd-shaped lot of 1.59 acres, including 200 ft. of street frontage. The planned tower will be 195 ft. tall, under the 200-foot minimum for requiring lights. This application has already been before the Zoning Board of Appeals for an area variance due to the need for a fall zone, an area around the tower 1.5 times its height; in this case, that fall zone would be greater than what the owner is willing to sell. An easement has already been worked out with the owner.

Mr. Ciolfi said that they plan a 12-foot wide gravel drive, for which they are talking to the DOT. They would fence in an area 75 ft. by 75 ft. with a seven-foot chain link fence with one foot of barbed wire on top of that, for a total of eight feet. The tower is well away from Route 12, and the fenced-in area would not be readily visible. All utilities would be underground. The tower will be lattice style, with no guy wires necessary. It is similar to the one on Old Town Springs Road.

The signal from this tower will connect with the signal from the one on Old Town Springs Road and with others to the south. Verizon did a propagation study to see where their signals are weak or strong, and determined that a tower is needed in this spot to increase coverage and strengthen the signal. There are several Amish farmers in this area, but the only one interested in working with Evolution Site Services was Mr. Weaver. Mr. Ciolfi said his company builds the towers and infrastructure, then Verizon adds their mechanisms. Currently this is limited to 4G, but will eventually become 5G.

Questions were raised as to whether more towers would be needed in the future, and whether zoning will need to be revised to accommodate.

At 7:48 pm, **MOTION** made by Dave Crandall, second by Patrick Dewey, to open the public hearing. Motion was carried with all in favor. No public comments were made. At 7:50 pm, **MOTION** was made

by Kevin Patchen (acting for D. Rogers), second by Duane Hazelton, to close the public hearing. Motion was carried with all in favor.

At 7:51 pm, Vice Chairman Bach read a letter from the County Planning Board, which stated that there is no significant countywide or intermunicipal impact from this application. They advised that by Town of Clayton zoning ordinance, fences are limited to 6 feet in height, but the proposed fence for the tower project was 8 feet, so the Town/Village Planning Board should consider whether a variance was necessary for this. The County Planning Board's comments are advisory only, and the local Board is free to make the final decision. Mr. Ciolfi stated that 7-foot fences are the industry standard, but is willing to do a 6-foot fence. Discussion centered on whether the barbed wire at the top was excessive and what the height of fences was around other telecommunications towers in the area. Mr. Kenney, chairman of the Zoning Board of Appeals, was present and noted that in NYS, public utility law overrides local zoning, the tower will be considered a public utility, and public utilities require an 8-foot fence.

At 8:00 pm, this was ruled to be a complete application. The Board was polled individually for approval/denial and desired conditions. The only condition noted was to seek a proper clarification of the necessity of a variance for the fence height, and to rest the final approval of the application on the approval of any necessary variance. At 8:03 pm, **MOTION** was made by Paul Heckmann, second by Dave Crandall, to approve the application with the noted conditions.

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

Nay: none

Absent: Rogers

Abstain: none

At 8:04 pm, Vice Chairman Bach went through SEQR. At 8:05 pm, **MOTION** was made by Duane Hazelton, second by Kevin Patchen (acting for D. Rogers) to declare this had negative impact. Motion was carried with all in favor.

8:07 pm – Preapplication hearing for Island View Village Amended Subdivision

Brandon Jacobson did the presenting. Some amended subdivision had been approved before, and the company is looking to add more. They were approved for condensing seven proposed parcels into five, lessening the density of the development. They were hoping to sell another part of the original property, but according to the HOA (Homeowners Association) none of the land can be sold for a profit, which means there can be only one residence on the other part. Mr. Jacobson said that all the residences being built now are sold. The road running through the development, Island View Drive, will be repaved and topped by May 2020.

There was discussion about the original application and what was included therein as approved. There were concerns about the loss of more green space in this new proposal, and why these new issues weren't included in the original application. The original application was made in 1990, but an amendment was made much more recently, within the past year or so. The point was made that all the public comments at the time of the original amendment application were based on what was then presented, and now the conditions have changed. Another concern was the distance between the buildings being built, whether that distance met the required setbacks. It was agreed that the Zoning Officer and others would look at the minutes for the previous amendment application to compare that with the present application.

At 8:28 pm, **MOTION** was made by Duane Hazelton, second by Therese Christensen, to adjourn the meeting. Motion was carried with all in favor.

Respectfully Submitted,

Susan Kenney, Recording Clerk