

TOWN OF CLARKSON
TOWN BOARD MEETING
May 8, 2018

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, May 8, 2018 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Gerald Underwood	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Jackie Smith	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Superintendent
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Director of Finance
Chad Fabry	Building Inspector/Code Enforcement
Elizabeth Spencer	Assessor
**excused	

Supervisor Underwood 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 and for our First Responders.

OPEN FORUM

Mike Bove, Deputy Chief at Monroe Ambulance gave an update. There are now four ambulances dedicated to Sweden, Clarkson, and the Village of Brockport. Residents questioned the status of the Brockport Ambulance Service. Mr. Bove responded that they ceased operations in November of 2017. They have made recent attempts to re-start. Monroe Ambulance will have a table at our Good Neighbor Day in August and J. Smith, Chairperson for this event, thanked Mr. Bove for his participation.

Dave Hafner asked Supervisor Underwood if he had looked into having a rodeo at Hafner Park. Supervisor Underwood stated that he had not researched this yet.

A resident expressed an interest in participating in the upcoming Bicentennial celebration. Chairperson of the event, C. Filipowicz took his contact information.

RESOLUTION #145

ADOPTING NEGATIVE DECLARATION

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

ABSENT: None

Introduced by Councilperson Didas

Seconded by Councilperson Hoy

WHEREAS, the Town Board has before it an application for Incentive Zoning for property commonly known as Sara's Farm Market, located on East Avenue in the Town of Clarkson; and

WHEREAS, this Board has determined that it is the Lead Agency; and

WHEREAS, this project is an Unlisted Action for the purposes of SEQRA; and

WHEREAS, that the applicant's representative, James K. Glogowski, has prepared a Short Environmental Assessment Form dated April 4, 2018; and

WHEREAS, this Board having thoroughly reviewed the Environmental Assessment Form and considered each and every impact in accordance with SEQRA

05.08.18

NOW, upon consideration of the above and all of the previous documents, discussion and debate,

BE IT RESOLVED

1. That the creation and granting of the requested incentive zoning will not have a negative impact on the environment
2. That the Town Board adopts a Negative Declaration.
3. That this resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION #146**INCENTIVE ZONING APPROVAL FOR SARA'S GARDEN CENTER**

PRESENT: Supervisor Underwood, Councilperson Hoy, Filipowicz, Didas and Smith

ABSENT: None

Introduced by Councilperson Didas

Seconded by Councilperson Smith

WHEREAS, in a letter dated October 6, 2017, Franklin V. Kepler and Donna J. Kepler, the owners and operators of Sara's Garden Center, located at 389 East Avenue, requested that the Town Board consider an Incentive Zoning Request, relating to a parcel of approximately 5 acres described as follows:

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.

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Said application is for the following use(s) of the land:

- 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.

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 April 24, 2018 at the Clarkson Town Hall, 3710 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 has issued a Negative Declaration of Environmental Significance with respect to this application;
NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Clarkson, Monroe County, New York, 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 an approximately 5 acre parcel 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.

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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.

2. The project site is part of an approximately 5 acre parcel known as tax account #069.06-1-7 which is currently zoned Suburban Residential (RS-10). This grant of Incentive Zoning is only applicable to the approximately 5 acre parcel described above.
3. The Incentives sought by the developer are: Allowing the above uses some of which are not allowed under current RS-10 Zoning.
4. The amenities offered to the Town are as follows: Providing \$5,000.00 of products to be used by the Town in decoration and beautification. Said \$5,000.00 in products shall be provided at a rate of at least \$1,000.00 per year with the first said "installment" to be provided prior to making any changes to the property.
5. This Board finds that the amenity is in general conformance with the Comprehensive Plan adopted by the Town of Clarkson in 2008.
6. This Board further finds that the amenities valued at \$5,000.00 are acceptable.
7. This Board further finds that retaining single family dwellings as a permitted use should be added.
8. 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 "Sara's Garden Center", consisting of approximately 5.00 acres located on the north sides of East Avenue, being part of tax parcel 069.06-1-7 as set forth on the legal description attached hereto, to allow for the use of the property:

- 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.
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- 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.

J. Single family residential dwellings with dimensional restrictions conforming to RS-10 zoning.

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:

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1. The applicant is to provide at least \$1,000.00 in retail value of plants, trees and shrubs 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 balance of the \$5,000.00 (\$4,000.00) will be secured by the filing of a collateral security mortgage on property owned by the applicant. For each of the next four years the applicant shall provide a similar amount of plants, trees and shrubs until the total of \$5,000.00 is reached. The \$5,000.00 total be provided no later than July 1, 2023.
2. That the applicant shall be required to submit any and all site plans to the Clarkson Planning Board for review and approval.
3. That this resolution is subject to the Developer submitting its written approval and agreement with respect to the conditions of this Resolution no later than May 31, 2018 and will expire if not approved by such date; and be it further

RESOLVED, that the official Town Zoning map shall be revised to designate the above described parcel as “Incentive Zoning Pursuant to a Resolution Adopted by the Town Board on May 8, 2018”; and be it further

RESOLVED, that his Resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

SEYMOUR LIBRARY DISCUSSION

Supervisor Underwood reported that in February he met with Sweden Supervisor Johnson, Village of Brockport Mayor Blackman, Carl Gouveia, and past and present Library Board Presidents to discuss their budget and formation of a library district. Mr. Gouveia prepared a “dream” budget to include extended hours. This would require going over the 2% increase that we have because of the tax cap. Supervisor Johnson was in favor of this, but Mayor Blackman and Supervisor Underwood had reservations. There will be a joint meeting on May 22nd at 5:30 at Sweden’s new lodge to discuss this further.

Clarkson will cancel their regularly scheduled Town Board meeting. L. Spencer reminded the group that the Board of Assessment Review is also scheduled for May 22nd. J. Smith’s LED lighting presentation was originally scheduled for May 22nd and will be rescheduled to June 12th.

RECYCLING GRANT UPDATE

Supt. Viscardi provided a status update on the recycling grant stating he was required to provide additional information to the NYSDEC by May 4, 2018 in order for them to complete the grant proposal review, and to prepare a grant contract. Grant reimbursement = 50%. One 30-yard open container has already been purchased for \$6,870. Additional purchases for 2018 will include one 30-yard stationary compactor (est. \$25,000) and two 40-yard packers (est. \$12,000 each x 2 = \$24,000).

TRUCK FINANCING

Supt. Viscardi reported the new truck was delivered today. Two financing options were discussed. Currently the Town uses Key Bank for their financing needs. Attorney Richard Olson will review the two options and will have the necessary documents ready for the June 12, 2018 board meeting.

BULK WATER PURCHASE

Supt. Viscardi stated that he has had a couple requests to purchase bulk water. In the past the charge was \$5 per 1,000 gallons; the Town pays between \$2.16 to \$3.12 per gallon. After a brief discussion it was decided to allow this between 7:30 a.m. and 3 p.m., when the Highway Department is open. The billing process will be reviewed.

TOWN EMPLOYEE SMOKING POLICY

Supt. Viscardi stated that he would like to see a policy added to the employee handbook regarding tobacco use during work hours. Sup. Underwood said he will address this at the next Board meeting.

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A workshop will be scheduled for Town Board members to resume work on the employee handbook.

SUPERVISOR REPORTS

Supervisor Underwood questioned whether or not we could allow residents from neighboring towns to use our Transfer Station. This has been brought up before and it has always been felt to be cost prohibitive. Supt. Viscardi has updated information on costs related to the transfer station and will share that data with the Board.

COUNCILPERSONS REPORT

J. Smith reminded the group of the May 15th presentation by Joe Reisch of the Monroe County Sheriff's Office. She gave an update on the Sweden-Clarkson Rec Center. Jill is currently working on summer programs and the summer brochure. They will advertise our Good Neighbor Day events in that brochure.

C. Filipowicz met with Patty Hayles regarding the rec center survey. They hope to have this ready for distribution at the end of the month. Web development is well underway. Content is being reviewed and new photos are being taken. She reminded everyone of the EAP harassment workshop scheduled for Thursday, May 17th, 8 a.m. at the Goodwin Lodge.

P. Didas contacted the NYS Canal Corporation for new information to be placed in the kiosk on County Line Road.

TOWN CLERK REPORT

S. Mattison reported on the community shredding event held on May 5th. Approximately 47 attended, some with a few documents and others with several boxes. After receiving a few requests to open the Town Clerk office earlier, she has decided to initiate summer hours. This will begin on May 25 through August 31, to include Monday, Wednesday and Thursday 7:30 a.m. to 4 p.m., Tuesday 7:30 a.m. to 6 p.m., and Friday 7:30 a.m. to 1 p.m. The Town Clerk's office offers Saturday hours for the first two months each year and services by appointment. In addition, the Town Clerk's office will be closed Friday, May 11th as we are hosting the Monroe County Town Clerk/Tax Receiver's monthly meeting/training seminar at the Goodwin Lodge.

ASSESSOR REPORT

L. Spencer reported that the Board of Assessment Review will be held on Tuesday, May 22 at 4 p.m. Approximately 45 letters were mailed out regarding change in assessments. She stated that a resident approached her and wishes to officially donate to the Town a 2.9 acre parcel of land, common area, on Tearose Meadow Lane. The Town currently maintains this land. Two residents have recently questioned her about letters they have received from Aventine Properties LLC requesting the residents to hire them regarding their assessment. She talked to the County Director about this; the letters are not factual. It has been determined that these letters are a scam. A notice will be shared on our website and Facebook page alerting residents of this scam. Residents will be encouraged to call her with any questions.

BUILDING INSPECTOR REPORT

C. Fabry reported that Basset has begun work on the second apartment building project. He is busy with permits for decks, swimming pools, and additions. He did some initial inspections on the Express Mart project and will be following that. He explained a recent change in the NYS worker comp insurance procedure that residents must follow before issuance of a permit.

HIGHWAY SUPERINTENDENT REPORT

R. Viscardi reported that work is continuing for the Clarkson-Parma TL Road water line. Junk Days were successful, with 126 residents participating. He visited the property on Stag Creek regarding the drainage issues.

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RESOLUTION #147

ACKNOWLEDGE RECEIPT OF SUPERVISOR'S FINANCIAL REPORT

Introduced by Councilperson Filipowicz

Seconded by Councilperson Didas

To acknowledge receipt of Supervisor's Report.

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION #148

MINUTES

Introduced by Councilperson Smith

Seconded by Councilperson Didas

To approve April 24, 2018 minutes.

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION #149

AUDIT—5-01-2018

Introduced by Councilperson Hoy

Seconded by Councilperson Filipowicz

To authorize payment of audit 5-01-2018 to include the following:

Vouchers 20180402-20180442; Total \$30,811.95; Gen. \$14,014.77; Hwy. \$9,853.74;

H \$3,014.34; SS \$208.91; SL \$3,720.19

For distribution checks from 33198 – 33235

VOTE OF THE BOARD

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

NAYS: None

RESOLUTION #150

ADJOURNMENT

Introduced by Councilperson Hoy

Seconded by Councilperson Filipowicz

To adjourn the Town Board meeting at 7:00 P.M.

VOTE OF THE BOARD

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

NAYS: None

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 05-22-2018