

TOWN OF CLARKSON PLANNING BOARD MEETING MINUTES
Held at Clarkson Town Hall and via Zoom Meeting
Tuesday, December 1, 2020 at 6:00 PM

Board Members

John Jackson, Chairperson
Dave Virgilio
Harold Mundy, via Zoom
Daryl Fleischer, via Zoom
John Culhane

Support Board Members

Richard Olson, Town Attorney, via Zoom
J.P. Schepp, Town Engineer
Kevin Moore Bldg. Inspector
Anna Beardslee, Bldg. Dept. Clerk
* Excused

CALL TO ORDER:

J. Jackson called the meeting to order at 6:00 PM for the Planning Board Meeting. J. Jackson led everyone in the Pledge of Allegiance and read aloud the agenda for the night, explaining that there are three public hearings being held and each would have a 15 minute time slot due to covid-19 protocols.

PUBLIC HEARING:

Applicant: Otis Creek Estate, LLC.
Property Address: 2580 Sweden Walker Road
Tax ID: 41.01-001-029.1
Acres: 107.605 Acres

Applicant requesting to separate two lots from active farming land.

John read through the Legal Notice for Otis Creek Estates. Rich Maier is present to represent Otis Creek Estates. He gave a brief summary, explaining that the barn that is dilapidated on Lot 1 will be removed. He stated that the Owners will either be putting a bond or a cash payment down. So he explained that on the map, he has noted that the barn will be removed. Rich explained that all they would like to do is to separate the house from the active farm land. He then stated that the buyers of the farm land are farmers, and that is all they plan on using it for.

J. Jackson asked if anyone from the board had any questions or concerns.

H. Mundy asked if they were combining the lot with the house and the barn.

R. Maier stated that the house is being sold. The bank wouldn't give them a mortgage with the barn that is falling apart. So they are separating the house from the barn property. R. Maier stated that the person who will be buying the house would like to buy that property. But for now, in order to get the mortgage, they just need it separate the land.

R. Olson stated that a condition will be made for a cash payment or a bond to ensure that the barn is removed.

J. Culhane asked if there was a time frame for it to be removed.

R. Olson stated that we could give them one year from today. He stated that if the date needed to be changed that the Owner could come back in front of the Planning Board.

J. Jackson opened up the Public Hearing.

A woman, who did not give her name stated that she lived across the street on Sweden Walker Road. She said that she just wanted to know what would be happening with the farm land.

R. Maier stated that it would be remaining farm land.

J. Jackson asked if there was anyone else from the Public either present or on Zoom if they wished to speak. No one answered.

J. Jackson made a motion to close the Public Hearing.

J. Culhane seconded.

Unanimously carried.

R. Olson asked K. Moore what the terms of the condition were that they discussed for the barn removal payment.

K. Moore stated that it was \$5,000.00 cash payment or \$15,000.00 bond.

R. Olson stated that he would write up an agreement.

J. Jackson made a motion for SEQR that this is an unlisted action with a negative declaration and does not need any further review.

J. Culhane seconded.

Unanimously carried.

D. Virgilio made a motion to approve the lot line change with the following conditions:

1. That the barn be removed by December 1, 2021;

2. Any building permit issued prior to December 1, 2021 will require the owner to deposit \$5,000.00 in cash **OR** provide a performance bond in the amount of \$15,000 with the Town of Clarkson to ensure removal. Either of the above to be approved by the Attorney for the Town.

J. Culhane seconded.

Unanimously carried.

PUBLIC HEARING:

Applicant: Howard Henick, Henick-McCullough Subdivision

Property Address: West Ridge Road and Orleans County Line Road

Tax ID: 038.04-1-2.2

Acres: 47.415 Acres

Applicant requesting a two lot subdivision to create one new single family building lot. The new building lot will include one single family home with associated improvements. The new home will be serviced by a private use septic system, as well as public gas, water, and electric available at the road side.

J. Jackson read through the Legal Notice. M. Tuttle present to represent. He gave a brief summary of the application. He stated at the last meeting there were a few changes that needed to be made. He explained that the turnaround was added, as well as the house was moved back to meet the 75 foot setback requirement. M. Tuttle stated that plans had been submitted to NYS DOT in regards to the curb cut, but he has not heard back yet.

J. Jackson asked if the board members had any questions or concerns. No one answered.

J. Jackson asked if there was anyone present from the Public, either in person or on Zoom that would like to speak. No one answered. J. Jackson stated that a letter had been received by Shelly and Kevin Carrier from 9880 West Ridge Road. J. Jackson read the letter aloud.

R. Olson stated to the Planning Board if they choose to approve this subdivision, it is not any indication on the part of the Planning Board that they approve of the use of Shelly and Kevin Carrier's property at 9880 West Ridge Road for metal storage and scrapping and whatever it is being used for, as was stated in there letter sent to the Planning Board. R. Olson, then asked the Board Members, that this is not a condition or anything we are agreeing to, is that correct?

J. Jackson stated that is exactly correct. I was only reading the letter as it was sent in to the Planning Board.

R. Olson stated he wanted to make sure that the Planning Board Members understand that the letter is not part of the approval for the subdivision. He also stated that any approval notice or resolution should indicate, that although the Planning Board acknowledged receipt of the letter from Shelly and Kevin Carrier but Planning Board Members do not agree with the contents of the letter. He also mentioned that their property is not before this board for any determination.

J. Jackson made a motion to close the Public Hearing.

D. Fleischer seconded.

Unanimously carried.

J. Schepp stated that we will need the NYS DOT permit for the curb cut.

J. Jackson made a motion for SEQR that it is an unlisted action with a negative declaration and did not need further review.

D. Virgilio seconded.

Unanimously carried.

D. Virgilio made a motion to approve the subdivision with the condition that the curb cut access is to be received by the NYS DOT and that the letter that was received from Kevin Carrier is not a part of this approval of the subdivision.

John C. seconded.

Unanimously carried.

Discussion in between Public Hearings. H. Mundy asked about the next Public Hearing. He stated that the title on the application states Mensing, when it is the Pavolvych application. He also indicated that the application states that this property is at corner of Lake and Lawton, and according to the maps that is incorrect, and should just be Lake Road.

M. Tuttle who is also here to represent that application stated that whomever wrote up the application had incorrect information. So he stated that the application is for Pavlovych and not Mensing. And also the location is Lake Road.

PUBLIC HEARING:

Applicant: Steve and Lisa Pavlovych

Property Address: Lake Road

Tax ID: 043.03-1-10.11

Acres: 109.91 Acres

Applicant requesting for two single family homes with associated improvements. The proposed houses will be serviced by public gas and electric. Sewage disposal will be handled via private connection to the existing Clarkson sanitary sewer that runs through the property. Water service will be provided by a public water at road frontage.

J. Jackson read through the Legal Notice. M. Tuttle present to represent this applicant as well. He gave a brief summary of the application. He stated that the Town Engineer had sent over a letter with some comments, which he has updated since then. He did explain that at the last meeting, it was brought up that the Barn is in front of the house, which is not within Town Code. M. Tuttle stated that after speaking with clients, they expressed that they would like to leave the barn where it is and request a Variance from the Zoning Board. He stated if the variance is not approved then they would move the barn behind the house.

J. Jackson stated that will be a condition that we make in the motion.

H. Mundy asked about access on Lake Road.

M. Tuttle stated that there are two access roads from Lake Road to this property.

H. Mundy then stated that from what he sees on the map that there is a portion that looks like it could become landlocked.

J. Jackson stated that they would make sure that does not happen.

H. Mundy then asked about the legalities of a shared driveway and who is responsible for making the legal paperwork for that.

R. Olson stated that the owner creates it, and the Planning Board approves it.

J. Jackson asked if there was anyone present in person or on Zoom for the Public Hearing. No one answered.

J. Jackson made a motion to close the Public Hearing.

D. Fleischer seconded.

Unanimously carried.

D. Virgilio asked about the size of the land for access and why it was so small.

M. Tuttle stated that it may be possible that the Owner's would like to do something with the land in the future.

J. Schepp stated that it is on public water and sewer, so that property is good. They are probably looking to use it for something in the future. J. Schepp also added everything else looks good, that they just need to get a variance for the barn and get NYS DOT access for the curb cut.

J. Jackson asked R. Olson if he had any issues. R. Olson stated, no.

J. Jackson made a motion for SEQR that this is an unlisted action with a negative declaration and would not need any further review.

D. Fleischer seconded.

Unanimously carried.

J. Jackson made a motion to approve the Subdivision with the condition that they get approval from the Zoning Board in regards to the variance for the barn in the front setback and that the NYS DOT approval is received for the curb cuts.

J. Culhane seconded.

Unanimously carried.

R. Olson asked Planning Board members if they have a recommendation for the Zoning Board in regards to the variance on the barn.

J. Jackson made a motion for the recommendation for the Zoning Board that they grant the variance of the barn to be in the front setback.

D. Virgilio seconded.

Unanimously carried.

MINUTES:

D. Virgilio made a motion to approve the minutes as amended.

H. Mundy seconded.

Unanimously carried.

ADJOURNMENT:

J. Jackson made a motion to adjourn the meeting at 6:45 PM.

D. Fleischer seconded.

Unanimously carried.

NEXT MEETING:

The next scheduled meeting of the Planning Board will be on Tuesday, December 15, 2020 at 6:00 PM, at the Clarkson Town hall and via Zoom videoconferencing.

Respectfully submitted,

Anna Beardslee Building Department Clerk

Approved on 2/2/2021