

TOWN OF CLARKSON - PLANNING BOARD

MINUTES
August 19, 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 called the meeting to order at 7:00 p.m. He led all present in the Pledge of Allegiance and a moment of reflection for the men and women in the armed services, and reviewed the agenda.

OPEN FORUM

Re: Lands conveyed by Sodoma Farms, Inc. to Oded Keler

Tax Acct. #054.04-1-32.2	31.103 acres
Plus: Parcel to be conveyed	<u>5.927</u> acres
Total parcel will equal	37.030 acres

A.J. Barea, land surveyor, introduced himself and stated that he was appearing on behalf of Sodoma Farms, Inc., which intends to convey an additional parcel of 5.927 acres to Oded Keler to equal the total parcel of 37.03 acres previously sold to him.

A.J. Barea presented color-coded maps, an aerial view of the subject property, and a site plan map, as part of his explanation for the error in the original conveyance, and requested permission from the Board to redraw the lot lines. There are no structures on the additional parcel to be conveyed; it is just farmland; that the parties would share a pond.

After discussion, D. Osborne made a motion to granting permission for A.J. Barea to redraw the lot lines on the map to include the additional parcel to be conveyed to O. Keler; second by S. Hanko.

Ayes: D. Osborne, J. Jackson, S. Hanko, D. Virgilio
Nays: T. Schrage

OLD BUSINESS

1. Clarkson Heritage Commons, 3670 Lake Road, Tax Acct. #054.14-1-5.11

Janette Baez from DDS Engineers introduced herself and stated that she was representing the applicant, The Basset Group, which is seeking site plan approval for construction of a commercial building to the North of the existing plaza @ 3670 Lake Road. J. Baez addressed the individual comments in J.P. Schepp's letter dated August 18, 2008, and the following items were discussed:

- Landscaping and the lighting plan will be detailed in the engineer's final drawings.
- The dumpster location: J.P. Schepp noted that the screened dumpster's location must be determined. D. Virgilio suggested placing the dumpster on the North side of the project.
- DDS is waiting to receive NYS DOT's comments.

TOWN OF CLARKSON - PLANNING BOARD

August 19, 2008

- The parking spaces: R. Olson stated that we need to be cautious re: Curves or any business that currently has selective hours; that the tenants may come and go, and parking needs to be planned for on a 9-5 basis. The parking that is required vs. what is proposed may require a variance, by application to the Zoning Board of Appeals. J.P. Schepp stated that the parking space issue may be figured out based on the ratios.

Pat Basset, owner, stated that the current parking situation for the plaza is monitored closely; that since the plaza and the new project share the same tax account number, parking may be shared; that the Applicant would never have proposed this project if parking were not sufficient.

- The finished floor elevation was discussed; DDS proposes the elevation to be three (3) feet above adjacent grades per the Town's flood damage prevention code.

- The floodplain: J.P. Schepp stated that the project is not filling a floodplain.

- S. Hanko inquired re: the easement on the creek. J.P. Schepp stated that the map reads 20' on each side x 2 = 40'; that the regulations read 60'; that the regulations may vary on an as needed basis. J. Jackson stated that the creek tends to overflow.

- Proposed tenants: P. Basset stated that the proposed tenants for the new building include an ice cream shop, an insurance agency, a pick-up/drop-off dry cleaners. P. Basset further stated that his company is planning a facelift for the existing plaza (a more "rural" look), and the new building will follow suit.

- ARB: John Kiba, ARB alternate member, stated that the ARB members walked the property, and they had a few concerns, as follows:

1. Utilizing the height of the proposed new build as a two-story building, per R. Olson's letter dated July 1, 2008. R. Olson prefers the look of a two-story building and it would correspond with the Comprehensive Plan. After discussion, P. Basset stated that he consider altering the plans to a two-story structure. J. Jackson questioned the need for an elevator if the building were to be two-story.
2. Waste handling – suitable screening needs to be placed around the new dumpster. Further, J. Kiba is concerned that the existing SE dumpster is in the adjoining property's setbacks.
3. Debris near creek bed – J. Kiba stated that after the parking lot was paved this summer, excess fill, etc. was dumped near the creek bed; that he hopes it will be cleaned up as part of the new project.
4. Setbacks - George Shaw, ARB member, stated that the ARB is primarily concerned about the setbacks on the adjoining properties, and the debris that was dumped near the creek bed.

D. Osborne stated that this matter is an unlisted action under SEQR, and issued a Negative Declaration. J. Jackson made a motion to schedule a Public Hearing for September 2, 2008; second by S. Hanko; unanimously carried.

Post-motion discussion: S. Hanko expressed his concern about the easement; that the SE part of the parcel only shows 20' on each side of the creek. J.P. Schepp stated that he believes it's an existing easement. Now is the time to fix it, if necessary, and J.P. Schepp stated that he would review the matter w/ David Goodwin, Highway Superintendent.

August 19, 2008

TOWN OF CLARKSON - PLANNING BOARD

2. Cyad Heckman, 3149 Sweden Walker Road, Tax Acct. #055.010-01-016.2 8/07 Special Permit Application – Code & Zoning Status Report

C. Heckman stated the septic system has been rebuilt to accommodate the in-law apartment, and he presented the Board with the following:

1. A copy of the Compliance Certificate re: the garage addition dated 8/20/07;
2. Laney Engineering plans dated 7/30/08 re: the second floor, and the N&S elevations;
3. A copy of the Mo. Co. Dept. of Public Health septic inspection report dated 8/7/08.

C. Heckman stated that he will be using the separate garage structure strictly as an in-law apartment, not a rental; that he hopes to connect the two structures in the next year by creating a great room between them; that both structures utilize hot water heat.

After discussion, D. Osborne stated that the property requires a short-form SEQR, to be reviewed by the Conservation Board on September 9, 2008; further, that a Public Hearing will be scheduled for September 16, 2008.

3. Ward Bowen, Lot W of 8107 Ridge Road, Tax Acct. #054.04-1-46.12 4/08 Fill Permit Application – status report

The Board asked L. Gurslin to summarize the status of the Bowen matter, and his dialog included the following:

- He stated that he drafted a letter to the Town Board to try to eliminate hearsay; that he also prepared a timeline, all to be presented in a packet to each board member at the Executive Session on August 26, 2008;
- that he will be recommending action to the Town Supervisor on Wednesday morning, August 20, 2008;
- that he has met with and talked with JP Schepp and Richard Olson;
- that he has walked behind St. Katherine's Way and watched the water flow, and has seen some of the erosion;
- that he has visited W. Bowen's property five different times;
- that he is trying to use his best judgment;
- that he has been in touch with Mr. Metivir from the Army Corp of Engineers, who advised him that he had been down to the property last week; that he has not met w/anyone from the town; that he has signed off on the first fill permit.

JP Schepp stated that the work on the property needs to be done soon or else we will be into another season.

R. Olson suggested that we set a public hearing and get the matter resolved. Discussion was had re: moving the fill out of the flood plain and up onto the existing banks; that L. Gurslin needs to run it by the Town Board because they are the enforcement.

S. Hanko asked that if W. Bowen does have to remove the excess three hundred (300) cubic yards, would it be the town's responsibility?

JP Schepp stated that the calculation initially was three hundred (300) cubic yards. At this time, it's just an educated guess re: the quantity; that to try to determine how much to remove would be difficult.

J. Jackson made motion that the Planning Board recommend to the Town Board that W. Bowen be allowed to keep the fill on the property and push it back to the S and E sides of the floodplain, and that he cover the floodplain with topsoil, all to be completed by on or before September 30, 2008 at his expense. Motion seconded by D. Osborne; unanimously carried.

D. Osborne asked L. Gurslin if this motion fell in line with his proposal to the Town Board, and he replied yes.

August 19, 2008

TOWN OF CLARKSON - PLANNING BOARD

NEW BUSINESS

1. Scarpulla's Deli & Bakery – PBA #2008-10

Applicant: Michael P. Scarpulla,
8089 W. Ridge Road, Tax Acct. #054.04-1-45.11
Application: Special Permit for Change in Use

Michael P. Scarpulla introduced himself, and summarized his April 1, 2008 presentation before this Board, and further stated as follows:

- that he has had extensive conversations with J.P. Schepp and L. Gurslin since April 1st and that all requirements were met in order for him to close on the purchase of the property;
- that he has started renovating the interior of the existing building; that the structure itself will remain the same;
- that the dumpster will be strategically placed on the property, and will be screened.
- that the new business will not include restaurant seating, but maybe a few tables & chairs;
- that the proposal of a drive-thru will be saved for the future;
- that he hopes to open in a couple of months.

R. Olson questioned the easement and who is responsible for maintaining it. M. Scarpulla stated that title is in his name, and R. Olson stated that the easement would have run to the Town of Clarkson at closing, but it needs to be transferred to M. Scarpulla in order for him to maintain it as the new owner. M. Scarpulla stated that he would discuss this matter with his attorney.

D. Osborne stated that the matter is an unlisted action under SEQR and issued a Negative Declaration. D. Osborne made a motion to schedule a Public Hearing for September 2, 2008; second by T. Schrage; unanimously carried.

2. Double A Ranch Subdivision – PBA #2008-9

Owner: Theodore Antonucci, Sr.; **Applicant:** Arnold E. Carmichael
1881 Clarkson Parma Townline Road, Tax Acct. #031.03-1-8.21
Application: Subdivision Approval – Major Subdivision

Darryl Carmichael, appearing on behalf of the Applicant and Owner, introduced himself and the proposed project. Discussion was had regarding the site plan dated 1999, and the perc tests dated 1991. D. Carmichael stated that he expects Monroe County will accept the perc tests since the map had not yet been filed.

The map indicates that a revision was made in July 2008, but there are no notes on the map specifying the revision. D. Carmichael stated that lot 6 will be removed from the build plans, and will remain vacant. J.P. Schepp stated that the property is not in a floodplain, nor is it in the jurisdiction of the Federal or State wetlands. However, he is concerned about drainage because the proposed project will turn a heavily wooded area into residential lots. Further, J.P. Schepp's engineering comments dated November 21, 2005 and August 18, 2008 need to be addressed.

After discussion, the Board indicated to D. Carmichael that the Applicant needs to provide an up-to-date site plan in order for the application to be approved. Upon receipt of the new site plan, the Conservation Board will re-review SEQR. No further action will be taken at this time.

REVIEW OF MEETING MINUTES - Minutes from August 5, 2008

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

NEXT MEETING: The next meeting is set for September 2, 2008.

ADJOURNMENT

S. Hanko made a motion to adjourn at 8:30 p.m.; second by T. Schrage; unanimously carried.

Approved 9/2/08

Respectfully submitted,
Ursula M. Liotta, Deputy Town Clerk