

**JOINT TOWN/VILLAGE OF CLAYTON
PLANNING BOARD
July 11, 2024**

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

Also present: Richard Ingerson, ZEO/CEO; James Kenney, Town Board member; Steve Mack, ZBA Chairman; Mariah LaClair, Recording Clerk

Townpeople present: Jack Brennan; David Brennan; Jeff Szkolnik; Ann Marie Angus; Mary Ellen Wallace; Ed Wallace; Denise Males; David Males; Fred Schmitt; David Natali; Sally Fancher; Herbert Listemann; Elaine Listemann; Barabara Keil; Martha Walti; Mark Morgia; Jeremy Kellogg; Sam Charbonneau; will Streets; Sue Streets; Paul Frickman; Candy Duswalt; Tracy Brabant; Ann Major-Stevenson

Minutes: MOTION to approve the June 2024 minutes as submitted made by Ron DuFord, seconded by Adam Powers. All in favor, motion carried.

New Business:

#1. (Village)

Applicant: Martha Walti

Action: Site Plan Review

Application #: V-SPR-05-24

Site Location: 522 Riverside Drive, Clayton, NY 13624 (Tax Map #20.38-1-14)

Information: The applicant is proposing the construction of a new deck in place of an existing deck located at 522 Riverside Drive, Clayton in the Riverwalk-B District. The deck would be used for the business of Hilda's Boutique and will be 23' x 8' with a new set of stairs as an alternate exit. The bottom step of the stairs would align with the American Legion and does not surpass the neighboring building as 522 Riverside sits farther from the River. The new deck with stairs will also not interfere with the Riverwalk. Engineered drawings were submitted with the application and it meets all the setbacks therefore, did not need to present to the Zoning Board of Appeals. Doug Rogers asked if there will be a sign added to the deck and Martha commented that she is not sure yet but does know that she would need to apply for a sign permit with the Village if so. The Board asked about lighting on the deck and there will be none except what is required by code. The Board agreed that the applicant would not need to have a new waterfront assessment form due to the deck being constructed is replacing an already existing deck.

Motion to open the public hearing for Martha Walti's site plan review application at 522 Riverside Drive, Clayton, NY made by Kevin Patchen, seconded by Adam Powers. All in favor, motion carried.

No public comment.

Motion to close the public hearing for Martha Walti's site plan review application at 522 Riverside Drive, Clayton, NY made by Kevin Patchen, seconded by Ron DuFord. All in favor, motion carried.

SEQR: Short Environmental Assessment Form Part II Declaration: Motion to adopt SEQR as a negative declaration for Martha Walti's site plan review application at 522 Riverside Drive, Clayton, NY made by Ron DuFord, seconded by Alson Taylor. All in favor, motion carried.

Motion to approve site plan review application V-SPR-05-24 as submitted, authorizing Martha Walti to construct a deck at 522 Riverside Drive, Clayton, NY made by Ron DuFord, seconded by Adam Powers.

AYE: Rogers; DuFord; Patchen; Powers; Taylor (Alternate); Williams (Alternate)

NAY: None

ABSTAIN: None

ABSENT: Higgins; Christensen; McMullen

PASSED

#2. (Village)

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

Application #: V-SUP-001-24

Action: Special Use Permit

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

Information: David Brennan presented to the Board. He has received a use variance from the Zoning Board of Appeals and has been to two Planning Board meetings so far. This third meeting, David presented new drawings of what the antennas will look like with the screening option which is an enclosed structure made of a fiberglass-like material. The enclosures will be painted beige to match the trim of the hotel. The enclosure will have no top to allow airflow to the antennas. Engineers have removed one of the antennas from the center of the roof so now antennas are on each end of the building only, three units on one end and two on the other. Alson Taylor inquired on the dimensions of the enclosures and Kevin Patchen asked how far apart they are from each other. They will be 3' x 3' x 6' and approximately 1 foot apart. Chairman Doug Rogers asked if there will be a battery backup because the Harbor Hotel does not have a generator and when the project is estimated to be complete. David Brennan replied that there will be a back up battery that should last up to 8 hours. The estimated completion date is possibly 3 months after approvals, so possibly in the fall but could be completed in the Spring. The Board asked about cellular coverage and David Brennan spoke of the decrease of Canadian roaming and the coverage being roughly a 1-mile radius with the range directed toward Riverside and also toward Round Island. He stated that they cannot direct it straight out across the River because it will interfere with Canadian towers. Alson Taylor asked if the units will be secured to the roof by blocks or will each unit be penetrating the roof. Dave Brennan answered that there will be no bolts going down into the framing of the roof but is designed with ballast blocks to weigh the antennas down.

Motion to open the public hearing for St. Lawrence Seaway RSA Cellular Partnership dba Verizon Wireless for special use permit at 200 Riverside Drive, Clayton, NY made by Adam Powers, seconded by Ron DuFord. All in favor, motion carried.

- Jeremy Kellogg- Jeremy inquired about a maintenance agreement and a decommission plan. Verizon has a 5-year lease term with auto-renew and Verizon would be solely responsible for any decommissioning. There are 24/7 monitors for the antennas that alert techs to come in case of any maintenance needed.

- Ann Major-Stevenson- Ann asked how many construction vehicles would be at the hotel during construction at any given time, where will the vehicles be and how long will the project take to complete. Ann also inquired about wind testing and a waterfront assessment form. David Brennan answered that there should be no more than 4 vehicles at a time and there will be no crane but most likely a man lift used. The vehicles will be parked in the hotel parking lot and the construction will be during the Village’s “off-season”. The construction should take about 2 months or less once commenced. There are wind charts available that engineers use to calculate number of ballasts needed. The Board discussed the need for a Waterfront Assessment Form (WAF) and determined that because the antennas are going on the roof of an existing building and the antennas have no land use that a WAF would not be needed.
- Sam Charbonneau- Sam asked if there was a better way to install the antennas to hide them from view. Would it be possible to attach them to the side of the building rather than the top? Sam wanted to know if the antennas are safe for the hotel residents. The Board answered that the applicants have submitted many plans so far to try to minimize the obstruction of view. Dave Brennan answered that 3rd 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. The antennas may not even reach “full power” because signal strength varies depending on usage, and this antenna is one puzzle piece of available coverage in the area. The hotel owners will not permit the antennas to be on the side of the building.

Motion to close the public hearing for St. Lawrence Seaway RSA Cellular Partnership dba Verizon Wireless for special use permit at 200 Riverside Drive, Clayton, NY made by Alson Taylor, seconded by Thomas Williams. All in favor, motion carried.

SEQR: Long Environmental Assessment Form Parts II & III Declaration- Motion to adopt the SEQR as a negative declaration for St. Lawrence Seaway RSA Cellular Partnership dba Verizon Wireless for special use permit at 200 Riverside Drive, Clayton, NY made by Adam Powers, seconded by Kevin Patchen. All in favor, motion carried.

Motion to approve special use permit application V-SUP-001-24 as submitted, authorizing St. Lawrence Seaway RSA Cellular Partnership dba Verizon Wireless to construct cellular antennas at 200 Riverside Drive, Clayton, NY made by Ron DuFord, seconded by Adam Powers.

AYE: Rogers; DuFord; Patchen; Powers; Taylor (Alternate); Williams (Alternate)

NAY: None

ABSTAIN: None

ABSENT: Higgins; Christensen; McMullen

PASSED

#3. (Village)

Applicant: Jeremy Kellogg & Mark Morgia

Application #: V-SPR-04-24

Action: Site Plan Review

Site Location: 814 Union St., Clayton, NY 13624 (#20.46-2-10)

Information: Jeremy Kellogg & Mark Morgia: Proposed townhouses to be constructed on Union Street where there is currently boat storage for French Bay Marina. Mark Morgia presented a pre-conference at the May meeting and met at the June meeting as well. The Site Plan Review application is for five, 3-story townhouses, including a 1-stall garage on the ground level and 1 driveway for each townhouse. The owners have hired a land use lawyer to communicate and work with the Village Lawyer, Jim Burrows to ensure every requirement is met. A lot line adjustment is to be completed and no variances will be needed as long as the square footage of the lot size meets requirement. With this project, they will be required to have at least 37,500 sq. ft. The height of the townhouse meets the requirement (36ft), given that elevators are not required to be included in the measurement. Each townhouse will be approximately 34'-8" tall. Ron DuFord asked the owners if there are stormwater drain plans. The owners are already hooked into the Village water. The owners also mentioned that they will be installing a sprinkler system that will be hooked into the Village water main. Ron DuFord commented that the Fire Chief will want to be informed of this project for which Richard Ingerson replied that the Chief has been updated and is pleased to have the sprinkler system, which is required of 3-story buildings. Chairman Doug Rogers asked about the parking. The owners stated that the garage will be 1-stall and the driveway will allow for 1 car, therefore each unit will have 2 parking spaces. Chairman Doug Rogers asked about the timeline of the project and the owners replied that they would like the townhouses to be built custom to order. Ron DuFord reminded the owners, that to be classified as a townhouse, they must have a minimum of 3 units. The owners asked if this could be done in phases or must be done at once. Richard Ingerson suggested that the Board add a stipulation to the application that the applicants must build at least 3 townhouses and the Board agreed that would be best. The Board requires more data before they will make a decision but would like to hold a public hearing still as many members of the public have attended to speak.

Motion to open the public hearing for the Jeremy Kellogg & Mark Morgia site plan review at 814 Union Street made by Adam Powers, seconded by Thomas Williams. All in favor, motion carried.

- Sally Fancher: Sally commented that the board handled the Verizon wireless antenna application well, and would like to see the same thoroughness with the Kellogg & Morgia application. She stated that the SEQR should have some "Yes" marks and also reminded everyone that in order to be classified as a townhouse, there must be at least 3 units built to start.
- David Males: David is a neighbor of the proposed project and is especially concerned that Union Street is too narrow and traffic flow is congested as is, and is becoming a safety issue. David wants to know how this project will impact emergency responders and how much is too much for one area because a marina, bar/ restaurant, lodge, etc. already exist on the block.
- Candy Duswalt- Candy has submitted a letter to the Board that is on file with the application. She spoke at the hearing and stated that she is very concerned that projects get passed without a second thought. She is dismayed by the traffic on Union Street as well, especially tractor trailers going in and out. She asked to see pictures of the aesthetics of the application.
- Jeremy Kellogg- Jeremy stated that tractor trailers do not come to his property and that he has some equipment but that is to be expected with a marine residential zoned district. He will do everything he can to improve the character of the property and it should increase the tax base.
- Ann Major- Stevenson- Ann submitted a letter to the Board that is on file with the application. She spoke at the hearing and referred to Village Zoning Code §132-24 regarding parking. She

believes the Board should consider the parking for the whole complex. Given that there are other businesses on the parcel that will be subdivided from during this project, the parking needed for those businesses combined on the original lot will not be met once the townhouses are built. Ann also noted that the application was not available at the Village Clerk's office when she went down there earlier that day and that a copy should be filed there. She said there is some confusion about what is actually being proposed and would have liked to see the actual application.

- Ed & Mary Ellen Wallace- Mr. & Mrs. Wallace submitted a letter that is on file with the application. They are majorly concerned with the increase in trash that will be a result of the townhouses. Already, the neighborhood faces an issue with the dumpsters and boaters dumping without care. They suggested positioning the dumpsters away from the residential homes in a neutral area.
- Theresa Street Resident- A Theresa Street resident (name unidentified) is very concerned about the garbage and believes there is already a problem with rodents and over-dumping and the townhouses will make it worse.
- Sue Streets- Sue agrees with the safety concerns with the traffic and also agrees that the garbage is a concern. She is not totally opposed to the modern development but wants applicants to work to address the neighbors' concerns.
- Sam Charbonneau- Sam wants the community to have a minimum impact but thinks the project could improve the area. Wants to see the applicants work with the public concerns.
- Mark Morgia- Mark stated he will address the dumpster issue immediately, and should be resolved before the townhouses are built.
- Tracy Brabant- Tracy wants the zoning and codes in the Village to be enforced more thoroughly and is concerned that the Zoning Board of Appeals passes variances too easily and referenced the most recent Thousand Islands Arts Center project.
- Jeremy Kellogg- Jeremy informed the Board that he has over 8 acres of off-site parking available.

The Board agrees that the application is still incomplete and would like the applicants to return to the August meeting. The Board would like to see the following:

- Lot line adjustment
- Drawing of lot with square footage
- Inquire with the DEC on endangered species
- Waterfront Assessment Form

Members of the public will be welcome to address the board again after more details are submitted and a SEQR long EAF will need to be completed. Doug Rogers will speak to Mayor Nancy Hyde about traffic concerns on Union Street. **Motion** to keep the public hearing open was made by Ron DuFord, seconded by Kevin Patchen. All in favor, motion carried.

Continuing Business: Chairman Rogers informed the Board that he has submitted a formal recommendation to the Board for the proposed zoning ordinance amendment for special use permits

Motion to adjourn the July 11 Planning Board meeting at 9:20 PM made by Ronald DuFord, seconded by Adam Powers. All in favor, motion carried.

Mariah LaClair, Recording Clerk