

TOWN OF CLARKSON
TOWN BOARD MEETING
December 8, 2015

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, December 8, 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.
Elizabeth Spencer	Assessor
**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.

RECREATION DIRECTOR REPORTS

Jill Wisnowski updated the Board on current activities at the Recreation Center. She reported that the winter brochure will soon be available.

BROOK FIELD AT CLARKSON

Supervisor Kimball summarized previous discussions regarding this proposed project. Attorney

Olson shared the draft resolution for approval of this incentive zoning project. A lengthy discussion ensued regarding the details of this resolution. If approved by the Town Board, the project will be presented to the Planning Board for site plan approval. The Planning Board will then have the option to refer any significant changes back to the Town Board for further review and approval. An outside architect (Roger Brown) will be utilized by the Planning Board to assist in design review and approval. Tax incentives and traffic issues were again reviewed.

**RESOLUTION APPROVING INCENTIVE ZONING FOR ALANTIC FUNDING;
BROOK FIELD AT CLARKSON**

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Didas

WHEREAS, in an application dated August 11, 2015, Woods, Oviatt Gilman, LLP as agent for Alantic Funding, requested that the Town Board consider an Incentive Zoning Request, relating to a project known as Brook Field at Clarkson, consisting of approximately 31.3 acres located on the west side of Sweden Walker Road between East Avenue and Ridge Road to allow for the following to be constructed:

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The project consists of 263 residential units including:

- 20 - 2 unit villas
- 6 - 16 unit 2 story apartment buildings
- 1 - 87 unit 3 story apartment building with one display apartment and one service apartment
- 5 - 8 unit apartments over commercial space
- 1 - Community Center and 30,000 s.f. of commercial/office including 5 – 6,000 s.f. commercial office buildings.

WHEREAS, the application was reviewed by this Board and, in accordance with §140 of the Clarkson Code, reviewed by the Planning Board; and

WHEREAS, upon posting and publishing the required legal notice, a Public Hearing was held on September 22, 2015 at 8000 Ridge Road in the Town of Clarkson to consider the proposed Incentive Zoning. At said Public Hearing, all who wished to speak were heard; and

WHEREAS, the Town Board, as Lead Agency, issued a Negative Declaration of Environmental Significance on November 24, 2015;

NOW, on motion duly made and seconded, it is

RESOLVED, that the Town Board of the Town of Clarkson makes specific Findings in this matter as follows:

1. This application is a request for Incentive Zoning pursuant to Article VIII of Chapter 140 of the Clarkson Code. In general terms, the proposed Incentive Zoning would allow for the development of a 31.3 acre parcel (three separate tax ID #'s) as follows:

- 20 - 2 unit villas
- 6 - 16 unit 2 story apartment buildings
- 1 - 87 unit 3 story apartment building with one display apartment and one service apartment
- 5 - 8 unit apartments over commercial space
- 1 - Community Center, and 30,000 s.f. of commercial/office including 5 – 6,000 s.f. commercial office buildings

2. The incentives requested by the application are as follows:

A. *Increases in residential or non-residential unit density.*

1. Allowing a density of 8.5 units per acre in the Suburban Residential District. (At current zoning, about 75% of the 26.5 acres is available for development after dedicated roadways. A minimum lot size of 17,000 s.f. for two-family units yields 50 buildings or 100 units – a density of 3.77.)
2. No density incentives are requested for the Highway Commercial District.

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B. Changes in use.

1. To allow an 89 unit senior living apartment building, 96 upscale apartments (6 buildings, 16 units per building) and free-standing garages. (Duplexes are an allowed use in the Suburban Residential District.)
2. To allow 40 apartments (5 buildings, 8 units per building) in the Highway Commercial District without obtaining a Special Use Permit.

C. Changes in setbacks or height.

- There are a number of changes in setbacks and building height incentives that are being requested within the Suburban Residential District – many of these may change as the design progresses through the approval process – see Table 1 Bulk Area Summary.
- There are a number of changes in setback incentives that are being requested within the Highway Commercial District – these may change as the design progresses through the approval process – see Table 1 for Bulk Area Summary.

Table 1 Bulk Area Summary:

Suburban Residential (RS-20):	REQUIRED	PROPOSED*
Front Setback		
Side Setback	10'	40' (70' abutting a major
Rear Setback	30' Bldgs., 10' Garage	70' Bldg., 10' Garage
Max. Bldg. Ht.	35'	40' +/-
Parking for Villas (includes garages-163)	2 spaces/unit (40) = 9-	4 spaces/unit
Parking for Sr. Tower (includes garages) (164)		1 space/unit (89) = 89
Parking for Apartments (includes garages) (282)	2 spaces/unit (96) = 192	2.93 spaces/unit
Parking for Community Bldg. & Open Space	N/A	18 spaces
Highway Commercial (HC):	REQUIRED	PROPOSED*
Front Setback	70'	67.5'
Side Setback to comm.	30' (40' if abutting residential)	41' next to residential' 27.5' next
Rear Setback	30'	140'
Max. Bldg. Ht.	40'	35' +/-
Parking for Commercial	1 space/200 s.f. (office (150)	88 spaces (62 less than required)
Parking for Residential required)	2 spaces/unit (80)	50 spaces (30 spaces less than

*Other deviation from dimensional requirements may be required by subsequent modifications to the site plan during the site plan review process.

D. Modification of parking requirements.

1. No modification of parking requirement incentives are currently planned within the Suburban Residential District.
2. A modification of parking requirements incentive is necessary to allow a reduction of number of parking spaces required within the Highway Commercial District. See Table 1 for parking requirements.

E. Modification of signage requirements.

1. A modification of signage requirements incentive is necessary to allow necessary signage within the Highway Commercial District without a Special Permit – this may change as the design progresses through the approval process.
2. A modification of signage requirements incentive is necessary to allow necessary signage within the Suburban Residential District without a Special Permit – this may change as the design progresses through the approval process.

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F. *Additional Incentives may be added at the discretion of the Planning Board after consultation with the Town Engineer and Town Architect for the project. The Planning Board has the option of referring significant changes to the Town Board for review and approval.*

3. The amenities offered to the Town are as follows:

- A mixed use development that meets the intent of the Hamlet Zoning proposed in the Town’s Comprehensive Plan.
- Adequate residential density to support neighborhood commercial area.
- Senior living opportunities within the town and neighboring communities.
- Private roadways/less dedicated infrastructure.
- Upscale apartments.
- A \$375,000.00 payment to the Town of Clarkson.

4. The Applicant has requested the following property tax treatment in conjunction with this project:

A. PHASE I: 8 Two-Unit Senior Villas (16 units), Community Center and 89 Senior Unit Building

A PILOT is proposed to be structured to provide and apply the same tax abatement percentages and time periods provided by the NYS Real Property Tax Law Section 485-b exemption. In addition, mortgage tax and sales tax exemptions will be obtained. The application will apply to COMIDA.

As referenced below in the discussion of Phase III, the Applicant offers to construction the two-mixed use buildings nearest the Ridge Road frontage together with Phase I. Requested tax incentives for these buildings is discussed below.

B. PHASE II: 6 Two-Story 16-Unit Buildings (96 market rate units) and 12 Two-Unit Villas (24 units)

A PILOT is proposed which provides a fixed annual tax payment per unit as follows:

Years 1 – 5:	\$1,200 per unit per year
Years 5 – 10:	\$1,600 per unit per year

C. PHASE III: 5 Eight-Unit Buildings plus 30,000 Square Foot Commercial

Tax abatements are proposed as provided in NYS Real Property Tax Law Section 485-b. As referenced above, the Applicant has offered to construct the two buildings nearest Ridge Road frontage with Phase I.

The Applicant may elect to consolidate Phases II and III for purposes of its mixed-use project. This would not change the PILOTs intended and described above.

5. This Board finds that the Hamlet amenity is in general conformance with the Comprehensive Plan adopted by the Town of Clarkson in 2008.
6. This Board further finds that the cash amenity of \$375,000.00 will be useful in promoting a walkable community and providing for enhanced recreation opportunities and park facilities for the citizens of the Town of Clarkson.
7. Based on the above, this Board finds that the proposed Incentive Zoning is a well-balanced exchange of incentives for amenities and will appropriately and reasonably benefit both the Town as well as the applicant; and be if further

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RESOLVED, that the proposed Incentive Zoning relating to property known as “Brook Field at Clarkson”, consisting of approximately 31.3 acres located on the west side of Sweden Walker Road between East Avenue and Ridge Road, being tax parcels 069.02-01-1.21, 069.02-1-1.12, 069.02-01-1.1 and as set forth on the legal description attached hereto, to allow for the construction of:

- 20 - 2 unit villas
- 6 - 16 unit 2 story apartment buildings
- 1 - 87 unit 3 story apartment building with one display apartment and one service apartment
- 5 - 8 unit apartments over commercial space
- 1 - Community Center and 30,000 s.f. of Commercial/office including 5-6,000 s.f. commercial/office buildings

is hereby approved in accordance with the provisions of Article VIII of Chapter 140 “Incentive Zoning” of the Town of Clarkson Code; and be it further

RESOLVED, that the Incentive Zoning approval herein is subject to the following conditions:

1. The applicant is to pay the \$375,000.00 amenity to the Town of Clarkson prior to any site work or building on the property. Exploratory earthwork necessary to obtain site plan approval from the Planning Board is exempted. The Town will deposit the \$375,000.00 in a separate trust fund pending further resolution of the Town Board directing expenditure of the same in accordance with §261-b of the New York State Town Law.
2. A traffic study was conducted for a previous iteration of this concept plan. The report should be updated to reflect the proposed project. The revised report should also consider the combined impact of the anticipated development of nearby properties including: The proposed Express art, re-development of the Garland, and development of tax account #030.01-1-20.111 (located on the east side of Sweden Walker Road). Improvements including the addition of turning lanes on Sweden Walker Road and modifications to traffic signals should be considered. The revised report should be submitted to the State and County Departments of Transportation for review and comment. This shall be part of the site plan approval to be conducted by the Planning Board.
3. That any exit onto Sweden Walker Road be designated as “right in” and “right out” only. Further that suitable screening be provided by the developer for to mitigate the impact of headlights shining on any homes east of the project that may be impacted by such. Such screen shall be done in conjunction with the owner of the impacted property. If the Planning Board determines the necessity, a Letter of Credit will be established to guarantee the construction of the screening.
4. The Plans to be submitted to the Planning Board for subdivision and site plan review and approval shall include provisions for walkable sidewalks accessible to the general public on East Avenue, Sweden Walker Road, the road running near the west end of the project from Ridge Road to East Avenue and the road running from the previously mentioned road to Sweden Walker Road.
5. In addition to interior street lighting, the developer shall provide street lighting of a similar nature along Sweden Walker Road and East Avenue.

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6. That the Town Board designates the Clarkson Planning Board to review and approve the design of this project in conjunction with an Architect to be retained by the Town of Clarkson. The Developer will reimburse the Town of Clarkson for its expenses in this respect within thirty days of an invoice being provided. The Architect will review the following for all construction on the property:
 - a. color scheme;
 - b. design;
 - c. massing;
 - d. orientation of buildings;
 - e. material;
 - f. lighting fixtures – both on the buildings and along all roads including Sweden Walker Road and East Avenue; and
 - g. fencing – including any vegetative fence.

7. That all trash receptacles shall be kept in fully enclosed areas. The style and location of such enclosed areas shall be determined by the Planning Board.

8. That as part of the project the Applicant shall petition the Town Board for creation of the following districts, or district extensions, as necessary:
 - a. sanitary sewer;
 - b. storm sewer;
 - c. lighting; and
 - d. sidewalk.

That this Resolution is subject to the Developer submitting its written approval and agreement no later than January 31, 2016 and will expire if not approved by such date.

VOTE OF THE BOARD

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

NAYS: None

EXPRESS MART

Attorney Olson pointed out that the Town Board is not the lead agency. He presented a draft resolution for approval of this proposed project, which discusses some of the findings on the Environment Assessment Form. Section 4.f. of the EAF states: ***The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.*** According to the EAF, there is an aquifer and this is taken care of by petroleum regulations. JP Schepp elaborated that there are areas along Ridge Road with deposits of gravel and sand which are considered to be high quality potential sources of ground water (producing more than 10 gallon/minute wells). Many of these areas are covered with public water already, but are considered a resource worth protecting. A provision will be added stating the stormwater management facility should be subsurface along the right of way. Sections on lighting and transportation were discussed. The Planning Board will have the option to re-visit the transportation issue with the New York State Department of Transportation. Attorney Olson recommends a negative declaration for the proposed Express Mart project. Express Mart representatives were given the opportunity to review the incentive zoning resolution, with the addition of subdrainage.

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**RESOLUTION TO APPROVE STATE ENVIRONMENTAL QUALITY
REVIEW ACT (“SEQRA”) DETERMINATION OF ENVIRONMENTAL
SIGNIFICANCE**

NEGATIVE DECLARATION

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

ABSENT: None

Introduced by: Councilperson Smith

Seconded by: Councilperson Hoy

Issued in accordance with Article 8 of the New York State Environmental
Conservation Law

WHEREAS, EXPRESS MART, (the “Applicant” or “Project Sponsor”) currently is the owner of lands in the Town of Clarkson of approximately 2.97 acres in size (the “Property”), located at the southeast corner of Ridge Road and Sweden Walker Road; and

WHEREAS, the Property is bisected by a zoning district boundary between Residential and Highway Commercial Zoning; and

WHEREAS, the Property is currently used for residential use and occupied by buildings which are not in a high state of repair; and

WHEREAS, the Applicant has applied to the Town of Clarkson for Incentive Zoning approval, pursuant to Chapter 240, Article VIII of the Town of Clarkson Code, to allow the proposed development of a commercial development named Express Mart to include the construction of a 7,100 +/- square foot “Express Mart” with restaurant tenant with drive-through operations, free-standing car wash building, and gasoline fuel island (serving 12 vehicles), all to be constructed in one phase; and

WHEREAS, the Applicant is required to obtain Town Planning Board site plan and subdivision approval prior to commencing construction. Site plan approval will allow the Town to further control the development of the Site to assure that the scope of development is consistent with that analyzed by the Town Board in its review of the Full Environmental Assessment Form (FEAF). The Planning Board site plan approval considers, among other issues, parking spaces, ingress and egress to highways, sewer, water, drainage, lighting, signage, screening and landscaping; and

WHEREAS, the storage of petroleum on the site will be governed by Article 17, Title 10 of the New York Environmental Conservation Law “Control of Bulk Storage of Petroleum”; and

WHEREAS, if the Incentive Zoning Application is granted by the Town Board it will include conditions for the Developer to comply with; and

WHEREAS, the Project is classified as an Unlisted Action under SEQRA and this Board is making the determination herein solely with respect to the Incentive Zoning Application knowing that the Planning Board will make a separate determination (uncoordinated review); and

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WHEREAS, the Town Board has conducted a thorough and careful review of the proposed project and all application materials submitted by the project sponsor; including but not limited to the application for Incentive Zoning, the conceptual site plan for the project, the FEAF dated September 29, 2015, as well as other documents submitted by the project sponsor's attorney and engineer, and has also considered (1) public comments and (2) the Comprehensive Plan of the Town of Clarkson.

WHEREAS, this Board has taken a hard look at all issues based upon the criteria for determining environmental significance found in the SEQRA Regulations (6 NYCRR §617.7c) , which may have a significant adverse environmental impact. This hard look resulted in Part II of the Environmental Assessment Form being completed by this Board on December 8, 2015.

NOW, THEREFORE, the Town Board makes the following findings on issues identified in the SEQRA regulations that may have environmental importance:

1. Impact on Land. The development, as currently proposed, does not result in any significant impacts on land as identified in Part 2 of EAF.
2. Impact on Geological Features. There are no unique, or unusual land forms on the site.
3. Impact on ground or surface water quality or quantity/drainage and Flooding. Drainage issues are necessarily part of, and evaluated in, all development projects. A large portion of the developed site will be covered by impervious surfaces. The project sponsor proposed a drainage program directing storm water to an on-site storm water management facility, with ultimate discharge of waters to a tributary of Otis Creek. As part of the site plan review conducted by the Planning Board quality will be regulated as mandated under State requirements. The proposed use requires the bulk storage of petroleum products over what the DEC has determined to be a "principal aquifer". The use will be governed and regulated by Article 17, Title 10 of the New York Environmental Conservation Law "Control of Bulk Storage of Petroleum" together with any regulations thereunder. This project will not result in the development of lands subject to flooding. Therefore, no significant adverse environmental impact is contemplated.
4. Impact on Air Quality. No extraordinary air emissions are expected as a result of this project. No state or federal permits are required for anticipated discharges. Therefore, no significant adverse environmental impact is contemplated.
5. Impact on Plants and Animals. There is no significant natural community, and has no species of plant or animal that is listed by New York State as rare, or a species of special concern. Therefore, no significant adverse environmental impact is contemplated.
6. Impact on Agricultural Resources. The land on which this project is proposed has not been used for agricultural in recent memory. The required Agricultural Data Statement was provided to agricultural operations in the area and there was no opposition to the project from the agricultural community.
7. Impact on Aesthetic Resources. The development, as currently proposed, does not result in any significant impacts on Aesthetic Resources as identified in Part 2 of the EAF.

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8. Impact on Historic and Archeological Resources. The site neither contains nor is substantially contiguous to a registered National Natural Landmark. The site does not contain and is not substantially contiguous to any building or archeological site or district which is listed or nominated by the New York State Board of Historic Preservation for inclusion on a state or national register of historic places. Therefore, no significant adverse environmental impact is contemplated.
9. Impact on Open Space and Recreation. The proposed action does not result in the loss of recreational opportunities or a reduction in open space resource as designated in an adopted open space plan. Therefore, no significant adverse environmental impact is contemplated.
10. Impact on Critical Environmental Area (CEA). This site is not within a CEA as defined by the SEQRA regulations.
11. Impact on Transportation. It is expected that traffic at the intersection of Sweden-Walker Road will be impacted by this development and the proposed development of Brook Field at Clarkson on the west side of Sweden Walker Road. Both of these roads are New York State Highways. The Town is in receipt of a copy of a letter from the New York State Department of Transportation dated May 8, 2015 directed to Mr. Gordon Stansbury of GTS Consulting. In that letter, David C. Goehring, P.E., the NYS DOT Regional Traffic Engineer, referring to the Express Mart proposal states that "the subject project does not appreciably impact traffic at this intersection and therefore only adjustments in the traffic signal timing are necessary". It is the expectation of the Town Board that the Planning Board will require additional information as part of its detailed site plan review of the project. Therefore, any significant adverse environmental impact will be mitigated.
12. Impact on Energy. Energy will be provided through the local service provider. No capacity issues are anticipated. Therefore, no significant adverse environmental impact is contemplated.
13. Impact on Noise, Odor and Light. No extraordinary noise will be generated by the project. Noise levels above ambient noise levels may be expected during construction, but that is normal. All lighting on the property will be dark sky compliant. The Applicant has agreed to provide maintain suitable screening for the property on the east side of the project. This will eliminate any significant adverse environmental impact.
14. Impact on Human Health. While these standards are cited in the SEQRA regulations as potential indicators of environmental impact, there are no issues of environmental significance resulting from potential hazards to human health, adverse impact of the change of use and attraction of people to this site. Therefore, no significant adverse environmental impact is contemplated.
15. Solid waste production. There will be solid waste produced as a result of the project. This will be managed by commercial haulers. Therefore, no significant adverse environmental impact is contemplated.
16. Consistency with Community Plans and Character. This project is not in conflict with any adopted community plans of the Town. The project is consistent with the goals of the Town's Comprehensive Plan by contributing to the establishment of a hamlet with services for residents. It is likely that this project will be used by the residents of the proposed mixed use development on the west side of Sweden Walker Road known as Brook Field at Clarkson. Therefore, no significant adverse environmental impact is contemplated.
17. Public water supply. Public water is available to the site through the Monroe County Water Authority. No capacity issues are anticipated. Therefore, no significant adverse environmental impact is contemplated.

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WHEREFORE, after taking this hard look at potential significant adverse environmental issues and this reasoned elaboration as to why none have been identified, the Town Board of the Town of Clarkson, for this uncoordinated environmental review, hereby issues a Negative Declaration of environmental impact under SEQRA.

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION APPROVING INCENTIVE ZONING FOR EXPRESS MART

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by: Councilperson Smith

WHEREAS, in a letter dated September 2, 2015, Woods Oviatt Gilman LLP, agents for Rerob, LLC, requested that the Town Board consider an Incentive Zoning Request, relating to a project known as Express Mart (Clarkson), consisting of approximately 2.97 +/- acres located on the southeast intersection of Sweden Walker Road and Ridge Road to allow for the following to be constructed:

- 1 - 7,192 s.f. building containing a 4,512 s.f. Express Mart and 2 tenant spaces (restaurants and/or retail) totaling 2,580 s.f.
- 6 - gas islands with a canopy
- 1 - 1,040 s.f. car wash building

with applicable parking, drive aisles, utilities, landscaping and lighting; and

WHEREAS, the application was reviewed by this Board and, in accordance with Chapter 140 of the Clarkson Code, reviewed by the Planning Board; and

WHEREAS, upon posting and publishing the required legal notice, a Public Hearing was held on November 24, 2015 at the Clarkson Courthouse, 3645 Lake Road in the Town of Clarkson, to consider the proposed Incentive Zoning. At said Public Hearing all who wished to speak were heard; and

WHEREAS, the Town Board issued a Negative Declaration of Environmental Significance with respect to the incentive zoning portion of this application on December 8, 2015;

NOW, on motion duly made and seconded, it is

RESOLVED, that the Town Board of the Town of Clarkson makes specific findings in this matter as follows:

- i. This application is a request for Incentive Zoning pursuant to Article VIII of Chapter 140 of the Clarkson Code. In general terms, the proposed Incentive Zoning would allow for the development of a 2.97 acre parcel as follows:

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- 1 - 7,192 s.f. building containing a 4,512 s.f. Express mart and 2 tenant spaces (restaurants and/or retail) totaling 2,580 s.f.
- 6 - gas islands with a canopy
- 1 - 1,040 s.f. car wash building

with applicable parking, drive aisles, utilities, landscaping and lighting.

The project site is comprised of 3 parcels:

- 2 parcels, tax account #'s 70.01-01-19 and 70.01-01-18 totaling 1.49 +/- acres, are zoned Highway Commercial (HC);
- the remaining parcel – a portion of tax account #70.01-01-20.11 is 1.48 +/- acres and is zoned Suburban Residential (RS-20).

The incentives sought by the Developer are:

A. *Changes in use.*

1. To allow a convenience store with the retail sale of gasoline and fuel oil, food, sundries and personal care items, and sit-down eating and drinking in the Highway Commercial district without obtaining a Special Use Permit.
2. To allow a retail convenience store with the retail sale of gasoline and fuel oil, food, sundries and personal care items, and sit-down eating and drinking, and a carwash in the Suburban Residential district.

B. *Changes in setbacks or height.*

A deviation from the setback requirement for the dumpsters of approximately 16 feet as shown on the site plan.

C. *Modification of parking requirements.*

1. A modification of parking requirements incentive is necessary to allow a reduction of number of reservoir spaces [Section 140-33B(1)(c)] required within the Highway Commercial district. A carwash requires 50 reservoir spaces. Although the carwash is located within the Suburban Residential district, the reservoir spaces extend into the Highway Commercial district. See Table 1 for parking requirements.
2. A modification of parking requirements incentive is necessary to allow reservoir spaces [Section 140-33B(1)(c)], along with a reduction in the number of reservoir spaces required within the Suburban Residential district, the reservoir spaces extend into the Highway Commercial district. See Table 1 for parking requirements.

D. *Modification of signage requirements.*

1. A modification of signage requirements incentive is necessary to allow necessary signage within the Highway Commercial district without a Special Permit – this may change as the design progresses through the approval process.

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2. A modification of signage requirements incentive is necessary to allow necessary signage within the Suburban Residential district without a Special Permit – this may change as the design progresses through the approval process.

Additional incentives may be added at the discretion of the Planning Board through the site plan review process. The Planning Board has the option of referring significant changes to the Town Board for review and approval.

Table 1 Bulk Area Summary:

Highway Commercial (HC):	REQUIRED	PROPOSED
Walker Road		
Front Setback	70'	75' to canopy, 165' to building
Side Setback (Building)	30' (40' if abutting residential)	83' (canopy) along Sweden
Rear Setback (Building)	30'	93' 6"
Max. Bldg. Ht.	40'	25' +/-
Lot Coverage	25%	9.9%
Parking		
Store:	3x Retail Sales Area/180 3 (1410) /180 = 23.5 spaces	24 spaces plus 3 reserved
Restaurant	1 space per 3 seats (8 seats total=2.6)	3 spaces
Employees	1 space per employee (4 employees=4)	4 spaces
		Total: 31 spaces (+3 reserved spaces)
Reservoir Spaces (for car wash)	50	4 spaces (50 required per code)
Suburban Residential (RS-20):	REQUIRED	PROPOSED
Walker Road		
Front Setback	40' (75' abutting a major road)	75' along Sweden Walker Road
Side Setback (Buildings)	10'	40' (East)
Side setback (Accessory structure)	10'	20'
Rear Setback	30'	93' 6"
Rear Setback (Accessory structure)	10'	15' 5"
Max. Bldg. Ht.	35'	25' +/-
Lot Coverage	30%	8.7%
Parking		
Store	3x Retail Sales Area / 180 3 (1320) / 180 = 22 spaces	7 spaces + 12 reserved spaces
Restaurant	1 space per 3 seats (12 seats total =4)	4 spaces
Employees	1 space per employee (3 employees =3)	3 spaces
		Total: 14 spaces (+12 reserved spaces)
Reservoir Spaces (for car wash)	N/A	15 spaces (50 required per code)

*Other deviation from dimensional requirements may be required by subsequent modifications to the site plan during the site plan review process.

3. The amenities offered to the Town are as follows:
 - a. Residents of the community will benefit from the proximity of “Hamlet District” inspired, pedestrian friendly neighborhood services offered by the project including: gasoline, a carwash, a convenience store, and restaurants. The proposed development will include several design elements that will enhance the streetscape along Ridge Road and Sweden Walker Road and contribute to creation of a hamlet at this intersection, such as incorporating an attractive brick façade, a knee wall, landscaping, and other elements intended to connect development to the streetscape and contribute to a village-appropriate aesthetic. These design features are not required by Code and were offered as part of the development.

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- b. The 2008 Town of Clarkson Comprehensive Plan identifies the project areas as appropriate for a future Hamlet district. Although the site was never rezoned, the proposed project design is consistent with the design goals of the Hamlet district. In addition, the proposed retail uses will be a benefit to existing nearby residents and future residents of the proposed Brook Field at Clarkson mixed-use housing development.
 - c. In addition to the benefits and amenities identified above, a cash payment of \$37,500.00 is to be made to the Town of Clarkson.
4. This Board finds that the Hamlet amenity is in general conformance with the Comprehensive Plan adopted by the Town of Clarkson in 2008.
 5. This Board further finds that the cash amenity of \$37,500.00 will be useful in promoting a walkable community and providing for enhanced recreation opportunities and park facilities for the citizens of the Town of Clarkson.
 6. Based on the above, this Board finds that the proposed Incentive Zoning is a well-balanced exchange of incentives for amenities and will appropriately and reasonably benefit both the Town as well as the applicant; and be it further

RESOLVED, that the proposed Incentive Zoning relating to property known as “Express Mart”, consisting of approximately 2.97 acres located on the southeast corner of Sweden Walker Road and Ridge Road, being tax parcels 70.01-01-19, 70.01-01-18, and 70.01-01-20.11 as set forth on the legal description attached hereto, to allow for the construction of:

- 1 - 7,192 s.f. building containing a 4,512 s.f. Express mart and 2 tenant spaces (restaurants and/or retail) totaling 2,580 s.f.
 - 6 - gas islands with a canopy
 - 1 - 1,040 s.f. carwash building
- with applicable parking, drive aisles, utilities, landscape and lighting

is hereby approved in accordance with the provisions of Article VIII of Chapter 140 “Incentive Zoning” of the Town of Clarkson Code; and be it further

RESOLVED, that the Incentive Zoning approval herein is subject to the following conditions:

1. The applicant is to pay \$37,500.00 amenity to the Town of Clarkson prior to any site work or building on the property. Exploratory earthwork necessary to obtain site plan approval from the Planning Board is exempted. The Town will deposit the \$37,500.00 in a separate trust fund pending further resolution of the Town Board directing expenditure of the same in accordance with §261-b of the New York State Town Law.
2. The applicant shall provide all necessary and relevant traffic information to the New York State Department of Transportation and the Clarkson Planning Board and shall ensure that all correspondence acknowledges that the impact from Brook Field at Clarkson, as proposed, has been considered.

12.08.15

3. That suitable screening is provided by the developer to mitigate the impact of the project on the property to the immediate east. If the Planning Board determines the necessity, a Letter of Credit will be established to guarantee the construction and continued maintenance of the screening.
4. The plans to be submitted to the Planning board for subdivision and site plan review and approval shall include provisions for walkable sidewalks accessible to the general public on Sweden Walker Road and Ridge Road.
5. That the Town Board designates the Clarkson Planning Board to review and approve the design of this project in conjunction with an Architect to be retained by the Town of Clarkson. The Developer will reimbursement the Town of Clarkson for its expenses in this respect within thirty days of an invoice being provided. The Architect will review the following for all construction on the property:
 - a. color scheme;
 - b. design;
 - c. massing;
 - d. orientation of buildings;
 - e. material;
 - f. lighting fixtures; and
 - g. fencing and screening – including any vegetative fence.
6. That all trash receptacles shall be kept in fully enclosed areas. The style and location of such enclosed areas shall be determined by the Planning Board.
7. That as part of the project, the Applicant shall petition the Town Board for creation of the following districts, or district extensions, as necessary:
 - a. sanitary sewer;
 - b. storm sewer;
 - c. lighting; and
 - d. sidewalk.
8. The drainage system shall be subsurface providing that such a design is workable.

That this resolution is subject to the Developer submitting its written approval and agreement no later than January 31, 2016 and will expire if not approved by such date.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Didas and Smith

NAYS: Councilperson Filipowicz.

12.08.15

MOTION APPROVING HORSE ARENA USAGE APPLICATION

Motion by Councilperson Filipowicz
Seconded by Councilperson Hoy
To approve the application with changes.
Unanimously carried
***see application at end of minutes**

MOTION TO AMEND 11-10-2015 MINUTES

RESOLUTION APPOINTING SOLE ASSESSOR; ELIZABETH A. SPENCER

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith
ABSENT: None

Introduced by: Councilperson Hoy
Seconded by: Councilperson Smith

To appoint Elizabeth A. Spencer, 54 Hidden Creek Lane, Hamlin NY, to the position of Sole Assessor effective November 30, 2015 at an annual salary of \$48,000. The current term of office began 10-01-2013 and ends September 20, 2019.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz, Didas and Smith
NAYS: None

MOTION SETTING ORGANIZATIONAL MEETING DATE/TIME

Motion by Councilperson Hoy
Seconded by Councilperson Smith
To schedule the 2016 Organizational Meeting for Monday, January 4, 2016 at 6:00 P.M. at the Town Hall, 3710 Lake Road, Clarkson.
Unanimously carried

MOTION AUTHORIZING VACATION ROLLOVER

Motion by Councilperson Didas
Seconded by Councilperson Smith
To approve employee vacation rollover requests.
Unanimously carried

MOTION AUTHORIZING TOWN HALL AND JUSTICE COURT COPIER PURCHASE

Motion by Councilperson Smith
Seconded by Councilperson Didas
To authorize the purchase of a RICOH MP 2554/MP 3054/MP 3554 copier, printer, facsimile and scanner for the Justice Court. The cost of the copier will be paid in 24 equal monthly installments of \$192.92.
To authorize the purchase of a RICOH MP C3003 copier, printer, facsimile and scanner for the Town Hall. The cost of the copier will be paid in 24 equal monthly installments of \$293.21.
Unanimously carried

ASSESSMENT AND VALUATION SERVICES; DAVID MILLER

Assessor, Liz Spencer received a quote from Mr. Miller stating based on using RPSV4 as the Town's valuation system he will provide Market Data Analysis for 2017 Update, Land; Cost; Model; Market tables and RPSV4 Assistance. Ms. Spencer stated that several other towns have used Mr. Miller's services. Billing will be submitted as the work is completed.

MOTION TO RETAIN THE SERVICES OF DAVID MILLER, AVS

Motion by Councilperson Didas
Seconded by Councilperson Hoy
To retain David Miller of Assessment and Valuation Services at a cost of \$5,500.
Unanimously carried

12.08.15

MOTION ACKNOWLEDGING RECEIPT OF SUPERVISOR'S FINANCIAL REPORT

Motion by Councilperson Hoy

Seconded by Councilperson Filipowicz

Acknowledging receipt of Supervisor's Financial Report.

Unanimously carried

BUILDING INSPECTOR REPORTS

C. Fabry reported that Bassett has begun work on the Residences at Clarkson project.

HIGHWAY SUPT. REPORTS

B. Viscardi reported that staff is preparing for snow removal as well as concluding County work. Last month's auction yielded \$21,752.10 in equipment sold. He submitted a request to Board members to purchase four pieces of equipment as follows:

- Lowboy equipment trailer (we have been borrowing Hamlin's for two years). Hamlin is willing to sell this to us for \$5,000.00.
- Snow blower attachment for Bobcat to replace the bombardier sidewalk machine, which is in need of major repairs totaling \$3,500.00. He will attempt to sell the bombardier at auction
- Utility box, which should be approximately \$1,500.00.
- Trailer at a cost of about \$1,800.00.

To summarize, he would like to use funds from the recent sale of equipment at auction to purchase the above items.

The Gilmore Road pump station will finally be up and running this Thursday; it has been undergoing repairs since the accident on August 1, 2015. We are awaiting a check from the insurance company.

Councilperson Filipowicz

Councilperson Hoy

Motion to purchase the above listed equipment,

Unanimously carried

MINUTES

Motion by Councilperson Smith

Seconded by Councilperson Filipowicz

To approve November 19, 2015 minutes.

Unanimously carried

MINUTES

Motion by Councilperson Smith

Seconded by Councilperson Hoy

To approve November 24, 2015 minutes.

VOTE OF THE BOARD

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Smith

NAYS: None

ABSTAIN: Councilperson Didas

AUDIT—12-01-2015

Motion by Councilperson Hoy

Seconded by Councilperson Smith

To authorize payment of audit 12-01-2015 to include the following:

Vouchers 20151020-20151054; Total \$177,926.49; Gen. \$90,285.65; Hwy. \$83,797.84; SS \$180.00; SL \$3,663.00

For distribution checks from 30784 - 30817

Unanimously carried

12.08.15

MOTION TO ADJOURN

Motion to adjourn at 7:25 P.M. by Councilperson Hoy
Seconded by Councilperson Didas
Unanimously carried

Respectfully submitted,

Sharon S. Mattison
Town Clerk

Approved 01-26-2016

2016 RENTAL APPLICATION

CLARKSON HORSE ARENA

TOWN OF CLARKSON – PARKS AND RECREATION FACILITIES

RESERVATION DATE(S): _____ Circle: M-T-W-Th-F-S-S

3645 Lake Road, Clarkson, New York

_____ \$150 Event Rental Fee (2 Day Maximum)	_____ \$200 Security Deposit
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Applicant Information

Contact Name: _____ **Contact Phone #:** _____

Organization: _____

Street: _____

City & Zip: _____

Function: _____

RULES AND REGULATIONS:

1. Payment is required at the time of application, plus security deposit.
2. No refunds will be issued. Rental fee may be applied to a rain date if held within 30 days of cancellation and subject to availability.
3. The Town of Clarkson Highway staff will prep the arena prior to your event.
4. Keys to access the arena facilities must be picked up at the Town Hall before your event.
5. If the grounds are wet, vehicles are not to be driven off of paved surfaces.
6. Animal waste and fur/hair trimmings are to be removed throughout the event and completely at its conclusion. All manure and debris from trailers are the responsibility of the applicant to remove.
7. Litter and debris should be placed in trash containers.
8. No overnight camping, open fires, or alcohol/drugs are permitted at any time.
9. A minimum of \$1,000,000/\$3,000,000 in general liability coverage is required. The *Town of Clarkson* must be named "Additional Insured" and "Certificate Holder". Insurance certificates are due 30 business days prior to your scheduled event.
10. All property damages incurred are the responsibility of the person named above.
11. Security Deposit will be returned after your event, provided arena facilities are left intact.

Violation of any of the above rules is sufficient cause to retain the deposit and to deny permits to applicant/group in the future. Any personal injury is not the responsibility of the Town of Clarkson. I have read and understand The Town of Clarkson's Rules and Regulations listed above.

Date

Signature

DMV License ID#