

**JOINT TOWN/VILLAGE OF CLAYTON  
PLANNING BOARD  
May 9, 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; Mariah LaClair, Recording Clerk

**Townspople present:** Pam McDowell; Tim Rizzo; Chad Angus; Ann Marie Angus; David Brennan; Mark Morgia; Taylor Price-Kellogg; Taylor Woolf; Matt Perrin; Jeff Szkolnik; Tracy Brabant; Ann Major-Stevenson

**Minutes: MOTION** to approve the April 2024 minutes as submitted made by Kevin Patchen, seconded by Sandra McMullen. All in favor, motion carried.

**New Business:**

**Pre-applications:**

1. Jeremy Kellogg & Mark Morgia: Proposed townhouses to be constructed on Union St & Theresa Street where there is currently boat storage for French Bay Marina. It is currently separated into two lots but will merge into one large lot. Plans are for nine 3-story townhouses, custom built to order and therefore will not all be built at the same time. Chairman Doug Rogers advises that the engineers should consider the comprehensive plan as well as the LWRP (Local Waterfront Revitalization Plan). Ed Higgins inquired if there will be rooftop use and Mark replied yes, there will be. Mark Morgia was asked what the demographic will be for the townhouse purchases in which he replied that it would most likely be Islanders that want to move mainland, or perhaps retirees looking for a no-maintenance home. An HOA will be instituted. The goal to begin marketing or advertising for the sale of the townhouses will be this summer or Spring 2025. Jeremy Kellogg and Mark Morgia will need to contact the Village water/sewer department about the sprinkler system.
2. Antique Boat Museum: The museum is proposing a multi-purpose small boat repair shop on the corner of Riverside Drive and Mary Street. The building will also be used for educational opportunities. The museum is planning to merge 5 lots into one lot approximately 16,000 sq. ft. and will eventually need to meet with the Zoning Board of Appeals for an area variance for the lot size. The shop will include a woodshop, engine repair shop, a viewing mezzanine and open windows facing the River and will only be in operation during the daytime. The construction completion goal is September 2025. The building will have a 25 ft peak and will match exiting museum facilities. The Antique Boat Museum currently owns 3 parking lots near its complex. The entrance to the building will have a hardscape courtside element. The idea is to create a public plaza that will be aesthetically pleasing.

## **#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 recuses himself from this site plan review application. Mark Morgia has made a change to his original plans presented at the March Planning Board meeting. He decided not to purchase a neighboring parcel therefore one of the proposed storage buildings will be moved closer and within the existing property line, which will meet the setback requirements. Landscaping was added for the purpose of screening between the road and the buildings as well as on the side-yard. Chairman Rogers summarized a letter from the NYS DEC addressing the endangered species question on the SEQR. The DEC states that during construction, a silt fence must be put up to protect the blanding turtles. Plans show that there will be no exterior lighting on the back of the building. The property is already hooked into the Village water. The buildings will have the purpose of storage which includes boats, RVs, cars and another building that will have individual storage bays available for rent. The goal for construction completion is Spring 2025 but if the application is approved, he will have 18 months to begin construction or come back to the Planning Board to request an extension. Tracy Brabant reminds the Board to consider the points brought up at the March meeting during the public hearing. Ron DuFord also reminds the Board that the project falls within the SPO (Special Protection Overlay) District. The Board did have a brief discussion about the SPO. Alson Taylor signifies the importance of the SPO and believes it is especially important while considering commercial properties. The Board came to an agreement that Mark Morgia's proposed storage buildings will be acceptable in regards to the SPO and will not have a significant scenic impact to the entrance of Clayton. Ann Major-Stevenson asked that more trees be added to the property for screening and Sandra McMullen concurs. Mark Morgia pointed out that the plans include the new landscaping but not the existing trees, and there are already trees in the area that Ann and Sandra pointed out. Tracy Brabant refers to October 2017 Planning Board minutes which state that a privacy fence was supposed to be added however that never happened. The public hearing was closed at the March Planning Board meeting therefore, the Board moved on to the next steps of the application.

**Short Environmental Assessment Form (SEQR) Part II: Motion** for a negative declaration on Part II of the Short Environmental Assessment Form made by Ed Higgins, seconded by Sandra McMullen. All in favor, motion carried.

**Motion** to approve the River Roc site plan review at 38662/668 NYS Rte 12E made by Ed Higgins, seconded by Therese Christensen.

**AYE: Rogers; Higgins; Christensen; Patchen; DuFord; McMullen**

**NAY: None**

**ABSTAIN: Powers**

**ABSENT: None**

**PASSED**

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

**Applicant: St. Lawrence Seaway RSA Cellular Partnership dba Verizon Wireless**

**Action: Site Plan Review**

**Site Location: 200 Riverside Drive, Clayton, NY 13624 (Tax Map #20.39-1-1.1)**

**Information:** Representatives of St. Lawrence Seaway RSA Cellular Partnership, Jeff Szkolnik and David Brennan, presented plans for wireless antennas atop the roof of the Clayton Harbor Hotel. The cellular company has entered into a lease agreement with the hotel to use the hotel property. The intended purpose is to extend cellular coverage in Clayton and reduce Canadian roaming. The antennas will extend approximately 7ft on the roof. The equipment would be stored in a 4th floor utility closet. They were approved a use variance at the March 2024 Zoning Board of Appeals meeting with the condition that the Planning Board reviews options for screening. Plans were presented at the April Planning Board meeting during a pre-application conference and board members were provided a large booklet of plans and supplementary documents to review. A copy of this book is on file with the application. Dave Brennan states that the options for screening include a box-like wooden structure surrounding the antennas, painting the frames to match the antenna, minimize frames as much as possible, or push two sectors back into the middle of the roof. The landlord, owner of the Clayton Harbor Hotel, is steadfast in not having additional structures added to the roof and believes that the antenna is not going to change the views of the 4-story building. Ron and Ed vocalize their dissatisfaction with the change to the scenic view of the neighborhood. Adam Powers appreciates the detailed plans but wants the applicants to understand that millions of dollars have been spent to hide the utilities and bury lines downtown and this project would be step backwards. Ron DuFord wants to refer to the LWRP (Local Waterfront Revitalization Plan). Adam Powers asks if the mount structures can be smaller so that a screening structure would not need to be 15' by 15' and possibly detached. Dave Brennan replies that they can come back with pictures and plans of possible revisions to preserve the scenic view. Sandra McMullen wants to reinforce what other board members are saying and that the scenic view, especially of the historic district, should remain aesthetically pleasing and that the Village has put in a lot of work to hide utilities and the Village would not want to see more utilities being put up. Ron DuFord asks if there are plans to expand in the future. Dave Brennan replies that there are no expansions planned for the future however the existing antennas will be regularly maintained and updated with progressing technologies. He states that some municipalities require them to come back to the Planning Board and some do not require them to come back for those updates. Ron DuFord expressed that he would like them to come back to the Planning Board for any new changes even when just replacing antennas. Sandra McMullen wants to consider the environmental impact of the project. Ron DuFord says that the SEQR should be marked yes for endangered species because of Bald Eagles and the applicants should reach out to the DEC and have a response ready for the next meeting. Ron DuFord wants to know why the antennas will not have 5G technology and why are that starting with 4G. Dave Brennan says that Verizon is just getting started on rolling out 5G technology and they are upgrading denser cities first. 5G technology will make it to Clayton eventually. Sandra McMullen inquires if the project complies with FCC regulations and wants clarification on what those regulations are. Dave Brennan answers that 3<sup>rd</sup> party engineers are tasked to study frequencies, positions of antennas and run tests to make sure there will be no emissions that violate FCC regulations. There is a limit of frequencies they must not exceed and these antennas are not at frequencies that cause damage on a molecular level. At full power, the antennas are at 1% of what is limited by the FCC. Sandra McMullen asks if there are regulations on the distance of antennas from pedestrians. Dave Brennan answers that if antennas are at least 10 meters from the ground, they

do not need continual monitoring and people will be unauthorized from walking close to the antennas anyway. Ron DuFord questions why the antennas in the St. Mary's church steeple require a back up generator and these above the Harbor Hotel do not. The reason is that St. Mary is a hub, and also because of the cost. Sandra McMullen read aloud a study of the environmental impact of cellular frequencies to fauna and emphasized on the negative impact on pollenating bees.

**Motion** for the applicants to return to the next Planning Board meeting with detailed plans and images of revised antennas that will be more hidden to preserve the scenic view of the neighborhood made by Ron DuFord, seconded by Sandra McMullen. All in favor, motion carried. The Board will wait to open the public hearing until the next meeting.

**Continuing Business:**

- Ed Higgins remarks his training at the Tug Hill Conference. Ed states that it was recommended by the Tug Hill Commission to do a complete review of the Zoning Code every decade to keep up with change and expansion of the municipalities. Ron DuFord wants the Village Code to be reviewed especially considering the issues with parking. Adam Powers concurs that the Village Code for parking needs to be updated.
- Further discussion on Horse Stables on NYS RTE 12E. At this time, the Board has not made a recommendation and will need to discuss further.

**Motion to adjourn meeting at 9:20 PM** made by Ron DuFord, seconded by Sandra McMullen. All in favor, motion carried.

*Mariah LaClair, Recording Clerk*