

**JOINT TOWN/VILLAGE OF CLAYTON
PLANNING BOARD
April 4, 2024**

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

Also present: James Kenney, Town Board; Bob McDowell; Village Board; Rob Wierzba, Village Board; Richard Ingerson, Zoning/Codes Officer; Steve Mack, ZBA Chairman; Josh Reome, Clayton Fire Chief; Mariah LaClair, Recording Clerk.

Townpeople present: Pam McDowell; Jonathan Taylor; Jennifer Pelton; Roland Thomas; Holly Thomas; David Brennan; Jeff Szkolnik; Lynn Miller; Walt Cummings; Patrick McCarron; Aimee Linn; Karen Lago; John Kellogg III; John Kellogg IV; Sarah Ellen Smith; Leslie Rowland; Paul Frickman; Fred Schmitt; Maria Rogers; David Crandall; Charles Burnes; Janet Burrows; Jennifer Caddick; Meghan Caddick; Tracy Brabant; Ann Major-Stevenson; Shirley Carpenter; Marty Yenowine.

Minutes: MOTION to approve the March 2024 minutes with the edit of Doug's statement on public hearing to decision making time frame, also with omission of the SEQR from the Morgia application that must be completed still and the addition to the outstanding items of the TIAC application public hearing made by Ron DuFord, seconded by Therese Christensen. All in favor, motion carried.

New Business:

Pre-application: 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. There were approved of a use variance at the March 2024 Zoning Board of Appeals meeting with the condition that the Planning Board reviews options for screening.

#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: Mark Morgia was not present at the meeting therefore the Board did not review the Site Plan Review.

#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 additional documentation for the Thousand Islands Arts Center Site Plan Review. The new documents included:

- A letter from the Thousand Islands Arts Center Interim Executive Director, Sarah Riddock, and the Board of Trustees Chair, Janis Hampton, explaining that Kathleen Ferguson was executive director until January 12th. She submitted her letter of resignation in December but offered to stay and assist in the transition and is why she was the signer of the Planning Board applications. Attached was an email from Kathleen Ferguson to the Board of Trustees discussing the final 2024 budget on January 12th in order to verify her employment.
- A letter from the Antique Boat Museum Executive Director, Rebecca Hopfinger, offering to allow patrons of the TIAC to use the parking lot across the street.
- A copy of a land deed to assemble tax parcels 20.38-2-71 and 20.38-2-65 into one tax parcel. The ownership remains the same. Attached is a notarized acknowledgement.
- A letter from the Village of Clayton Mayor, Nancy Hyde, stating that the Village of Clayton will provide water service to the Thousand Islands Art Center from John Street. The letter also states that the Village will do everything in their power to have the water project complete no later than August 2025.
- A letter from New York State Parks, Recreation and Historic Preservation that states: "Dear Jonathan Taylor, thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. We note that the proposed undertaking is adjacent to Clayton Historic District, which is listed in the State and National Registers of Historic Places (S/NRHP). We further note that 321 James Street is not eligible for listing in the S/NRHP. We have reviewed the submission received on March 8, 2024, including the drawings dated January 4, 2024. Based on that review, it is the OPRHP's opinion that the project, as described, will have No Adverse Impact on historic or archeological resources." Signed by Robyn Sedgwick, Historic Site Restoration Coordinator.

In addition to the letters, Jonathan Taylor also presented landscaping drawings and a more detailed storm drainage plan. He also describes that there will be a new electric pole with a transformer and the wiring will be underground. Ron DuFord states that construction schedules should be shared and reviewed with the Village because the construction could disrupt vehicle and pedestrian traffic. Jonathan says that they will plan to communicate with the Village throughout the completion of the project and if the Village has any constraints, the TIAC will abide. Adam Powers asks if there will be any changes to the existing pottery studio. The answer is no except for some improvements to aesthetics to the surrounding area. Kevin Patchen asks how many catch basins there will be (referring to drainage). Jonathan states that everything will go to the lift station and then will pump to one new catch basin that will drain to the John Street storm sewer. The Village did a dye test to confirm that it drains to John Street. Kevin also inquired to how close the privacy fence is to the property line. There will be a minimum of 6" between the fence and property line in order to maintain the fence. It will be raw cedar. Tom Williams asks if they have back up power. They would need a generator for the elevator, lift station and emergency measures but not for the whole building. There is no battery back-up for the solar

panels. The Board asked Clayton Fire Chief Josh Reome to give his expert analysis on the project from the viewpoint of the Fire Department.

- ❖ Josh Reome, Clayton Fire Chief: Josh did receive some letters of concerns from the public so he is inclined to address the Planning Board on the project. He states that any chemicals must be in a fire proof cabinet. Vehicle access is not any more challenging than any other building downtown. John Street will be the wider lot. He praises the proposed sprinkler system and states that will help tremendously in the efforts to put any fires out and will help keep it contained and could help with response time. He commented that the existing building is more of a fire hazard than the new proposed building. He let Jonathan know that the building will need 5" storz FDC and also recommends installing a Knox Box, allowing rapid access for emergency responders. The Fire Department has done a lot of pre-planning for responses to fires down-town. The plans include shutting down streets and running hose from the street rather than try to have vehicles enter the driveways. This would be the same for the proposed TIAC building. Jonathan Taylor adds that the exterior walls are fire-rated for 1 hour and the elevator is fire-rated for 2 hours. Fire Chief Josh commented that he would like to be made aware of all big future projects in order to be involved with the discussion and also to be able to answer questions from members of the public better.

Motion to recommence the public hearing of the TI Arts Center Site Plan Review Application at 321 James Street made by Kevin Patchen, seconded by Therese Christensen. All in favor, motion carried.

Public Comment:

- Marty Yenowine- Marty spoke in behalf of the TIAC. He has worked on this project since last June and has put in almost 1000 hours in. He wants to thank members of the public who have expressed their concerns because it has helped the Board of Trustees shape the plans to make the best facility possible.
- Dave Crandall- Dave inquired on the color of the building and believes that white might standout too much and also the porch would draw a lot of attention. He is in support of the new TIAC but asks if there could have been a better location for the new construction. Jonathan Taylor replied that they did not consider other locations because the grant awarded to the TIAC is for this location only and cannot be used to purchase another lot. Leslie Roland from the TIAC concurred. Dave Crandall remarks that the building will impact the 1st impression of downtown.
- Roland Thomas- Roland presented a diorama of his property, 313 James Street, the existing building at 321 James Street, and the house on the other side at 327 James Street built to scale. All three houses are relatively the same height and the same proportions. Mr. Thomas then placed a model of the proposed TIAC building on the diorama. He observed that two other models became darker caused from the shadows casted off of the new model. He stated that his driveway as well as the second floor of his home will be completely blocked off from any views and sunlight. The diorama displayed the size difference of the new building between the residential houses and he expressed that the proposed building design does not fit in with the other houses on the street. Mr. Roland states that the proposed arts center will encroach on his

property and that the application should not have gotten this far without the two lots being joined together prior. A written statement with further details was submitted for the record.

- Holly Thomas- Holly is concerned with the size and bulk of the building. As demonstrated in her father's diorama, the new TIAC is massive and doesn't belong next to residential houses. A big concern of the new building is the parking, and given the square footage of the building, number of classes offered, there should be at least double the parking than what is provided currently. She believes that the ZBA was wrong to grant variances and that they could build a smaller building, requiring a less substantial variances. She states that some setback variances were given without applying for them such as the minimum lot size requirement for a museum and the front lot setbacks. The maximum height will be more than the required 35' with the utilities and solar panels. She questions if the drainage/lift station will be sufficient, especially with no permeable land left on the lot. She stated that the ZBA did not answer question 5 of the area variance application which asks if the alleged difficulty was self-created. Holly believes that the handicap space proposed is too far from the entrance being on the side closer to John Street and that there should be handicap spot next to the entrance on James Street. A written statement with further details was submitted for the record.
- Ann Major-Stevenson- Ann remarks that Village of Clayton code Ch. 132-35 is still outstanding. She states that the joining of the two lots should have been 100% completed before any zoning variances were granted. She would like to see plans for controlling debris during construction especially with digging for the basement level. She would like to see the depth of the basement level on the plans because that information, including volume of spoil, is necessary to complete the SEQR. She observed that the Planning Board has been using an outdated EAF and needs to use the updated form. She states that the project needs a demolition permit. She questions why there is such a rush to approve the application when the grants for capital projects have a 3-year window and can also request a 2-year extension and the grant was applied for in 2023.
- John Kellogg- John commented that the Planning Board has done well to communicate with the project architect and has faith that the Planning Board will make the right decision based on the information presented.
- Susie Noltie- Susie tells of a similar conflict when she resided in Philadelphia, PA that setback a great art gallery. She is proud of the fact that Clayton has such a large hand-weaving collection and would like to be able to have it displayed.
- Tracy Brabant- Tracy expresses that the lot is non-conforming to Village code for the construction of a museum and states that the super-sized building will be crammed on a lot too small. She believes that the TIAC's variance applications should never have been passed by the ZBA. She believes that this will invite more construction in non-conforming lots in the future and that the Planning Board can still deny the application based on the size and scope of the building.
- Jan Hamilton- Jen is President of the TIAC Board of Trustees. She commented that the Board is working hard to do something good for the community. There are currently a lot of hand-weaving collections in storage that are not able to be displayed.
- Kathryn Lake- Kathryn is an employee of the arts center and she believes that the project will be great for the community. She wants to be able to get students more involved as well as partner with other organizations such as the Antique Boat Museum and Save the River.

- Lynn Miller- Lynn is in support of the project. She believes that the streetscape will be enhanced by the new arts center.
- Mary & Todd Mascot- A letter of support of the project was submitted. In the letter, they highlight how they believe the TIAC will benefit the community. They state that the arts center is necessary for economic growth, culture and education in Clayton. They comment that the TIAC is one of the oldest cultural and educational organizations in Clayton and has been strongly supported by the community for decades. They address the concerns for parking by observing other key businesses and attractions in Clayton that also do not have parking such as the Clayton Opera House and the revitalized Frink Park but both manage and both are deemed important for cultural and educational events. Ted and Mary observe that the concerns for the height of the building should not be viewed as an issue because looking around Clayton there are many other 3-story buildings. Examples are the businesses on Riverside Drive as well as James Street right across from the proposed TIAC, the Clayton Opera House, the Dygert House and others. Three-story buildings have never been viewed as a problem for downtown Clayton in the past. They address a concern brought up at the last meeting about the authority of the executive director. They state “Of course, the authority of TIAC’s Executive Director goes with the position, not the person. The fact that the Executive Director changed from the time of signing the Planning Board application to the time of filing the application is meaningless as long as each Executive Director had been given authority to take such acts.” The letter regards the building not being on either NYS or federal historical registries. The final statement reiterates their support of the project and the belief that the Planning Board will endorse the project.

Motion to *close the public hearing* for the Thousand Islands Arts Center site plan review at 321 James Street made by Therese Christensen, seconded by Kevin Patchen All in favor, motion carried.

Chairman Rogers asked if the Board had further questions. Adam Powers inquired of the use of the other buildings on the lot such as the pottery studio. Jonathan Taylor replies that there will be one employee in the pottery studio and it will remain the same but needs a new roof. The John Street building is historic and the TIAC’s intention is to preserve the building and possibly convert the upstairs in to an apartment with a studio for artists in residence and the 1st floor would be a retail space. Adam Powers asked for details on the lot merger and other Zoning matters such as the height requirement approved by the ZBA including or not including utilities/elevator. Sandra McMullen asked what was approved for frontage variance and what the measurement from the sidewalk to the building is. Jonathan replied that the ZBA approved a 2ft-1/4in variance to the porch overhang from the original 20ft required setback. Adam Powers is concerned that the height variance was miscalculated due to the utilities and wants to know the percentage of utility coverage on the roof.

Chairman Rogers asked the Board if they were ready to vote on the application at this time or if they should wait. Sandra McMullen would like to postpone the vote due to concerns and questions of variances. Tom Williams agrees. Kevin Patchen, Ron DuFord, and Therese Christensen believe nothing can be done to change ZBA approvals and are ready to make a decision. Adam Powers is also ready to make a decision with the information provided. Alson Taylor, as alternate, is not substituting for anyone at this meeting and does not vote.

Motion to approve the Thousand Islands Arts Center site plan review at 321 James Street with the condition that the Thousand Islands Arts Center works with the Village of Clayton on construction scheduling made by made by Therese Christensen, seconded by Kevin Patchen.

AYE: Rogers; Christensen; Patchen; DuFord; Powers

NAY: McMullen; Williams

ABSTAIN: None

ABSENT: Higgins

PASSED

Additional Continuing Business:

- Horse Stables on NYS RTE 12E: The Board would like to have some maps put together for the next meeting regarding parcel information on NYS RTE 12E.

Motion to adjourn meeting at 10:00 PM made by Kevin Patchen, seconded by Ron DuFord. All in favor, motion carried.

Mariah LaClair, Recording Clerk