

TOWN OF CLARKSON
PLANNING BOARD - MINUTES

January 20, 2009

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, Building Department Coordinator
Chad Fabry, Building Inspector
** 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 - completion

1. **Kristopher Oaks – PBA #2008-13**
Re: Application for Site Plan Approval
40 Clarkridge Drive, Tax Acct. #055.04-1-17.111

D. Osborne asked the Applicant to bring the Board up to date since the last meeting on January 6, 2009.

Applicant stated that the original site plan showed the installation of a wrought iron fence on the E and S sides of the parcel, which was before he realized how cost prohibitive it would be. He stated that he had emailed photographs of a black vinyl coated chain link fence to the Board for consideration as an alternative to a wrought iron fence. The photos are of the fence that surrounds the Hilton Central School District baseball field. Applicant stated that he feels that if this type of fence is good enough for a school district, it should be okay for an industrial site. Applicant stated that the cost of a wrought iron fence on the E side *only* would be \$40,500 compared to \$13,920 for a black vinyl coated chain link fence; that he wishes to proceed with the lesser costly fencing option.

J. Jackson stated that the black vinyl coated chain link fence looks good to him, and T. Schrage agreed. S. Hanko stated that paying three times the cost for a wrought iron fence wasn't cost effective.

D. Osborne called for a motion. S. Hanko made a motion that the Planning Board grant site plan approval, subject to the following terms and conditions:

1. Any outdoor storage will be kept to the W of the hedgerow throughout all of the building phases; and
2. Any outdoor storage will be kept shielded behind the storage units; and
3. Plantings of evergreens at least four to five (4-5) feet tall shall be used for the E property line; and
4. A six (6) foot vinyl coated chain link fence with gate shall be erected around the storage units as specified on the site plan.

Second by T. Schrage; unanimously carried. A Notice of Decision will be rendered.

OLD BUSINESS

1. **Michael Farrell, 7780 Ridge Road, Tax Acct. #054.04-1-32.2**
Re: Army Corp of Engineer permits required – status report

M. Farrell explained the situation at his property to date; that he originally received a deadline of 11/31/08 (11/30/08) from the Army Corp of Engineers, a second deadline of 12/31/08, and a third deadline of 4/31/09 (4/30/09) to complete the work as required, per letter he presented to the Board. He is requesting a modification of the Notice of Decision dated 10/27/08, to allow for construction of the house foundation prior to moving the remaining fill from the wetland area. M. Farrell stated that he has contracted with Jim Beehler, Beehler Construction to move the fill in good faith. M. Farrell offered that the Planning Board hold the C of O "over his head" until the Army Corp of Engineers issues their permits.

J. Beeler stated that he hopes to move a large percentage of the fill now, and move the rest after the house is built; that if M. Farrell is granted permission to put in the foundation, it would alleviate a lot of work at this time; that he does not want to move the dirt three to four times. J. Beehler also stated that about one-half of the fill has been moved to date; that once the foundation is in place they will put the fill around it; that all of the work being done now, is part of the necessary site work; that he hopes the Board will be flexible in considering M. Farrell's request.

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D. Osborne asked if the wetlands were staked. M. Farrell stated that the wetlands are delineated and staked with flags.

R. Olson asked if the modified site plan was with the building inspector, and M. Farrell answered yes. R. Olson mentioned that the Notice of Decision dated 10/27/08 states that no building permit would be issued without the blessing of the Army Corp of Engineers. M. Farrell stated that at this time, he is asking for a building permit to put in the foundation only, without the ACE's blessing.

R. Olson inquired about the house plan prints and spec sheet. M. Farrell stated that the plans are almost completed.

Note: J.P. Schepp arrived at 7:15 a.m.

JP Schepp stated that in his opinion, the intention is to restore and protect the wetlands on the property; that it makes sense to allow construction of the foundation and then move the fill from the wetland area to around the foundation, so long as erosion control is in place to protect the wetlands.

R. Olson stated that with regard to bank financing, he wanted to make sure that M. Farrell realizes that the bank may not release any mortgage funds until the issue with the Army Corp of Engineers is resolved.

T. Schrage stated that he realizes that M. Farrell came before the Board in an attempt to keep the members informed, and hopefully the Board could afford him some flexibility. S. Hanco agreed based on JP Schepp's earlier comments, so long as proper erosion control is in place. J. Jackson also agreed.

R. Olson stated that if the Planning Board intends to modify the 10/27/08 Notice of Decision, it should include that M. Farrell assumes all risks. T. Schrage made a motion as follows:

1. That condition 3B of the Notice of Decision be amended to allow for a building permit to be issued to the Applicant prior to the Army Corp of Engineers issuing its permit and approval; and
2. That the Applicant assumes all risks of any construction taking place on the premises prior to the Army Corp of Engineer issuing its permit and approval, and is to acknowledge this in writing prior to the building permit being issued; and
3. That no Certificate of Occupancy will be issued for the dwelling until such time as the Army Corp of Engineers grants its permit and approval.

S. Hanco second the motion; unanimously carried. An Amended Notice of Decision will be rendered.

NEW BUSINESS None

OPEN FORUM

1. Michael Scarpulla & Olivia Scarpulla

Re: new beauty salon business @ 8089 Ridge Road, Tax Acct. #054.04-1-45.11

M. Scarpulla spoke on behalf of his daughter, O. Scarpulla, who is seeking pre-approval from the Board for a hair salon at the above address; that the business will occupy approximately five hundred (500) square feet of the existing building; that there will be no new construction; that a front door needs to be added; that there will be no signage at the road, just on the building; that there is additional parking on the right side and in front of the store; that he has contacted Niagara Mohawk regarding new lighting for the property.

O. Scarpulla stated that business hours are planned to be: Tuesday – Friday 9:00 a.m. to 9:00 p.m., and Saturday 8:00 a.m. to 3:00 p.m.

D. Osborne asked if they anticipate any problems with the Monroe County Board of Health with regard to a hair salon being next door to the deli. M. Scarpulla stated that they planned to contact the Board of Health and work out any issues.

R. Olson stated that the property is zoned highway commercial, and the proposed use is not allowed in highway commercial. However, it is allowed in a retail commercial zone, and therefore would be allowed with a Special Permit granted by this Board; that a Planning Board application needs to be completed for

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a Special Permit; that a public hearing needs to be scheduled for the site plan; that the Applicant needs to apply to the Zoning Board of Appeals for a sign permit.

JP Schepp stated that he needs to look at the parking issue; that a summary or sketch of the required parking and available parking should be provided; that if no additional site improvements are required regarding the parking, then a formal site plan may not be required.

OTHER:

1. **The Basset Group / Clarkson Heritage Commons**
3670 Lake Road, Tax Acct. #054-14-1-5.11
Review of Final Determination

The Board reviewed the Final Determination to be signed by L. Gurslin, as Building Inspector indicating that all of the conditions set forth in the Notice of Decision have been satisfied.

2. **Training Class offered to all Town of Clarkson Boards @ the Town Hall**
February 21 **or** February 28
8:30 am-12:30 pm = 4.0 hrs. required annual training

R. Olson stated that he is offering to run the training session and it is open to the Planning Board and Zoning Board of Appeals; that various topics will be discussed and he is open to suggestions; that he wants the Boards to know how they are to interact with each other; how the Town of Clarkson handles matters differently from other towns; how code enforcement takes over when matters do not go as planned.

Discussion was had regarding the date choice, and February 28 from 8:30 am -12:30 pm was chosen.

REVIEW OF MEETING MINUTES - Minutes from January 6, 2009

S. Hanko made a correction to said minutes under the Public Hearing for Kristopher Oaks, on page -2-, as follows:

3. plantings of at least 4-5' tall shall be used for the *E property line*

T. Schrage made a motion to approve the minutes as corrected; second by J. Jackson; unanimously carried.

NEXT MEETING:

February 3, 2009 at 7:00 p.m.

ADJOURNMENT

J. Jackson made a motion to adjourn at 8:00 p.m.; second by S. Hanko; unanimously carried.

Approved 2-3-09

Respectfully submitted,

Ursula M. Liotta
Building Department Coordinator