

TOWN OF CLARKSON
PLANNING BOARD - MINUTES

December 16, 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 reviewed the agenda.

PUBLIC HEARING

- 1. Bruno, Sean & Mary – PBA #2008-12 Rendering Notice of Decision**
Re: Application for Special Permit
Lot 10, Mission Hill, Tax Acct. #69.01-01-22

D. Osborne stated that this Board reserved decision at the Public Hearing held on December 2, 2008 to allow for further consideration of the application. He asked the Board if they had any questions for the Applicant, and none were asked. D. Osborne proceeded to read the proposed Resolution and Notice of Decision aloud.

D. Osborne stated that he had independently asked a realtor if the Applicants' home would decrease the value of the neighbors' homes, and he was told that it was to the contrary; that the second living area in the residence is an asset to the home itself, as well as the neighborhood.

D. Virgilio inquired regarding the house number on the premises; that there not be a separate postal designation for Verna J. Bruno, and that the Notice of Decision state the same.

D. Osborne stated that since an apartment in a single-family residence is a permitted use, he doesn't understand why the Applicant has to remove the kitchenette if Verna J. Bruno ceases to live at the residence. D. Olson stated that it was a promise that Applicant made to the public at the Public Hearing. No further discussion was had.

RESOLUTION and NOTICE OF DECISION

At a regular meeting of the Clarkson Planning Board held at 7:00 pm on December 16, 2008 at the Town Hall, 3710 Lake Road, Clarkson, New York,

Present: Chairman: Donald F. Osborne,
 Members: Scott Hanko, David Virgilio, John Jackson, Tom Schrage

Absent: None

Re: Application of Sean & Mary Bruno – PBA #2008-12
 55 Mission Hill, Brockport, New York 14420
 Tax Acct. #69.01-01-22

Moved by Donald F. Osborne, seconded by John Jackson.

Whereas, a Public Hearing was held on December 2, 2008 regarding the Applicants' application for a Special Permit in accordance with the provisions of the Clarkson Town Code §140-22 B(2)(c) and §140-38F, requesting a Special Permit for a single apartment in a single-family dwelling being constructed at the above address; and

Whereas, there was a full discussion of the application with the Applicants, the builder of the home and the public; and

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Whereas, during the course of that discussion, the Applicants agreed to limit the use of said single apartment to his mother, Verna J. Bruno, and to remove the second kitchen preparation area upon Verna J. Bruno ceasing to live there; and

Whereas, pursuant to §140-38F, the Planning Board makes the following findings:

- A.** The proposed use is in harmony with the general purpose and intent of this chapter. There will be no increase in the size of the single-family dwelling, no change in the use as a single-family dwelling.
- B.** There was no competent evidence presented showing that this application would depreciate the value of adjacent property. The dwelling, as shown at the public hearing by architectural plans, will have no different outward appearance from any other single-family dwelling in the area.
- C.** The Special Permit will not create a hazard to health, safety or general welfare.
- D.** The Special Permit will not be detrimental to the flow of traffic in the vicinity, or, in the case of major roads operating above 90% of their peak-hour capacity, does not generate a greater amount of traffic than a normally permitted use.
- E.** The Special Permit will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

That based on the foregoing findings, the Planning Board grants a Special Permit to the Applicants for a single apartment in a single-family dwelling located at 55 Mission Hill, subject to the following terms and conditions:

- 1. That the separate living space is specific to Applicants' mother, namely, Verna J. Bruno, and is not an apartment for rent or lease to any other person at any time; and
- 2. That based on the above, no "for rent" or "for lease" signs are permitted for posting on the house or in the yard; and
- 3. That the house will be built in accordance with the plans presented to the Planning Board and on file in the town Building Department. That the separate living space consists of one bedroom, one full bath, one kitchenette, and one living room; and
- 4. That there shall be no postal designation specific to Verna J. Bruno's separate living space; and
- 5. That this Special Permit is automatically renewable every two (2) years so long as the Applicants reside on the premises, and have not violated the other terms and conditions of this Special Permit, and do not sell the property; and
- 6. That this Special Permit shall terminate upon the sale of the premises by the Applicants, and/or Verna J. Bruno ceasing to reside in the separate living space, and the kitchenette area shall be removed, and the space converted into additional living space for the Applicants' family.
- 7. That this Special Permit shall be revoked if any of the conditions stated herein are violated.

Vote of the Board

AYES: Donald F. Osborne, Scott Hanko, David Virgilio, John Jackson, and Tom Schrage

NAYS: None

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PUBLIC HEARING

2. Terry Keister, Applicant

Re: New business rental in existing building @ 2176 Lake Rd., Tax Acct. #029.03-1-31
Property owner: MHD Properties, Inc. (Dan Hale)

D. Osborne read the legal notice aloud. The Applicant was asked to briefly describe her intentions, and she read the description from the Planning Board application.

D. Osborne asked for any comments from the public. No public was present. J. Jackson made a motion to close the Public Hearing; seconded by T. Schrage.

Discussion:

D. Virgilio inquired whether the parking was adequate for the new business. JP Schepp stated that parking is not an issue; that the traffic flow will be similar to the property's current use.

Applicant was asked regarding her intended hours of employment, and she stated that her business would be open primarily during daytime hours, and perhaps extended hours on Wednesdays and Thursdays.

S. Hanko made a motion that Applicant's request for a Special Permit for Change in Use to a dog grooming business be granted, based on the following:

1. That Applicant's business is similar to a veterinary hospital and/or kennel, which are permitted uses in the current zoning RS-10, with a special permit; and
2. That the subject property will be zoned "Hamlet Mixed Use" (retail commercial) under the Comprehensive Plan, when approved; and further
3. It is hereby understood that no boarding of animals is allowed at any time at the subject property.

OPEN FORUM None

NEW BUSINESS None

OLD BUSINESS

1. Kristopher Oaks – PBA #2008-13; Schultz Engineering

Re: Application for Site Plan Approval
40 Clarkridge Drive, Tax Acct. #055.04-1-17.111

David Matt, Schultz Engineering, presented a revised map per his conversations with JP Schepp, particularly with regard to the lighting, driveway angles, snow storage (calculated at 50,000 cubic feet @ 1" high), fencing around the perimeter, with a decorative wrought iron fence to the W and S of the property, etc. Further, he stated that the retention pond will be dug first, and the grading completed; that the Applicant intends to build four (4) units at a time.

R. Olson asked Applicant how he intended to segment the units. Applicant stated that each unit is thirty feet wide by one hundred twenty five feet long (30' x 125'), and he intends to have ten foot by ten foot (10' x 10') units that back up to ten foot by twenty foot (10' x 20') units; that there will be overhead doors at the end of each unit, and there will be one light over each door.

Discussion was had regarding the outdoor storage, and what kind of buffer is needed or preferred by the Board. Applicant intends to buffer as he builds along. The Board suggested that the buffer should visually soften the look of the outdoor storage area. D. Olson requested that the outdoor storage be shown on the site plan, and JP Schepp added that concept sketches should be provided to the Board showing the outdoor storage at each stage of the building process.

D. Virgilio questioned the possibility of a port-a-potty at the site, and after discussion, it was decided that it was unnecessary.

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D. Osborne stated that the Monroe County Department of Planning & Development has responded to our referral with no significant issues, and the Conservation Board has reviewed the application. The Resolution states as follows:

RESOLUTION ADOPTING NEGATIVE DECLARATION

055.04-1-17.111

Tax Account Number

Kristopher Oaks

Name of Applicant

40 Clarkridge Drive

Address of Property

Lot 4 of the Westridge Industrial Park

Name of Project

WHEREAS, the Applicant requests site plan approval to construct approximately 14 storage buildings, each being 125' x 30' on a 5.138 acre parcel located 770' North of Ridge Road West (Rt. 104) and .5 miles West of the intersection with Clarkson Parma Town Line Road.

WHEREAS, this Board, by motion dated October 21, 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 site plan dated November 18, 2008 prepared by Schultz Associates, 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 Donald F. Osborne, seconded by Tom 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
Planning Board Members 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**

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.

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

Kristopher Oaks Development
Name of Action

Town of Clarkson Planning Board
Name of Lead Agency

Donald F. Osborne, Chairman Shawn Lessord, Chairman
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Donald F. Osborne Shawn Lessord x 12/10/2008
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer) Date

x/16-Dec-08
D.F.O. Date

A Public Hearing was scheduled for January 6, 2009.

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- 2. Brunson, Scott – PBA #2008-11;** James Glogowski, Surveyor
Re: Application for Site Plan Approval
100 Clarkridge Dr., Tax Acct. #055.040-01-017.113

J. Glogowski provided the Board with copies of the December 3, 2008 Addendum from MCDP&D, and Applicant's written response. R. Olson stressed that J. Glogowski and the Applicant comply with the Addendum.

The Planning Board granted the Applicant's application for Site Plan approval at the Public Hearing held on December 2, 2008, however, the Notice of Decision was tabled until today's date to discuss and review the December 3, 2008 Addendum received.

J. Jackson made a motion to amend the Notice of Decision, specifically with regard to the addition of item 5. noted below; seconded by D. Osborne; unanimously carried.

A Public Hearing was held on December 2, 2008 regarding the application of Scott Brunson for Site Plan approval regarding construction of the following at 100 Clarkridge Drive, Town of Clarkson, and State of New York:

1. A commercial building (50' x 100'); and
2. An additional building (30' x 30'); and
3. A six foot (6') high chain link fence with gate to be erected around the buildings,

All pursuant to Chapter 116 and Chapter 140 of the Clarkson Town Code. The Planning Board approved the Site Plan subject to the following terms and conditions:

4. That the six foot (6') chain link fence with gate be specified on the map; and
5. That the information requested in item 1-A, B, and C of the Monroe County Department of Planning & Development Addendum dated 12-3-08 be provided; and
6. That the map meet all of the Town Engineer's specifications; and
7. That the Mylar be signed by the Town of Clarkson as specified in the Design Criteria and filed in the Monroe County Clerk's Office; and
8. Four (4) copies of the signed Mylar are to be provided to the Town of Clarkson.

3. Status Reports

The Board reviewed the letters provided by L. Gursslin re: the following matters:

Clarkson Heritage Commons, Lake Rd./Route 19 – floodplain permit issued
Cy Heckman, 3149 Sweden Walker Rd. – letter from L. Gursslin re: C/O
Jack Hall, 650 Lawton Road – letter from L. Gursslin re: fill permit extension
Ben Adams, Creekwood Archery, 461 Lawrence Road – letter from L. Gursslin

REVIEW OF MEETING MINUTES - Minutes from December 2, 2008

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

NEXT MEETING:

January 6, 2009 at 7:00 p.m.

ADJOURNMENT

D. Osborne made a motion to adjourn at 9:15 p.m.; second by J. Jackson; unanimously carried.

Respectfully submitted,

Approved 1/6/09

Ursula M. Liotta, Deputy Town Clerk