

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

January 17, 2012

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, Administrative Assistant
*excused

CALL TO ORDER

The meeting was called to order at 7:00 p.m. D. Osborne led in the Pledge of Allegiance, and reviewed the agenda.

PUBLIC HEARING

1. **Rodney J. Neri**, owner, 1271 Drake Road, Tax ID #028.04-1-4, Zoned RS-20
Re: Special Permit – Single apartment in single family home

D. Osborne opened the Public Hearing by reading the legal notice, and he asked R. Neri to briefly explain why he made application to the Town for the Special Permit. R. Neri stated that he needed the Special Permit because the bank required it in order to refinance his mortgage. He does not intend to rent the unit for profit; it is currently being used by a family friend.

D. Osborne stated that some neighbors have expressed their concern about overflow parking being on the road when his driveway is full. R. Neri stated that the driveway is 2.5 cars wide, with 6 parking spots on the side; that his daughter no longer lives there, and the house remodeling is complete, so the number of cars has been cut dramatically; that there should be no parking issues in the future requiring visitors to park on the road.

D. Osborne made a motion stating that this is an unlisted action and requires no further review. Second by S. Hanko; unanimously carried.

No Public was present. D. Virgilio made a motion to close the Public Hearing; second by T. Schrage; unanimously carried.

After further discussion, Planning Board granted the application for a Special Permit. T. Schrage made a motion as follows:

1. That it is specific only to the single apartment in the premises, not the main residence/living area of the Owner; and
2. That pursuant to §140-22 (B) (2) (c), the Owner is the main resident, and the external appearance of the house is that of a single-family dwelling; and
3. That no “for rent” or “for lease” signs are permitted for posting on the house or in the yard, nor shall the single apartment have a separate house number; and
4. That pursuant to §140-38(F)(1)(d) this Special Permit will not be detrimental to the flow of traffic in the vicinity, or, in the case of major roads operating above 90% of their peak-hour capacity, does not generate a greater amount of traffic than a normally permitted use; and
5. That this Special Permit is automatically renewable every two (2) years so long as Owner resides on the premises, and has not violated the other terms and conditions of this Special Permit, and does not sell the property; and
6. That this Special Permit shall be revoked if any of the conditions stated herein are violated.

The motion was second by D. Virgilio; unanimously carried.

Open Forum

1. **John Culhane**, 21 Scarlet Pine Circle, Tax ID#054.01-1-3, Zoned RS-10- flood zone issue

J.P. Schepp stated that according to the instructions for the Elevation Certificate form (FEMA Form 81-31), it does not provide a waiver for flood insurance. Per Board discussion, the Town cannot accept liability and sign off on the form.

2. **Cory Spalty**, proposed tenant at 2176 Lake Road, Tax ID#029.03-1-31, Zoned RS-10 (Dan Hale, owner)

C. Spalty introduced himself and stated that he owns a dental lab company called “Sugartree Orthodontic Laboratories”; that he is currently doing business out of his home, but he wishes to lease Suite 4, upper level, at the address noted above because he needs more space to grow his business

Board discussion with C. Spalty included:

- that his business is an off-shoot of the dental field; that he has no employees; it is family-run; that he may add 1 or 2 employees within the next two years if his business can be in a larger space.

TOWN OF CLARKSON
PLANNING BOARD – MINUTES

January 17, 2012

- that his specialty is orthodontics, i.e. holding teeth; he makes bonded retainers that are not removable; that most of the work he does is figuring out what is needed by a doctor, and then he fabricating it.
- that he uses very few chemicals and compounds, and in very small amounts; he also uses metals and vacuum formed acrylic to create the custom orthodontic appliances; that he does not need a license to purchase the materials that he uses, and buys only what he needs to use; he does not buy large quantities; that the orthodontic appliances are cured with heat, time and pressure.
- that he uses a range hood vented to the outside, like a dryer vent, with a small fan to disperse any odors; and he uses a pan-style air compressor (20-50 gal), a small soldering gun (he solders on slate), a small butane torch, commonly used with crafts, gloves and goggles; that he is interested in mitigating any vibration caused by the compressor.
- that there is no foot traffic to his business, but that he occasionally receives deliveries via UPS or USPS.

R. Olson stated that the property is zoned RS-10 and that it may fall under “office building” for allowed use.

C. Fabry stated that the office space he wishes to lease is in a multiple occupancy building, and it is not sprinkled; that the business is similar to manufacturing, and he needs to review the NYS Building Code for its proper classification.

C. Fabry asked C. Spalty to provide the MSDS information (Material Safety Data Sheet) for the products that he uses. R. Olson stated that C. Fabry will review that information to see where it fits under the NYS Building Code, and this Board must decide if the business is more of a dental office than manufacturing. The Board agreed to schedule the Public Hearing for February 7, 2012, and C. Spalty needs to formally make application to the Planning Board in the meantime.

Old Business

1. **Brockport Federal Credit Union, 400 West Ave., Tax ID#068.02-1-43.13 – status report**

R. Olson stated that he has spoken with Kris Schultz, engineer. BFCU needs to post a letter of credit or a deposit to get the work done, or get Monroe County DOT to remove the requirement. Someone other than the Town needs to pursue Brian Blake as the developer, and compel him to provide the shoulder improvements on West Avenue as set out in MCDOT’s letter dated October 9, 2009. Supervisor Kimball agrees.

Other

1. **Review of options for West Avenue parcel #067.02-1-2.211 – status from R. Olson**
Owners: Emily Koresko & John Cahoon

R. Olson has spoken w/Shawn Koresko and his attorney, Peter Skivington. He told them that the Town is willing to work with the owners in creating access, but numerous restrictions would be noted on the map.

2. **Review letter from Town Board re: future PB meetings & payment change.**

The Board members reviewed and discussed the recent letter received from the Town Board (email dated 1-11-12). They questioned:

- whether they will be paid if a meeting is cancelled due to a holiday; and
- how many meetings are board members required to attend per year.

3. **Continued review of Zoning Code**

C. Fabry stated that he is 2/3 of the way through comparing Town code definitions with NYS building code; to be reviewed at next meeting on February 7, 2012.

REVIEW OF MEETING MINUTES: January 3, 2012

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

NEXT MEETING: February 7, 2012

ADJOURNMENT: D. Osborne made a motion to adjourn at 8:10 p.m.; second by T. Schrage; unanimously carried.

Approved 2-7-12

Respectfully submitted,

Ursula M. Liotta
Administrative Assistant