

**TOWN OF CLARKSON**  
**PLANNING BOARD – MINUTES**

April 6, 2010

**Board Members**

Don Osborne – Chairperson  
John Jackson  
Scott Hanko  
Dave Virgilio \*  
Tom Schrage

**Support Board Members**

Richard Olson, Town Attorney \*  
John Paul Schepp, Town Engineer  
Chad Fabry, Building Inspector/Code Enforcement  
Ursula Liotta, Building Department Coordinator  
\*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 called for a moment of silence for those families affected by the mining accident in West Virginia. D. Osborne also reviewed the agenda.

**NEW BUSINESS**

1. **Jubilee Christian Church**, PB#2010-1 (presented by: Pastor Emelio M. Sebastian)  
Resubdivision of 3565 Lake Road, Tax Acct. #054.13-1.1

Nat Lester, Esq. and Gary Dutton, surveyor, appeared on behalf of the Applicant pertaining to the application to subdivide the above parcel. Pastor Sebastian was also present. An instrument survey was provided indicating the proposed division of the land into two parcels, i.e.:

- Lot 1 w/the church = 2.181 acres
- Lot 2 vacant land (no buildings) = 4.138 acres

The Town Attorney's concerns per his letter dated 4-5-10 were addressed. Discussion included:

- The church parking will not be affected by the split.
- The dimension questions were clarified by the surveyor.
- There are no plans for development of Lot 2 at this time.

The Town Engineer's letter dated 4-5-10 was also addressed. Discussion included:

- The surveyor will add to the instrument survey that Lot 2 is not an approved building lot.
- There are no other engineering concerns.

D. Osborne made a motion to waive SEQR and further site plan review; second by S. Hanko; unanimously carried.

S. Hanko made a motion that the Planning Board approves the subdivision on the condition that the instrument survey states that Lot 2 is not an approved building lot. Second by T. Schrage; unanimously carried.

**OPEN FORUM**

1. **Ted Antonucci/Double A Ranch**, owner, Lawrence Road parcel adjacent to Double A Ranch Subdivision  
Tax Acct. #031.03-1-7, Zoned RS-20  
Re: review of 1976 site plan

T. Antonucci provided background information to the Board, including copies of minutes from past years and a copy of the site plan from 1976 with the signature of Thomas Frazer, PE, and the stamp from the County of Monroe Health Department. It was his understanding that the County of Monroe would not have stamped the map unless it was an approved lot; that he recently obtained a two-year extension dated 2-18-10. He read aloud certain portions of the minutes, and related those minutes to Attorney Olson's letter dated 4-5-10; that based on the letter, he understands the parcel to be "grandfathered".

T. Antonucci asked if it is an approved building lot or not? D. Osborne stated that according to Attorney Olson's letter, it is not an approved building lot. C. Fabry stated that it is not an approved lot until the site plan has the required town signatures. D. Osborne stated that the 1976 site plan is not signed by Darryl L. Moser, land surveyor. T. Antonucci believes that D. Moser has the signed map and will contact him directly.

JP Schepp stated that the site plan shows a "box" that is representative of the proposed house; that modifications will occur based on the size of the house and its placement; that the site plan shows a well, and there is now water on the street; that the plan needs approval by the Monroe County Water Authority.

T. Antonucci stated that he is frustrated; that he had buyers for the parcel but he lost the deal because they could not wait. The matter will be reconsidered as part of the April 20, 2010 Planning Board agenda.

2. **Mark Swanson**, proposed purchaser of 1166 Lawrence Road (current owner: Charles Van Slooten)  
Tax Acct. #029.04-1-14.102, Zoned RS-20  
Re: dividing parcel for sale after purchase

M. Swanson provided a map that outlined his intentions and asked what is required by the Planning Board in order to divide the property. Discussion included the following:

- That he wishes to purchase the whole parcel and divide the land into two.
- That he intends to keep the smaller parcel w/the house and barn for himself and sell the balance of about 26 acres to another party.

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- C. Fabry stated that since it is just a line on a map, he thinks it is oppressive to require M. Swanson to provide a site plan per code, but that an instrument survey map should be sufficient.
- JP Schepp stated that the instrument survey would be sufficient, but it needs to include any right-of-ways, easements, setbacks, barns @ 100' feet distance from the property lines.
- That the vacant parcel requires the designation of “not an approved building lot” added to the map.
- That once the instrument survey is completed, he may make application to the Planning Board for approval.

3. **Louie Hauck**, owner, 2245 Sweden Walker Road  
Tax Acct. #030.03-1-13.2, Zoned RS-20  
Re: lot line & school district issue

L. Hauck stated that in December 2007, he purchased a 70 a. parcel on Sweden Walker Road, and subdivided building lots to the S and N. That the lot on the S side is in the Brockport Central School District (BCSD), and the lot to the N is in the Hilton Central School District (HCSD). He was led to believe that his property line was in the HCSD, however, it is not. His property line is the school district boundary line as verified by the Town of Clarkson site map. L. Hauck has spoken with the Steven Ayers, Director of Transportation w/the HCSD, who provided him with §3203 of the NYS Education Law, which establishes the rights of a homeowner whose property is intersected by a district boundary to designate their district of residence.

In order for L. Hauck's property to intersect the HSCD that he desires, he must purchase a portion of land from his neighbor to the N. He has contacted that neighbor regarding the purchase, however the size has not yet been determined. JP Schepp reviewed L. Hauck's current site plan that shows the neighbors' driveway; that there is room enough to purchase one foot of property w/o infringing on the existing driveway. John Sciarabba, land surveyor/engineer will be drawing a new instrument survey.

The Planning Board suggested that L. Hauck contact R. Olson, Town Attorney, directly regarding this matter for further direction.

4. **Stephen & Charlene Maynard**, owners, 1384 Lawrence Road (45.17 a.)  
Tax Acct. #029.04-1-11.1, Zoned RS-20  
Re: creating a 6 a. parcel for daughter, **Sherry Haas**, for new build

C. Maynard and S. Haas appeared and provided the Board with a copy of an instrument survey map from 1995. They explained their proposed plan to subdivide an approximate 6 a. parcel from the 45 a. parcel, and have a home built on the 6 a. parcel for S. Haas.

The Board explained that a site plan will be required to show the subdivision and the proposed build; that if the engineer for the 1995 is still working, he would be their best contact since he already has all of the background data; that Monroe County Health approval is required for the proposed septic system, etc. Once the application and site plan are submitted to the Planning Board for review, the entire process for site plan approval takes approximately 6 weeks to complete.

5. **Jim Beehler**, proposed purchaser of 7780 Ridge Road (current owner: Michael Farrell)  
Tax Acct. #054.04-1-32.21, Zoned RS-20  
Re: building a duplex (two-family residence) on site

J. Beehler stated that he would like to build a duplex/two-family residence on the above parcel. Discussion followed.

J. Beehler, stated in part, as follows:

- That he currently owns a couple of duplex units in Parma and he would like to replicate the build in Clarkson.
- That the tenants of his current duplexes divide the water expense, but each unit has its own gas/electric meter.
- That the proposed build has a 900 sq. ft. footprint, which is smaller and more compact than as shown on the current site plan.
- That he is looking at this build as an investment toward his retirement.

The Board added, in part, as follows:

- D. Osborne stated that it is an allowed use in RS-20 zoning but that it requires a Special Permit from the Planning Board.
- JP Schepp stated that the site is not really changing; however, since it is no longer a single-family dwelling, J. Beehler needs to contact the Monroe County Water Authority for two services at the site, as well as an additional sanitary lateral. Once he has obtained those approvals, he may make application to the Planning Board using the current site plan.
- Further, JP Schepp read aloud from R. Olson's letter dated 4/5/10, citing the standards and procedures as set forth in Section 140-38F of the Town Code as they pertain to Special Permits.
- The Planning Board process was explained to J. Beehler, including the required Public Hearing; that the Planning Board must consider all portions of Section 140-38F, as well as any concerns expressed by the public during the Public Hearing, in arriving at their decision regarding the Special Permit.

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6. **Joe & Debbie Palumbo**

Tax Acct. #053.01-1-7, Zoned HC

Re: Vacant parcel @ SW corner of Ridge Rd. & Redman Rd., 15.5 a. for potential build and/or business

J. Palumbo stated that his family resides on Pesh Homes Trail, and he is nearing retirement, and wishes to purchase land to build a 28' by 36' building for a new sporting goods business. J. Palumbo, C. Fabry, D. Osborne and JP Schepp spent some time reviewing the NYS wetland map and considering an area where it may be feasible to build.

Discussion included the following:

- That there are considerable environmental issues with this particular parcel.
- That approval would be required from the Army Corp of Engineers regarding the federal wetlands that border the property, and from the NYS Department of Environmental Conservation regarding the state wetlands on site.
- That the Department of Transportation needs to be contacted regarding driveway access.
- That the parking issue needs to be addressed.
- That J. Palumbo would be required to obtain Federal and NYS firearms permits in order to sell the same in the proposed store.

7. **Robert Foehner**, owner, 242 Lawton Road

Tax Acct. #040.01-1-10.2, Zoned RS-20

Re: Adjacent parcel owned by George Foehner, Tax Acct. 040.01-1-10.1

Discussion included the following:

- R. Foehner stated that he wishes to add 17' to the east side of his property to add on to his existing home.
- That he is exactly 10' from the property line now, and wishes to add 17' from his father's property to the east, in order to maintain the side setback requirement after the addition is completed.
- That his father's property is currently undeveloped and he will not be encumbering on a septic system or a well on the property.
- The Board agreed that R. Foehner needs to purchase the land from his father, obtain an instrument survey, and make application to the Planning Board for approval.

8. **Frank Fantigrossi**, owner, Lot 10A (5.023 a.), Section 3, Pesh Homesteads Subdivision

Tax Acct. #039.02-1-13; Zoned RS-20

Question re: future development of subdivision

F. Fantigrossi owns a parcel of land to the east of where the subdivision road ends. He inquired if the town knew if the rest of the subdivision would be completed and/or the road continued to include his property. Discussion included the following:

- Several others within that subdivision own most of the remaining lands.
- That approximately 5 years ago, another resident of that subdivision wanted to continue the road on the other side, and he was required to do all of the work himself (to the Town's specifications), and it was very costly.
- That he would have to do the same; that he would be required to extend the water line to the end of his property line as part of the road extension, and again, it would be very costly.

**REVIEW OF MEETING MINUTES from March 2, 2010**

J. Jackson made a motion to approve the minutes; second by S. Hanko; D. Osborne, J. Jackson, S. Hanko – aye; T. Schrage – abstained. Motion carried.

**NEXT MEETING:** April 20, 2010 at 7:00 p.m. D. Osborne, D. Virgilio and JP Schepp will be absent.

*Note: 4/20/10 meeting was cancelled.*

**ADJOURNMENT:**

T. Schrage made a motion to adjourn at 8:45 p.m.; second by J. Jackson; unanimously carried.

**Approved 5-4-10**

Respectfully submitted,

Ursula M. Liotta  
Building Department Coordinator