

TOWN OF CLARKSON
TOWN BOARD MEETING
September 22, 2015

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, September 22, 2015 at the Ridgewood Park lodge, 8000 Ridge 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.

PUBLIC HEARING; BROOK FIELD AT CLARKSON

Supervisor Kimball opened the public hearing at 6:05 PM. Supervisor Kimball gave a background of past proposals and the current proposal. Reuben Ortenberg, attorney representing the developer, presented further details on the current proposal. He reiterated that the developer is applying under Incentive Zoning, whereby the developer offers amenities to the Town and the Town offers incentives to the developer. The current proposal is a three-phase project and the entire development would be self-contained.

Mike Montalto from Costich Engineering also spoke on behalf of the developer. He shared an Incentive Zoning Summary document with Board members outlining the project in detail (see attached). He commented that the site plans had been adjusted per requests from residents and the Town Board, including a six-foot high privacy fence.

Jack Rollwagon, 787 East Avenue, asked about past plans under the current zoning. Supervisor Kimball explained that if the duplexes had been built, they could have eventually been sold off individually. In addition, the Town would have been responsible for road maintenance.

Tom Trapp, 36 Sugar Tree Circle, asked what happened to the duplex plans and negotiations and whether or not the Town be using local labor.

Lorraine D'Angelo, 20 Summer Hill Drive, questioned the tax breaks for the developer. Supervisor Kimball responded that the tax incentives are considerably lower than a year ago. The senior living project would be built under COMIDA. The other units become taxable as they are built and Certificate of Occupancies are issued, as follows: \$1,200 per unit for the first five years, \$1,600 per unit for the next five years, then at ten years full value. Ms. D'Angelo commented that she did not agree with giving tax incentives/relief.

John Lemke, 93 Gallup Road, asked what the Town benefits would be. Supervisor Kimball responded that the \$375,000 incentive zoning fee for this project would be more beneficial financially to the Town than individual building projects.

09.22.15

Errol Sheldon, 7600 Ridge Road, believes it is time to move forward in the Garland area. He is in favor of this development and said that the neighborhood needs it.

Pamela Mercer, 7816 Ridge Road, is concerned about the increased traffic. Supervisor Kimball explained that the NYS DOT has been contacted several times regarding possible changes at the Sweden Walker Road and Ridge Road intersection. The DOT did change the light cycle, but does not feel that any further adjustments are needed at this time. Ms. Mercer also questioned if the commercial spaces had been rented yet. Mr. Spaziano anticipates no problem renting those commercial spaces once the buildings are completed.

Conrad Ziarniak, 65 St. Katherine Way, would like a list of items included under Incentive Zoning. Supervisor Kimball responded that \$375,000 would be received in total up front. Funds can be used for park improvements, a closed drainage system on Sweden Walker Road, sidewalks on Sweden Walker Road, and other needed improvements in Clarkson. In addition, the Town would receive approximately \$150,000 in Green Acre Trust funds and approximately \$150,000 in building permit fees. Mr. Ziarniak questioned if the Board has reviewed cases in other towns to compare. He mentioned that there an Incentive Zoning Training course is available in November and feels that Board members should attend to further educate themselves. He is concerned what would happen if the developer bailed halfway through the project. Supervisor Kimball answered that we cannot predict the future.

Steve McCagg, 116 Webster Road, Spencerport, spoke in favor of the project. He said it was his parents' vision to see senior living in this area.

Pete Head, 321 Gilmore Road, questioned the expansion of Route 531 and is worried about the increased traffic on Sweden Walker Road.

Julie Lapinski, 4016 Sweden Walker Road, Town of Sweden, commented on the traffic nightmare this project will create, especially with the addition of construction vehicles. Supervisor Kimball said he sympathizes with residents, but unfortunately this is part of community growth. Ms. Lapinski replied that she is not opposed to smart development, but feels that this project is too large for this area. No accommodations are being given to residents who live there.

Lorraine D'Angelo, 20 Summer Hill Drive, questioned if any studies had been done to see if the area can support a project of this magnitude. Supervisor Kimball responded that the developer completed a demographic study and would not have decided to invest millions of dollars in this project if they did not feel the area could support it. Al Spaziano is partners with Morgan Management who has built successful complexes all over New York State. He gave an example of the 300-unit building project on West Avenue. This project was slated to take seven to nine years to complete, but will most likely be completed within three years. The apartments are being filled/rented immediately upon completion. He added that it has been many years since the area has had any new rental complexes.

Jack Rollwagon, 787 East Avenue, questioned the Board's procedure and how will they know what the residents want. He is concerned about traffic and density. Supervisor Kimball answered that is why we are here tonight. The Public Hearing is held for residents to come and voice their opinions. In addition, the Town has held informational meetings for residents to attend to educate themselves on the proposed project. Councilperson Filipowicz reminded those present that the original proposal was voted down a year ago in response to negative opinions from residents. The downsizing of the project was in response to that as well.

Pamela Mercer, 7816 Ridge Road, stated that Clarkson is supposed to be a hamlet and did not feel that three-story buildings were in keeping with that. Supervisor Kimball answered that the revised plans have eliminated the three-story buildings.

09.22.15

John Lemke, 93 Gallup Road, questioned if the project would move forward without Incentive Zoning. Attorney Olson responded that this is the type of project that Incentive Zoning exists for. Incentive Zoning gives us control over the project that we might not have if it was done without Incentive Zoning. Mr. Lemke stated he would prefer to see this development built under current zoning as he does not approve of Incentive Zoning. He asked what would happen if the project *goes broke* halfway through construction. Supervisor Kimball responded that could happen with any project and we cannot make that type of prediction.

Pete Head, 321 Gilmore Road, asked if there were any plans for traffic control/road repairs on Sweden Walker Road. Supervisor Kimball answered that the State controls Route 104, Sweden Walker Road and Route 19. The Town will continue to approach the State regarding adjustments to these areas, but the State makes the final decisions.

Supervisor Kimball closed the public hearing at 7:03 PM.

RESOLUTION REQUIRING CUTTING OF GRASS

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at

334 Gilmore 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 and Didas

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

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

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

09.22.15

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;

Section 3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

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

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

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;

09.22.15

Section 3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

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

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **8470 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 and Didas

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

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

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **8438 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;

09.22.15**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 and Didas

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

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

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

Whereas, the Town Board has received a report from Chad Fabry, Building Inspector that property at **7661 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 and Didas

NAYS: None

RESOLUTION REQUIRING CUTTING OF GRASS

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

ABSENT: Councilperson Smith

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

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

09.22.15

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 and Didas

NAYS: None

INCENTIVE ZONING APPLICATION, EXPRESS MART

Richard Olson, Attorney for the Town stated that he is waiting to hear from attorney for Express Mart regarding incomplete SEQRA.

MOTION TO EXTEND DUE DATE FOR WRITTEN RECOMMENDATIONS BY CONSERVATION BOARD REGARDING PROPOSED DEVELOPMENT KNOWN AS BROOK FIELD AT CLARKSON

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

To extend the date the Conservation Board is to provide written recommendations to the Town Board regarding the proposed project known as Brook Field at Clarkson. Date of extension is October 19, 2015

Unanimously carried

RESOLUTION ALLOWING ADDITIONAL STREETLIGHTING AT AMENITY DRIVE, LIBERTY COVE SECTION 6

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas

ABSENT: Councilperson Smith

Introduced by: Councilperson Didas

Seconded by Councilperson Filipowicz

RESOLVED: Niagara Mohawk Power Corporation is hereby authorized and directed to do the following work in the Town of Clarkson, CSS reference #14191-22009.

Install: Two (2)-100 watt high pressure sodium coach lamp street light fixtures on 16-foot embedded (black) poles and direct buried cable at Amenity Drive, Liberty Cove Section 6.

Towns estimated annual cost: \$600

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas

NAYS: None

09.22.15

AUTHORIZATION TO RELEASE LETTER OF CREDIT FUNDS; LIBERTY COVE SUBDIVISION, SECTION 6

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To release, upon the recommendation of Chatfield Engineers, \$33,263.41 from the Letter of Credit funds.

Unanimously carried

SUPERVISOR REPORTS

Supervisor Kimball stated that he will contact someone from the State regarding the poor condition of Sweden Walker Road.

TOWN CLERK REPORTS

S. Mattison had nothing to report.

BUILDING INSPECTOR REPORTS

C. Fabry had nothing to report.

HIGHWAY SUPT. REPORTS

Superintendent Viscardi reported that his department has been busy with County highway work.

MINUTES

Motion by Councilperson Didas

Seconded by Councilperson Filipowicz

To approve September 8, 2015 minutes.

Unanimously carried

AUDIT—09-02-2015

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 09-21-2015 to include the following:

Vouchers 20150767-20150822; Total \$55,445.81; Gen. \$23,690.59; Hwy. \$31,475.39; SS \$279.83

For distribution checks from 30501 - 30551

Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To enter executive session at 7:30 P.M. to discuss a personnel matter.

Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy

Seconded by Councilperson Didas

To return to regular session at 8:02 P.M.

Unanimously carried

MOTION AUTHORIZING SUPERVISOR TO SIGN AGREEMENT BETWEEN TOWN OF CLARKSON AND DUANE A. MARSHALL

Motion by councilperson Didas

Seconded by Councilperson Filipowicz

To sign the settlement agreement between the Town of Clarkson and Duane A. Marshall.

Unanimously carried

09.22.15

MOTION TO ADJOURN

Motion to adjourn at 8:10 P.M. by Councilperson Hoy
Seconded by Councilperson Didas
Unanimously carried

Respectfully submitted,

Sharon S. Mattison
Town Clerk

Approved 10-13-2015