

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

August 3, 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., led all present in reciting the Pledge of Allegiance and reviewed the agenda.

OPEN FORUM

1. **Terence & Kathleen Anderson**

Owners of Lot B (26.187 a.) Drake Road, Tax Acct. #039.04-1-6.1

Present: Daryl Carmichael re: proposed revision to site plan approved 12-15-87

D. Carmichael introduced himself and stated that he is representing Mr. & Mrs. Anderson who are the owners of the above noted Lot B on Drake Road. They wish to amend the site plan by shortening the driveway, moving the house 600' forward, and adding a barn which will be 100' from the lot line. D. Carmichael questioned whether he needs to develop a new site plan, and whether it will require the Planning Board process for site plan approval. Discussion followed, including:

- Drake Road is a town road and zoned RS-20.
- If the property is treated like a flag lot, the frontage required per town code is 100'; this lot has 191.36' frontage on Drake Road.
- There will be a well on the property.
- JP Schepp stated that the changes requested are significant from what was originally approved, and will require a new site plan, Planning Board application and approval.
- The Board asked that a "snake belly" be added to the driveway in the new map.
- The existing house on Lot A has no bearing on the proposal for Lot B.

OLD BUSINESS

1. **New Beginnings Christian Fellowship**, 7397 Ridge Road

a. Status report of 25 unpaved parking spots per Notice of Decision dated 4-16-09

b. Address conditional c/o issued until 9-30-10

Kris Schultz, Schultz Associates, stated in part, as follows:

- that the original plans included a sanitary sewer forcemain on the back of the lot, but that they were unsuccessful in obtaining the necessary private sewer easements;
- that the route of the forcemain is now planned to be within the right-of-way on Ridge Road, and this location is better for the Town;
- that the plans for the forcemain have been approved by NYSDOT, and they need Clarkson's Highway Department's acknowledgement that they agree with the plan;
- that the work on the forcemain is scheduled for spring 2011;
- that the adjacent landowners will be contacted to see if they wish to join the proposed sanitary sewer district, which must be in place before the sanitary forcemain can be completed for use;
- that he knows that the Garland Restaurant is very interested in joining, and the residents closer to Sweden Walker Road may be able to connect to the district as well;
- that the maintenance of the forcemain is very minimal; it is the private owners' responsibility, with none to the Town; estimated cost to the homeowners is \$3-4,000 for the tank and pump;
- that Bob Crowley is inspecting the existing leach system every 90 days (last date 7-23-10) and pumps the septic tank when necessary; that there is an alarm on the system; that there have been no issues to date with the septic system; that with proper monitoring, he is confident that the existing system will last until next spring; and

Further;

- that the parking lot expansion that was approved as part of the original site plan has been started, with the final paving to be completed in the Spring 2011 after the lot has had a chance to settle.
- that at this time, the client is asking for an extension of time from the September 30, 2010 deadline per the Conditional Certificate of Occupancy. C. Fabry has no problem with the extension of time.

J. Jackson made a motion to extend the deadline of the Conditional Certificate of Occupancy to September 30, 2011; second by D. Virgilio; unanimously carried.

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OTHER

1. Bruce Kolb, 3857 Redman Road, stated that he first appeared before this Board on May 4, 2010 with his surveyor, Rich Maier, with regard to his Planning Board application to request a lot line change to allow for the sale of the newly created parcel to the Martins, who have been farming the land for years. At the meeting, they were advised that an easement to the town was required with regard to the creek that runs through the property. Mr. Kolb stated that he was apprehensive to agree to the easement because he did not want to hire an attorney and pay for the paperwork required; that the creek is not on the land he is selling, so he didn't understand why he needed the easement; that what was intended to be a simple straight-forward deal has taken 2-3 months to complete; that as a citizen of this town, he wanted guidance from the Board on May 4th, but he left the meeting not knowing what exactly needed to be done; that it would have been nicer if he, as the landowner, knew exactly what needed to be done.

R. Olson stated that NYS Code and Town Code require easements whenever a subdivision is proposed, and that surveyors are familiar with the process. In Mr. Kolb's case, his attorney suggested that a "how to access the property" provision be added to the easement, thereby creating an Easement Agreement, and that is what took the extra time. Further, that the cost to record the easement is approximately \$45.

JP Schepp added that Mr. Kolb's matter is not unusual; that the Town tries to get easements within subdivisions when they are created; that surveyors almost always do the description for the easements; some are very simple descriptions, but it is based on the location of the creek; that the recording process is usually simple and it should not have been this difficult.

Mr. Kolb thanked the Board for listening and explaining.

2. C. Fabry stated that Joe Heberle is renting and farming Ed Bolling's land on Ridge Road, but not renting the house on site where E. Bolling still lives.

Question: is Heberle allowed to sell the produce he is growing on the farm at the property site even if Heberle doesn't own the property? Heberle has put up a sign to advertise the sale of the produce.

R. Olson stated yes; that leasing is a form of ownership for the specific period of time (term) of the lease. He suggested that C. Fabry obtain a copy of the lease for the property file.

REVIEW OF MEETING MINUTES from July 20, 2010

D. Osborne made a motion to approve the minutes; second by J. Jackson; unanimously carried.

NEXT MEETING: August 17, 2010

ADJOURNMENT:

D. Virgilio made a motion to adjourn at 8:00 p.m.; second by S. Hanko; unanimously carried.

Approved 8-17-10

Respectfully submitted,

Ursula M. Liotta
Building Department Coordinator