

TOWN OF CLARKSON
TOWN BOARD MEETING
July 8, 2014

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, June 10, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 P.M.

PRESENT:

Paul Kimball	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Jackie Smith	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

Sheldon Meyers of Clarkson spoke regarding the Clarkson 5K Race to be held on Saturday, July 23, 2014. Supervisor Kimball and Attorney Olson mentioned that the Historical Society should acquire insurance for the event, naming the Town as the insured. Mr. Meyers asked permission to put signage up announcing the winning neighborhood in the annual Neighborhood Spirit contest. In addition, he is requesting that the Town Clerk's office assist him again in mailing out information letters to residents along the race route.

MOTION TO CHANGE TOWN BOARD MEETING DATE AND LOCATION

Motion by Councilperson Smith

Seconded by Councilperson Hoy

To change the second town Board meeting of July to Wednesday, July 23, 2014 at 6:00 P.M. The meeting will be held at the Town Courthouse, 3655 Lake Road.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy and Smith

NAYS: Councilpersons Filipowicz and Didas

RESOLUTION TO CALL FOR PUBLIC HEARING TO CONSIDER TIME WARNER CABLE FRANCHISE AGREEMENT

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: None

WHEREAS, to be considered, a Franchise Agreement to provide Cable Television Services between the Town of Clarkson, NY and Time Warner Cable Northeast LLC d/b/a Time Warner Cable

NOW, upon the motion duly made by Councilperson Didas and seconded by Councilperson Filipowicz, it was

RESOLVED, that a Notice of Hearing be published in a newspaper previously designated as an official newspaper for publication of public notices; and be it further

07.08.14

RESOLVED, that the Town Clerk shall post copies of both this Resolution and the Notice of Hearing, on the bulletin board, maintained by the Town Clerk pursuant to §30(6) of the Town Law.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION TO SET A PUBLIC HEARING ON INCENTIVE ZONING REQUEST; BROOK FIELD AT CLARKSON

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: None

WHEREAS, in an application dated May 1, 2014, Alantic Funding and Real Estate, LLC, requested that the Town Board consider an Incentive Zoning request, relating to property known as “Brook Field at Clarkson”, consisting of approximately 32 acres located on the west side of Sweden Walker Road and the north side of East Avenue, south of Ridge Road (State Route 104) in the Town of Clarkson, New York, to allow for development of the following:

1. 18 Duplex Homes each with 2 bedrooms and 2 bathrooms
2. 4 - 16 Unit 2 Story Apartment buildings with each apartment having 2 bedrooms and 2 bathrooms
3. 5 - 26 Unit 3 Story Apartment buildings with each apartment having 2 bedrooms and 2 bathrooms.
4. An 89 Unit Independent Senior Living Senior Facility for seniors 55 years of age and older. This to include garages for some residents and a community room
5. A Community Center with a business center for Internet and computer access, a fitness facility, lounge space with a fireplace and flat screen television, gaming tables, kitchenette and a pool for the use of all of the residents in the development.
6. Mixed retail space on Ridge Road using the streetscape designs called for in the Hamlet description the Clarkson Comprehensive Plan; and

WHEREAS, the property included in this proposal is more accurately described on Exhibit A which is attached hereto; and

WHEREAS, the above application was previously reviewed by this Board and has been reviewed by the Planning Board, following which the Planning Board submitted to this Board a written report of its recommendations; and

WHEREAS, it was the considered opinion of a majority of the Town Board that a public hearing should be held on the 23rd day of July, 2014, at 6:00 P.M. at the Town Courthouse, 3655 Lake Road, Clarkson, New York, to consider the said Incentive Zoning application;

NOW, upon the motion duly made by Councilperson Hoy and seconded by Councilperson Smith, it was

RESOLVED, that a Notice of Hearing be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than ten (10) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post copies of both this Resolution and the Notice of Hearing, on the bulletin board, maintained by the Town Clerk pursuant to §30(6) of the Town Law, for a period of not less than ten (10) days prior to said public hearing.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy and Smith

NAYS: Councilpersons Filipowicz and Didas

07.08.14

EXHIBIT A
LEGAL DESCRIPTION-BROOK FIELD AT CLARKSON

Parcel 1:

All that tract or parcel of land, situate in part of Town Lot 8 & 9, Township 4, Section 13 of the Triangular Tract in the Town of Clarkson, County of Monroe and State of New York, and described as follows;

Beginning at a point in the north right-of-way line of East Avenue, said point being the point of intersection of the north right-of-way line of East Avenue and the west right-of-way line of Sweden Walker Road; thence

- 1) Westerly, on a bearing of S89°41'55"W, and along the north right-of-way line of East Avenue, a distance of 208.85 feet to a point; thence
- 2) Northerly, on a bearing N25°10'47"W, a distance of 131.83 feet to a point; thence
- 3) Northerly, on a bearing N16°08'53"W, a distance of 134.97 feet to a point; thence
- 4) Northerly, on a bearing N21°49'34"W, a distance of 251.10 feet to a point; thence
- 5) Northerly, on a bearing of N02°21'57"W, a distance of 206.98 feet to a point; thence
- 6) Northerly on a bearing of N14°21'03"E, a distance of 112.02 feet to a point; thence
- 7) Northerly, on a bearing of N13°43'13"E, a distance of 661.38 feet to a point at the southwest corner of Lot # 2 of the McCagg Subdivision; thence
- 8) Easterly, on a bearing of S75°47'35"E, a distance of 566.13 feet to a point on the westerly right-of-way line of Sweden Walker Road; thence
- 9) Southerly, on a bearing of S14°12'25"W, and along the west right-of-way line of Sweden Walker Road, a distance of 1340.86 feet to a point, said point being our true point and place of beginning. Containing 15.714 acres of land, more or less.

Parcel 2:

All that tract or parcel of land, situate in part of Town Lot 8 & 9, Township 4, Section 13 of the Triangular Tract in the Town of Clarkson, County of Monroe and State of New York, as shown on a map entitled "Sweden Walker Road Subdivision – Resubdivision Plan of lot 2 of the Garland Subdivision", dated 3/4/2014 last revised 7/8/2014, prepared by Costich Engineering, drawing No. 5259 – VS100, to be filed in the Monroe County Clerk's Office and being more particularly bounded and described as follows;

Commencing at a point in the north right-of-way line of East Avenue, said point being the point of intersection of the north right-of-way line of East Avenue and the west right-of-way line of Sweden Walker Road; thence

- A) Northerly on a bearing of N14°12'25"E along the westerly right-of-way of Sweden Walker Road a distance of 1340.86 feet to a point at the southeast corner of lands now or formerly owned by the Brockport Methodist Church; thence
- B) Westerly on a bearing of N75°47'35"W, a distance of 239.71 feet to the true point of beginning at the southwest corner of lands now or formerly owned by the Brockport Methodist Church; thence
- 1) Westerly on a bearing of N75°47'35"W, a distance of 326.43 feet to a point; thence
- 2) Northerly on a bearing of N13°43'13"E, a distance of 623.79 feet to a point on the south right-of-way of Ridge Road; thence
- 3) Easterly on a bearing of S79°27'35"E along the southerly right-of-way of Ridge Road a distance of 331.91 feet to a point; thence
- 4) Southerly on a bearing of S14°12'25"W, a distance of 153.46 feet to a point; thence
- 5) Easterly on a bearing of S83°48'48"E, a distance of 0.50 feet to a point; thence
- 6) Southerly on a bearing of S14°12'25"W, a distance of 491.60 feet to said point being our true point and place of beginning. Containing 4.790 acres of land, more or less.

07.08.14**Parcel 3:**

All that tract or parcel of land, situate in part of Town Lot 8 & 9, Township 4, Section 13 of the Triangular Tract in the Town of Clarkson, County of Monroe and State of New York, as shown on a map entitled "Sweden Walker Road Subdivision – Resubdivision Plan of lot 2 of the Garland Subdivision", dated 3/4/2014 last revised 7/8/2014, prepared by Costich Engineering, drawing No. 5259 – VS100, to be filed in the Monroe County Clerk's Office and being more particularly bounded and described as follows;

Commencing at a point in the north right-of-way line of East Avenue, said point being the point of intersection of the north right-of-way line of East Avenue and the west right-of-way line of Sweden Walker Road; thence

1) Westerly, on a bearing of S89°41'55"W, and along the north right-of-way line of East Avenue, a distance of 208.85 feet to a point; thence

2) Northerly, on a bearing N25°10'47"W, a distance of 131.83 feet to a point; thence

3) Northerly, on a bearing N16°08'53"W, a distance of 134.97 feet to a point; thence

4) Northerly, on a bearing N21°49'34"W, a distance of 251.10 feet to a point; thence

5) Northerly, on a bearing of N02°21'57"W, a distance of 206.98 feet to a point; thence

6) Northerly, on a bearing of N14°21'03"E, a distance of 34.51 feet to the true point of

beginning of Lot No. 2; thence

A. Westerly on a bearing of S89°41'33"W, a distance of 93.61 feet to a point; thence

B. Northerly, on a bearing of N14°57'21"E, a distance of 77.74 feet to a point; thence

C. Easterly, on a bearing of N89°41'55"E, a distance of 92.76 feet to a point; thence

D. Southerly, on a bearing of S14°21'03"W, a distance of 77.51 feet to a point, said point being our true point and place of beginning. Containing 0.160 acres of land, more or less.

Parcel 4:

All that tract or parcel of land, situate in part of Town Lot 8 & 9, Township 4, Section 13 of the Triangular Tract in the Town of Clarkson, County of Monroe and State of New York, as shown on a map entitled "Sweden Walker Road Subdivision – Resubdivision Plan of lot 2 of the Garland Subdivision", dated 3/4/2014 last revised 7/8/2014, prepared by Costich Engineering, drawing No. 5259 – VS100, to be filed in the Monroe County Clerk's Office and being more particularly bounded and described as follows;

Commencing at a point in the north right-of-way line of East Avenue, said point being the point of intersection of the north right-of-way line of East Avenue and the west right-of-way line of Sweden Walker Road; thence

A. Westerly, on a bearing of S89°41'55"W, and along the north right-of-way line of East Avenue, a distance of 682.91 feet to the true point of beginning point; thence

1) Continuing westerly along said right of way, on a bearing S89°41'55"W, a distance of 590.00 feet to a point; thence

2) Northerly, on a bearing N14°57'21"E, a distance of 827.42 feet to a point; thence

3) Easterly, on a bearing N89°41'55"E, a distance of 590.00 feet to a point; thence

4) Southerly, on a bearing of S14°57'21"W, a distance of 827.42 feet to true point and place of beginning. Containing 10.812 acres of land, more or less.

RESOLUTION REQUIRING CUTTING OF GRASS

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

ABSENT: None

Introduced by: Councilperson Didas

Seconded by: Councilperson Smith

07.08.14

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **3250 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

Whereas, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

Whereas, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

Now, therefore, be it resolved:

Section 1. That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

Section 2. That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

Section 3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

PRESENT: Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas and Smith

ABSENT: None

Introduced by: Councilperson Didas

Seconded by: Councilperson Smith

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **3770 Lake Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

Whereas, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

Whereas, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

Now, therefore, be it resolved:

Section 1. That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

Section 2. That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

07.08.14

Section 3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas and Smith

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

PRESENT: Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas and Smith

ABSENT: None

Introduced by: Councilperson Didas

Seconded by: Councilperson Smith

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **8162 Ridge Road, Clarkson, NY** has an unhealthful and dangerous condition, to wit high grass and weeds; and

Whereas, the Town Board has reviewed this report and determined that the allegations contained therein are accurate; and

Whereas, pursuant to Local Law #2-2009, "Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson" this board may direct the property owner to remedy this condition and if such condition is not remedied within ten (10) days, have the condition remedied by the Town with the cost thereof to be assessed to the property;

Now, therefore, be it resolved:

Section 1. That the Building Inspector is directed to mail and post the notice as set forth in Local Law #2-2009;

Section 2. That if the condition is not remedied within ten (10) days of the notice, the Building Inspector shall notify the Highway Superintendent who is directed to take appropriate action to remedy the condition;

Section 3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons, Hoy, Filipowicz, Didas and Smith

NAYS: None

MOTION AUTHORIZING SUPERVISOR TO SIGN INTERMUNICIPAL AGREEMENT

Motion by Councilperson Didas

Seconded by Councilperson Filipowicz

Authorizing Supervisor Kimball to sign Intermunicipal Agreement, dated June 24, 2014, between the Town's of Parma and Clarkson for shared Building Inspector Services.

Unanimously carried

SUPERVISOR REPORTS

Supervisor Kimball stated M. Beadling resigned from the ZBA effective immediately.

The opening will be advertised and members of the Conservation Board will be notified of opening.

MOTION ACKNOWLEDGING RECEIPT OF SUPERVISOR'S FINANCIAL REPORT

Motion by Councilperson Hoy

Seconded by Councilperson Didas

Acknowledging receipt of Supervisor's Financial Report.

Unanimously carried

07.08.14

BUILDING INSPECTOR REPORTS

Workload has consisted of normal activities, inspections and building permits, for this time of year. C. Fabry reported that a ZBA application has been submitted by Brent Critchley. He is requesting that the Board waive the fee for this ZBA application as Mr. Critchley prepared and modified our application so that it is an interactive .pdf file.

Supervisor Kimball commented that he and Chad are meeting tomorrow with representatives from Pennsylvania who are interested in buying the Garland corner. A sketch was submitted, but it does not meet current zoning or hamlet design requirements. They will show the proposed buyer what the Town is looking for in regards to a hamlet design.

MOTION WAIVING ZBA APPLICATION FEE

Motion by Councilperson Smith

Seconded by Councilperson Filipowicz

To waive the \$150 ZBA application fee for Dale Critchley of 7 Craig Hill Drive, Clarkson, NY.

Unanimously carried

ASSESSOR REPORTS

C. Lyon reported that the two-family unit on Lake Road which has been vacant for 3 years has now finally transferred to the bank.

HIGHWAY SUPT. REPORTS

B. Viscardi reported that crew has been busy with County work on Hamlin Clarkson TL Road and Redman Road. Clinton Avenue milling work is scheduled to begin on July 30th.

MINUTES

Motion by Councilperson Didas

Seconded by Councilperson Smith

To approve June 24, 2014 minutes.

Unanimously carried

AUDIT—7-01-2014

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To authorize payment of audit 7-01-2014 to include the following:

Vouchers 20140533-20140579; Total \$24,338.23; Gen. \$11,022.41; Hwy. \$9,146.01; SW \$761.70; SL \$3,408.11

For distribution checks from 25264 - 25306

Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 6:15 P.M. by Councilperson Filipowicz

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 07-23-2014