

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

June 15, 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.

PUBLIC HEARING - continuation

1. **Theodore Antonucci, Sr. / Double A Ranch**, Tax Acct. #031.03-1-7, Zoned: RS-20
Antonucci Property (formerly Lasch property) Re: Site plan approval

D. Osborne stated that this was a continuation of the Public Hearing; that we are in receipt of Monroe County's response to the referral and they have approved the project; that this Board has already addressed SEQR.

David Matt, Schultz Associates, stated that he sent a response letter to Monroe County; that only a couple of minor changes need to be addressed, including labeling on the plan, and showing the neighbor's culvert on the plan per DOT's request; otherwise it is complete. J.P. Schepp stated that he had no further engineering concerns; he was just waiting for final approval.

No one from the public was present for comments. D. Osborne made a motion to close the Public Hearing; second by S. Hanko; unanimously carried.

S. Hanko made a motion to approve the site plan; second by T. Schrage; unanimously carried. D. Matt left the Mylar for signature by the town.

NEW BUSINESS

1. **James H. & Patricia B. Lugert** – presented by A.J. Barea – Application for lot line change
1147 Lawrence Road (combining 2 into 1), Zoned RS-20

A.J. Barea introduced himself and stated that the homeowners wish to combine two lots into one. He presented a color-coded map showing both parcels. R. Olson asked if there are houses or structures on the parcels, and A.J. Barea stated that the structures are shown on the map, a house and barn on the main parcel; the other lot is vacant; they want to keep a buffer with the houses to the West.

JP Schepp stated that there is a tributary to Moorman Creek; that he checked Monroe County's information and the tributary is numbered; that the town usually consults with the Highway Superintendent regarding maintenance because it is a County road. AJ Barea stated that it is not a flowing stream, but there is water in it; that the Lugerts keep the front ditch cleared, but the SW ditch is covered with trees, etc.; that he does not anticipate drainage problems; that there is a culvert on the neighbor's property that has recently been redone.

JP Schepp stated that AJ Barea needs to talk to Dave Goodwin, Highway Superintendent, to see if he has any concerns regarding access maintenance; that an easement to the town needs to be prepared with a generic description using the center line of the creek; that the easement must be recorded in the County Clerk's Office, and noted on the map prior to the Mylar being signed by the town.

D. Virgilio made a motion to waive SEQR and further site plan review; second by T. Schrage; unanimously carried.

2. **Mark & Wanda Swanson** – Application for lot line change
1166 Lawrence Road (dividing 1 into 2), Zoned RS-20

Rich Maier, DDS Engineers, introduced himself and stated that he was representing the Applicants with regard to the request for a lot line change. The Board reviewed the map showing the 43.932 acre lot being divided into Lot 1 area 12.375 a. & 5.557 a., and Lot 2 area 26.0 a.

JP Schepp stated that Lot 2 has a drainage ditch that makes an "S" curve from Lot 2 into Lot 1; that the Highway Superintendent needs to be consulted with regard to whether a drainage easement to the town is required. Also, the notation that Lot 2 is "not approved for building" needs to be added to the map prior to the Mylar being signed by the Town.

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

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

June 15, 2010

3. **Klaus & Debbie Pakusch** – presented by Rich Maier – Application for lot line change
363 Lawton Road (dividing 1 into 2), Zoned RS-20

R. Maier stated that the Applicants currently own the whole parcel (69.775 a.), and built a house on proposed Lot 1 (28.069 a.) as shown on the instrument survey provided to the Board; that they now wish to downsize and divide the parcel into two, and sell each piece individually. R. Maier further stated that proposed Lot 2 (41.706 a.) would be accessed by the 60' ROW on Lawton Road, but that Brockport Creek needs to be crossed; that Lot 2 is wooded and a snowmobile trail runs through the lot. JP Schepp stated that the creek runs mainly along the shared lots on the S side of Lawton Road, and discussion continued w/regard to where the Town may take an easement of the creek. The Board suggested that Conservation Board review the application, and their recommendation will be given to this Board at the next meeting.

OPEN FORUM

1. **George Gaylor**, 2515 Redman Road

G. Gaylor introduced himself and distributed copies of a site map of his two properties on Redman Road. He stated that he bought the properties from the original owner, and they had been one property since 1875. G. Gaylor understood that the original owner had trouble selling it and broke it into two parcels; but now he wants to put it back to one parcel. G. Gaylor stated that after his purchase of the lots, he asked the town to combine the lots and they did for one tax year, and then it went back to two lots. G. Gaylor wants to now return the two parcels to one.

G. Gaylor asked that the Planning Board requirements for the lot line change be waived; that he had met w/the Town Board on June 8 and requested that the Planning Board application fee be waived, and the Town Board waived the same; however, he was still required to appear before this Board to request that Planning Board's procedure be waived.

R. Olson asked G. Gaylor if he had any maps other than the tax map, and he did not. R. Olson reviewed the abstract that G. Gaylor brought with him, which included a tape map. He stated that the property was separated for purposes of the mortgage; that was the only reason it was divided; that the day it was sold to the Gaylors, it was one big parcel, but sold as two; that the property was not subdivide. G. Gaylor stated that the mortgage on the property is paid in full. R. Olson reviewed the criteria required by Monroe County to allow for the courtesy parcel combination, and this situation is appropriate. S. Hanko made a motion that Planning Board does not object to allowing the courtesy parcel combination as requested by G. Gaylor; second by D. Virgilio; unanimously carried. R. Olson stated that this Board would advise the Acting Assessor of its findings.

C. Fabry reiterated that this situation is different than any other lot line combination requests, in that G. Gaylor always owned both parcels as one, and an artificial line was placed between the parcels for mortgage purposes only.

R. Olson advised G. Gaylor that tonight's action will not impact the upcoming 2010/11 school tax bill or the 2011 town/county tax bill, but that it needs to be completed by the March 1, 2011 taxable status date.

MISCELLANEOUS

A.J. Barea asked for clarification of the application fees charged for "lot line change" applications; that he recalls it used to be \$150 not \$300. C. Fabry stated that the fee schedule reads "\$150 per lot affected", and in the Lugert's case, two lots were affected therefore the application fee was \$300. If 3 lots were affected, then the cost would be \$450; that the wording is a little different in the fee schedule approved 4-27-10, but in the Lugert's case the dollar amount worked out to be the same.

OTHER

1. **Brian & Rhonda Sweet**, Ashley's Place of Clarkson LLC - new restaurant at 8089 Ridge Road
Review layout and proposed parking

R. Sweet stated for the record, that her husband, Brian Sweet does not have an interest in the LLC.

D. Osborne stated that he understands that they are interested in opening a new restaurant in Scarpulla's old place. C. Fabry stated that they have planned seating for 24-30 people. R. Sweet stated that they are actually planning for 35-40. C. Fabry stated that Scarpullas did not have approval for arranged seating; that it was a deli for takeout; that Scarpullas had a couple of booths inside that weren't even on the original plan. Further, C. Fabry stated that he stopped in to visit the Sweets a couple of weeks ago and told them that they need to introduce themselves to the PB and discuss any requirements the Board may have, particularly with regard to parking and the intended occupancy; that essentially, the nature of the business is exactly the same; it's still a restaurant using the same equipment; the interior has been spruced up but the footprint is basically the same.

D. Osborne asked if the beauty parlor was still there. C. Fabry stated, yes, and it will be reopening in the hopes that the increase in traffic will promote business; that the beauty parlor is to the West of the restaurant; that there will be two businesses on site.

Regarding the parking, C. Fabry added that Mr. & Mrs. Sweet were also asking how much parking will be required of them. R. Sweet stated that the parking area to the East of the building is crushed stone. The Board stated that parking areas need to be paved per Town Code. JP Schepp stated that the Town is looking for a hard surface for the safety of its customers at a commercial development. R. Olson stated that from an environmental point of view, the

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

June 15, 2010

Town does not want areas paved if they are not going to be used. Further, that in the past this Board has referred similar matters to the ZBA, which may allow the applicants 1 or 2 years extension of time to pave the required parking spaces, in the hopes that the business succeeds. C. Fabry stated that he needs to calculate the number of spaces that will be required, but he estimated 40 spaces, which will cover the beauty salon as well. Discussion continued w/regard to the paved driveway to the West of the building, and whether that area could be utilized. B. Sweet stated that it is not wider than a driveway and is used to deliver to the rented businesses at the rear of the property.

JP Schepp stated that his only other engineering concern was with regard to handling grease and garbage. B. Sweet stated that the restaurant bathroom is connected to the septic, and the remainder of the restaurant is connected to the pump station; that the dumpster will be the W side behind the gate, out of view.

Further, JP Schepp stated that he recalls that Scarpullas had substantial lighting in the parking area; that he is concerned about the safety of the customers walking from the gravel spaces. B. Sweet stated that there is a large light on the East side of the property that will sufficiently light up the gravel parking area and the building.

Discussion continued with regard to the business hours and the type of food that they plan to serve, and the beer and wine license; that they intend to open on Tuesday, July 6, 2010.

Old Business

1. **J. Tschiderer**, 170 Lawton Rd. - status of fill permit completion (extension expired 6/1/10)

C. Fabry stated that he visited the site and the work related to the fill permit is complete. The file will be closed.

2. **Oak Orchard Community Health Center** – review MCDP&D’s response to referral

The Board received and reviewed Monroe County’s response to the referral, as well as Marathon Engineering’s response to the comments of that report.

3. **Jubilee Christian Church**, 3565 Lake Road – the Mylar was signed.

REVIEW OF MEETING MINUTES from May 18, 2010

D. Osborne made a motion to approve the minutes; second by S. Hanko; unanimously carried.

NEXT MEETING:

D. Osborne made a motion to cancel the July 6, 2010 meeting due to the Fourth of July Holiday; second by D. Virgilio; unanimously carried. The next regularly scheduled meeting will be held on July 20, 2010 @ 7:00 p.m.

ADJOURNMENT:

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

Approved 7/20/10

Respectfully submitted,

Ursula M. Liotta
Building Department Coordinator