

TOWN OF CLARKSON - PLANNING BOARD

MINUTES June 17, 2008

PRESENT – Board Members

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

Support Board Members

Richard Olson – Town Attorney
John Paul Schepp – Town Engineer **
Ursula Liotta – Deputy Town Clerk
Larry Gurslin **
** Excused

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, and a moment of reflection for those serving in the military, and for those who have recently suffered due to natural disasters. D. Osborne also reviewed the agenda.

PUBLIC HEARING

1. Michael Farrell – PBA #2008-4

Requesting site plan approval @ 6.7 acres on Ridge Road West, Tax Acct. #054.04-1-32.21

D. Osborne read the Legal Notice aloud and opened the Public Hearing. John Clarke, DDS Engineers, LLP, introduced himself and stated that he was appearing on behalf of the Applicant. He presented the site plan that had been amended per the Town Engineer's request. J. Clarke stated that the Planning Board was in receipt of the Monroe County Department of Planning & Development Review Committee's response to the referral, and the Department of Transportation is ready to approve access from Ridge Road to the subject property. D. Osborne asked for comments from the public.

Kermit Mercer, 7816 Ridge Road, introduced himself as the owner of the residence to the West of the subject property. He gave copies of his June 11th letter, including additional information and maps to each Board member, and he read the letter aloud. K. Mercer explained a lot of the area's history, and expressed his concerns regarding the natural springs that affect his property and the subject property.

After K. Mercer's presentation, D. Osborne asked him what action he would prefer the Board to take. K. Mercer stated that he would like the Corp of Engineers to take a look at the subject property before the Applicant is granted approval to move ahead; that they have been unable to contact or meet with the Applicant.

D. Osborne stated that the State Environmental Quality Review (SEQR) Full Environmental Assessment Form was reviewed by the Conservation Board, and said Board inspected the site and granted a "conditioned negative declaration" pending the Town Engineer's review.

JP Schepp interjected the following, in sum and substance:

- That he contacted the Army Corp of Engineers and verified that this site does not contain Army Corp of Engineers wetlands, therefore the Applicant was not required to contact them.
- That the wetlands on this site are not an issue because they do not fall under any federal or state jurisdiction.
- That he has viewed the aerial photos showing the springs, and the volume or source of springs can only be estimated.
- JP Schepp proposes that as trenches are dug for the underground utilities, that 4" (four) inch perforated under drain be used in the proposed utility trenches and around the foundation of the home in order to drain off any spring water that may be trapped due to the fill installed at the site. This will allow a path of least resistance to the flow of water from the natural springs.

J. Clarke stated that he believes this is a viable solution, and the Applicant agreed; the Board agreed as well. The public made no other comments.

D. Osborne made a motion to close the Public Hearing; seconded by T. Schrage; unanimously carried.

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Discussion: JP Schepp further recommended either a clay or ripley dam along the sanitary sewer trench to prevent groundwater migration along the sanitary sewer.

D. Osborne called for a motion. T. Schrage made a motion that the Planning Board approve Applicant's request for site plan approval subject to compliance with the Town Engineer's recommendations. No construction shall commence and no building permit shall be issued until the Town Engineer signs the map and approves of the drainage plans to control possible underground springs in the area. D. Osborne second the motion; unanimously carried. A Notice of Decision will be provided to the Applicant.

2. Valerie Ciciotti, Proposed Tenant – PBA #2008-5

Deborah Lee/Apple Tree Inn of Monroe County, Owner

Requesting site plan approval for gift shop @ 7407 Ridge Road, Tax Acct. #070.01-1-23.1

D. Osborne read the Legal Notice aloud, and opened the Public Hearing.

V. Ciciotti introduced herself as the proposed tenant for a gift shop she hopes to open in the garage behind the restaurant, the Apple Tree Inn. Deborah Lee, owner of the Apple Tree Inn was also present. V. Ciciotti presented current photos of the site, and drawings of the proposed gift shop. Other details were as follows:

- The hours of operation will coincide with the restaurant's hours: Monday, closed; Tues.-Sat. 11-2; Sun. 11:30-2:30; Thurs.-Sat. 5-8 (optional).
- The customers will use the restaurant's restrooms.
- The garage requires modifications, i.e. a wood floor, windows, a new single handicapped door entrance, and a ramp for handicapped accessibility. The sliding garage door on the N side of the building may be an emergency access route.

Dave Goodwin asked the Applicant if she plans to heat the shop. **V. Ciciotti** stated not at this time, but if she continues to be open during the "cold" season, she plans to use a wood furnace. D. Olson stated that the Town's Code is very strict w/regard to wood furnaces.

Chris Manna inquired about restroom facilities. **V. Ciciotti** stated that since the gift shop will be open during restaurant's hours, any gift shop customers would use the restaurant's restrooms.

D. Osborne called for a motion to close the Public Hearing. The motion was made by John Jackson; second by T. Schrage; unanimously carried.

Discussion: • J. Jackson stated that according to L. Gursslin's memo to the Board, there is ample parking for both the restaurant and the gift shop per Code; (twenty-five (25) parking spaces, two (2) are handicapped). • R. Olson stated that a Certificate of Occupancy issued by the building inspector is required before the business opens. • JP Schepp stated that there was a Monroe County DRC comment regarding the Agricultural Statement; that there are no engineering concerns as there are very few site issues and minimal traffic impacts.

D. Osborne called for a motion. J. Jackson made a motion to that the Planning Board grant site plan approval to the Applicant subject to compliance with the New York State Building Code. The business may not open until the Building Inspector issues a Certificate of Occupancy. This approval does not include approval for a sign(s), which requires a permit from the Zoning Board of Appeals. T. Schrage second the motion; unanimously carried. A Notice of Decision will be provided to the Applicant.

OPEN FORUM

OLD BUSINESS

June 17, 2008

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NEW BUSINESS

1. Ronald & Donna Ophardt – PBA #2008-6

R&D Resubdivision of Lot 2, 2296 Sweden Walker Road, Tax Acct. 35.04-001-035.1

Kyle Rath, appearing for Rich Maier, Maier Land Surveyors, on behalf of the Applicants, introduced himself and presented the map for the proposed re-subdivision of Lot 2, subdividing a 5.5-acre lot from a 10.8-acre lot. J.P. Schepp requested that R. Maier include on the map the words “not an approved building lot”. Further, he stated that the only problem he saw was that Lot 2 and Lot 3 would share a pond.

The Board discussed that a SEQR (short form) is required and will be reviewed by the Conservation Board on Wednesday, July 9, 2008; that the matter will be referred to the Monroe County Department of Planning & Development for review; that a Public Hearing will be scheduled for July 15, 2008 for approval of the subdivision only, not an approved building lot.

2. Jack Hall - PBA #2008-7

650 Lawton Road, Tax Acct. #040.02-1-1

Requesting a fill permit re: Lawton Road Bridge / MC DOT project; start date: June 25

J. Hall introduced himself and stated that he lives one-half (1/2) mile from the bridge project on Lawton Road; that he wants the fill from the project for his property. D. Goodwin stated that he attended a pre-construction meeting that morning; that the road will be closed the day after school is over (June 25th), and needs to be completed by the time School reopens in September; that it's a County Road and Keeler Construction will be doing the work.

J. Jackson questioned J. Hall on how the fill will get to the back of his property. J. Hall stated that his driveway will be used, and Keeler will transport and dump the fill. T. Schrage questioned who would level out the fill, and J. Hall stated that he would do much of the work himself.

JP Schepp stated that L. Gursslin has a long list of criteria that needs to be met before a fill permit is issued, i.e. a formal site plan showing the fill area, the quantity of material to be installed, the time period in which the work will be completed, and how the area will be graded and seeded upon completion, per Town Code.

The Board discussed that a SEQR (short form) is required and will be reviewed by the Conservation Board on Wednesday, July 9, 2008; that a Public Hearing will be scheduled for July 15, 2008.

Further discussion was had re: the work start date of June 25th; that there is not ample time to meet all of the Planning Board's requirements prior to the start date; that perhaps the fill could be stockpiled elsewhere until after the Public Hearing, but that would not be cost effective. It was suggested that in the interim, the fill be dumped on J. Hall's property, and that he contact Keeler Construction and post a bond for the estimated cost of having the fill removed in the event the fill permit were not granted, i.e. one dollar (\$1.00) per mile, or two dollars (\$2.00) per cubic yard x one thousand (1,000) = two thousand (\$2,000) bond. The Board agreed w/this plan.

R. Olson stated that he recommends that the Applicant prepare an Agreement between himself and Keeler Construction that grants the contractor an easement to access his property, if necessary, to remove the fill.

REVIEW OF MEETING MINUTES - Minutes from June 3, 2008

D. Osborne made a motion to approve the minutes; second by J. Jackson; unanimously carried.

ADJOURNMENT

D. Osborne made a motion to adjourn at 8:15 p.m.; second by T. Schrage; unanimously carried.

APPROVED 7/1/08

Respectfully Submitted,

Ursula M. Liotta, Deputy Town Clerk