

APPROVED
JOINT VILLAGE/TOWN OF CLAYTON
PLANNING BOARD

December 3, 2020

The meeting opened at 7:02 pm with the pledge of allegiance. **Members present** included Doug Rogers, Dave Crandall, Pat Dewey, Duane Hazelton, Kevin Patchen (alternate), Therese Christensen, and Fred Bach. **Absent** was Paul Heckmann. Alternate Kevin Patchen is sitting in for Paul Heckmann.

Also Present: ZEO Richard Ingerson, Recording Clerk Susan Kenney, COVID-19 Compliance Officer Lynn Schnauber

Townpeople Present: James Kenney, Rachell Patchen, Allen Heberling, Steve Taylor, a couple others whose signatures were illegible

At 7:05 pm, the board reviewed the minutes from the November meeting, and noted corrections.

MOTION was made by Kevin Patchen (sitting in for Paul Heckmann), second by Fred Bach, to accept the minutes with corrections. Motion was passed with all eligible members in favor.

7:07 pm – Communications

Fred Bach brought up the subject of the solar battery storage project and said that the board must come to a decision soon. Chairman Rogers noted that he had not been successful in finding a third party to review the project. Mr. Bach said that some of the concerns over possible fires have been dealt with, by a suppression system being built in; the facility would be monitored at all time. He advocated approving the project with conditions. Chairman Rogers said that rather than a new law, this should be done as an amendment to the existing solar law. In light of other applicants waiting for their hearings, this discussion was tabled until the end of the meeting.

7:11 pm – Picton Island LLC – Town – a special use permit to expand of a non-conforming, multi-use boathouse

Steve Taylor did the presenting. The project has already been given a variance by the Zoning Board of Appeals for altering a nonconforming structure. The new boathouse will be built on the same footprint as the old building. All expansion will go shoreward.

At 7:14 pm, Chairman Rogers did SEQR. At 7:16 pm, **MOTION** was made by Therese Christensen, second by Duane Hazelton, to declare this a negative declaration. Motion was passed with all in favor.

At 7:16 pm, **MOTION** was made by Kevin Patchen (sitting in for Paul Heckmann) to accept the application with no conditions. The board then discussed whether any conditions be added to the approval. It was stressed that the town records should have all necessary approvals on file. Mr. Taylor

said that he will scan and send all approvals to ZEO Ingerson as he receives them. Member Dave Crandall expressed concern over a precedent being set with this application, to allow two principal structures on one lot, right on the water. At 7:21 pm, **MOTION** was made by Fred Bach, second by Kevin Patchen (sitting in for Paul Heckmann), to approve the application with the condition that the town receive notice of the completion of all pertinent agency signatories.

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

Nay: none Abstain: none Absent: Heckmann

7:24 pm – pre-application hearing for Kevin Patchen – expansion of buildings on his property to add the ability to hold events

Kevin Patchen did the presenting. He wishes to expand some of his buildings to accommodate the ability to host events, add a tack store to the existing building, and expand the parking area to accommodate more cars and horse trailers. He is still looking into some details, including issues with fire ratings. An alternative would be to build a separate building to house the store due to fire ratings issues. His parking area can currently accommodate ten to twelve cars. He was urged to have a site plan ready for the January meeting.

7:33 pm – pre-application hearing for the Eagle Shoppe in Clayton – Village

Mike Aubertine did the presenting. The Eagle Shoppe is on Riverside Drive. The plan is to take down one corner of the existing building and put on an addition. A covered porch on the first floor would add retail space, and a covered deck on the second floor could possibly hold displays relating to the St. Lawrence and/or fishing. The only access to the covered deck would be via stairs in the back of the building. A second story will be added over the back section of the building. The front of the building already has two stories. There would be no retail activity on the second floor. Plans are still somewhat nebulous. The additions could eliminate up to five parking spaces, but these are private, not owned by the village. An existing fence needs to be replaced. This fence is six feet tall, but the village ordinance limits fence heights to four feet, so the replacement would have to conform to the ordinance. The plan is to do the project in phases, beginning with the first floor porch. They are not planning on starting before next spring, and will be adding a total of about 400-500 square feet.

Questions were raised about parts of the building sticking over the property line, about lighting, and about drainage from the roof of the additions. Mr. Kenney, chairman of the zoning board of appeals, confirmed that when considering setbacks, the measurement is made at the furthest extent of the building, so any overhang would have to be included. ZEO Ingerson noted that in that district, the front yard setback is ten feet. The existing building already encroaches on that setback, so they will need to see the ZBA for a variance for the front porch, since they will be altering a nonconforming structure. Lighting had still not been decided upon, but would be appropriate for that district. Concerning the drainage, Mr. will check with the village about where they can tie into the new storm drainage system.

7:52 pm – Communications, continued

The discussion about the solar battery storage issue and how the board should go forward was brought up again at the end of the meeting. There is currently no amendment to the solar law pertaining to solar storage batteries. Chairman Rogers has already been told that it would be better to do an amendment rather than a separate law. ZEO Ingerson noted that the board cannot approve anything if there is no law covering it, so there needs to be either a new law concerning solar storage batteries, or an amendment to the existing law. This issue has been ongoing for about a year: there have been delays in garnering information due to the COVID-19 pandemic, with many offices closed or understaffed, and the company has been slow in getting information back to the board, including coming back to the board with a site plan. The point was made that previously built solar storage battery facilities are contained well enough so that there has only been one percent failure overall. A question was raised about whether the project needed stamped plans for containment; the answer is no, not if the plan meets all DEC criteria and specifications.

At this meeting, the board can only approve going forward with a law change. No specific project can be approved. At 8:10 pm, **MOTION** was made by Pat Dewey, second by Therese Christensen, to move forward to amend the solar law to address the use of solar storage batteries.

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

Nay: none

Abstain: none

Absent: Heckmann.

At 8:11 pm, the question of setting up a planned development district (PDD) was brought up for discussion. A plan was presented to the town board, but the town board thought it was too restrictive, in terms of density. There were also questions raised about how the PDD would coordinate with the comprehensive plan. Chairman Rogers had suggested that a traditional neighborhood district (TND) could be used to address that issue. He will put together an exhibit to clearly spell out all the requirements for developers. This will not change any of the comprehensive plan. The PDD would give more control over site plans. Chairman Rogers, Mr. Crandall, and Mr. Heberling (the board's liaison with the town board) will confer to give Mr. Heberling something to bring back to the town board.

At 8:21 pm, there was a brief discussion about the online classes for the board members' annual certification requirements.

At 8:22 pm, **MOTION** was made by Fred Bach, second by Pat Dewey, to adjourn the meeting. Motion was passed with all in favor.

Respectfully submitted,

Susan Kenney, recording clerk