

TOWN OF CLARKSON
PLANNING BOARD - MINUTES

May 19, 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
Chad Fabry, Bldg. Inspector/Code Enforcement
Ursula Liotta, Building Department Coordinator
*excused

CALL TO ORDER

D. Osborne called the meeting to order at 7:00 p.m. led all present in the Pledge of Allegiance; he asked that cell phones be silenced, and reviewed the agenda.

OPEN FORUM

- 1. Daniel Hale, Owner, 2176 Lake Road**
Re: Proposed change of use
Tax Acct. #029.03-1-31 / Zoning: RS-10

D. Hale, as owner of the above property, introduced himself and stated the following:

- that in 1989 he built a 1,200 sq. ft. addition on the building for his company, Shepard, Maxwell & Hale Insurance, and it is that portion of the building that he is discussing tonight;
- that the insurance industry has changed over the years, such that he no longer needs all of the 1,200 sq. ft. portion of the building for his business;
- that he proposes to remodel approximately 800 sq. ft. and make it into two rentable units;
- that both areas are under 400 sq. ft.;
- that one area is already in process of being rented as a beauty shop, and the tenant will be coming before this Board on June 2, 2009 with a Special Use Permit application;
- that there is ample parking for other tenants' use.

R. Olson read the code relative to the zoning being RS-10; that it is specific to residential and office buildings; that he's not sure how the property allowed for business use over the years.

C. Fabry stated that he has had several conversations with D. Hale about the renovations; that it's not really a change of use for D. Hale; that nothing structural is being changed, just internal remodeling. Further, C. Fabry stated that there is a grassy space to hang a business sign for all tenants to advertise, if they so choose; that the N, S, and W exposures of the building are visually separated by two roads, Lake Road and Clarkson Hamlin Town Line Road; that he has no problem with the internal modifications changes; that D. Hale is just running it before the Board before he proceeds with remodeling plans.

T. Schrage asked how many "chairs" the beauty salon tenant expects to have; one chair per D. Hale.

R. Olson asked if the property is on public water and sewer; D. Hale answered yes.

D. Hale was thanked for bringing the proposed changes to the Board's attention.

PUBLIC HEARING

- 1. Brockport Federal Credit Union – PBA #2009-5**
- A.** Subdivision Approval – Lot R-11A (resubdivide into 3 parcels)
 - B.** Site Plan Approval – construction of commercial building to house the BFCU @ corner of West Avenue & Sunset Center Lane, Tax Acct. #068.020-1-43.1
 - C.** Special Permit to conduct a business classified for operation in the Retail Commercial District

Prior to the Public Hearing, SEQR was discussed but R. Olson indicated there was no need for SEQR in this matter because it would have been addressed at the time of the original subdivision application and approval. D. Osborne stated that SEQR was therefore waived.

D. Osborne read the legal notice aloud and opened the Public Hearing.

K. Schultz reiterated his presentation to the Board on May 5, 2009, including, that the Brockport Federal Credit Union intends to build on Lot 3; that Lots 1 and 2 would not be approved lots for building; that the engineers have completed the lighting and landscaping plans; that the ATM is planned for, but may not be built for six (6) months due to spending concerns.

D. Osborne inquired if there will be a canopy in the drive-up window lane; K. Schultz stated that it will not be an extended canopy to cover the vehicle, but it will be extended enough to keep the driver dry while at the window.

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D. Osborne asked there were any comments from the public; none were offered. J. Jackson made a motion to close the Public Hearing; second by S. Hanko; unanimously carried.

Board discussion:

D. Osborne stated that there is one stickler to the plan, and he referred to the following information provided by the NYSDOT, Thomas Cesario, and included in the Monroe County Development Review Committee's report dated May 18, 2009:

on "The Credit Union project has brought up an issue the County will be investigating further that may involve some or all of the property owners utilizing Sunset Center Lane. The County received background information on this overall development from NYSDOT following the jurisdictional transfer of West Avenue to the County. Record files indicate that the Town of Clarkson passed a resolution on 12/9/97 supporting the conditions of the original NYSDOT permit for Sunset Center Lane as follows:

The NYSDOT conditions required the developer to construct 10-foot wide heavy duty shoulders on both sides of West Avenue a total of 400 ft. in length centered about the access **prior** to any subdivision development beyond "Lot 1" in the SW corner of the overall development. Further development has occurred in the form of additional apartments on "Lot 2", just north of Lot 1, on the west side of Sunset Center Lane, yet the 10-foot shoulders were not installed.

We request the Town of Clarkson enforce the resolution and require the shoulders be installed before any new development is approved that gains access from Sunset Center Lane."

K. Schultz stated that the BFCU project cannot bear those improvements; that it belongs to the original developer, Dr. Mahlon Blake, and he should be contacted; that the Town missed it on the last few applications; that he does not want the situation to balloon to become his client's problem; he and his client do not want their project held up; that the amount of required improvements is not huge; that it was originally required on the S side of the road; that there is presently a gutter there; that he wants to proceed with the BFCU project, contingent upon this problem being resolved. C. Fabry stated that he estimated the cost of the improvements at approximately \$40,000 in materials.

K. Schultz added that the developer should probably have a traffic evaluation done; that what was required by NYS DOT in 1997 may not be the same as what Monroe County DOT will require in 2009.

R. Olson stated that he is willing to talk to Dr. Blake's attorney, Vince Campbell, but he first needs direction from this Board and/or the Town Supervisor. R. Olson added he's not sure that Dr. Blake was ever aware of the resolution. K. Schultz stated that Fowler Funeral Home was one of the original new builds after the subdivision; that a C/O should not have been granted, but it was missed.

R. Olson asked C. Fabry how this type of situation may be avoided in the future, and after discussion, it was clear that such resolutions need to be recorded in the Monroe County Clerk's Office and become part of the abstract of title.

JP Schepp stated that the outstanding resolution is not an engineering issue, but he did inquire about sidewalks. K. Schultz stated that there is a sidewalk plan; that he does not want pedestrians walking through the driveway. JP Schepp and K. Schultz continued to discuss the storm drainage issue. K. Schultz stated that amount of land expected to be disturbed is under one acre and they do not have to worry about quantity of water, but rather, quality of water.

A. D. Osborne made a motion to grant subdivision approval; second by T. Schrage; unanimously carried.

B. J. Jackson made a motion to grant preliminary site plan approval contingent upon the Monroe County DOT, sidewalks added to the N of the driveway entrance, and any Town Engineer's comments, and that energy efficient lighting be used. D. Virgilio second the motion; unanimously carried.

C. T. Schrage made a motion to grant approval for the Special Permit to conduct a business classified for operation in the Retail Commercial District; second by D. Virgilio; unanimously carried.

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The Notice of Decision shall state the following:

A Public Hearing was held on May 19, 2009 to consider Applicant's application. At that time, the Planning Board granted the following requests, all pursuant to §140-36A of the Clarkson Town Code:

1. Subdivision Approval to resubdivide Lot R-11A (consisting of 4.729 acres) of the Sunset Center Subdivision into three (3) parcels. The site is located at the intersection of Sunset Center Lane and West Avenue, Town of Clarkson, County of Monroe, State of New York; and
2. Preliminary Site Plan Approval for the construction of a 2,600 square foot office building for the credit union on the southwesterly lot only, (the remaining two (2) parcels will remain vacant at this time) contingent upon the following:
 - A. Receiving approval from the Monroe County Department of Transportation with respect to the widening of the shoulder on West Avenue; and that
 - B. Sidewalks be added to the North of the driveway entrance; and that
 - C. Energy efficient lighting be used.
3. A Special Permit to conduct a business classified for operation in the Retail Commercial District, pursuant to §140-32A(1)(f)[7] and §140-33B (1) (g) [2] of the Clarkson Town Code; and
4. That all of the above is subject to the Applicant complying with the requirements of the Town Engineer.

OLD BUSINESS

1. **Jack Hall**, 650 Lawton Road – fill permit extension – deadline 5/14/09 – status

D. Osborne recalled the timeline of the Notice of Decision dated July 30, 2008; that J. Hall had been granted extensions to complete the work as set out in the N/D, and the final deadline was May 14, 2009. C. Fabry stated that he reviewed the file; that he recently visited the property and took photos of the fill area that were sent to the Board; that it does not appear to him that the work was completed as set forth in the N/D. C. Fabry added that it also appears that J. Hall wishes to use part of the graveled area as a parking lot for his equipment. R. Olson inquired what type of equipment, and J. Hall replied, his farm equipment.

D. Osborne read the N/D aloud and stated that J. Hall has not complied with the same. D. Osborne inquired about the size of the gravel area, and J. Hall stated that it is 150' x 200', or approximately one acre. J. Hall added that very little of that area was covered w/top soil, but he did moved more dirt today; that he wants to use one-half to three-quarters of the space for parking.

D. Virgilio asked regarding the visual impact; C. Fabry stated that there is no visual impact from the road; that the area is down the driveway between two barns; that J. Hall wants to be able to move his equipment around; that the ground is graded in a fashion that it leaves a swale around the perimeter; that he only has 100 yards of topsoil; that he just needs to grade the fill that remains.

The Board asked C. Fabry to revisit J. Hall's property, pace it out and provide a diagram to the Board before the next meeting.

REVIEW OF MEETING MINUTES from May 5, 2009

D. Osborne made a motion to approve the minutes; second by J. Jackson; unanimously carried. D. Osborne thanked S. Hanko for chairing the last meeting.

NEXT MEETING: June 2, 2009 at 7:00 p.m.

ADJOURNMENT:

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

Approved June 2, 2009

Respectfully submitted,

Ursula M. Liotta
Bldg. Dept. Coordinator