

APPROVED

JOINT TOWN/VILLAGE OF CLAYTON

PLANNING BOARD

July 2, 2020

Board Members Present: Doug Rogers, Therese Christensen, Duane Hazelton, Pat Dewey, Paul Heckmann, Dave Crandall, Kevin Patchen (Alternate)

Absent: Fred Bach

Also Present: Zoning Officer Richard Ingerson

Persons Present Virtually: Susan Kenney (Recording Clerk), Ric Van Reenen, Timothy Fennell, Pam McDowell, Ryan McCarthy, Marla Sivlein-Cohen, Jeff Cohen, Susie O'Neill, David Males, Jennifer Van Reenen, Nancy (?), Dustin Orvis, (?) Heinz, Stephen Streets, Candy & Jim Duswalt, "S. A.," Deanna Henry, Sue & Gib Streets, "Caller 02," Norma Zimmer, Shannon Streets, Allen Herberling, Judy (?), "Caller 05," Michael (?), Tricia O'Connor-Mesmer

The meeting opened at 7:00 p.m. Chairman Rogers listed some of the issues that would be discussed or brought up to date in the meeting. (1) Dustin Orvis is looking to put up some form of housing for his father-in-law on his property, but is faced with the ordinance saying that there can't be two residences on a single property. (2) The Wetterhahn solar project has received sign-off from Seven Nations and SHPO (State Historic Preservation Office), with certain conditions that need to be adhered to. (3) There was an inquiry into signs at the Chateau; Stewart Signs would be contacted. (4) It was noted that board member Fred Bach was not present, so alternate Kevin Patchen would be taking his place.

Chairman Rogers led the people present in the pledge to the US flag. He then noted that former board member Preston Lowe had succumbed to a long-term illness, and asked for a moment of silence to honor Mr. Lowe.

The minutes from the last Planning Board meeting (March 5, 2020) were reviewed. It was noted that in the minutes member Paul Heckman was listed as present, but he had not been at that meeting. **MOTION** was made by Duane Hazelton, second by Therese Christensen, to accept the minutes as corrected. Motion was carried with all members in favor.

Chairman Rogers noted that on July 22, there would be a hearing concerning the Planned Development District (PDD), so that the Town Board could review the draft proposal and change or add items as deemed necessary. Chairman Rogers did not think that any of the potential proposed changes would substantially affect the gist of the proposed law.

He also noted that the village sign law is in its final draft; it just needs the feedback from the Planning Board and the ZBA (Zoning Board of Appeals).

The agenda for tonight's meeting included an application from Jacob Van Reenen, but that will be tabled until the August meeting, due to outstanding issues and concerns that need to be addressed at the next ZBA meeting on July 20. The ZBA needs to interpret a decision by the ZEO that is disputed by the applicant.

7:10 p.m. – Dustin Orvis pre-hearing.

Mr. Orvis did the presenting. Mr. and Mrs. Orvis have health concerns for her father, who is no longer able to live on his own. They would like him to live on the same property so that they would be close by for any need, but not in the same

house. Because of the village zoning ordinance, they cannot have two separate residences on the same lot, so they are looking at the possibility of building a bunkhouse for year-round occupancy. Mr. Orvis is eager to obey the ordinance, so the proposed bunkhouse is under the maximum 500 ft², and will have no kitchen. In response to a few questions from various board members, ZEO Ingerson read through the ordinance's requirements for bunkhouses and noted that there is nothing in the ordinance that would rule against a bunkhouse being year-round. He also clarified that a bunkhouse is for sleeping only: bedroom and bath but no kitchen.

Mr. Orvis said that the size of the property is about one acre or a little bit more. He also said that if the bunkhouse is denied, they would look into putting on an addition to their house, although they would prefer having a separate residence.

7:18 p.m. – [Oot] (?) project.

Member Dave Crandall has found problems with the construction site for the [Oot] project, including that the site may be too close to Swart Road; that some features are not shown on the topographical map provided with the original application, possibly making the map incomplete.

7:24 p.m. – site plan review for Jeff and Marla Cohen, 1061 State St, proposed deck on an existing structure, in a Marine-Residential district.

Marla Sivlein-Cohen and Jeff Cohen did the presenting. Chairman Rogers first read a letter from a neighbor of the property in question, who stated that he needed some answers and resolution concerning the right-of-way and easement. Mrs. Cohen was able to confirm that these issues had been dealt with, and a question posed to the neighbor confirmed that he agreed with the resolution.

Mrs. Cohen then described the proposed project. They have an apartment house and wish to build a 12x24 ft. deck off the top apartment on the west side of the building. They thought the deck had been included in the original application, but learned that it had somehow been left out. The ZEO had given a stop-work order on the deck just before the shut-down due to the coronavirus. The Cohens are now looking for approval of the deck. It will be for only one apartment. There was an issue with the steps from the deck to the ground, and the Cohens agreed to construct the steps leading first to the east, then turning to go north, which would allow them to not stick out as much. Mrs. Cohen clarified that the lawn in the front would be partially seeded and the rest kept as a patio area. The deck would be built on 6x6 in. supports. Below the deck, the ground would be covered with pea gravel, and the area left completely open to allow for a picnic and patio chairs. There would be no storage. ZEO Ingerson clarified that the Cohens are only looking at amending the deck plans, nothing else. He also emphasized that an engineer would need to draw up the plans.

At **MOTION** was made by, second by, to open the public meeting. Motion was carried. Don (?) wished to make some comments but was unable to connect into the virtual meeting, so he (Don) later was able to connect via phone. He stated that he is okay with the deck, and he and the Cohens had come to an agreement on the easement.

At 7:39 p.m., Chairman Rogers began going through SEQR. At 7:46 p.m., **MOTION** was made by, second by Kevin Patchen (sitting in for Fred Bach), to make this a negative declaration. All members voted in favor.

ZEO Ingerson wanted to clarify that a proper drawing of the steps would be needed for the record. He will need engineered drawings for the board members to look at, before any permits will be issued.

At 7:50 p.m., **MOTION** was made by Kevin Patchen (sitting in for Fred Bach), second by Therese Christensen, to close the public hearing. Motion was carried. There was some discussion about conditions to be put on the project.

At 7:56 p.m., **MOTION** was made by Pat Dewey, second by Kevin Patchen (sitting in for Fred Bach), to approve the application with the following conditions: (1) the work on the easement would have to be finished prior to issuance of Certificate of Occupancy, (2) there will be no enclosures or storage beneath the deck, and (3) the deck will not extend past the southwest face of the existing building.

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

Nay: none

Abstain: none

Absent: Bach

7:58 p.m. – Cohen pre-application hearing for cottages/townhouses

Mrs. Cohen did the presenting for this pre-application. They own property with eighteen available sites for mobile homes and spent considerable money putting in the proper infrastructure, but at present only six sites are taken. Mrs. Cohen stated that there is no market for mobile homes. At a hearing before the ZBA in February of 2020, the Cohens said their plans to convert it to an RV park were denied because that was not an allowed use in that district. The Cohens now would like to put cottages on the site rather than mobile homes or RVs. The site plan would be identical, just with different structures. Cottages are an approved use in that district.

The townhouses, on Route 12E, were approved 20 years ago under the previous owner; not all of them were built. The Cohens would like to build them now, staying within the previously approved footprints and bringing the structures up to whatever building codes are now in place. They were given a building permit eight years ago for eight units, but then the market crashed and they were unable to proceed. They would like to build from four to eight units now. ZEO Ingerson noted that they might need a variance, if there were different spacing requirements. Mrs. Cohen said that the project, under the previous owners, had already been approved by the ZBA, and Mr. Cohen added that a variance was supposed to stay with the land, even when ownership changed. The ZEO suggested that the Cohens give him all the required details, drawings, etc., so that he and the Board could go over the material.

NEW BUSINESS

Returning to the Oot project, board member Crandall said that when he had observed the site, he noted materials stacked around two locust trees and asked if the trees will be taken down. ZEO Ingerson said that the trees are on the neighboring property, so they will not be taken down. Mr. Crandall also asserted that it is difficult for the board to make proper decisions without decent, legible plans and drawings.

Board member Heckmann brought up an issue with the Cohens' mobile home park: he had been told that the six homes there had not been sited properly. The ZEO suggested that if there was a question, just ask the Cohens for as-built plans. Mr. Heckmann was also concerned about the new rows of condos or townhouses, which had been approved back in 1989. The ZEO confirmed that the plans would have to be updated to account for newer codes.

Another question was asked about work going on in the islands, and whether the Planning Board is responsible for monitoring any of that activity. It was suggested that the whole board meet to discuss this issue. ZEO Ingerson noted that he has material concerning the battery storage project for the Board's review.

At 8:30 p.m., **MOTION** was made by Therese Christensen, second by, to adjourn the meeting. All members were in favor of the motion.

Respectfully Submitted,

Susan Kenney, Recording Clerk