

**APPROVED**

**JOINT TOWN/VILLAGE OF CLAYTON**

**PLANNING BOARD**

**October 1, 2020**

The meeting opened at 7:00 pm with **the following members present:** Chairman Doug Rogers, Dave Crandall, Fred Bach, Paul Heckmann, Kevin Patchen (alternate), and Pat Dewey. Therese Christensen came in later. Absent was Duane Hazelton. Kevin Patchen stood in for Duane Hazelton. Chairman Rogers opened the meeting with the pledge of allegiance.

**Also present:** Zoning Officer Richard Ingerson, Recording Clerk Susan Kenney

**Townspeople present:** Donna N. Brindon (?), Marjorie Carlton (?), James Kenney, Rob Company, Jonathan Taylor, Jack Ross, ..... Brown, Don Hager....., Marie Cohen, Ryan Cohen, Jeff Cohen, Robert Pinchin, Judy Pinchin, Pam McDowell, Jacob Van Reenen, Alan Heberling, Joan Barzac

At 7:02 pm, the minutes of the August meeting were reviewed and corrections noted. **MOTION** was made by Fred Bach, second by Pat Dewey, to accept the August minutes as amended. Motion was passed with all in favor. The minutes of the September meeting were reviewed; no corrections were noted. **MOTION** was made by Kevin Patchen (acting for Duane Hazelton), second by Dave Crandall, to accept the September minutes as submitted. Motion was passed with all in favor.

Concerning tonight's agenda, Chairman Rogers announced that the scheduled hearing for David Stilley would not be held tonight, since Mr. Stilley did not have all the necessary information and consents.

**7:08 pm: COMMUNICATIONS & CONTINUING BUSINESS**

**Oot Project:** Not much appears to be happening on the project at this time.

**Solar Battery Storage Law:** Chairman Rogers is working on a formal solar battery storage law. The town attorney says it should be an amendment to the solar law, not a stand-alone law. Chairman Rogers wishes to put together a small committee to work on it. He asked the town board's liaison, Alan Heberling, to be on the committee from the start; Mr. Heberling agreed. Concerning the solar battery storage project proposed by Nextera, the board is having a hard time getting information from third-party engineers, nor has the company itself provided all the information needed and previously agreed to. According to Rob Company, one of the public present at the meeting, the information required from Nextera has already been provided, but he will forward it again; also, the company is troubled by the lack of a decision from this board, when other municipal entities have already approved their parts of the overall project. There was also a question about fencing around the project; previous minutes will be checked for exact details.

**Gas Station/Recycling Project:** A board member finds the owners' lack of compliance with the board's conditions unacceptable. All sorting and storage for the recycling was to have remained inside, out of sight, but sorting is being done outside, and a storage container is also visible outside.

## **PUBLIC HEARINGS**

### **7:27 pm – pre-application hearing for Fourth Coast, to install a solar array on their property on Graves St. in the village.**

Rob Campany did the presenting. Fourth Coast has been approached to erect a 40 KW solar array on the Graves St. site. This array would cover approximately 4000 ft<sup>2</sup>, with 140 panels sized 40 in by 65 in. It would be a low array, about 4 ft. off the ground. There is already a 30 KW solar array on their roof, and NYSERDA has approved a second rooftop array of 40 KW. The proposed array will be further back on Fourth Coast's property and will be placed behind a fence of black vinyl chainlink. The power generated by the array will be used in the building. It was noted that there is no zoning law in the village, so all that is needed is a setback.

### **7:36 pm – pre-application hearing for Jacob Van Reenen, to erect a welding shop on Crystal Springs Rd., in the town.**

Jacob Van Reenen did the presenting. His company wishes to erect a small welding shop on a small parcel located on Crystal Springs Rd., between two quarry pits. The nearest residence is 500 ft. away. The parcel does not actually abut on the road, but has a deeded right of way leading to it, so there will always be access. The shop would be used to fabricate docks as well as repair and maintain equipment. There will be a fence around the scrap metal used in the shop. A board member noted that there should be more screening than just the trees that are already there. The board needs to see elevations, locations of trees and other natural features. Mr. Van Reenen will bring pictures and elevations when he returns to the board for a full hearing in November. This application will have to go to the Jefferson County Planning Board later this month.

### **7:50 pm – pre-application hearing for Robert and Judy Pinchin, to add a cottage to an already existing cottage colony.**

Judy Pinchin did the presenting. They wish to add a cottage to their cottage colony on State St. The proposed cottage would be 600 ft<sup>2</sup>, meeting the minimum size requirement. It would be converted from half of an existing storage shed. A firewall would be built between the two building halves. There would be no exterior change to the building except for the addition of an 8-ft by 6-ft deck, facing away from the road. There is already plenty of available parking.

### **7:56 pm – site plan review for Nicole Collins at 220 Merrick St., in the village, to convert a two-family dwelling into a multi-family dwelling**

Jonathan Taylor did the presenting. The conversion into a multi-family dwelling would encompass remodeling the third floor. A dormer added to provide needed headroom going up to the third floor would be the only structural change. Windows would replace existing louvers. A balcony would be built

for the third floor, but no outside steps. The third-floor apartment would be one large, open living space. State-approved sprinklers will be installed on the third floor. A deck is also planned for the second floor; this will require a variance, and is not part of this application hearing. The third floor deck should not restrict anyone's view.

A board member questioned whether Ms. Collins is looking to make this for long-term rental or a short-term rental. Mr. Taylor was unsure, but thought she intended it to be long-term. The board discussed parking for the new apartment. The application shows a new parking spot located on one corner of the property, facing the backside of the Clayton Opera House. Because of how the lot is situated, to make this new parking spot would necessitate eliminating one village parking spot on the street, since the existing driveway can only hold up to four cars and current village ordinance calls for two parking spaces per apartment. The existing driveway cannot be extended for more parking without moving a garage, and the proposed parking space, which is on the other side of the house, could only be extended deeper into the lot by removing two large pine trees. Chairman Rogers read the parking requirements for the Riverwalk-A district, which state that due to the severe limitations of parking availability within parts of the village, it is allowable to put in as many as possible, even if short of the general ordinance. Therefore, the board will not demand that another parking space be added because (1) the quality of the structure would be compromised by the added parking space, and (2) putting in the new space would eliminate an existing village parking spot.

At 8:26 pm, **MOTION** was made by Pat Dewey, second by Dave Crandall, to open the public hearing. Motion was carried with all in favor. No comments were forthcoming, nor had the ZEO received any calls or letters regarding this application. **MOTION** was made by Kevin Patchen (sitting in for Duane Hazelton), second by Therese Christensen, to close the public hearing. Motion was carried with all in favor.

Chairman Rogers went through SEQR. At 8:30 pm, **MOTION** was made by Dave Crandall, second by Pat Dewey, to declare this a negative declaration. Motion was carried with all in favor. At 8:31 pm, **MOTION** was made by Therese Christensen, second by Kevin Patchen (sitting in for Duane Hazelton), to approve the application with the condition that green space around the structure be preserved.

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

**Nay: none**

**Abstain: none**

**Absent: Hazelton**

**8:35 pm – site plan review for Marla Cohen/Bayside Marina to add a cottage colony to an existing mobile home park and marina, in the village.**

Chairman Rogers read the response from the Jefferson County Planning Board (JCPB) concerning this proposed project. The JCPB said there was no significant countywide or intermunicipal impact. However, the letter pointed out that the submitted site plan showed a proposed cottage on a site with an existing building. The board was also tasked to ensure that all village code requirements were followed.

Marla Cohen did the presenting. The Cohens propose to add six cottages to the existing mobile home park. She corrected the error on the site plan of where the cottages would be located. These cottages would be on the same sites, with the same footprints as the mobile home sites. Roof pitch would be the same as the mobile homes, and water and sewer are already provided via the mobile home park. There will be upgrading and improvement of the esthetics of the park. The heights of the cottages would correspond to the heights of the mobile homes. The Cohens plan to add the cottages in two phases: Phase 1 would add three cottages and would hopefully be started very soon, and Phase 2 would add the other three cottages, and would hopefully be done within the next year. All six cottages would be rentals. Parking is on the lawn of each individual lot. Since mobile home parks are overseen by the Health Department, the cottages would be under the same oversight as well, and the Health Department will also have to give its approval to the project.

Various board members wanted to ensure that the setback requirements are being met and would continue to be met in regards to the wetland area nearby, and that the minimum distance between units is maintained. The existing mobile homes do meet those requirements. Board members were also concerned that the submitted site plans did not include all of the currently existing elements on the site (lots in use, empty lots, parking areas, etc.).

At 9:10 pm, **MOTION** was made by Fred Bach, second by Therese Christensen, to open the public hearing. Motion was carried with all in favor.

Joan Barzac currently owns one of the mobile homes. She is not opposed to the proposed addition of cottages to the park, as long as the rentals are long-term, not short-term. When she moved in, she said she was told that there would be only long-term residents at the park, entailing a quiet, peaceful neighborhood. She is concerned that with rentals, possibly short-term, the park would become less peaceful. She also noted that the road leading in to the mobile home park is in terrible shape, and she has further concerns about the attached marina, that more and more docks are being added, leading to more people coming in, including non-residents, and consequently more noise. The fence erected between her property and the mobile home park is falling over and needs repair.

A letter from Linda Brown, a neighbor, was read. She urged the board to enforce any and all conditions put on the project.

Another woman from among the public attendees, a neighbor to the mobile home park, says they were originally told that the park would be neat and esthetic, but this is no longer so, with boats and cars occupying several places throughout the park where they should not be. She also said that the line of sight at the entrance to the park is cut off by two large boats parked near the road, so it is dangerous trying to get out.

Another attendee wanted the board to make sure that it would be specific as to the types of structures allowed in the cottage colony. A fourth attendee wanted to know if buffering would be included in the project, and what would the neighborhood look like after all was done. He further said that he was having problems with the Cohens blocking the right of way.

Board members were concerned that they did not have enough information in front of them to make a proper decision on the proposed project. When it was suggested that this hearing be tabled until the next meeting, Chairman Rogers reminded the members that legally the board has 62 days to make a final decision. He said that if this hearing is tabled till next month, the Cohens need to be given a list of the specific items that the board members feel are lacking. The board discussed what to put on the list, including a detailed and updated site plan with engineered drawings giving dimensions; specific information about what now exists on the lots and the size of the envelopes where cottages can be constructed; information as to whether either manufactured homes or cottages will be allowed on the sites; the method used to show the residents where their lot lines are; and confirmation as to whether certain projects already promised by the Cohens have been finished. Chairman Rogers said that list could be worked on through email, rather than unnecessarily draw out the meeting.

At 9:55 pm, **MOTION** was made by Therese Christensen, second by Fred Bach, to table this hearing until the November meeting.

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

**Nay: none                      Abstain: none                      Absent: Hazelton, Heckmann (had to leave the meeting early)**

At 9:56 pm, **MOTION** was made by Fred Bach, second by Therese Christensen, to adjourn the meeting. Motion was passed with all in favor.

*Respectfully submitted,*

*Susan Kenney, Recording Clerk*