

TOWN OF CLARKSON  
TOWN BOARD MEETING  
March 12, 2013

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, March 12, 2013 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Paul Kimball	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Scott Tantalo	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Supt.
** Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Ass't to Supervisor
Christopher Lyon	Assessor
Chad Fabry	Building Insp/Code Enf.

\*\*excused

Supervisor Kimball opened the meeting, and Sharon Mattison, Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military.

**OPEN FORUM**

No one spoke.

**PUBLIC HEARING ON PROPOSED REZONING FROM HC TO RS10:**

Supervisor Kimball stated the objective of the public hearing is to consider the application of Outlook Development, LLC, 62 Lagrange Avenue, Rochester, NY 14613 to rezone a parcel of land from Highway Commercial (HC) to Suburban Residential (RS-10). The parcel of land is located on Sunset Center Lane, north of West Avenue. Carl Grasta of Gardenway Developers and Kris Schultz of Schultz Associates were both present.

Supervisor Kimball opened the public hearing at 6:05 PM. No one spoke. Supervisor Kimball closed the public hearing at 6:07 PM. Councilperson Didas questioned the type of apartments being built. Carl Grasta stated that the apartments will be marketed and maintained as higher end apartments and is confident there will be no problem keeping them rented. At this time he has several signed leases with a tentative move in date of August 2013.

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR")-  
DETERMINATION OF NONSIGNIFICANCE (NEGATIVE DECLARATION)**

**PRESENT:** Supervisor Kimball, Councilperson Hoy, Filipowicz, Didas and Tantalo

**ABSENT:** None

Introduced By: Councilperson Hoy  
Seconded By: Councilperson Tantalo

**WHEREAS**, the Town of Clarkson, has before it a resolution to rezone a parcel of land on Sunset Center Lane from Highway Commercial (HC) to Suburban Residential (RS-10).

**WHEREAS**, the Town Board has determined that it is the agency for purposes of SEQR review with respect to the rezoning of this parcel; and

**03.12.13**

**WHEREAS**, the Town Board has determined that the action is an unlisted action pursuant to SEQR; and

**WHEREAS**, the board has reviewed the Environment Assessment form on file in the Town Office; and

**WHEREAS**, on this date, March 12, 2013, at a special meeting, the Town Board conducted the required SEQR review process by completing Part 3 of the Environmental Assessment Form.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby finds:

**SECTION 1.** Based on its review of all of the evidence submitted and reviewed, and based upon the Town Board's own deliberations and its review of the Environmental Assessment Form for the proposed action, the Town Board has determined that the proposed action will not have a significant impact on the environment and that a negative declaration is hereby issued for the rezoning.

**SECTION 2.** This notice of this determination of non-significance shall be filed as required by SEQR.

**SECTION 3.** The foregoing resolution was approved as follows:

Vote of the Board

Ayes: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Tantalo

Nays: None

**RESOLUTION REZONING PARCEL OF LAND ON SUNSET CENTER LANE FROM HIGHWAY COMMERCIAL TO RS-10**

**PRESENT:** Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Tantalo

**ABSENT:** None

Introduced by: Councilperson Tantalo

Seconded by: Councilperson Hoy

**Whereas**, The owner of the subject parcel has applied to the Town Board to rezone the following land from Highway Commercial (HC) to Suburban Residential (RS-10):

All that tract or parcel of land situated in part of Town Lot 10, Township 4, Section 5, Triangular Tract, Town of Clarkson, State of New York, and more particularly described as follows:

Commencing at the intersection of the north right of way of West Avenue (State Route 31) and the east right of way of Sunset Center Lane, thence; northerly along the east right of way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 255.00 feet

to a point at the southwest corner of Lot 1 of the Brockport Federal Credit Union Subdivision, said point being the point and place of beginning of this description, thence;

1. Continuing northerly along the east right of way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 260.00 feet to a point on the south line of lands formerly of Mahlon Blake, thence;
2. Easterly along the south line of said Blake on a bearing of N 89° 19' 10" E, a distance of 400.00 feet to a point at the northwest corner of lands formerly of Scott Arend, thence;

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3. Southerly along the west line of said Scott Arend and lands now or formerly of Cortland F. Fowler on a bearing of S 00° 40' 50" E, a distance of 260.00 feet to a point on the north line of Lot 2 of said subdivision, thence;
4. Westerly along the north line of Lots 2 and 3 of said subdivision on a bearing of S 84° 19' 10" W, a distance of 400.00 feet to a point on the east right of way of Sunset Center Lane, said point being the true point and place of beginning, having an area of 104,000 sq. ft., 2.388 acres more or less.

Intending to describe a portion of lands conveyed to the Brockport Federal Credit Union in Liber 10657 of deeds, page 299 being shown as Lot 1 of the "Brockport Federal Credit Union Subdivision" filed with the Monroe County Clerk on July 16, 2009 in Liber 337 of Maps, Page 16.

Tax Account Number: 068.02-1-43.11

Address: Sunset Center Lane, North of West Avenue

and

**Whereas**, the Town Board of the Town of Clarkson has held a public hearing to consider said proposed rezoning; and

**Whereas**, this Board has by a prior resolution determined that this action will not have a negative impact on the environment; and

**Whereas**, this action is consistent with the Comprehensive Plan of the Town of Clarkson; and

**Whereas**, the notice of this hearing was duly published and posted as required by law;

**Now, therefore**, be it resolved:

**Section 1.** That the Town Board of the Town of Clarkson hereby enacts rezones the following parcel of land from Highway Commercial (HC) to Suburban Residential (RS-10):

All that tract or parcel of land situated in part of Town Lot 10, Township 4, Section 5, Triangular Tract, Town of Clarkson, State of New York, and more particularly described as follows:

Commencing at the intersection of the north right of way of West Avenue (State Route 31) and the east right of way of Sunset Center Lane, thence; northerly along the east right of way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 255.00 feet to a point at the southwest corner of Lot 1 of the Brockport Federal Credit Union Subdivision, said point being the point and place of beginning of this description, thence;

5. Continuing northerly along the east right of way of Sunset Center Lane on a bearing of N 00° 40' 50" W, a distance of 260.00 feet to a point on the south line of lands formerly of Mahlon Blake, thence;
6. Easterly along the south line of said Blake on a bearing of N 89° 19' 10" E, a distance of 400.00 feet to a point at the northwest corner of lands formerly of Scott Arend, thence;
7. Southerly along the west line of said Scott Arend and lands now or formerly of Cortland F. Fowler on a bearing of S 00° 40' 50" E, a distance of 260.00 feet to a point on the north line of Lot 2 of said subdivision, thence;

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8. Westerly along the north line of Lots 2 and 3 of said subdivision on a bearing of S 84° 19' 10" W, a distance of 400.00 feet to a point on the east right of way of Sunset Center Lane, said point being the true point and place of beginning, having an area of 104,000 sq. ft., 2.388 acres more or less.

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Tax Account Number: 068.02-1-43.11

**Section 2.** That the Town Clerk is ordered to publish a legal notice indicating this rezoning and to notify the Town Engineer to update the official map of the town to reflect this change

**Section 3.** That this resolution shall take effect immediately

**Vote of the Board**

Ayes: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Tantalo

Nays: None

Discussion: Kris Schultz, Engineer questioned the Board as to when the application fees are due. Schultz stated that he has found from other towns that normal practice is to pay in phases as the project is being developed. The Board determined that the application fees are to be paid in their entirety before the project begins and that engineering and attorney fees are separate and are to be paid at the time they are incurred throughout the life of the project.

**RESOLUTION-APPOINTMENT ASSESSOR**

BE IT RESOLVED AS FOLLOWS:

Section 1. That Christopher D. Lyon, 1629 Sweets Corners Rd., Town of Perinton, be and is hereby appointed as Assessor for the Town of Clarkson. This appointment shall become effective October 1, 2013; six-year term to expire September 30, 2019

Section 2. That this resolution shall take effect immediately.

Motion for adoption of this resolution by Councilperson Hoy

Second by Councilperson Didas

**VOTE BY ROLL CALL AND RECORD**

Councilperson Filipowicz	<u>Aye</u>	Councilperson Hoy	<u>Aye</u>
Councilperson Didas	<u>Aye</u>	Supervisor Kimball	<u>Aye</u>
Councilperson Tantalo	<u>Aye</u>		

**AUTHORIZATION FOR KRISTIN COON TO ATTEND PERMA CONFERENCE**

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To authorize Kristin Coon to attend PERMA conference May 23-24.

Unanimously carried

**J. O'CONNELL & ASSOCIATES GRANT SERVICES CONTRACT**

The Board has requested that J. O'Connell appear before the Board on March 26<sup>th</sup> with a report summarizing grants the Town has utilized in the past as well as any potential grant opportunities moving forward. Supervisor Kimball will speak with them regarding a hazardous materials collection grant.

**BUILDING INSPECTOR REPORTS**

C. Fabry stated that there is a hard push to break ground on the Autumn Woods project.

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**ASSESSOR REPORTS**

C. Lyon thanked the Board for his reappointment and stated that he is busy updating the 2013 assessment roll.

**TOWN CLERK REPORTS**

S. Mattison reported that 420 transfer station permits have been sold to date. Board meetings are now listed in the "Weekly Agenda" of the D&C. Sharon is working with webmaster, Waylen Bray on updating our webpage to include additional lodge rental information.

**HIGHWAY SUPT. REPORTS**

Supt. Viscardi and retired Supt. Goodwin, along with 600 other highway officials, recently attended Advocacy Days in Albany. The purpose of this event was to increase CHIP funding; they are looking for a 50 to 70 million dollar increase.

**MOTION AUTHORIZING PURCHASE OF LODGE SIGN**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize the purchase of a sign for the Goodwin Lodge from LONOWOOD Art Company. The total cost of the sign is \$935 delivered. The sign will be carved from HDU and painted. It will be 10 feet wide by 17 inches high.

Unanimously carried

**MOTION AUTHORIZING PURCHASE OF LODGE RENTAL SIGN**

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To purchase sign from LONOWOOD Art Co. advertising contact information for lodge rentals. The sign will hang below the Recreation Park sign at Ridgewood.

Unanimously carried

Discussion: K. Coon and Supt. Viscardi will finalize sign details.

**MINUTES**

Motion by Councilperson Didas

Seconded by Councilperson Tantalo

To approve February 26, 2013 minutes.

Unanimously carried

**AUDIT—03-1-2013**

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 03-1-2013 to include the following:

Vouchers 20130227-20130269; Total \$36,850.80; Gen. \$15,824.18; Hwy. \$17,724.15; SL \$3,302.47

For distribution checks from 24980 - 25015

Unanimously carried

**EXECUTIVE SESSION**

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To enter executive session at 6:35 P.M. to discuss possible litigation.

Unanimously carried

**RETURN TO REGULAR SESSION**

Motion by Councilperson Hoy

Seconded by Councilperson Tantalo

To return to regular session at 6:40 P.M.

Unanimously carried

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**MOTION TO ADJOURN**

Motion to adjourn at 6:40 P.M. by Councilperson Hoy  
Seconded by Councilperson Didas  
Unanimously carried

Respectfully submitted,

*Sharon S. Mattison*  
Town Clerk

APPROVED 04-09-2013