

**TOWN OF CLARKSON PLANNING BOARD MEETING MINUTES**  
**Tuesday, August 20, 2019**

The Planning Board of the Town of Clarkson held their regularly scheduled meeting on Tuesday, August 20, 2019 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

**PRESENT – Board Members**

Conrad Ziarniak, Chairperson  
John Jackson  
William Rowe  
Dave Virgilio  
Thomas Schrage \*

**Support Board Members**

Richard Olson, Town Attorney  
J.P. Schepp, Town Engineer  
Kevin Moore Bldg. Inspector

\*Excused

**CALL TO ORDER**

C. Ziarniak called the meeting to order at 6:02 p.m. and led all those present in the Pledge of Allegiance with a moment of silence honoring Veterans, military service members and first responders. C. Ziarniak read the agenda aloud.

**PUBLIC HEARING**

**Applicant/Property Owner:** Keith Stein

**Property Address:** 2371 Ireland Road

**Tax ID:** 041.020-01-037

**Acres:** 8.29 acres

Subdivide the existing lot into one 220x300 building lot and a remaining lands portion. The remaining lands portion will remain undeveloped at this time. The building lot will include a 3 bedroom single family home. The home will be serviced by a private use septic system, private well, and public electric service from the roadside.

C. Ziarniak read the legal notice for the Public Hearing for Keith Stein at 2371 Ireland Road.

Dave Matt for Schultz Associates was at Public Hearing representing Keith Stein.

D. Matt briefly explained the proposal to subdivide the over 8 acres of land, cutting off 1.6 acres to build a single family home.

C. Ziarniak asked what was currently on the property.

D. Matt stated that it is an apple orchard.

C. Ziarniak asked if there was anyone present for the Public Hearing who would like to speak.

A man stood up and stated the names of him and his wife, Mike and Teresa Whipple were present and had some concerns that they wanted addressed. They live on 2387 Ireland Road, which is to the west of the property for the Public Hearing.

Mike said that they bought land in an auction back in 2000. And when they bought the property they were told that they needed to have 5 acres build on. He said that anyone north of 104, that to be able to build you needed to have 5 acres of land. He questioned if he was right about that.

C. Ziarniak stated that based on town code of Clarkson that there was no such minimum lot size to build on.

R. Olsen stated that in their deed they may have a restricted covenant. But that has no binding rights with the town and it would be a civil action that they would have to pursue.

Respectfully submitted, Anna Beardslee Building Department Clerk

M. Whipple then stated that he has another concern, which was that Ireland Road is on well water. And he explained that they do not have a lot of water coming through at this time of year.

JP. Explained that currently both ends of Ireland Road have water. And that the town is reviewing that area currently. But is unable to say currently where that will go, but wanted to reassure him that it was being looked at.

M. Whipple stated that him and wife were told by a prior supervisor that a water main would not be put in anytime soon on Ireland Road. He began to explain his concern more, stating that at this time of year they have to ration their water supply because they do not get a lot of water. And he is worried about how that will impact him if people start subdividing more land out there and building houses. He is concerned that they will have no water at all.

C. Ziarniak asked JP to explain water supply and well water.

JP stated that how the wells work and the hydrology process is very complex. He explained that a well can be on a piece of land, and it might not draw a lot of water from it. But if you moved 40 feet out from it, there might be a location where it draws a lot of water. So JP states it is hit or miss. Sometimes he have to drill further down to reach water, and sometimes you don't.

C. Ziarniak asked R. Olsen if the well water would be an issue legally that would impact this house from being built on the property.

R. Olsen stated that it is not an issue legally. They have to follow the town codes for an RS-20, which is the zoning for the property on for Public Hearing today.

M. Whipple then asked what if they were unable to find water on that property.

C. Ziarniak asked JP if he had ever come across a situation like that.

JP stated no.

C. Ziarniak asked D. Matt if he had ever come across a situation like that.

D. Matt stated no.

D. Matt stated that the process that they use before they build is to drill for the well to ensure that there is water. He explained that they keep drilling until they find it. And if they have to push the property line back to do so, they will have to go back to the board to change the site plan.

M. Whipple stated what if they don't tell the board that there was no water.

JP explained that is not how the process works. They can't not let us know. That the site plans are particular and so is the process they need to follow. He explained Monroe County Water Authority has to come out and look at the well and give a certificate making sure it meets health codes and to ensure that the property does have a water supply. He stated that without that certificate, Kevin (the building inspector) cannot issue a building permit, because it would not meet codes. So everything has a process and safety guards to ensure that everything is to code.

M. Whipple then had another question about the drainage on that property. He said that he is walked through that property before and he says it is very wet and has a lot of water on it. He states that nothing will be able to be built over there.

JP stated that the area has been surveyed, as again, that everything has to have an accurate site plan to go in front of the Planning Board. He said according to the surveyed map that was done by a professional surveyor and the map does have a seal on it. It states that there will be no issues with drainage based on the topography of the area.

M. Whipple argued about the topography and stated that the land will be wet. He then asked about the property that will not be used to build on.

C. Ziarniak stated that the property is owned by the same person, and it will be his own property that it affects. And he stated that it is not really any of his concern to worry about his property and what he does to it. Just as it would be the same for his own property.

Respectfully submitted, Anna Beardslee Building Department Clerk

M. Whipple argued that he came to the Public Hearing tonight because he wanted his concerns to be addressed and heard. And told the board that they should be taking in consideration of everyone that is involved around that property that is going to be built on. He asked the board if they all had water at their house, and accused everyone that they don't care what happens to them because it doesn't affect them personally.

C. Ziarniak stated that the board addresses the concerns based on the town code. And legally the town cannot do anything about his concerns, as the property owner has come forward and does everything he was supposed to do in order to use the land the way he would like.

M. Whipple thanked the board for listening to him and left with his wife.

C. Ziarniak motioned to close the Public Hearing for Keith Stein.

J. Jackson seconded.

Unanimously approved.

C. Ziarniak motioned that the SEQR be an unlisted action with a negative declaration.

J. Jackson seconded.

Unanimously approved.

JP reviewed the site map once more to make sure everything was on there. He made a note that it needs to be added in as a condition that the Town of Clarkson is not responsible for the quantity or quality of the water supply on the property.

J. Jackson made a motion to approve the subdivision for Keith Stein.

C. Ziarniak seconded.

Unanimously approved.

J. Jackson made a motion to approve the site plan with the condition that the Town of Clarkson is not responsible for the quantity or quality of the water supply on the property.

D. Virgilio seconded.

Unanimously approved.

C. Ziarniak read aloud the Legal Notice for the Public Hearing for the Lemon Subdivision at 57 East Avenue.

**PUBLIC HEARING:**

**Applicant/Property Owner:** Patricia Lemon

**Property Address:** 57 East Ave

**Tax ID:** 069.010-01-005-001

**Acres:** 3.5

To subdivide the parcel into 2 building lots and a 3<sup>rd</sup> lot which is the remaining lands. To construct two houses on the building lots. The houses will be accessed by an existing private drive which the parcel has a right to use via an existing easement. The parcel has existing gas, electric, and sanitary services. A storm water basin is existing on the parcel.

D. Matt here to represent for Patricia Lemon Subdivision. He briefly explained the proposal aloud.

C. Ziarniak asked if there was anyone there for the Public Hearing for 57 East Avenue.

Kevin McCarthy stood up and stated his name and said he lived on 104 East Avenue.

C. Ziarniak asked if he would like to come up and look at a map to see better the plans for the proposal.

K. McCarthy came up to look it over, as D. Matt explained to him the location so that he had a better understanding of what they wanted to do and build in that area.

Respectfully submitted, Anna Beardslee Building Department Clerk

K. McCarthy stated that from a selfish standpoint, he had been used to that area being wild+ The board members explained to him that this specific area has been looked at several times and all different site plans were proposed, including 5 townhomes being placed there, and even a small shopping center. And this proposal currently is probably the least impacting of all the site plans that have come through.

K. McCarthy stated that he was very happy with the outcome and the proposal and had no further concerns.

C. Ziarniak made a motion to close the Public Hearing.

J. Jackson seconded.

Unanimously approved.

C. Ziarniak asked if there were any legal issues or concerns with the site plans.

R. Olsen stated no.

JP had no other concerns but did suggest that the depth of the sewer and how close it is to the proximity of the house concerned him a bit. And he would suggest moving the house a few more feet over. JP also stated that the Town of Clarkson Sewer Department should look at the plans. He also stated that the storm water agreement should include the pond being maintained as well.

C. Ziarniak asked if there were any comments or questions from the board.

Board had no response.

C. Ziarniak asked D. Matt about plans for remaining lands.

D. Matt stated it could be used for more houses.

D. Matt stated he was not sure, but had a feeling that the property would be left untouched.

C. Ziarniak made a motion for a SEQR unlisted with a negative declaration.

D. Virgilio seconded.

Unanimously approved.

J. Jackson made a motion to approve the Lemon Subdivision

Seconded by C. Ziarniak.

Unanimously approved.

J. Jackson made a motion to approve the Site Plan with storm water maintenance as conditional.

B. Rowe seconded.

Unanimously approved.

**OLD BUSINESS:**

**Applicant/Property Owner: Peter Colombo**

**Property Address: 1583 & 1587 Roosevelt Highway**

**Tax ID: 030.20-2-009-.21 & 030.02-2-009.22**

**Acres: 4.83**

Re-approval of lot 5A site plan of the Rolling Meadows resubdivision, originally approved in July 1989. Merge both lots into one, to build a house.

C. Ziarniak gave brief summary for Peter Colombo.

Dave Matt from Schultz Associates here to represent Peter Colombo.

D. Matt explained that this was back on the agenda as we were waiting for the Monroe DRC which came back today.

JP stated that there were no issues or concerns.

Dick stated there was no legal issues.

Respectfully submitted, Anna Beardslee Building Department Clerk

K. Moore stated he also had no issues or concerns.  
C. Ziarniak asked the board members if they had any comments or concerns to address.  
Board members agreed that everything looked good.  
C. Ziarniak made a motion for SEQR unlisted with a negative declaration.  
J. Jackson seconded.  
Unanimously approved.

J. Jackson made a motion to approve the site plan.  
B. Rowe seconded.  
Unanimously approved.

J. Jackson made a motion to approve the resubdivision.  
C. Ziarniak seconded.  
Unanimously approved.

C. Ziarniak read the next agenda item.

**Applicant/Property Owner:** Joe Scarfone - Atlas Enterprises  
**Property Address:** 55 Clarkridge Drive  
**Tax ID:** 055.04-1-17.116  
**Zoning:** Commercial  
**Acres:** 5 acres

To construct a new pole barn adjacent to existing pole barn on their property. Pole barn dimensions are 60x48x12q

Joe Scarfone representing his company, Atlas Enterprise.

K. Moore summarized that he wants to add a second pole barn.

C. Ziarniak stated that at last meeting he was told that he needed to have a site plan done by an engineer, which Joe has come back with tonight.

JP stated that he looked through it and has no concerns.

C. Ziarniak told Joe that we will waive public hearing based on facts that it is a minor adjustment to property.

B. Rowe made a motion to approve waiving the public hearing and to approve the site plan for the pole barn.

D. Virgilio seconded.

Unanimously approved.

### **MINUTES**

J. Jackson made a motion to approve August 6, 2019 minutes.

Seconded by B. Rowe

Unanimously approved.

### **ADJOURNMENT**

J. Jackson made a motion to adjourn at 7:15 PM.

D. Virgilio seconded.

Unanimously approved.

### **NEXT MEETING**

The next regularly scheduled meeting of the Planning Board will be Tuesday, September 3, 2019 at 7:00 PM.

Respectfully submitted, Anna Beardslee Building Department Clerk