

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

May 4, 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 reviewed the agenda.

OPEN FORUM

1. **Theodore Antonucci/Double A Ranch**

Lawrence Road parcel adjacent to Double A Ranch Subdivision, Tax Acct. #031.03-1-7, Zoned RS-20
Re: Review of 1976 site plan (continuation)

T. Antonucci stated that he is still not resolved that the site plan for this matter is not grandfathered, and does not understand why the “grandfather clause” does not still pertain today. Further, he stated that he is paying taxes for an approved lot. R. Olson stated that he verified with the assessor that there is no difference between an empty lot and an approved building lot.

T. Antonucci stated that it was his understanding that Monroe County Health Department signed off on the project only after the lot was approved. R. Olson stated that Planning Board never approved that lot; that town code has changed since the Mylar was originally drawn in 1976; that it is up to the Planning Board to decide what direction Mr. Antonucci should take. T. Antonucci asked if this comes under a hardship rule. R. Olson stated that there is no hardship rule.

T. Antonucci asked what kind of compromise could be reached; that he has a site plan signed by Monroe County and Thomas Frazer, Engineer; that he hopes he does not have to start from the beginning with a new site plan; that he believes that he’s beyond that point. T. Antonucci said he may build a house there himself.

JP Schepp stated that the 1976 site plan shows a well, and there is now public water; that the site plan needs to be updated to include the public water supply and the town’s current standards. The rest of the plan is okay. JP Schepp stated that he spoke w/Darryl Moser, Engineer, and told him what needs to be done to bring the site plan compliant for the Planning Board.

C. Fabry asked if T. Antonucci needs to follow through with the Planning Board application process. After board discussion, it was concluded that T. Antonucci needs to prepare a Planning Board application and pay the application fee. Further, that the updated site plan and a short-form SEQQR need to be prepared for Conservation Board’s review on May 12, 2010. The Board agreed to schedule a public hearing for May 18, 2010.

OLD BUSINESS

1. **Theodore Antonucci, Sr. / Double A Ranch**

NW Corner of Lawrence Rd. & Clarkson Parma Town Line Rd., Tax Acct. #031.03-1-8.21, Zoned RS-20
Re: Review of Notice of Decision; Mylar

Darryl Carmichael presented the amended Mylar per the Notice of Decision dated December 18, 2009; that the terms and conditions of the Notice of Decision have been met to the satisfaction of the town engineer, town attorney and Planning Board. JP Schepp stated that he reviewed the letter of credit and the description for the drainage district; that a note regarding preserving the trees has been added to the site plan. JP Schepp stated that all is good. The Mylar was signed by those in attendance; the fully signed Mylar will be returned to the engineer upon the Town’s receipt of the payment for the outstanding disbursement bill.

NEW BUSINESS

1. **Bruce Kolb**, 3857 Redman Road, RS-20, Tax Acct. #053.03-1-1

Re: Lot line change

Rich Maier, surveyor, introduced the application on behalf of the Applicant; that the lot is currently 60.466 acres. It is proposed that 43.106 acres (Lot 2) be sold to Martin Farms for continued farming, and 17.298 acres (Lot 1) be retained by the Kolbs. The Mylar will show that Lot 2 is not an approved building lot.

JP Schepp stated that the Town is trying to create easements to the Town of Clarkson along creeks to allow the Town access to the creeks to maintain the same. He explained the purpose of the easement to the Kolbs, and the B. Kolb asked if he could build a bridge to go over the creek; yes. JP Schepp asked R. Maier to note the proposed 60’ drainage easement on the Mylar so that it will be noted by Monroe County at the time the Mylar is filed.

JP Schepp and R. Olson had no other issues with the subdivision. D. Osborne made a motion to waive further site plan review. Second by T. Schrage; unanimously carried.

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2. **Michael Farrell – Farrell Subdivision @ 7780 Ridge Road, Tax Acct. #054.04-1-32.21, Zoned RS-20**
Re: Special Permit Application for a two-family residence; Contractor: James Beehler

M. Farrell stated that J. Beehler has offered to purchase the property. After Board discussion, it was stated that there are no issues with the site plan or the house plans submitted, however, it does require a special permit and a public hearing. The public hearing will be scheduled for May 18, 2010. R. Olson suggested that J. Beehler and his attorney be familiar with the town code as it pertains to this special permit, in preparation for the public hearing.

J. Beehler stated that MCWA will only allow one service at the site, billable to the owner of the property. J. Beehler stated that he would divide the bill between the two tenants and add the cost onto the rent; that he will maintain the property.

OTHER

1. Review of proposed Local Law #2-2010
Advisory Report required from Planning Board per Town Code §140-47(C)

C. Fabry explained to the Planning Board that the proposed law amendment enables the Building Inspector to permit temporary signs for the transfer or lease of real property without going through the Zoning Board of Appeal application process; that a temporary sign permit application is required by the Building Department and a fee of \$150 will be charged; that the signs are not transferable, i.e. if the owner changes listing agents, that agent needs to apply for a new permit. The proposed law amendment reads as follows:

Local Law # 2-2010

***A LOCAL LAW TO ALLOW FOR TEMPORARY SIGNS FOR THE SALE OR
LEASE OF REAL PROPERTY IN THE TOWN OF CLARKSON***

Be it enacted by the Town Board of the Town of Clarkson:

Section 1. *This Local Law is enacted pursuant to the authority contained in Article 2 of the Municipal Home Rule Law of the State of New York and Article 16 of the New York State Town Law.*

Section 2. *That the purpose of this Local Law is to provide for an efficient method of issuing permits for temporary signs advertising the sale or lease of real property.*

Section 3. *The following paragraph is added to § 140-13 A of the Clarkson Code:*

(4) An application may be made to the Building Inspector for a permit to erect one temporary, non-illuminated sign with dimensions greater than six square feet but not to exceed 40 square feet advertising the sale or lease of real property. Permits for temporary signs shall be valid for a period not to exceed one year from the date of application. Permits are specific to the property, not to the bearer of the permit. The cost of said permit shall be established by resolution of the Town Board. In the event that the Building Inspector denies the application, the applicant may apply to the Zoning Board of Appeals for a sign permit.

Section 4. Severability. *The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.*

Section 5. *That this local law shall take effect immediately.*

As required by Clarkson Town Code §140-47(C), the Planning Board reviewed and discussed the proposed law amendment. T. Schrage made a motion that the Planning Board finds the purpose of the proposed law amendment to be a good idea, that it is in harmony with the Town's Comprehensive Plan, and hereby fully recommends the adoption of such proposed law amendment. Second by D. Virgilio; unanimously carried.

2. Discussion re: simple lot line changes – C. Fabry
Per Town Board workshop held on April 13, 2010

A copy of the recent Town Board approved Fee Schedule was provided to the Board members. C. Fabry explained the change in the fee schedule as it relates to the Planning Board applications for lot line changes not involving development; that it will allow for an easier process for residents to effectuate simple lot line changes. JP Schepp suggested that the Monroe County Department of Development and Planning be contacted with regard to a waiver allowing the town to be exempt from filing the referral form in matters such as these, in accordance with the NYS General Municipal Law Article 12b, Section 23m, 1(c). U. Liotta stated that she would contact Kathy Mahns @ MCDP&D to inquire regarding the waiver form.

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REVIEW OF MEETING MINUTES from April 8, 2010

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

NEXT MEETING: May 18, 2010 @ 7:00 p.m.

ADJOURNMENT:

T. Schrage made a motion to adjourn at 8:15 p.m.; second by J. Jackson; unanimously carried.

Approved 5-18-10

Respectfully submitted,

Ursula M. Liotta
Building Department Coordinator