

**TOWN OF CLARKSON - PLANNING BOARD MINUTES**  
**Clarkson Town Hall, 3710 Lake Road, Clarkson, NY 14430**

May 21, 2013 @ 7:00 p.m.

**Chairperson** Donald Osborne, Acting Chairman,  
**Members** David Virgilio, John Jackson

**Support** J.P. Schepp, Town Engineer Richard Olson, Attorney  
Chad Fabry, Code Enforcement Colleen Rogers, Building Coordinator

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**Pledge of Allegiance**

**Open Forum**

**Public Hearing: D. Osborne read the legal notices and proceeded with the following:**

**Bergquist-Missel. 3400 Monroe-Orleans Line Rd, Application to subdivide existing parcel into two lots. Lot one to contain 15 +/- acres and lot two to contain 101.0 acres. Zoned Recreation Conservation.**

**D. Osborne asked for any public comments on the application? NONE**

The board reviewed the comments from Monroe County and the Town Engineer. The Mylar must be revised to indicate that Lot 2 is NOT an approved building lot.

**Motion by D. Virgilio to close the Public Hearing. Second by J. Jackson. Carried.**

**Motion to approve the application by J. Jackson. Second by D. Virgilio Carried.**

**Melens Subdivision, Lake Rd. Tax Id 040.03-1-10.21. (John Clarke DDS Engineers)**

The proposed development includes the construction of a new 1,492 SF home and associated utility services and new driveway with connection to Lake Road. The project also proposes to install a 638 LF of new private sanitary force main and sanitary pump system, which is proposed to be connected to the existing sanitary manhole located in front of 3105 Lake Rd.

Discussion on the easements that need to be recorded and a NYSDOT driveway permit must be obtained. DDS Engineers will attend the next Town Board meeting to discuss an agreement on the sanitary sewer. No comments from the public.

**Motion by D. Virgilio to close the public hearing. Second by J. Jackson.**

**Motion by J. Jackson to approve the application with the following conditions:**

- **Subject to working out easement details with the Town Board.**

**Second by D. Virgilio. Carried.**

**Filippetti Development Lawrence Rd. Tax Id# 029.04-1-14.104**

The proposed development includes the construction of a new 3800 SF home; private septic system associated utility services and new driveway with connection to Lawrence Road. The project also proposes the excavation of a fill pond to the rear of the proposed house. Engineering comments have been addressed.

**Motion to close the public hearing and declare this an unlisted SEQR. Second by J. Jackson. Carried.**

**Motion to approve the application by D. Virgilio. Second by J. Jackson. Carried.**

**Old Business:**

**Salvatore Stalteri, 68 St. Katherine Way. Zoned RS-10**

The applicant is seeking a Special Permit for a pre-existing apartment within the single family dwelling Pursuant to §140-22 – (2), (c) of the Clarkson Town Code. Mr. Stalteri is selling the property would like to bring the residence into conformity for mortgage purposes.

D. Osborne asked if there were any comments from the public on this application. No comments.

**RESOLUTION RECOGNIZING TYPE II SEQRA ACTION**

**WHEREAS**, the Planning Board, by authority of 6 NYCRR 617.5(b) has the authority to expand its own list of Type II actions beyond the list of Type II actions presently found in 6 NYCRR 617.5(c); and

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**WHEREAS**, the Planning Board finds that the application for, and granting of, a Special Permit for a single apartment in a single family dwelling in accordance with §140-22B(2)(c) and §140-38F of the Zoning Code:

- a) Does not have a significant adverse impact on the environment based on the criteria contained in 6NYCRR 617.7(c); and
- b) Is similar to the Type II Actions as set forth in 6 NYCRR 617.5(c)(1), 6 NYCRR 617.5(c)(2) and 6 NYCRR 617.5(c)(9); and
- c) Is not a Type I action

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Board classifies a Special Permit for a single apartment in a single family dwelling to be a Type II Action under the SEQR regulations; and be it further

**RESOLVED**, that a Type II classification concludes the Planning Board's obligations under SEQR.

**Vote of the Board:**

**AYE: D. Osborne, D. Virgilio & J. Jackson**

**NAY: None**

**ABSENT: S. Hanko**

**Members of the Planning Board of  
The Town of Clarkson, Monroe  
County, New York.**

Motion by D. Virgilio

Seconded by J. Jackson

Whereas, Salvatore Stalteri has applied for a Special Permit pursuant to §140-22B(2)(c) and §140-38F for a Special Permit for a single apartment in a single family home at 68 St. Katherine Way, Clarkson (tax ID: 054.14-1-5.11); and

Whereas, after due notice, this Board conducted a public hearing on this application on May 7, 2013 at which time all persons wishing to be heard were heard; and

Whereas, this Board, having considered all of the input at the public hearing, having reviewed the Clarkson Zoning Code and having considered the past experience of the Board and the Building Department and Code Enforcement Officer with this type of application, makes the following findings:

1. That the original Certificate of Occupancy for this property was for a single family home with an apartment. That use continued until the death of the owners in or around 2009
2. That there are no records on file in the Town of Clarkson indicating that the property was granted a Special Permit for this use. Even if such a permit had been issued, it would have expired as the property has not been used in such a fashion for more than six (6) months.
3. That it is uncontroverted that the property was constructed as a single family home with a single apartment.
4. There have been a series of violations with the property and it appears that this was related to an occupant of the property and not the use of the property.
5. The Town of Clarkson has several single family homes with single apartments in the Town operating with Special Use Permits pursuant to §140-22B(2)(c). In reviewing their history there have been no more problems with this use, proportionate to other uses, such as single family homes without apartments, two family homes or multiple family dwellings.
6. That with respect to §140-38F of the Clarkson Code the board finds as follows:
  - a. Taking into account the nature of the use and the past history of this property, that the proposed use is in harmony with the general purpose and intent of this chapter.
  - b. That the proposed use will not tend to depreciate the value of adjacent properties.
  - c. That the proposed use will not create a hazard to health, safety or general welfare.
  - d. That the proposed use will not be detrimental to the flow of traffic.
  - e. That the proposed use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

Now, therefore, on the basis of the above findings arrived at after consideration of all of the information before this Board, the application of Salvatore Stalteri for a single family apartment in a single family dwelling located at 68 St. Katherine Way is approved, subject to the following:

- a. The owner(s) of the property shall at all times reside in the property as the main resident(s);

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- b. The external appearance of the home shall be as a single family dwelling and no changes to the external appearance shall be made without further application and approval by this Board.
- c. There shall be no “for rent” “for lease” or similar signs on the property;
- d. That the maximum number of occupants in the single apartment shall be determined by the New York State Building Code;
- e. That there be sufficient off street parking to accommodate vehicles of the main resident(s) and the occupant(s) of the single apartment provided, however, that there shall be no expansion of the existing parking area without further approval of this board.
- f. That in accordance with §140-38F(2) should this use cease for six (6) months, this Special Permit shall expire.
- g. That this Special Permit shall be revoked if any of the conditions stated herein are violated.

Vote of the Board

**AYES: D. Virgilio, D. Osborne & J. Jackson**

**NAYS: None**

**Kristen Newman, 7412 W. Ridge Road. Special Permit, Dog Kennel, Zoned RS-20.**

The application presented was for a dog kennel and dog daycare at the above location. K. Newman reviewed with the board her intention to board approximately eight dogs in a 32 by 48 foot Morton Building which would include an indoor play area. The walls and ceiling will be sound proofed. She will be utilizing commercial hauler for waste removal”. The structure will be located on the eastside of the property facing the Mattison Turkey Farm. Sharon Mattison has written a letter of no opposition to the proposed kennel.

The decision on the application was tabled awaiting comments from Monroe County and the Ag Data Statement. The comments have been received and reviewed, without concern.

**Motion by D. Virgilio to approve the Special Permit with the following conditions:**

- **Hours of operation would be 6:00am to 7:00pm**
- **Not to exceed 10 dogs at one time.**
- **A noise reduction system will be installed.**
- **Applicant will monitor the barking of dogs, keeping in mind the neighboring business.**
- **Signage will be upon approval of the Zoning Board of Appeals.**

**Second by J. Jackson. Carried**

**New Business**

Martin Fahmer, 1200 Drake Rd Lots 028.04-1-12.2 & 028.04-1-5.11.

The application is to create Lot1 with the house and 17.982 acres. Remaining lands to be merged with Lot 2 and 18.387 acres and improvements at this time.

In reviewing the application the board determined that no further site review in necessary.

Motion by D. Virgilio to approve the application and waive further review. Second by J. Jackson. Carried.

**Minutes**

Motion to approve the minutes of May 7, 2013 as written by D. Osborne. Second by J. Jackson. Carried.

**Adjourn**

Motion by D. Osborne to adjourn the meeting at 8:15pm. Second by D. Virgilio. Unanimously Carried.

Respectfully Submitted,  
Colleen Rogers

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