

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

August 4, 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 6:00 p.m. He led all present in the Pledge of Allegiance and reviewed the agenda.

PUBLIC HEARING

1. **Louis Mehserle**, fill permit application, 1709 Drake Road, Tax Acct. #039.04-1-4

D. Osborne read the legal notice and opened the Public Hearing. Inasmuch as the Conservation Board was unable to meet to review SEQR, the Planning Board, as lead agency, completed the same and D. Osborne read the Impact Assessment aloud. There were no other questions or additions to the same. The Assessment form and Resolution are attached hereto:

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"> <div style="border: 1px solid black; padding: 2px;"> <div style="text-align: center; font-size: small;">TAX PROJECT ID NUMBER</div> <div style="text-align: center; font-size: x-small;">039.04-1-4</div> </div> </td> </tr> </table>	<div style="border: 1px solid black; padding: 2px;"> <div style="text-align: center; font-size: small;">TAX PROJECT ID NUMBER</div> <div style="text-align: center; font-size: x-small;">039.04-1-4</div> </div>	<div style="font-size: x-small;">617.20 APPENDIX C STATE ENVIRONMENTAL QUALITY REVIEW</div> <p>SHORT ENVIRONMENTAL ASSESSMENT FORM for UNLISTED ACTIONS Only</p>	<p>SEQR</p>
<div style="border: 1px solid black; padding: 2px;"> <div style="text-align: center; font-size: small;">TAX PROJECT ID NUMBER</div> <div style="text-align: center; font-size: x-small;">039.04-1-4</div> </div>			
PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)			
1. APPLICANT / SPONSOR Louis W. Mehserle	2. PROJECT NAME Mehserle Fill Permit		
3. PROJECT LOCATION: Municipality Town of Clarkson County Monroe	4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map on the W side of Drake Rd, N of Ridge Rd. (Rt 104)		
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration			
6. DESCRIBE PROJECT BRIEFLY: To allow up to fifty (50) cubic yards of fill to be added to the property, to be used as follows: inside the barn, outside the barn, to fill holes next to the barn, to fill a low area along the fence on the property line.			
7. AMOUNT OF LAND AFFECTED: Initially 1.3 acres Ultimately 1.3 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: Planning Board Special Permit / fill permit			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Louis W. Mehserle Date: 7/31/09 by: Ursula Liotta, Bldg Dept Coordinator			

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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Louis W. Mehserle
1709 Drake Rd

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

<p>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.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>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.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>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:</p> <p style="text-align: center; font-size: 1.2em;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">No</p> <p>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:</p> <p style="text-align: center; font-size: 1.2em;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">No</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">No</p>	
<p>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:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

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.

<p>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.</p>	
<p>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.</p>	
<p><u>Planning Board</u> Name of Lead Agency</p>	<p><u>August 4, 2009</u> Date</p>
<p><u>Donald F. Osborne</u> Print or Type Name of Responsible Officer in Lead Agency</p>	<p><u>Chairperson</u> Title of Responsible Officer</p>
<p><u>X Donald F. Osborne</u> Signature of Responsible Officer in Lead Agency</p>	<p><u>X [Signature]</u> Signature of Preparer (If different from responsible officer)</p>

RESOLUTION ADOPTING NEGATIVE DECLARATION

039.04-1-4
Tax Account Numbers
Louis Mehserle
Name of Applicant

1709 Drake Road
Address of Property
Mehserle Fill Permit
Name of Project

WHEREAS, the Applicant requests a fill permit application at 1709 Drake Road, Town of Clarkson, County of Monroe, State of New York; and
WHEREAS, this Board, by motion dated **August 4, 2009** declared itself to be the Lead Agency for Purposes of SEQRA; and
WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and
WHEREAS, a Short Environmental Assessment Form for Unlisted Actions was prepared; and
WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form, and all of the items in the application, and having considered each and 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 D. Osborne, seconded by T. Schrage,

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BE IT RESOLVED

1. That the Planning Board hereby adopts a Negative Declaration and that the SEQR Determination of Significance is 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. Hanco; J. Jackson; D. Osborne; T. Schrage
Planning Board Members of the Town of Clarkson, Monroe County, New York

Whereupon the resolution was declared adopted.

L. Mehserle introduced himself and explained the reasons for his application, i.e.

- that he would like to add fill around his barn, inside his barn, and along the fence line on the N side of his property to help eliminate water retention.
- that he has received 3-4 truckloads of clean fill from the Clarkson Parma Town Line Road bridge project;
- that the fill is already stock-piled on site, pending approval of the fill permit application.

C. Fabry stated that he has visited Applicant's property, and noted that the neighbor's property to the N is at least 3-4 feet higher than the Applicant's lot, and that the drainage issue is apparent.

D. Osborne asked for comments from the public. None were offered. S. Hanco made a motion to close the Public Hearing; second by T. Schrage; unanimously carried.

J. Jackson made a motion as follows:

The Planning Board hereby grants Applicant's request for a fill permit, subject to the following conditions:

1. That the maximum amount of fill allowed shall be up to fifty (50) cubic yards;
2. That the expected completion date of the restoration work (spread & seeded) shall be no later than October 31, 2009;
3. That this fill permit shall be supervised by the Town of Clarkson Building Inspector.

All pursuant to Chapter 116 of Clarkson Town Code, County of Monroe, State of New York.

2. **Regina Farrand**, Special Permit Application for Change in Use
@ 2176 Lake Road, Suite 2, Tax Acct. #029.03-1-31; Business name: Illuminate Your Spirit

D. Osborne read the legal notice and opened the Public Hearing. The Applicant introduced herself and explained the plans for her new business, as follows:

- that she is a holistic health practitioner;
- that she plans to rent space that is 360 sq. ft;
- that no interior work needs to be done within the space;
- that she will have no employees;
- that she will offer small items/gifts for sale;
- that her clients will be by appointment only;
- that her hours will be T, W, Th., F 10-4 (2 evenings till 8); Sat. 10-3; closed Sun. & Mon.

D. Osborne asked for comments from the public. None were offered. D. Osborne made a motion to close the Public Hearing; second by T. Schrage; unanimously carried.

Discussion followed, including:

- Appointments: one-half hour to one hour in length; walk-ins are welcomed.
- Employees: none right now; perhaps one other person besides the Applicant in the future.
- Parking: C. Fabry stated that the building has three distinct sides; he recalls 8 spots on the N side and 6-7 on the W side, totaling 14-16 parking in all. S. Hanco stated that he is satisfied w/the parking situation for the present tenants.

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S. Hanko made a motion as follows:

The Planning Board hereby grants Applicant's request for a Special Use Permit/Change in Use to a holistic health business named **Illuminate Your Spirit** at the above referenced address, all in accordance with the procedures of Chapter 116 of the Clarkson Town Code.

Second by J. Jackson; unanimously carried.

OPEN FORUM

1. Steven Pawlak, 20 Chandon Place, Wedgewood Estates Subdivision

S. Pawlak introduced himself and stated that he built his home in the subdivision three years ago; that he understands that the remaining 18 building lots and the approximate 75 acres to the N of his subdivision are for sale; that he is curious what will happen to building lots if purchased by a new developer; that he is concerned that the size of a new build may be inappropriate for the neighborhood. R. Olson suggested that he check his deed re: any tract or deed restrictions that go with the land.

JP Schepp stated that the existing 18 lots were part of an approved subdivision, and if changes are requested by a different developer, it would require Planning Board approval; that the neighbors would be informed, and a Public Hearing would be held.

S. Pawlak stated that the current developer allows the vacant building lots to grow wild, and asked if the Town can compel the developer to mow the lots; no. S. Pawlak thanked the Board members for their time.

2. AJ Barea re: Edmunds Road, merge two parcels

AJ Barea introduced himself and stated that he is appearing on behalf of Stan Lipiec, resident, who owns two parcels on Edmunds Road. He presented two color coded maps and explained that the resident purchased the parcel with the residence in 1992, and the L shaped parcel in 1994; that the two parcels merged would be < 2 acres. The Board explained that they need to see a survey map of the merged parcels. The matter will be on the agenda again on August 18th.

NEW BUSINESS

1. Oak Orchard Community Health Center / ACM Medical Laboratory, Inc.
300 West Avenue, Tax Acct. #068.02-1-44.2 Zoned: Hwy. Commercial
Re: the placement of a temporary ACM mobile laboratory collection station on site

Presented by: David Fisher, Pres/CEO, Oak Orchard Community Health Center
Tobin Foryt, Director, Sales & Marketing, ACM Medical Laboratory, Inc.
LaTricia Johnson, Field Service Specialist, ACM Medical Laboratory, Inc.

D. Fisher introduced himself and stated that due to recent changes, NYS no longer allows blood labs **in** medical buildings; that the health center is concerned about losing their patients once they are directed to go to a lab elsewhere off site.

Oak Orchard Community Health Center (OOC) submitted a building expansion plan for a laboratory collection site at the health center to NYS, and ACM Medical Laboratory, Inc. (ACM) won the grant award for the contract; however, the expected date of completion of the new build is in two years. In the interim, OOC and ACM are proposing the following:

- the placement of a temporary construction trailer in the parking lot of OOC, on the east side of the building at the rear of the property, to be used as a temporary laboratory collection station for the next two years.
- the trailer would require an area equivalent to 10-12 parking spaces in the present lot.
- the trailer would be approximately 10-12 feet away from the building, and would connect to the existing OOC utilities.
- that the permanent structure will be built in the same location as where the temporary trailer.
- that the medical facility hopes it will get better compliance from the public if there is a laboratory facility on site, rather than having to drive elsewhere.
- the cost for the trailer is \$5,000 for set up and \$1-1,500/month to operate.

Discussion included:

- will there be more need for parking use? D. Fisher stated that there is ample parking, and there are many empty spaces at the present time

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- will a sanitary sewer connection be needed? T. Foryt stated that a holding tank and pump will be self-contained inside the heated trailer unit; that 100 amp services will be required.
- that for the cost of pumping the trailer on a weekly basis, a connection could be made to the sanitary sewers; that although the sewers are on the other side of the building, it would be feasible.
- C. Fabry stated that Town code does not have a provision for the placement of a trailer anywhere but in a trailer park; that if it is stationary for longer than 6 months, it would be deemed a permanent structure.
- R. Olson suggested “change in use” regarding expansion of community services; that this matter may need to be referred to the Zoning Board of Appeals for a Use Variance and/or an interpretation.
- that the trailer is an accessory to the building and it is temporary; that OOC may consider calling it a “mobile office space” rather than a trailer.
- D. Osborne asked re: the nearest alternative collection site; it is at Lakeside Hospital. Further, he asked if OOC had considered referring to Lakeside until the permanent structure was built; D. Fisher replied yes, however, OOC needed to convince NYS that the laboratory/drawing station was a need in order to receive the grant; that it is an important component of a medical office.
- that if the addition is not built by the end of the two year time frame, the trailer may have to be removed.
- JP Schepp stated that we need a site plan to review traffic circulation, parking, snow removal, etc. in order to move forward. The Board will review the matter again upon receipt of a site plan.

2. Mike & Jill Bower, Applicants

8768 W. Canal Road, Tax Acct. #067.02-1-7 Zoned: Hwy. Commercial
Re: Application for Special Permit/Change in Use

The Applicants introduced themselves and stated that they are applying for a Special Permit/Change in Use of the building on the property that they have owned for many years; that this is a window of opportunity for the existing building. Further, they explained as follows:

- that the building is a former party house;
- that they considered opening a garden store approximately 15 years ago, but chose not to, and it has been vacant ever since;
- that Crane Hogan is the company that has been awarded the NYSDOT contract to replace a nearby bridge, and they require 1,000 sq. ft. of office space for their workers/inspectors for the length of the project estimated at 18 months;
- that they included an outline of the space within the building that they will renovate for office use;
- that NYSDOT and Crane Hogan both liked the prospects of the office space;
- that they need to be in by September 1, 2009;
- that there are bathroom facilities, water, septic already on site.

After discussion, the Board indicated that they have no issues with the Applicants pursuing their plans; that no Public Hearing is required.

D. Osborne made a motion that the Board grants the Applicants’ request for a Special Permit/Change in Use at the property address noted above, until such time as the canal bridge project on Rt. 31 near Rt. 272 is completed. Second by T. Schrage; unanimously carried.

OTHER:

1. The Board discussed the new tenant situation at the 2176 Lake Road address, and the influx of traffic and parking at the site. The Board would like to request Dan Hale, landlord, to present his plans for the property, i.e. striping, paving, handicapped spaces, and curbing. U. Liotta will contact D. Hale and ask that he provide the Board with said information.

2. C. Fabry sought the advice of the Board with regard to a certain pending real estate sale in our town; that the seller had a 1,800 sq. ft. living space in the basement of his home that had not been permitted. Discussion followed.

REVIEW OF MEETING MINUTES from July 21, 2009

J. Jackson made a motion to approve the minutes; second by S. Hanko; unanimously carried.

NEXT MEETING: August 18, 2009 at 6:00 p.m.

ADJOURNMENT:

J. Jackson made a motion to adjourn at 7:30 p.m.; second by T. Schrage; unanimously carried.

Approved 8-18-09

Respectfully submitted,

Ursula M. Liotta
Bldg. Dept. Coordinator