

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

August 17, 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. **Judith Andrew & Karen Benson**  
228 Gilmore Road, Tax Acct. #054.02-1-11.11, Zoned: RS-20  
Lightways Peaceful Journey New Age shop

D. Osborne stated at the onset that he is acquainted with J. Andrew and K. Benson. He asked that they explain to the Board why they were present this evening.

K. Benson stated that they have lived in the Town of Clarkson for 26 years. She read aloud a prepared statement, summarized in part as follows:

- That they have been very content in this community, and it is their intention to give back.
- That they have enjoyed and tended to their 130 year old farmhouse, barns and property.
- That the land, with its many trails, has given them a healing space that they would like to share with others.
- That people are invited to walk in nature and stop at benches to relax along the way, at no charge.
- That the items in the barn are offered as extensions and reminders (souvenir) of what they hope will be a rewarding experience for others.
- That they are charging for these items so that they may be replenished; that it is not intended to be a money making venture.
- That they are requesting a “special permit” to offer to others the healing power of nature, and the library in the barn as a haven.
- That they wish to operate three days per week.

J. Andrew stated that she spoke with U. Liotta in the Building Department in January; that they were just making improvements, although now they realize that they did not follow the proper steps with obtaining permission from the Town; that they apologize for not following procedures, but want to know what they need to do now to rectify this matter.

C. Fabry stated that he has researched the Town Code on their behalf trying to find a provision for what they want to do in the RS-20 zoning, but there is nothing that fits. There is no law that says that people cannot come and walk around their property, but they need to check their liability insurance regarding proper coverage.

D. Virgilio asked for an explanation of what happens in the barn. K. Benson stated that they are offering a place upstairs in the barn for relaxation and for reading of books; something to do to continue the healing that started on the land. C. Fabry stated that by doing so, they now have turned the barn into a place of “assembly” or a gathering place with accessibility issues, and it needs to meet the requirements of NYS code.

C. Fabry also stated that their plan does not fall under the Town Code for Customary Home Occupations (CHO), and U. Liotta explained how their plan does not fit the required criteria.

D. Osborne summarized the email received from the Town Attorney, as follows:

- That it does not meet the definition of a CHO;
- That it looks like retail, and he questioned if food is being sold. Answer: no
- That it is not agricultural by standard definitions;
- That what was 20 years ago as pre-existing non-conforming use has since expired;
- Possible avenues: rezoning (Town Board); Use Variance (ZBA); however, very difficult to prove.

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D. Osborne also added JP Schepp's comments, which stated in part, that if the project were to move forward and a site plan is prepared, the engineering issues would include,

- parking
- ingress, egress
- lighting
- pedestrian/customer access
- hours of operation
- capacity of wastewater system and capacity of water supply
- Otis Creek runs though the W side and there are federal wetlands at the NW corner of the site
- any proposed site improvements
- buffers

After further Board discussion, the residents were advised that there is no "Special Permit" that fits what they wish to do with their land based on the RS-20 zoning; that they are not allowed signs for advertisement; that they need to be careful about the neighborhood. It was suggested that the residents prepare a more thorough business plan to present to this Board and the Town Attorney at the next meeting scheduled for September 7, 2010, to include:

- that it is a small operation for free
- that they will be open 3 days per week (Th, Fri, Sat, 10-5)
- that they can sell what they grow, but otherwise, will have no retail sales
- that perhaps they will consider online sales
- that they will accept donations
- that they will limit the visitors to the land
- that they will have a plan for ingress & egress, and parking

**OLD BUSINESS**

**NEW BUSINESS**

**OTHER**

**REVIEW OF MEETING MINUTES from August 3, 2010**

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

**NEXT MEETING:** September 7, 2010

**ADJOURNMENT:**

T. Schrage made a motion to adjourn at 7:45 p.m.; second by D. Virgilio; unanimously carried.

**Approved 9-21-10**

Respectfully submitted,

Ursula M. Liotta  
Building Department Coordinator