

**JOINT TOWN/VILLAGE OF CLAYTON  
PLANNING BOARD  
March 7, 2024**

**The meeting opened at 7:00 pm with the following members present:** Doug Rogers, Chairman; Ed Higgins; Kevin Patchen; Therese Christensen; Ron DuFord; Sandra McMullen; Adam Powers; Alson Taylor (Alternate); Tom Williams (Alternate).

**Also present:** James Kenney, Town Board Liaison; Bob McDowell; Village Board Liaison; Richard Ingerson, Zoning/Codes Officer; Mariah LaClair, Recording Clerk.

**Townspople present:** Pam McDowell; Thomas LaClair; Jonathan Taylor; Mark Morgia; Norma Zimmer; Taylor Price-Kellogg; Jan Hamton; Joy Rhinebeck; Kathy Danielson; Andrew Willis; Tracy Brabant; Ann Major-Stevenson; Charles A. Burns; Janet Burns; David Crandall; Roland Thomas; Holly Thomas

**Minutes: Motion** to approve the February 2024 minutes made by Ron DuFord, seconded by Therese Christensen. All in favor, motion carried.

**Continuing Business:**

- Short-term rentals- Chairman Rogers stated that the Town and Village would like to organize a short-term rental committee by May 1<sup>st</sup> and have asked that a representative of the Planning Board join. Alson Taylor would like to join the short-term rental committee.
- Horse stables on RTE 12E will be discussed after the applications.

**New Business:**

**#1. (Town)**

**Applicant: Mark Morgia dba River Roc Storage**

**Action: Site Plan Review**

**Site Location: 38662-668 NYS RTE 12E, Clayton, NY 13624 (Tax Map #20.13-1-44.3 & #20.13-1-44.1)**

**Information:** Adam Powers has recused himself from all discussion and decision making of this application. Mark Morgia is considering the construction of 2 additional storage buildings on a property of his located on NYS RTE 12E. The metal buildings would be 180' x 60' and 103' x 61' with 5 storage bays for rent. He is possibly considering a 50' x 60' addition on an existing building on the lot as well. There will be down casted lighting on the building above the door, and there are no landscaping plans because it is a large lot and he wants to leave room for expansion in the future. He plans to do a lot line adjustment. A letter from Jefferson County Planning in accordance with GML §239-m states that it is recommended the applicant finalizes the lot line adjustment before decision of the site plan review, the local board should consider landscaping for screening but ultimately the application is of local concern only and final decision is up to the local board. The Board does have a concern with the SEQR that was provided by the applicant. The applicant checked yes regarding species of animal, associated habitats, listed by the State or Federal government as threatened or endangered. The Board believes they must have a report from the DEC in response to this before they can act on the site plan review application. Richard mentioned that he did send a notice of the application to the DEC as they are a neighboring landowner.

**Motion** to open the public hearing for the River Roc Storage site plan review at 38662-668 NYS RTE 12E, Clayton, NY made by Ed Higgins, seconded by Therese Christensen. Rogers- aye; Higgins- aye; DuFord- aye; Patchen- aye; Christensen- aye; McMullen- aye; Powers- RECUSED. Motion carried.

- Tracy Brabant: Tracy has concerns for the project. She would like the Board to enforce a landscaping plan and would like native trees to be used for screening, particularly on the east side. There are no drawings on the plan for lighting and is concerned because neighbors already feel that existing lights shine into homes. She believes the property falls within the Scenic Protection Overlay District which has further regulations for site plan reviews. She is concerned the height of the building will be over 35' and would like the Board to require the height be a part of the drawings for review. She asks that the Board ensures that the use of the building is exclusively for storage.
- Andrew Willis: Andrew concurs with Tracy Brabant's statements and adds that the Board should require sprinkler plans in the drawings and reiterates the desire to include trees and landscaping for screening. He also inquired if there will be a gate at the entrance.
- Ann Major-Stevenson: Ann submitted a written statement for the record and presented her concerns to the Board. She concurs with Tracy Brabant and believes that the property falls within the Scenic Protection Overlay district which requires further examination of site plan reviews. Ann's written statement further detailing her concerns is on record in the applicant file.
- Gary Hampson: Gary is a neighbor and is disturbed by ongoing construction and says that the buildings will disrupt his view.
- James Brabant: James submitted a letter of opposition and states that there have been issues in the past over burning debris on the property. The letter is on record in the applicant file.

Richard Ingerson suggests that the applicant look into landscaping for screening. Board member Kevin Patchen believes that the work Mark is doing will improve and clean up the current condition of the property. Mark Morgia states that the building to the west will be strictly used for winter boat storage and the building to the east will be individual garage bays for storage rental. He also stated that he recently purchased the property and cannot speak for burning issues of the past.

**Motion** to closed the public hearing for the 38662-668 NYS RTE 12E Site Plan Review for River Roc Storage made by Therese Christensen, seconded by Sandra McMullen. Rogers- aye; Higgins- aye; DuFord- aye; Patchen- aye; Christensen- aye; McMullen- aye; Powers- Abstained. Motion carried.

**Motion** to table the decision for the 38662-668 NYS RTE 12E Site Plan Review for River Roc Storage until the applicant receives a response from the DEC concerning the SEQR question of endangered species on the property made by Ron DuFord, seconded by Sandra McMullen. Rogers- aye; Higgins- aye; DuFord- aye; Patchen- aye; Christensen- aye; McMullen- aye; Powers- Abstained. Motion carried.

## **#2. (Village)**

**Applicant: Thousand Islands Arts Center; Jonathan Taylor (Architect)**

**Action: Site Plan Review**

**Site Location: 321 James Street, Clayton, NY 13624 (Tax Map #20.38-2-71)**

**Information:** Jonathan Taylor presented plans for construction of the new Thousand Islands Arts Center facility. This is his second meeting with the Planning Board. The building currently being used on the James Street lot will be torn down and the lot conjoined with the John Street lot directly behind it where the Arts Center is currently on. The building will be 3 stories with pedestrian walkways on each side and an outdoor covered public plaza in the front. There will be a 6 ft privacy fence on both sides of the property with boards on both sides to make aesthetically pleasing. The building will be accessible by the fire department and include all required egresses and a sprinkler system. The basement level will be mostly storage, laundry and will have an elevator. The 1<sup>st</sup> floor will consist of galleries, a retail area, and public restrooms. The 2<sup>nd</sup> floor will have four offices, three classrooms, a breakroom and two bathrooms. The 3<sup>rd</sup> floor will have a handweaving studio, a conference room and storage space. The roof will have solar panels, an elevator overrun and mechanical units. Jonathan finalized the plans for water/sewer. The water/sewer will connect to an existing line on James Street and the fire suppression system will hook into the water main on John Street. He spoke with the Village of Clayton Board and confirmed that the Arts Center will be able to add the line at the same time that the Village updates water infrastructure on John Street. The Village was awarded a grant for a water main and intake project and have made John Street a priority. Jonathan Taylor plans to get the confirmation in writing from the Village Board of Trustees. New drawings show stormwater drainage plans and roof drainage which will flow to a catch basin and gravity drain to John Street storm sewer. At the last meeting, the Board requested more detailed drawings for lighting. Jonathan added multiple drawings of lighting details. There will be down-casted lights on the front, sidewalks, egress exits, back pathway, and parking. The pathway lights will be 40" tall. The 2 egress lights are higher, around 9ft, due to safety. The plan is to turn the lights off after business hours with the exception of the egress lights. New drawings show an expanded parking lot with twelve 10' x 20' parking spaces, one being handicap, that they will be able to accommodate by removing a tree and turning an accessory building. They have decided to forgo the request the Village to convert a street parking space into a handicap space to due it being a large undertaking. Chairman Rogers inquired about the noise of the HVAC units on the roof and Jonathan replied that the condensing units atop the building are not any noisier than residential units. Board member DuFord asked if the fire department or TIERS have been reached out to for their thoughts in which Jonathan stated he spoke briefly with Justin Taylor and Justin sees no issues with access for the fire department. Board member McMullen is concerned with the parking and stresses that the Village is already facing a parking issue. Board member DuFord says some members of the public are concerned with how close the building is to the front. Jonathan replied that there will be no change to the sidewalk and that the columns will be two to three feet away from the sidewalk edge and the plaza will be paved right to the sidewalk and is handicap accessible. Board member Powers asked if the lot line adjustment was already completed and suggests it is done as soon as possible if not. Board member McMullen asked about landscaping plans and Jonathan stated that the existing cedar hedge will remain, maybe some vines on the privacy fences, they plan to add an herb garden and some small shrubs but nothing major due to the limited space. Trees on the street will remain and a landscaping architect has been hired. Chairman Rogers informed the Board that the TI Arts Center did receive a grant for funding the

project. He also asked if the Board was prepared to open the public hearing because once the public hearing is closed, the Planning Board has 62 days to make a decision.

**Motion** to open the public hearing of the TI Arts Center Site Plan Review Application at 321 James Street made by Sandra McMullen, seconded by Adam Powers. All in favor, motion carried.

- Thomas LaClair, Clayton Historian: Thomas inquired if the TIAC looked into any historic significance to the house being demolished. Chairman Rogers stated that they can inquire with SHPO (State Historic Preservation Office)
- Holly Thomas: Holly spoke on behalf of her father, Roland Thomas. They are opposed to the size of the building and believe that it is too large for that lot and for that side of the street. She is concerned with how quickly and easily the ZBA approved such large variances. She is concerned that 12 parking spaces is not enough due to the amount of people that will attend the classes. She states that because the parking is in the back of the property that it will not be ADA friendly. She believes that the building will disrupt the view.
- Tracy Brabant: Tracy submitted a written statement for the record in the applicant's file. She is concerned that the house being torn down has historic significance. She is dismayed that the ZBA approved such large variances and states that according to Village Zoning Code, a museum in Riverwalk A district requires 20,000 sq. ft. lot and this lot is only 8,911 sq. ft. She has addressed her concerns with Village Code 132-820 at previous Village Board of Trustees meetings. Richard Ingerson stated that once the two lots are combined, they will meet the requirement. The Board suggest that Jonathan make combining the properties a priority.
- Kathy Danielson: Kathy asked if the TIAC is in the historic district to which the historian, Thomas LaClair, replied that it was just outside of the historic district. Kathy thinks the building looks too modern and should look more historic. She is also very concerned about parking.
- Dave Crandall: Dave asked if there will be another public hearing. The Board agreed there should be.
- Ross Holbrook: Ross submitted a letter with his concerns on the project. It is on record in the applicant's file but he was not present, so it was read aloud by Chairman Rogers. His letter addresses the historical significance of the house being demolished. He reached out to SHPO and has found that the TIAC has not reached out to them yet which is required before demolition. He is also concerned with the scale of the project next to the residential houses on that side of the street. He is concerned with the ZBA granting the variances to a non-conforming lot which was a major concern when Dollar General was proposed to come to Clayton. Ross supports the TIAC and understands their need to expand but he hopes that the Board can compromise with the TIAC and revise the plans to better suit the public. Richard Ingerson reiterated that once the two lots join, it will conform.
- Ann Major-Stevenson: Ann submitted a written statement for the record on the applicant's file. Ann is concerned that the applications the TIAC submitted were all signed by someone who resigned a week earlier. Ann inquired with the Jefferson County Real Tax Property Services and was informed that there has been no application submitted to conjoin lots yet therefore, the current lot is non-conforming. Ann references to a statement made at the last meeting from Board member Ron DuFord about in the event that the Joint Comprehensive plan conflicts with

the Village code, the Village code supersedes. Ron clarifies what was meant by his statement and states that the Joint Comprehensive plan actually promotes the TIAC.

The Board feels there are still some outstanding items that need to be addressed before making a decision on the site plan review such as the joining of the two lots to make it conforming with the lot size requirements in the Village Code for a museum in the Riverwalk A district. Another is that written confirmation should be supplied from the Village Board regarding the fire suppression system hook up to John Street. Another is that SHPO should be contacted by the TIAC regarding the house proposed to be demolished and lastly, the Board would like more time to consider the public's concerns, most notably with parking restraints & scale of the building. **Motion** to keep the public hearing open for the Thousand Islands Arts Center site plan review until the April 4<sup>th</sup> meeting made by Ron DuFord, seconded by Sandra McMullen. All in favor, motion carried.

Additional Continuing Business:

- Horse Stables on NYS RTE 12E: Charles Caprara addressed the Town Board requesting the allowance of horse stables on NYS RTE 12E. The Town Board would like a recommendation from the Planning Board. The Board discussed whether they support the Town amending the zoning laws to allow horse stables. Most members agreed that if it is to be allowed, there should be stipulations added to keep stables in presentable condition. Some Board members are concerned with the manure.

**Motion to adjourn meeting at 9:25 PM** made by Ron DuFord, seconded by Therese Christensen. All in favor, motion carried.

*Mariah LaClair, Recording Clerk*