

TOWN OF CLARKSON - PLANNING BOARD

MINUTES
May 6, 2008

PRESENT

Don Osborne - Chairman
John Jackson
Scott Hanko
Dave Virgilio
Tom Schrage

Richard Olson – Town Attorney
John Paul Schepp – Town Engineer
Ursula Liotta – Deputy Town Clerk
Larry Gurslin – Code Enforcement

CALL TO ORDER

D. Osborne, Chairman, called the meeting to order at 7:00 p.m. and led all present in the Pledge of Allegiance. D. Osborne also reviewed the agenda.

OPEN FORUM None

PUBLIC HEARING None

OLD BUSINESS

1. Liberty Cove Subdivision – Future Sections – Concept Plan

Off of East Avenue, Brockport, New York, Part of Tax Acct. #69.01-01

Presented by: William Holding

•W. Holding introduced himself as the builder and developer of the Liberty Cove Subdivision (Mission Hill), and that he and Bernard Schmieder, P.E., L.S. came before this Board on 4/1/08 for a concept review. W. Holding is now looking for concept approval so he can complete the engineering plans. He sought the input of Larry Gurslin, code enforcement/fire inspector, and David Goodwin, Highway Superintendent, and his proposal for a thirty-foot (30') emergency access was well received by both. The site plan that W. Holding presented at tonight's meeting was exactly the same as the one presented on 4/1/08.

•J.P. Schepp stated that he spoke with D. Goodwin, and he had no objection to the emergency access. J.P. Schepp stated that it's now in the Board's hands to address any other concerns.

• The proposed emergency access would be to the east of the Barden Homes subdivision. J. Jackson questioned whether there would be a sign – no; and asked who would be responsible for maintenance. W. Holding assumed that the neighboring homeowners would maintain the space.

•D. Virgilio questioned the thirty-foot (30') emergency access, and whether it would be sufficient for a roadway in the future. Discussion was had re: Clarkson's standard highway size (60' wide), but that thirty-feet (30') would be sufficient to access emergency vehicles. S. Hanko questioned the use of the emergency access during the winter. W. Holding stated that there a lot of scenarios that could be considered w/regard to the emergency access, but that common sense should prevail.

•D. Osborne stated that the long stretch of roadway in the subdivision only includes seventeen (17) homes, and he suggested that there *not* be a defined emergency access. D. Virgilio questioned if it will ever be a road other being in demand by fire equipment; no per W. Holding. S. Hanko and J. Jackson discussed their subdivision and how similar it was to the subject subdivision, except that they have double road access.

•The question is whether the subject project should have double road access. W. Holding stated that his current homeowners are adamant that there not be an additional access road or they will move. Discussion was had, and it was suggested that W. Holding leave sixty-foot (60') open land and not make it a stub. T. Schrage thought that would be a good compromise. S. Hanko added that it should be left as open green space. W. Holding stated that it would be hard to sell the two parcels on either side of the sixty-foot (60') opening because of the obvious questions to new homeowners.

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•L. Gursslin stated that most neighborhoods are created of inter-connecting streets, but he does not feel that it's warranted in this situation. However, he suggested a pedestrian easement of ten feet (10'). A five-foot (5') blacktop walkway is normal, but he suggested ten feet (10') in this case. The walkway would open the subject neighborhood to other neighborhoods without creating vehicle traffic. T. Schrage stated that a sidewalk often invites unwanted pedestrians behind a home. L. Gursslin stated that pedestrian easements work out well and suggested leaving only a ten-foot (10') strip, and the developer could put in the blacktop now. T. Schrage asked W. Holding if his customers/homeowners would want a ten foot (10') or thirty foot (30') easement. W. Holding stated that his customers are only concerned about vehicle traffic, not pedestrian traffic.

D. Osborne polled the board to arrive at a consensus for a ten-foot (10') pedestrian walkway:

S. Hanko	no
T. Schrage	yes
J. Jackson	yes
D. Virgilio	yes
D. Osborne	yes

•W. Holding thanked the board for their time, and he will now proceed in normal course.

NEW BUSINESS

**1. Matilda Peters – PBA #2008-2 - requesting a special permit for in-law set-up
35 Valley View Dr., Tax #054.18-1-25**

•M. Peters stated that she bought the house seventeen (17) years ago, and the in-law set-up was already intact. She recently applied for a line of credit, and upon the bank's inspection she was advised that the house was not properly zoned. D. Virgilio asked M. Peters to describe the home, and she explained that there is a separate entrance to the apartment from the garage, with it's own bathroom and kitchen. No one is presently living there. S. Hanko asked M. Peters if she planned to rent it out and she said that she may in the future. The subject property is located on a curve on Valley View Drive and has a circular driveway; parking is not an issue. L. Gursslin stated that no additions have been made to the property since M. Peters has owned it.

•R. Olson stated that the Town of Clarkson does not have a code for an in-law set-up, but rather it's considered a two (2) family residence. The subject property is currently zoned RS-10 (single family) therefore it can have a single apartment, Code 140.22 B(2)(c). The apartment meets occupancy square footage.

•D. Virgilio questioned why the home's apartment status wasn't acknowledged seventeen (17) years ago when the home was purchased. R. Olson stated that at that time, it was the norm to "by-pass" certain features.

•M. Peters stated that her finance company would appreciate receiving a letter from the Town advising of the status of this matter. D. Virgilio asked that L. Gursslin provide a letter to the company on the applicant's behalf, and he agreed to do so.

•Discussion was had re: whether SEQR was required. R. Olson stated that the subject matter was a Type II, and therefore SEQR was not required, and therefore waived. D. Osborne called for a motion for a Public Hearing on Tuesday, May 20, 2008. D. Virgilio made the motion; second by T. Schrage; unanimously carried. D. Osborne read from Section 140.38 to apprise the applicant of what she may expect at the public hearing.

**2. Ward Bowen – PBA #2008-3 – requesting a fill permit
8107 Ridge Road, Tax #054.04-1-46.11**

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•W. Bowen stated that his intent before the Board this evening was to get approval to spread out the dirt ASAP, and that by doing so, the topography of the land should not change. W. Bowen stated that he has tried to prevent further erosion on his property. He hopes to spread the fill as thinly as he can so that it does not affect the property. W. Bowen said that according to the Army Corp. of Engineers and the DEC, they're not concerned with how much fill is on the property. However, FEMA is concerned with the flood plain, and W. Bowen inquired re: working with them to have it changed, but it would be extremely expensive. W. Bowen explained how he plans to grade the dirt and take it away from the flood plain. R. Olson stated that we have no choice but to follow the Flood Plain Hazard Law (Chapter 76 of the Code [being revised this year]).

•L. Gursslin confirmed that the riprap was installed and it looks good. Further, he stated that based on the One Hundred Dollars (\$100) paid for the first PB application (11/07), W. Bowen now has a fill permit for the first three hundred (300) cubic yards of fill. L. Gursslin needs to review the Code as it pertains to FEMA re: the flood plain issue. R. Olson stated that the Board cannot issue a fill permit on the extra three hundred (300) cubic yards per the second PB application (04/08) until the flood plain issue is resolved. .

•L. Gursslin explained that four (4) loads of clean fill were recently dumped on the property per a "free fill wanted" sign posted in front of the property. That fill has been removed. W. Bowen has taken the sign down, and it was suggested that he post "no fill wanted" or "no dumping" signs to help prevent any future dumping.

•W. Bowen asked for a time frame. L. Gursslin stated that he should have an answer for him in two (2) weeks, and that a Public Hearing could be scheduled for June 3, 2008. L. Gursslin advised that no movement should take place on the property until he resolves the flood plain issue and advises W. Bowen accordingly.

•J.P. Schepp stated that if W. Bowen wants to keep the excess fill, he needs to prepare a Planning Board Application (submitted on 4/15/08; \$100 pd.), go through SEQR, and then schedule a Public Hearing. W. Bowen should plan to move the dirt out of the flood plain when L. Gursslin gives him the go ahead. D. Osborne stated that he should expect negative feedback from the public at the Public Hearing, especially from the St. Katherine's Way residents who are directly affected by the flood plain.

•W. Bowen stated that he has excess firewood and has considered burying the wood. The Board told him that the DEC frowns on burying wood because it is combustible, and J.P. Schepp read the applicable code re: a fill permit that prohibits burying combustibles.

REVIEW OF MEETING MINUTES - Minutes from April 1, 2008

J. Jackson made a motion to approve the minutes; seconded by S. Hanko; unanimously carried.

ADJOURNMENT

J. Jackson made a motion to adjourn at 8:30 p.m.; seconded by S. Hanko; unanimously carried.

Respectfully Submitted,

Ursula M. Liotta, Deputy Town Clerk