

TOWN OF CLARKSON
TOWN BOARD MEETING
August 25, 2015

The Town Board of the Town of Clarkson held a special meeting on Tuesday, August 25, 2015 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
Jackie Smith	Councilperson
Sharon Mattison	Town Clerk
** Robert Viscardi	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Ass't to Supervisor
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

AUTHORIZATION TO RELEASE LETTER OF CREDIT FUNDS FOR LIBERTY COVE SUBDIVISION-SECTION 6

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To release \$167,606.30 from the Letter of Credit upon the recommendation from Town Engineer, JP Schepp, P.E. leaving a remaining balance of \$116,556.11.

Unanimously carried

AUTHORIZE COURT CLERK TO ATTEND NYS CONFERENCE

Motion by Councilperson Smith

Seconded by Councilperson Hoy

To authorize Stacy Burke to attend the NYS Conference in Niagara Falls with costs not to exceed available budget balance of \$560.00

Unanimously carried

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

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

ABSENT: Councilperson Didas

Introduced by: Councilperson Hoy

Seconded by: Councilperson Smith

WHEREAS, in an application dated August 11, 2015, 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 31.1 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 a three phase project as follows:

Phase I: 8 two-unit senior duplex buildings and an 87 unit senior apartment building located on the southwest part of the site and fronting on East Avenue. Garage and surface parking provided.

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Phase II: 12 Two unit villas and 6 sixteen unit apartment buildings together with a community center to include, 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. Garages and surface parking to be provided. Phase II is located in the southeast part of the site along Sweden Walker Road.

Phase III: Located along Ridge Road to include 5 mixed use buildings, each with 8 apartments and 6,000 square feet of commercial space (for a total of 30,000 square feet of commercial office or retail space). The two commercial buildings closest to Ridge Road will be constructed at the same time as Phase I is; and

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

WHEREAS, it was the opinion of a majority of the Town Board that the application is complete and should be referred to the Monroe County Planning Department and the Town of Clarkson Planning Board and that a public hearing should be held to consider the said Incentive Zoning application;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing on the Incentive Zoning Application be held on the 22nd day of September, 2015, at 6:00 P.M., Local Time, at the Lodge at Ridgewood Park, 8000 Ridge Road, Clarkson, New York, be it further

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; and be if further

RESOLVED, that the Town Clerk is directed to transmit this application to the Monroe County Department of Planning and the Town of Clarkson Planning Board.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

NAYS: None

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

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- 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.

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

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- 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 – Re-subdivision 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 DECLARING TOWN OF CLARKSON SEQRA LEAD AGENCY
FOR PROJECT KNOWN AS BROOK FIELD AT CLARKSON**

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

ABSENT: Councilperson Didas

Introduced by: Councilperson Hoy

Seconded by: Councilperson Filipowicz

WHEREAS, Alantic Funding and Real Estate, LLC has made application to the Town of Clarkson to construct a project consisting of mixed use residential and commercial development to be located on the west side of Sweden-Walker Road, north of East Avenue; and

WHEREAS, to be developed as proposed, the project will require the use of the incentive zoning law; and

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WHEREAS, a Full Environmental Assessment Form (EAF) has been prepared and presented to this board by Costich Engineering; and

WHEREAS, the Town Board determines that The Project is subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, The Project is classified as a Type I action pursuant to SEQRA; and

WHEREAS, the FEAF lists potentially involved and interested agencies; and

WHEREAS, the Town Board of the Town of Clarkson wishes to act as SEQRA Lead Agency for the project, therefore, be it

RESOLVED that:

1. The Town Board of the Town of Clarkson hereby declares its intent to act as SEQRA Lead Agency for The Project;
2. The Board hereby authorizes and directs the Supervisor to execute the “Notice to Establish Lead Agency” in the form presented to this meeting.
3. The Notice to Establish Lead Agency and appropriate attachments shall be promptly forwarded by the Town Clerk to the involved agencies on the Agency List and appropriate correspondence shall be forwarded to all interested agencies.

THE FOREGOING RESOLUTION was put to vote as follows:

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

NAYS: None

STATE ENVIRONMENTAL QUALITY REVIEW ACT NOTICE
of
COORDINATED REVIEW
and
DECLARATION OF INTENT TO ACT AS LEAD AGENCY

This notice is issued by the Town of Clarkson pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended the State Environmental Quality Review Act and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (collectively “SEQRA”).

Project Name: Brook Field at Clarkson

Location: North and west of the intersection of Sweden Walker Road and East Avenue, Town of Clarkson, County of Monroe (“Site”)

Classification : Type I: XX Unlisted: ___

Project Description: The developer plans to construct

Phase I: 8 two-unit senior duplex buildings and an 87 unit senior apartment building. Garage and surface parking are provided. Phase I is located on the southwest part of the site and fronting on East Avenue

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Phase II: 12 two-unit villas and 6 sixteen-unit apartment buildings together with a community center to include, 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. Garages and surface parking to be provided. Phase II is located in the southeast part of the site along Sweden Walker Road.

Phase III: 5 mixed use buildings, each with 8 apartments and 6,000 square feet of commercial space (for a total of 30,000 square feet of commercial office or retail space). Phase III is located along Ridge Road. The two commercial buildings closest to Ridge Road will be constructed at the same time as Phase I;

For your reference, attached to this Notice of Intent to Act as Lead Agency, we have enclosed the following documentation:

- Exhibit A:** Town of Clarkson (“Town”) Resolution
- Exhibit B:** List of Potentially Interested and Involved Agencies
- Exhibit C:** Full Environmental Assessment Form (Part 1)
- Exhibit D:** Acknowledgment of the Town of Clarkson to Act as Lead Agency and Conduct a Coordinated Review pursuant to SEQRA

Action Requested: Please have the appropriate personnel within your agency review the enclosed documentation. If your agency has no objection to the Town acting as Lead Agency, please have the appropriate personnel sign and return the enclosed Acknowledgment of Lead Agency form consenting to the Town as Lead Agency before September 25, 2015.

Notice Details: The Project may require approvals from the Monroe County Department of Health, Monroe County Department of Planning and Economic Development, Monroe County Department of Transportation, Monroe County Water Authority, New York State Department of Transportation, New York State Department of Environmental Conservation, New York State Office of Parks Recreation and Historic Preservation, Town of Clarkson Planning Board, and the Town of Clarkson Town Board.

For Further Information Contact:

Town of Clarkson
3710 Lake Road
PO Box 858
Clarkson, NY 14430
ATTN: Supervisor Paul Kimball
Phone: 585-637-1131

**RESOLUTION TO REFER PROJECT TO CLARKSON CONSERVATION
BOARD – BROOK FIELD AT CLARKSON**

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

ABSENT: Councilperson Didas

Introduced by: Councilperson Smith

Seconded by: Councilperson Filipowicz

WHEREAS, by an application dated August 11, 2015, Atlantic Funding and Real Estate, LLC, requested that the Town Board consider an Incentive Zoning request, relating to property known as “Brook Filed 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:

Phase I: 8 two-unit senior duplex buildings and an 87 unit senior apartment building. Garage and surface parking are provided. Phase I is located on the southwest part of the site and fronting on East Avenue.

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Phase II: 12 two-unit villas and 6 sixteen-unit apartment buildings together with a community center to include, 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. Garages and surface parking to be provided. Phase II is located in the southeast part of the site along Sweden Walker Road.

Phase III: 5 mixed use buildings, each with 8 apartments and 6,000 square feet of commercial space (for a total of 30,000 square feet of commercial office or retail space). Phase III is located along Ridge Road. The two commercial buildings closest to Ridge Road will be constructed at the same time as Phase I;

WHEREAS, the Town Board of the Town of Clarkson has filed a notice of intent to be the Lead Agency for the project pursuant to resolution of this Board; and

WHEREAS, pursuant to SEQRA, the Town Board, as Lead Agency, is required to give the project a “hard look”; and

WHEREAS, the Conservation Board of the Town of Clarkson created under Article 13-F of the New York State General Municipal Law, has the expertise to review the environmental aspects of the project and make a non-binding recommendation to the Town Board;

NOW, on motion duly made and seconded, it was

RESOLVED, that a the application of Alantic Funding and Real Estate, LLC is referred to the Town of Clarkson Conservation Board for review; and be it further

RESOLVED, that the Conservation Board shall submit a written recommendation to the Town Board no later than September 25, 2015; and be it further

RESOLVED, that the Town of Clarkson Conservation Board is hereby granted the authority to request and all relevant documents from the applicant to assist the Conservation Board in its review and recommendation; and it is further

RESOLVED, that this Resolution shall take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

NAYS: None

BROOK FIELD AT CLARKSON DISCUSSION

Supervisor Kimball commented that part of the incentive zoning funds that the Town would receive is proposed to go towards a closed drainage system as well as sidewalks for residents on the east side of Sweden Walker Road, should the majority of those residents be interested. The total incentive zoning amount would be \$375,000. This is the same amount discussed previously and would be paid up-front as part of the approval process.

Wayne Ward, 3267 Sweden Walker Road, asked about the traffic pattern. Supervisor Kimball responded that an access lane will be added to the project on Ridge Road. The only access on Sweden Walker Road would be a right-hand turn.

Diane Niedermeier, 3810 Sweden Walker Road, expressed traffic concerns and questioned access on Sweden Walker Road. Supervisor Kimball responded that the NYS DOT did not feel that a turning lane would be required. They did, however, change the timing of the light, so the northbound light between 4 and 6 o'clock to go longer. Ms. Niedermeier commented that adding a turning lane would only encourage residents to use Sweden Walker Road. She also questioned the right of way associated with the land behind her, which now comes out onto Sweden Walker Road instead of Ridge Road. Supervisor Kimball reiterated that the only access onto Sweden Walker Road would be a right-hand turn going with the traffic. Ms. Niedermeier stated that she would not be interested in a sidewalk, but would rather see trees/berm.

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Sue Klimowicz, 29 Larrigan Crossing, stated that she reviewed the traffic report. Are there are plans to put in turning lanes/turning arrows at the Ridge Road/Sweden Walker Road intersection. Supervisor Kimball and Councilperson Smith both commented that they have years of experience driving through this busy intersection. The NYS DOT was requested to repeat a traffic study of this area, but they responded that this was not deemed necessary. They did not feel that anything was needed at this intersection besides changing the timing of the traffic light.

Brian Lemon, 70 Deer Track Lane, questioned what the Town plans to do with the \$375,000. Supervisor Kimball explained that the senior project qualifies for a State tax program that allows them to come in at 50%, which would increase 5% every year. The senior project would receive COMIDA and then fall under 50% tax, graduated over ten years. The apartments themselves would start at a pilot of \$1,200 for the first five years, \$1,600 for the next five years, and then full value at ten years. This is different from the original proposal. The only real tax abatement is the \$1,200, \$1,600 and then full. Full value in ten years is estimated to be around \$2,000 per unit and there would be 96 units.

Harold Mundy, 85 Mission Hill Drive, had questions regarding tax abatements for the apartments on West Avenue. He questioned the affect this would have on the fire district. Supervisor Kimball answered that there were no tax abatements for the current project. There were tax abatements for the very first building of Seldon Square – a pilot agreement.

Supervisor Kimball reported that the estimated value of the entire Brookfield project is \$20 million.

A Cobblestone Creek Estates resident questioned if there was any paperwork available that would describe what is being planned. Supervisor Kimball reported that all plans are available for residents to review.

Diane Niedermeier asked about the water situation. Supervisor Kimball reported that the water now comes from the Twin Hills plant into the Town. Our Town Engineer will be reviewing MCWA plans regarding water and sewer availability.

Brian Lemon questioned tax abatement figures. Supervisor Kimball remarked that the Town would not receive the full \$1,200, \$1,600 and full value – those amounts would be split between Town, County and School taxes. He reminded those present that this property is self-contained. The Town would not incur any expenses for maintenance of roads and sidewalks, snow removal, water or sewer services.

Ed Chapman, 199 Lawrence Road, questioned tax incentives over ten years. Supervisor Kimball explained the incentives would be \$1,200 for the first five years, \$1,600 for the next five years, and full value at ten years (estimated to be \$2,000). Mr. Chapman wondered if the MCWA has any plans to connect the water line to his road.

Supervisor Kimball remarked that these types of projects are being approved throughout Monroe County. School and county taxes will most likely be affected, but it is felt that the benefits, even with the abatement, would be greater than the cost.

AUDIT—08-02-2015

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To authorize payment of audit 08-02-2015 to include the following:

Vouchers 20150697-20150737; Total \$27,381.72; Gen. \$8,646.24; Hwy. \$18,625.28; SS \$110.20

For distribution checks from 27140 - 27178

Unanimously carried

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MOTION TO ADJOURN

Motion to adjourn at 6:45 P.M. by Councilperson Hoy
Seconded by Councilperson Smith
Unanimously carried

Respectfully submitted,

Sharon S. Mattison
Town Clerk

Approved 09-22-2015