

**TOWN OF CLARKSON
PLANNING BOARD MEETING
October 6, 2015**

The Planning Board of the Town of Clarkson held their regularly scheduled meeting on Tuesday, October 6, 2015 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT – Board Members

Donald Osborne – Chairperson
Scott Hanko
John Jackson
Dave Virgilio
William Rowe

Support Board Members

*Richard Olson, Town Attorney
Chad Fabry, Bldg. Inspector/Code Enf.
JP Schepp, Town Engineer
Kristen DiFilippo, Bldg. Dept.

*Excused

CALL TO ORDER

D. Osborne opened the meeting at 7:00 p.m. and led all those present in the Pledge of Allegiance. A moment of reflection was observed for those serving in the military and in South Carolina. D. Osborne read aloud the agenda.

PUBLIC HEARING

Mary Jo Culbertson – 3550 Redman Road

Tax Acct# 039.03-1-22.2

Zoning: Highway Commercial

Regarding site plan approval for a 30' x 50' barn that will be utilized as a garden center for the sale of vegetables and nursery stock.

Chairperson, D. Osborne read aloud the Legal Notice for Mary Jo Culbertson.

Chairperson, D. Osborne asked Kris Schultz of Schultz Associates, P.C. to give a brief outline of the proposed site plan. Kris Schultz presented a rendering of the site plan and proposed garden center:

- 30' x 50' barn that will be used as a garden center.
- Existing drive-in and green houses.
- Improvements made to sanitary, parking with updated plans.
- Parcel was re-zoned from residential to highway commercial.

Motion by Donald Osborne
Seconded by Dave Virgilio
To close the Public Hearing
Unanimously carried

D. Osborne asked Town Engineer, JP Schepp if his questions have been addressed. JP Schepp stated he had no concerns. D. Osborne asked Building Inspector, C. Fabry if he had concerns. C. Fabry stated the site plan was fine. C. Fabry stated that this was a site plan approval not a building permit. C. Fabry stated when M. Culbertson is ready to build, an architectural drawing with a building permit application needs to be submitted.

S. Hanko asked if there were any issues with parking for the site. K. Schultz stated the site plan has accommodations for (15) parking spaces. Building Inspector, C. Fabry stated in prior discussions, the parking lot will remain permeable for (1) year and then will be paved.

S. Hanko asked about the refuse disposal. K. Schultz stated in reference to the garden, all refuse will be mulched and other waste will be disposed in totes.

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Motion by Scott Hanko
Seconded by Dave Virgilio
To approve the Culbertson Site Plan for 3550 Redman Road.
Unanimously carried

NEW BUSINESS

Sara Christ – 8089 Ridge Road

Tax Acct# 054.04-1-45.11

Zoned: Highway Commercial

Regarding a Special Use Permit to operate a farm market at the existing structures located at 8089 Ridge Road with the addition of greenhouses.

Sara Christ was not present for the meeting. Building Inspector, C. Fabry referenced the drawing and survey attached to the application. C. Fabry stated greenhouse #2 and #3 are close to the property line and an area variance will be needed as per Town Code §140-36 C; **Setbacks. For all buildings, structures and parking areas not abutting a major road, the minimum front setback shall be 70 feet, and the minimum rear and side setbacks shall be 30 feet, except that, where a lot in any commercial or industrial district abuts a lot in a residential district, the side and rear setback for any business, commercial or industrial district on said abutting line shall be at least 40 feet from the property line. A buffer area consisting of embankments, trees, shrubs, plantings or fences shall be erected along said property line as a condition of site plan approval by the Planning Board.**

C. Fabry stated the property to the west of 8089 Ridge Road is commercial but the property to the east is residential.

J. Jackson asked about the proposed parking. C. Fabry stated it may be prudent to ask for more parking than the site plan depicts. S. Hanko asked about signage for the proposed farm market. C. Fabry stated re-facing of the monument sign is acceptable for the proposed farm market. C. Fabry stated there is current signage on the building, 2' x 20'. C. Fabry stated a permit will need to be submitted when changing the signs.

JP Schepp stated consideration needs to be made for the generation of "outside sales" such as, retail. C. Fabry stated that Sara Christ will be referred to the Zoning Board of Appeals.

OLD BUSINESS

Beverly Brennan – 55 East Avenue

**Tax Acct# 069.01-1-5.211, 069.01-1-5.212, 069.01-1-5.213,
069.01-1-5.214.**

Zoned: RS-10

Regarding approval of a revised survey map merging her four parcels into one.

Town Engineer, JP Schepp asked B. Brennan what her intentions were for the four (4) parcels. B. Brennan stated she wanted to sell it as one (1) parcel. JP Schepp stated the utilities connecting to the parcels need to be addressed before approving the revised survey map.

Motion by Scott Hanko
Seconded by William Rowe
To approve the Brennan Resubdivision with the following conditions:

- The review and approval of Town Attorney, R. Olson and Town Engineer JP Schepp.
- The decommissioning of installed utilities, if so determined.

Unanimously carried

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**Rerob, LLC (Express Mart) – 7539 Ridge Road
Tax Acct# 070.01-1-20.11
Zoned: Highway/Commercial**

Regarding Site plan review and Environmental Assessment Forms of the +/- 7,192 sq. ft. convenience station.

Douglas Beachel, Representative for Express Mart was present for the meeting and is seeking referral from the Planning Board to the Town Board that approves incentive zoning as appropriate for Express Mart's use. Clarkson Town Code §140-58 **Incentive Zoning: *The system by which specific incentives or bonuses are granted, pursuant to §261-b of the New York State Town Law. On condition that specific social, economic, or cultural benefits or amenities are provided to the community.***

Daniel Brennan from Woods Oviatt Gilman, LLP representing Rerob, LLC (Express Mart) reviewed the proposed development for the incentive zoning application process:

- A preliminary application was presented to the Town Supervisor and the Town Board with a cash amenity of \$37,500 and incentives of zoning code relief by the Town.

D. Brennan stated Rerob is looking for approval and recommendation from the Planning Board for the Express Mart incentive zoning site plan. He stated the parcel is bisected by the zoning district line. One side of the line is Highway/Commercial, in which the proposed development is allowed, but a Special Use Permit would be required for the gas station. The other side of the line is the RS-20 District and the proposed development would NOT be permitted.

D. Brennan stated a letter from the Morgan Development Company (Brook Field at Clarkson) was submitted to Rerob, LLC (Express Mart) supporting the development. D. Brennan stated the Express Mart development will be cohesive with the proposed Brook Field at Clarkson development providing the residents with a place to shop and eat without having to drive far.

Mike Montalto an Engineer for Costich Engineering P.C., representing Rerob, LLC stated the intent of the proposed development, coupled with an incentive standpoint are:

- To have a pedestrian plaza with walkability resulting in "neighborhood businesses."
- To mirror the "Hamlet Style" as represented in the comprehensive plan of the Town.

M. Montalto stated the largest incentive Rerob, LLC is seeking is "Use," the residential use for commercial and the commercial entity portion, getting relief for the Special Use Permit.

D. Virgilio stated his concern with traffic on Sweden Walker and asked if Rerob has done their own traffic study. M. Montalto stated the NYS Department of Transportation submitted a Traffic Impact Assessment for the proposed Express Mart for the southeast quadrant of Route 104 and Route 260 intersection. The result of the NYS DOT study:

- Route 104 Driveway should be located near the eastern property line with a 12' entering and exiting lane.
- Route 260 driveway should be located near the southern property line with a 12' entering and exiting lane.
- Improving the shoulder section on the west side of Route 260.

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J. Jackson asked if the parking is appropriate for the proposed development. M. Montalto stated Express Mart has the capacity to meet the Town Code but once a site plan is submitted to the Planning Board, then the bulk area requirements can be discussed.

S. Hanko stated the elevations for the proposed development that were submitted in June of 2015 revealed a solid run of brick along the rear façade. S. Hanko stated the traffic heading north on Sweden Walker Road will view an unappealing rear façade to the building and would like Rerob to consider making improvements to the aesthetics on the rear-side. A representative from Rerob stated that they have made improvements and referenced a new Express Mart that was constructed in Cheektowaga, NY with architectural features and details that would represent the appearance of this proposed development.

Building Inspector, Chad Fabry stated that the Planning Board has a great deal of latitude in making the recommendation to the Town Board in what criteria should be considered in an approval for this application. C. Fabry stated the importance of a letter being submitted by the Planning Board to the Town Board with a list of specifications for the proposed development.

D. Brennan referenced Clarkson Town Code §140-61 E(1) **Criteria and procedure for approval:** *The Planning Board shall forward a written recommendation to the Town Board indicating whether or not it supports the approval of the incentive and amenity. This recommendation shall consider the following:*

- 1. The suitability of the site(s) for the type of open space preservation proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.*
- 2. The adequacy of major roads, utilities and other facilities and services to serve the development.]*
- 3. That the proposal is conceptually sound, is consistent with the Town Comprehensive Plan, and meets local and area-wide needs.*

MINUTES

Motion by Dave Virgilio
Seconded by John Jackson
To approve the September 15, 2015 minutes.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Planning Board will be Tuesday, October 20, 2015 at 7:00 p.m.

ADJOURNMENT

Motion by Donald Osborne
Seconded by William Rowe
To adjourn the meeting at 8:30 p.m.
Unanimously carried

Respectfully,

Kristen DiFilippo

Building Department Coordinator

Approved 10/20/2015