

TOWN OF CLARKSON - PLANNING BOARD

MINUTES
October 7, 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 Gursclin
** 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 asked for a moment of quiet reflection for our military. D. Osborne also reviewed the agenda.

RESOLUTION ADOPTING NEGATIVE DECLARATION

054.14-1-5.11	3670 Lake Road
Tax Account Number	Address of Property
The Basset Group, Patrick Basset	Clarkson Heritage Commons
Name of Applicant	Name of Project

WHEREAS, the Applicant has proposed the construction of a commercial building to the North of the existing plaza @ 3670 Lake Road, Town of Clarkson, New York, and for a Special Permit for residential apartments on the second level of said commercial building;

WHEREAS, this Board, by motion dated October 7, 2008 declared itself to be the Lead Agency for Purposes of SEQRA; and

WHEREAS, in accordance with law and local practice, this Board referred this matter to the, the Town Conservation Board; and

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, the developer has prepared and submitted Part 1 "Project Information" of the (long) Environmental Assessment Form; and

WHEREAS, the Conservation Board has reviewed the documents submitted and recommended a negative declaration be issued; and

WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form, the Recommendation from the Conservation Board, the plan dated September 25, 2008 and prepared by DDS Engineers, and all of the items in the application, and having considered each an every impact in accordance with SEQRA

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of T. Schrage, seconded by S. Hanko,

BE IT RESOLVED

1. That the Planning Board hereby adopts the Negative Declaration attached hereto and made a part hereof as if the same were set forth a length herein.
2. That this resolution shall take effect immediately. Upon a roll call vote, the votes were cast as follows:

Aye: S. Hanko; J. Jackson; D. Osborne; T. Schrage; D. Virgilio
Members of the Planning Board of the Town of Clarkson, Monroe County, New York

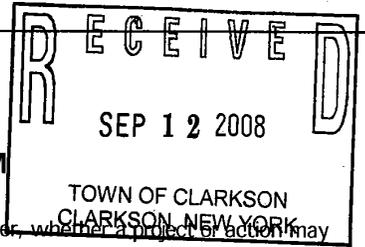
Whereupon the resolution was declared adopted.

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**617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM**

Amended



Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Clarkson Heritage Commons
Name of Action

Town of Clarkson Planning Board
Name of Lead Agency

Donald F. Osborne
Print or Type Name of Responsible Officer in Lead Agency

Shawn Lessard Conservation Board
Title of Responsible Officer

x Donald F. Osborne
Signature of Responsible Officer in Lead Agency
Donald F. Osborne

x Shawn Lessard 9/24/08
Signature of Preparer (If different from responsible officer)
Shawn Lessard

7 Oct 08
Date

PUBLIC HEARING

**Re: Clarkson Heritage Commons, 3670 Lake Road, Tax Acct. #054.14-1-5.11
Site Plan Approval & Special Permit**

D. Osborne read the legal notice and opened the Public Hearing. Janette Baez, DDS Engineers, introduced herself and reviewed the project and showed the public the front view, as well as the proposed site plan. D. Osborne asked for comments from the public:

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Dr. Jess Buttery, 89 St. Katherine's Way, asked if there will be sufficient parking for the estimated ten (10) tenants. J. Baez stated that the five (5) units will be allocated ten (10) parking spaces.

D. Virgilio asked if the tenant parking would be marked off for the tenants, i.e. with a "tenant parking only" sign. Frank Distefano, on behalf of the Applicant, stated that he would provide an appropriate sign. Further discussion was had regarding the parking for the lower level tenants. JP Schepp stated that he and the engineer had long discussions about the parking matter; that what the developer does not know for sure is what retail businesses will be using the space; that there is a set of calculations for retail use, and twenty (20) spaces have been provided for; that the businesses will have to be reviewed on an individual basis when the time comes.

JP Schepp further stated that the engineers have addressed his concerns from the last meeting, including, providing for a higher buffer on the N side of the property. Discussion was had regarding the suggestion of a berm for the buffer, but that there is not sufficient space. JP Schepp stated he felt that the buffer should have considerably more dense vegetation at the front parking area.

J. Buttery stated that the neighbors to the N of his property are concerned about the construction.

Harry Donahue, 3618 Lake Road, who lives two (2) properties N of the proposed project, stated that the developer should consider an alternate type of evergreen rather than arborvitae because they take a long time to fill in to create a buffer, and the deer have eaten the lower portion of the ones he has on his property. D. Virgilio stated that buffer issue must be resolved. F. Distefano stated that his son just started working for the Applicant, and he has vast knowledge and experience in landscaping; that he will provide a suitable plan for the buffer. JP Schepp stated that the Board should make the Notice of Decision contingent upon the submittal of a landscaping plan for the buffer along the Northerly property line, from the right-of-way to the front setback line of the proposed building.

R. Olson stated that the SE side of the parking lot is in the flood plain; that the developer needs to obtain a Floodplain Development Permit per Section 76 of the Town Code from the Code Enforcement Office. JP Schepp stated that the floodplain maps were printed on August 28, 2008 and are available online now. He explained the new floodplain and showed how he separately plotted out the new boundaries on the site plan; that there will be no structure in the floodplain, but that there will be construction within the floodplain. JP Schepp asked the engineers to plot the floodplain on their site plan. R. Olson stated that the site plan should include existing and proposed contours and an estimate of the cut and fill volumes within the floodplain area.

J. Jackson asked if the school bus stop would still stay on Route 19. F. Distefano stated that he would like to see the buses pull in and out of the parking lot rather than stopping on Lake Road; that there should be more than enough room for the busses to drive through. JP Schepp quoted from the NYSDOT letter dated 8/27/08 that states, "Due to the existing Clarkson Children's Center ... we agree that a second driveway will promote safety on Route 19 and within the site. Therefore we are agreeable to the proposed driveway on Route 19 located across from the Hafner Park driveway".

T. Schrage inquired regarding the depth of the retention pond. J. Baez stated that it would be one (1) foot deep. S. Hanko made a motion to close the Public Hearing; second by T. Schrage; unanimously carried.

Further discussion: • J. Jackson asked that the lighting on the N side be shielded from the residences that border the project, and that appropriate lighting be used in the front (W side). • F. Distefano stated that the dumpster will be blockaded like the one at the Millhouse Restaurant. • JP Schepp and L. Gursslin discussed the floodplain map. • F. Distefano stated that an insurance company is a prospective tenant for the new building.

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T. Schrage made a motion to grant Applicant's request for Site Plan Approval and for a Special Permit pending the following conditions:

1. That a landscape plan for the buffer on the North side of said property be submitted to the Planning Board; and
2. That the water-flow calculations in and out of the floodplain be submitted to the Planning Board and approved by the Planning Board prior to a Building Permit being issued; and
3. That a plan for lighting to the North and West sides of said property be submitted to the Planning Board and approved by the Planning Board prior to a Building Permit being issued; and
4. That prior to a Building Permit being issued, a permit be obtained from the Code Enforcement Officer regarding the floodplain regulations.

S. Hanko second the motion; unanimously carried.

RESOLUTION ADOPTING NEGATIVE DECLARATION

055.01-1-16.2	3149 Sweden Walker Road
Tax Account Number	Address of Property
Cyad Heckman	Heckman Special Permit
Name of Applicant	Name of Project

WHEREAS, the Applicant is seeking a Special Permit to convert the storage area over a two bay freestanding garage into habitable living space;

WHEREAS, this Board, by motion dated October 7, 2008 declared itself to be the Lead Agency for Purposes of SEQRA; and

WHEREAS, in accordance with law and local practice, this Board referred this matter to the, the Town Conservation Board; and

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, the developer has prepared and submitted Part 1 "Project Information" of the (long) Environmental Assessment Form; and

WHEREAS, the Conservation Board has reviewed the documents submitted and recommended a negative declaration be issued; and

WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form, the Recommendation from the Conservation Board, the plan prepared by Thomas M. Laney, NSY licensed professional engineer dated August 20, 2007, (redated July 30, 2008), and all of the items in the application, and having considered each an every impact in accordance with SEQRA

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of S. Hanko, seconded by T. Schrage,

BE IT RESOLVED

1. That the Planning Board hereby adopts the Negative Declaration attached hereto and made a part hereof as if the same were set forth a length herein.
2. That this resolution shall take effect immediately. Upon a roll call vote, the votes were cast as follows:

Aye: S. Hanko; J. Jackson; D. Osborne; T. Schrage; D. Virgilio
Members of the Planning Board of the Town of Clarkson, Monroe County, New York

Whereupon the resolution was declared adopted.

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Short Environmental Assessment Form - SEAR
 Re: Cyad Heckman, 3149 Sweden Walker Rd.

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?	If yes, coordinate the review process and use the FULL EAF.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?	If No, a negative declaration may be superseded by another involved agency.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)		
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:		
NO		
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:		
NO		
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:		
NO		
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:		
NO		
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:		
NO		
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:		
NO		
C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:		
NO		
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	<input checked="" type="checkbox"/>
Town of Clarkson Planning Bd.	x 9/24/08
Name of Lead Agency	Date
Donald F. Osborne Chairman	Conservation Board Chairman
Print or Type Name of Responsible Officer/in Lead Agency	Title of Responsible Officer
x Donald F. Osborne	x Shawn Lessor
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
Donald F. Osborne	Shawn Lessor

7-Oct-08
202

PUBLIC HEARING

Re: Cyad Heckman, 3149 Sweden Walker Road, Tax Acct. #055.01-1-16.2
 Application for Special Permit

D. Osborne read the legal notice. C. Heckman gave his overview of the project and the purpose behind the request for the Special Permit; that although his home and the garage are presently two (2) structures, he will eventually connect the two together, and he wants it to remain a single-family residence; that all utilities from both structures originate from the house; that the house uses hydronic heat (water boils and the heat is circulated); that there is currently no heat in the separate living space above the garage.

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L. Gursslin stated that he has not been inside the structure, although he does have the architect's drawings in his file; that the septic system is sufficient for six (6) bedrooms, and has been approved by Monroe County. D. Osborne asked for comments from the public:

Diane Levcik, 3171 Sweden Walker Road, stated that her property borders C. Heckman's property on the S and W sides; she understands that his property is zoned RS-20 and is suitable for a two-family residence. D. Levcik stated that someone was living above the garage, and asked C. Heckman if someone is presently living there, and he stated no, not now because there is no heat to the structure; that he does not plan to rent the living space, just use it for family needs.

L. Gursslin stated that it's not a subdivision; that C. Heckman is creating a two-family dwelling, which is allowed with a special permit; that if there are two (2) cooking areas it is considered to be two-family.

D. Levcik asked regarding insurance: this Board does not care about insurance.

D. Levcik asked regarding the fire code: L. Gursslin stated that only one (1) door and one (1) window no more than 36" off of the floor are required to meet code.

D. Levcik asked the distance of the garage structure from the house. J.P. Schepp confirmed from a map that it is 19' away.

Joan Muscolino, 3191 Sweden Walker Road, asked C. Heckman if he wants to connect the two (2) structures, and when. C. Heckman stated in the next one to two (1-2) years.

D. Levcik asked if the addition/connection would require Planning Board approval; the Board advised her, no, just proper permits from the Code Enforcement Office need to be obtained.

J. Muscolino asked if this type of special permit had been asked for in the past, and the Board answered, yes, many times.

R. Olson stated that in order for the living space above the garage to be occupied, the Code Enforcement Office needs to be satisfied that it is safe and all code requirements have been met.

D. Levcik stated that she has lived in her home for more than thirty-five (35) years, and she has been aware of many types of tenants and knows the history of the property; that she is pleased to have a family living there now. C. Heckman stated that the house was built in the 1800's.

D. Osborne stated that it's good when neighbors are concerned with who lives in the area.

J. Sciolino asked if a Certificate of Occupancy will be required before it can be inhabited; R. Olson answered yes.

J. Jackson made a motion to close the Public Hearing; second by D. Virgilio; unanimously carried.

D. Osborne asked JP Schepp if he had any engineering concerns, and he answered no.

L. Gursslin stated that the original building permit has been modified; that he needs to take the plans submitted by Laney to the property to inspect the premises, and the plans be brought up to snuff. T. Schrage added that the Town has been "burned" in the past with residents not completing their plans.

R. Olson stated that the premises will be two (2) family whether it's attached or not; if each living space has a kitchen, it's considered a residence. This Board does not care if the two structures are connected; it will not affect the Special Use Permit.

S. Hanko made a motion granting the Special Use Permit with the following stipulation: that the premises not be occupied until the Certificate of Occupancy is granted. T. Schrage second the motion; unanimously carried.

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NEW BUSINESS

1. **Michael Farrell**, 7780 Ridge Road, Tax Acct. #054.04-1-32.21
Review of revised site plan

M. Farrell explained the background of the revised site plan; that the Army Corp of Engineers called him to meet on site; that he hired an independent consultant who took dirt samples from the site; that federal wetlands have been delineated on the site plan that previously were not included in the federal wetlands mapping. J. Clarke, DDS Engineers, stated that the new plan shows the regrading and where the fill removed from the wetland area will go, and sets the house back one hundred fifty (150) additional feet.

R. Olson asked where the fill will be taken, and M. Farrell responded that it will be used for the driveway and/or around the house; that the Conservation Board needs to review the file again; that they will meet tomorrow, October 8, 2008, and hopefully, will give it a negative declaration.

M. Farrell stated that he will be able to mow the wetland; that he can dig a pond using a bucket, but he cannot dump what is in the bucket onto any wetland area.

R. Olson inquired regarding the right-hand back corner of the property since it is exactly ten feet (10') from the property line. M. Farrell stated that that was intentional; he wants to make the most of his "non-wetland" property, and the main focus for a "backyard" will be on the side of the house.

A Public Hearing will be scheduled for October 21, 2008.

OLD BUSINESS

1. **Scarpulla, Michael**, 8089 W. Ridge Road
Status of: sanitary sewer easement

R. Olson reported that the Petition for the sanitary sewer easement has been prepared, and M. Scarpulla has signed the same; that it will be presented to the Town Board on October 14, 2008; that the Town Board will call for a hearing to be set for November 11, 2008; that these are just procedural steps that need to be taken.

R. Olson inquired of L. Gursslin how M. Scarpulla is coming along pertaining to the code. L. Gursslin reported that there were some concerns about kitchen materials, but that he is complying overall.

2. **Jack Hall**, 650 Lawton Road
Status of: fill permit restoration completion date 9/30/08

R. Olson stated that L. Gursslin should contact J. Hall to let him know that he is in violation of the Notice of Decision, and that he should follow-up with a letter; that J. Hall needs to request an extension of time for completion of the fill permit by the next Planning Board meeting on October 21, 2008.

OPEN FORUM

1. **Ben Adams**, Creekwood Archery, 461 Lawrence Road
Review of Notice of Decision dated 10/6/94
Appearance by neighbors: Michael & Lisa Sausa, 375 Lawrence Road

Lisa Sausa and Michael Sausa, explained the background to the situation after an arrow from Creekwood Archery landed in their side yard in November, 2007; that because they are concerned about the safety of their family, they have been working with Mr. And Mrs. Adams to try to arrive at an amicable solution and/or take preventative measures to be assured that no

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further arrows will enter their property and cause concern; that they are not willing to take the chance that it might happen again. The Board indicated to Mr. And Mrs. Sausa that they have valid concerns.

L. Sausa stated that the DEC and the Monroe County Sheriff's Department took "coordinates" of the tower and it was not within the five hundred (500) feet per code. R. Olson read a portion of B. Adams' letter dated September 24, 2008, stating that the tower had been moved. L. Gurslin needs to confirm that the tower has been moved. L. Sausa added that both shooting ranges (tower and ground) need to be moved.

L. Gurslin suggested that there be a meeting of the minds; that he wants to continue to mediate the situation; that he will contact B. Adams and ask that he show him an existing map and request that it be redrawn to reflect that the shooting ranges have been moved; that L. Gurslin will provide a copy to the Planning Board to review. R. Olson stated that L. Gurslin needs to verify the five hundred (500) foot distance for safety reasons.

REVIEW OF MEETING MINUTES - Minutes from September 16, 2008

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

NEXT MEETING:

October 21, 2008 at 7:00 p.m.

ADJOURNMENT

S. Hanko made a motion to adjourn at 9:00 p.m.; second by D. Virgilio; unanimously carried.

Respectfully submitted,

Approved 10/21/08

Ursula M. Liotta, Deputy Town Clerk