



**TOWN OF CLARKSON**

**SHARON S. MATTISON**  
TOWN CLERK

---

3710 Lake Road, P.O. Box 858      Tel.      585-637-1130  
Clarkson, New York 14430      Fax      585-637-1138  
townclerk@clarksonny.org

---

At a regular meeting of the Town Board of the Town of Clarkson held at the Town Hall, 3710 Lake Road, Clarkson, New York on March 27, 2018

RESOLUTION TO SET A PUBLIC HEARING ON INCENTIVE ZONING REQUEST –  
SARA’S GARDEN CENTER

**PRESENT:** Supervisor Underwood, Councilpersons Hoy, Filipowicz, Didas and Smith

**ABSENT:** None

Introduced by Councilperson Hoy  
Seconded by Councilperson Didas

**WHEREAS**, in an application dated October 6, 2016, Franklin V. Kepler and Donna J. Kepler, requested that the Town Board consider an Incentive Zoning request, relating to property known as “Sara’s Garden Center”, consisting of approximately 5.00 acres located at the north side of East Avenue in the Town of Clarkson, New York, to allow for the property described below to be used for the following:

- A. Retail sales of the following, or similar items: ornamental trees, shrubbery, annuals, perennials, traditional produce garden plants, statuary, garden supplies, landscape supplies, aquaculture supplies gardening tools etc., grocery items such as fresh fruit, vegetables, packaged snacks, soft drinks etc., Christmas trees and associated decorations, wrapping papers, ornaments, wreaths, lighting etc., seasonal gift items such as crafts, bird houses, etc., items to attract/repel wildlife, birds, bees, bulk/ bagged/ packaged stone, mulch, chips, etc., drainage and or watering supplies and equipment.
- B. Specialty equipment rentals such as sod cutters, stone cutting equipment, power edgers, etc.
- C. Aquaculture supplies such as liners, pond kits, pumps, filters, marine life etc.
- D. Garden furniture/ outdoor grills, outdoor kitchen equipment, pergolas, benches, etc.
- E. Propane filling for grill tanks
- F. Low Voltage lighting supplies
- G. Food to serve picnic style foods including ice cream

H. On Fridays and Saturdays only, events that may include wine tastings, beer tastings to be provided only by licensed vendors. These events may be held in conjunction with wedding receptions, “ladies nights”, art shows, crafting events.

I. Rock wall building classes, garden design classes, aquaculture classes, seasonal or holiday themed events and activities like corn mazes, visits with Santa, etc., poetry readings, book signings, art classes etc., meditation groups.

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

**WHEREAS**, the application was referred to the Monroe County Department of Planning and the Town of Clarkson Planning Board; and

**WHEREAS**, it was the opinion of the Town Board that the application is complete 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 24<sup>th</sup> day of April, 2018, at 6:00 P.M., Local Time, at the Clarkson Town Hall, 3710 Lake 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 in accordance with the provisions of Section 264 and 265 of the New York State Town Law, the Town Clerk is directed to transmit a copy of this legal notice together with a copy of the application to the Town Clerk of the Town of Sweden and the Village Clerk of the Village of Brockport.

VOTE OF THE BOARD

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

NAYS: None

**EXHIBIT A**

**LEGAL NOTICE  
TOWN OF CLARKSON  
PUBLIC HEARING  
PROPOSED REZONING**

Please take notice that pursuant to the Clarkson Code and the Town Law of the State of New York, the Town Board of the Town of Clarkson will hold a PUBLIC HEARING at the Town Hall, 3710 Lake Road, Clarkson, New York, at 6:00 p.m. on April 24, 2018 to consider the application of Franklin V. Kepler and Donna J. Kepler, (**Sara's Garden Center**), 389 East Avenue, Clarkson, New York to rezone the following parcel of land from **SUBURBAN RESIDENTIAL (RS-10)** to **INCENTIVE ZONING** to allow the property to be used as follows:

- A. Retail sales of the following, or similar items: ornamental trees, shrubbery, annuals, perennials, traditional produce garden plants, statuary, garden supplies, landscape supplies, aquaculture supplies gardening tools etc., grocery items such as fresh fruit, vegetables, packaged snacks, soft drinks etc., Christmas trees and associated decorations, wrapping papers, ornaments, wreaths, lighting etc., seasonal gift items such as crafts, bird houses, etc., items to attract/repel wildlife, birds, bees, bulk/ bagged/ packaged stone, mulch, chips, etc., drainage and or watering supplies and equipment.
- B. Specialty equipment rentals such as sod cutters, stone cutting equipment, power edgers, etc.
- C. Aquaculture supplies such as liners, pond kits, pumps, filters, marine life etc.
- D. Garden furniture/ outdoor grills, outdoor kitchen equipment, pergolas, benches, etc.
- E. Propane filling for grill tanks
- F. Low Voltage lighting supplies
- G. Food to serve picnic style foods including ice cream
- H. On Fridays and Saturdays only, events that may include wine tastings, beer tastings to be provided only by licensed vendors. These events may be held in conjunction with wedding receptions, "ladies nights", art shows, crafting events.
- I. Rock wall building classes, garden design classes, aquaculture classes, seasonal or holiday themed events and activities like corn mazes, visits with Santa, etc., poetry readings, book signings, art classes etc., meditation groups.

**THE DESCRIPTION OF THE PROPERTY IS ATTACHED HERETO AS EXHIBIT A**

**Tax Account Numbers: Part of 069.06-1-7**

Address: 389 East Avenue, Town of Clarkson.

All interested parties will be given the opportunity to be heard.

Dated: March 27, 2018

by order of the  
TOWN BOARD,  
SHARON S. MATTISON,  
TOWN CLERK

## EXHIBIT A

All that tract or parcel; of land situated in the Town of Clarkson, Monroe County, New York State, being part of Town Lot 16, Section 5, Township 4, Triangular Tract, bounded and described as follows:

Beginning at a point in the northerly street line of East Avenue, which point is 558.32' east of the street line intersection on East Avenue and Mission Hill Drive, which point is also 238.9' east of the west property line of the Frank and Donna Kepler property, thence;

(1) N 00° 20' 10" E a distance of 107.94' to a point, thence;

(2) N 87° 44' 22" W a distance of 15.72' to a point, thence;

(3) N 00° 07' 33" E a distance of 63.04' to a point, thence;

(4) N 87° 07' 17" W a distance of 164.88' to a point, thence;

(5) N 00° 58' 18" E a distance of 427.61' to a point, thence;

(6) N 89° 45' 15" E a distance of 535.43' to a point, thence;

(7) S 00° 26' 42" W a distance of 435.39' to a point, which point is the northeast corner of Land now or formerly of R. Galdieri (Tax Map Parcel 069.060-01-005), thence;

(8) N 89° 57" W and along the northerly lines of said Galdieri and now for formerly C. Haggerty (Tax map Parcel 069.06001-006) a distance of 200.00' to a point. thence;

(9) S 00° 26' 42" E and along the westerly line of said Haggerty a distance of 175.25' to a point in northerly street line of East Avenue, thence;

(10) N 89° 50' 57" W and along the northerly street line of East Avenue a distance of 171.58' to the point and place of beginning.

**Incentive Zoning Application-Letter of Intent**  
**10-06-2016**

Over the past 40 years, Sara's Farm Market has evolved into Sara's Garden & Nursery LLC. In response to customer demand, our product mix has expanded to include ornamental trees, shrubbery, annuals, perennials, traditional produce garden plants, statuary, garden supplies and landscape supplies.

Clearly, our product mix and retail focus have outgrown our zoning and our special permit to operate a "farm stand".

To assure our future successes and a possible succession plan for the business, we request a specific zoning designation pursuant to the Incentive Zoning portion of the Clarkson Town Code.

Sara's and its principals understand that any activity allowed by Incentive Zoning still falls under the provisions set forth by NY State Building and Property Maintenance Codes. Fire prevention requirements, occupancy standards, accessibility standards, and all County and State requirements remain in full force.

To ensure our success and to prevent future issues with the requested zoning designation, we have broadly classified our business goals into several categories.

**Alcohol Events:** These events may include wine tastings, beer tastings and or events where a NY State licensed vendor will provide alcoholic beverages. These events may include wedding receptions, receptions that promote our products such as a ladies' night, art shows, crafting events or other events of this nature.

- To foster a successful relationship with neighbors, alcohol events shall be limited to no more than one hundred patrons. Alcohol events held outside shall be concluded no later than 9 PM. Indoor events are limited to 30 or fewer patrons and shall be concluded no later than 11 PM. Events held in tents and or greenhouses are considered outdoor events.
- With the exception of our Ladies' Night events, all alcohol events shall be held on Friday or Saturday. Ladies' Nights have a tradition of being held on a week night. Ladies' Nights end at 8:00 pm.

**Food and Ice Cream:** To encourage lengthier patron visits and to make a visit to Sara's an event that all of the family can enjoy, we wish to create a facility using the footprint and fabric of our historic barn to serve picnic-style food (hot dogs, hamburgers, traditional side dishes etc.) and ice cream. We believe that this addition will also increase the number of unique individual store visits and, in so doing, will promote the sales of our core-focus merchandise. The facility will also house accessible restrooms for all of Sara's patrons, a feature we do not currently have.

- Seating will be limited. This is not intended to be a full-service restaurant.
- The food facility will meet all local, County and State health codes.
- Our food facility will be closed during the months of January, February and March. The food service portion of this zoning request is designed only to promote our core business, not to be a stand-alone enterprise.

**Non-alcohol events:** These events are intended to promote the sales of our core-focus products such as landscaping supplies, annuals, perennials, statuary, etc.

- Rock wall building classes
- Garden design classes
- Aquaculture classes
- Seasonal or holiday themed events and activities like corn mazes, visits with Santa, etc.
- Poetry readings, book signings, art classes, etc.
- Meditation and yoga groups
- Other events of a similar nature

**Product mix:** Our current product mix includes ornamental trees, shrubbery, annuals, perennials, traditional produce garden plants, statuary, garden supplies, landscape supplies, aquaculture supplies, gardening tools, etc. In order to ensure our continued success, our product mix may include the following items or other items of a similar nature:

- Grocery items such as fresh fruit, vegetables, packaged snacks, soft drinks, dairy, etc. These items may be presented as a point of purchase choice separate from the food service facility.
- Christmas trees and associated decorations, wrapping papers, ornaments, wreaths, lighting, etc.
- Seasonal gift items such as crafts, bird houses, etc.
- Items to attract/repel wildlife, birds, bees.
- Bulk/ bagged/ packaged stone, mulch, chips, etc.
- Drainage and or watering supplies and equipment.
- Specialty equipment rentals such as sod cutters, stone cutting equipment, power-edgers, etc.
- Aquaculture supplies such as liners, pond kits, pumps, filters, marine life, marine food, chemicals, etc.
- Garden furniture, outdoor grills, outdoor kitchen equipment, pergolas, benches, etc.
- Propane dispensing equipment for filling grill tanks.
- Low voltage lighting supplies.

**The Amenity:** Sara's Garden Center has always been a good neighbor in Clarkson. In the past, Sara's has voluntarily provided product to the community in the form of annuals, perennials, and maintenance to public flower beds without compensation. This year, Sara's was recognized by local newspapers for its efforts and contributions to the Town of Clarkson.

Sara's Garden Center agrees to provide landscaping merchandise/maintenance to the Town of Clarkson of a value totaling \$5,000. Sara's will provide this amenity at a rate no slower than \$1000 a year for five consecutive years beginning the year following Incentive Zoning Approval.

Upon receipt of the final amenity installment, the Town of Clarkson shall provide a letter to Sara's acknowledging the successful fulfillment of Sara's obligation to the Town and discharging any further obligation to the Town in regards to this Incentive Zoning application.

Sara's agrees that, if for any reason the amenity is not provided as promised, the Town may revoke the Incentive Zoning approval.