

TOWN OF CLARKSON
TOWN BOARD MEETING
May 14, 2013

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, May 14, 2013 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
Scott Tantalo	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

Kristin Coon	Ass't to Supervisor
Christopher Lyon	Assessor
Chad Fabry	Building Insp/Code Enf.

**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.

5K RACE

Sheldon Meyers was present and a discussion was held regarding the complaint received about the race route, as well as potential solutions. Race duration is approximately 35 minutes and this issue will be discussed at his volunteer meeting. He mentioned that this is a registered course, at a cost of approximately \$300. Mr. Meyers volunteered to call the complainant to discuss this matter. He asked permission to have the Deputy Town Clerk assist with the race participant spreadsheet as well as letters to residents.

PUBLIC HEARING INTRODUCTORY LOCAL LAW #3-2013; THE INCENTIVE ZONING LAW OF THE TOWN OF CLARKSON

Supervisor Kimball opened the public hearing at 6:10 P.M. No one spoke. Supervisor Kimball closed the public hearing at 6:15 P.M.

Attorney Richard Olson reported that the Planning Board discussed Local Law #3-2013 at their last meeting and members agreed that it was a good idea. The County submitted a no-comment response. He reiterated that the purpose of this Local Law is to provide flexibility to zoning. Projects would first be reviewed by a DRC and then presented to the Town Board for approval.

RESOLUTION ADOPTING NEGATIVE DECLARATION; L. L. #3-2013

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

ABSENT: None

WHEREAS, the Town Board has before it the following local law:

LOCAL LAW #3-2013 “The Incentive Zoning Law of the Town of Clarkson”; and

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

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

05.14.13

WHEREAS, the Supervisor has signed and submitted Part 1 "Project Information" of the (short) Environmental Assessment Form; and

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

NOW, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of Councilperson Hoy, seconded by Councilperson Didas.

BE IT RESOLVED

1. That the adoption of this local law 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 Kimball, Councilpersons Hoy, Filipowicz, Didas and Tantalo

NAYS: None

RESOLUTION ADOPTING LOCAL LAW #3-2013

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

ABSENT:

Introduced by: Councilperson Hoy

Seconded by: Councilperson Tantalo

Whereas, the Town Board has before it a Local Law entitled Local Law #3-2013 ““The Incentive Zoning Law of the Town of Clarkson” which, if adopted, will allow flexibility in development in consideration for incentives or bonuses provided to the Town; and

Whereas, the Town Board has, on this date, held a public hearing to consider said proposed Local Law; and

Whereas, the Town Board has considered any public input; and

Whereas, this action is an unlisted action under the State Environmental Quality Review Act and the Town Board has adopted a Negative Declaration; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Town Board of the Town of Clarkson hereby enacts Local Law #3-2013 “The Incentive Zoning Law of the Town of Clarkson“.

Section 2. That the Town Clerk is ordered to publish a legal notice indicating the adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Section 4. That this resolution shall take effect immediately.

VOTE OF THE BOARD

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

NAYS: None

***see attached Local Law at end of minutes**

PROPOSED DISASTER RECOVERY PLAN

Rescheduled to May 28, 2013 meeting to review bids.

05.14.13**VETERANS MEMORIAL PARK CLOSEOUT**

Attorney Richard Olson will contact Lu Engineers and report back to the Town Board.

MOTION APPROVING EMPLOYEE HANDBOOK EFFECTIVE 07-01-2013

Motion by Councilperson Didas

Seconded by Councilperson Filipowicz

To approve the new employee handbook with an effective date of July 01, 2013.

Unanimously carried

Discussion: All employees will receive a copy of the handbook along with an acknowledgement of receipt form which will need to be signed and returned to K. Coon. The handbook will be available for review on the town's website.

MOTION AUTHORIZING PRINTING OF EMPLOYEE HANDBOOKS BY CEPACS (BROCKPORT SCHOOL DISTRICT PRINT SHOP)

Motion by Councilperson Didas

Seconded by Councilperson Filipowicz

To contract with CEPACS, the Brockport School District Print Shop, to print employee handbooks.

Unanimously carried

LETTERS OF INTENT FOR OPEN BOARD POSITIONS

The Town Board received six letters of intent for open support board positions.

Interviews will be scheduled for May 28, 2013, beginning at 7:00 P.M.

RESOLUTION AUTHORIZING ACCEPTANCE OF THE STORMWATER COALITION OF MONROE COUNTY 2012-2013 JOINT ANNUAL REPORT FOR COMPLIANCE WITH THE PHASE II STORMWATER REGULATIONS

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

ABSENT: None

Introduced by: Councilperson Hoy

Seconded by Councilperson Tantalo

WHEREAS, the Town of Clarkson has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare an Annual Report, or contribute to a Joint Annual Report, on the Town of Clarkson efforts to protect and improve the water quality of our streams and waterbodies, and

WHEREAS, the public is invited to review the Joint Annual Report and provide input, and

WHEREAS, a Joint Annual Report has been prepared in conformance with the Phase II Regulations by the Stormwater Coalition of Monroe County, and

WHEREAS, the Joint Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, NY by June 1, 2013,

NOW, THEREFORE, BE IT RESOLVED, that the Joint Annual Report is accepted by the Clarkson Town Board and that said Joint Annual Report is available for public review at <http://www.monroecounty.gov/des-stormwater-coalition> and the Clarkson Town Hall,

BE IT FURTHER RESOLVED, that all comments on the Joint Annual Report will be incorporated into the 2012-2013 or the 2013-2014 Annual Reports to the NYSDEC.

VOTE OF THE BOARD

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

NAYS: None

05.14.13**URBAN & COMMUNITY FORESTRY GRANT**

K. Coon reported on this tree grant in the amount of \$8,500. This is a matching grant. Trees would be purchased by residents for \$50 each. These trees would be planted by Town personnel per the grant specifications. Olson mentioned that there is reference to an annual maintenance fee to be determined by the Conservation Board. Supervisor Kimball, Kristin Coon and Bob Viscardi will meet with Andy Pleninger before the next Board meeting to formalize a plan.

SPECIAL DISTRICTS

Supervisor Kimball reported that Deerfield Country Club has been purchased and is currently undergoing extensive renovations. He added that the Town will be working with Chatfield and Schultz Associates on the possibility of a water district to bring water to this property. C. Fabry confirmed that major work is being done at Deerfield, including a new paved parking area.

RESOLUTION APPROVING CLOSURE OF WATER FUND CHECKING**ACCOUNT**

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

ABSENT: None

Introduced by: Councilperson Filipowicz

Seconded by: Councilperson Hoy

WHEREAS, an interest-bearing checking account has been used by the Town of Clarkson for accounting purposes to track water district tax revenue and debt service principal and interest payments; and

WHEREAS, the Accountant for the Town, P. Robert Fox, has recommended closing this bank account to simplify record keeping; and

WHEREAS, the Accountant for the Town, P. Robert Fox has further recommended transferring the funds to the Town of Clarkson savings account; and

WHEREAS, the revenue and debt service payments of such funds will continue to be tracked separately by the Town in the same manner as before the transfer.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That the Supervisor of the Town of Clarkson is directed to dissolve the Clarkson water district checking account and transfer the balance of the fund, including interest to be posted on May 31, 2013, to the Town of Clarkson savings account on Monday, June 3, 2013.

Sec.2. That the approximate fund balance is \$46,625.53 (Forty-six thousand, six hundred twenty-five and 53/100 dollars).

VOTE OF THE BOARD

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

NAYS: None

SUPERVISOR REPORTS

Supervisor Kimball reported that the Town of Sweden has broken ground for the new fire hall located on Owens Road. Site work has been underway for two weeks. They awarded the contract and the building came in at twice of what they estimated it to be.

BUILDING INSPECTOR REPORTS

C. Fabry reported that the Booth Building is undergoing significant renovations. The Brockport Federal Credit Unit building has been framed. Autumn Woods has footings in the ground in preparation for slab work. Seven houses are already in progress, with homes valued from \$200,000 to as high as \$500,000.

05.14.13**ASSESSOR REPORTS**

C. Lyons reported that he had his state-required office hours this past Saturday and had three visitors. Board Assessment Review has been fairly quiet. He mentioned that when the Town Board interviews for support board members, there is an available position on the BAR.

HIGHWAY SUPT. REPORTS

Junk days concluded on Saturday, May 11. Registered residents totaled 141 with 182 drop-offs as some people came through twice (they are allowed five trips). The total for 2012 was 101. Discussion ensued whether it would be worth having junk days for two weeks and what costs were involved. Supervisor Kimball stated that surrounding towns offer curbside junk pick-up and that our process is more time and cost effective.

Superintendent Viscardi reported that the Tietsworth Auction brought in \$22,725; after their fee, \$20,452:

Excavator	\$6,500
Dump 10-wheel	\$4,500
Army dump	\$3,500
Fire truck	\$1,900

Scrap metal profits now total \$4,591, with more still to come in.

Superintendent Viscardi reported that Gehl Equipment was not able to follow through on the previously-discussed \$500 swap-out deal on a skid loader. He then approached DJM Equipment, Fairport NY regarding the purchase of a Bobcat. They were able to honor the same \$500 swap-out deal allowing the highway dept to obtain a commercial model with high flow, cab air, and radio.

Superintendent Viscardi commented on the mower situation. We are currently mowing about 50 acres with the big mower; however, this mower cannot be used in May and June because the fields are too wet. They have been using the Scag mower (6 foot deck) approximately 1,100 to 1,200 hours as well as the 54-inch John Deere mower. The smaller mower is not suitable for the amount of work we are currently using it for. It is basically a home-owners version and breaks down frequently due to overuse; however, a small mower is needed to be able to maneuver around headstones in the cemetery. Superintendent Viscardi contacted three different vendors for comparison pricing to replace this mower. On State bid, the cost is about \$8,500 for a commercial mower (zero turn). He suggested the possibility of using monies received from the scrap metal. Supervisor Kimball agreed and reviewed monies received from the auction and scrap metal, approximately \$26,000. The new highway superintendent's pickup truck will be \$21,000, leaving about \$5000, which could be put towards a new mower.

Councilperson Didas inquired about the 1969 low boy trailer. Superintendent Viscardi stated that it needs some work, however as trailers at the auction were priced high, he has decided to try and make it through another year with it. He mentioned that municipalities are no longer exempt from being pulled over by the DOT.

MOTION AUTHORIZING PURCHASE OF BOBCAT

Motion by Councilperson Filipowicz

Seconded by Councilperson Hoy

To purchase a Bobcat on State bid for a total cost of \$500 after trade-in.

Unanimously carried

MOTION AUTHORIZING PURCHASE OF JOHN DEERE LAWN MOWER

Motion by Councilperson Filipowicz

Seconded by Councilperson Didas

To purchase John Deere Z930M Commercial ZTrak on State bid for a total cost of \$6,349.87 after trade-in of town owned 2011 John Deere Z445.

Unanimously carried

05.14.13**MINUTES**

Motion by Councilperson Didas
 Seconded by Councilperson Filipowicz
 To approve April 23, 2013 minutes.
 Unanimously carried

AUDIT—5-1-2013

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To authorize payment of audit 5-1-2013 to include the following:
 Vouchers 20130398-20130460; Total \$82,080.84; Gen. \$24,682.90; Hwy. \$54,325.00;
 SL \$3,072.94
 For distribution checks from 25135 - 25188
 Unanimously carried

EXECUTIVE SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Tantalo
 To enter executive session at 6:45 P.M. to discuss a personnel matter.
 Unanimously carried

RETURN TO REGULAR SESSION

Motion by Councilperson Hoy
 Seconded by Councilperson Filipowicz
 To return to regular session at 7:10 P.M.
 Unanimously carried

MOTION APPOINTING ERIC WEITZ TO WORKING FOREMAN POSITION

Motion by Councilperson Filipowicz
 Seconded by Councilperson Tantalo
 To appoint Eric Weitz as Working Foreman effective immediately and ending
 August 13, 2013.
 Unanimously carried

MOTION TO ADJOURN

Motion to adjourn at 7:20 P.M. by Councilperson Hoy
 Seconded by Councilperson Didas
 Unanimously carried

Respectfully submitted,

Sharon S. Mattison
 Town Clerk

APPROVED 05-28-2013

INCENTIVE ZONING

Introductory Local Law #3-2013

Be it enacted by the Town Board of the Town of Clarkson as follows:

Section 1. Title.

This Local Law shall be known as Local Law #3 - 2013 “The Incentive Zoning Law of the Town of Clarkson”.

Section 2 Purpose.

This local law is intended to create a system of Incentive Zoning as authorized by Section 261-b of the Town Law of the State of New York.

Section 3. Authority.

This Local Law is adopted pursuant to Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law of the State of New York.

Section 4. Changes to Code

**Article VIII, “Zoning, Incentive” is added to Chapter 140 of the Code as follows
SEE ATTACHED**

Section 5. Repealer.

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

Section 6. Severability.

If any clause, sentence, phrase, subdivision, paragraph, section or any part of this section shall for any reason be adjudicated finally by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy or action in which said judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this section would have been adopted had any such provision been excluded.

Section 7. When effective.

This Local Law Chapter shall become effective upon its adoption and upon filing with the New York State Secretary of State.

Chapter 140

ZONING

Article VIII

ZONING, INCENTIVE

§ 140-89. Title.

§ 140-90. Purpose and intent.

§ 140-91. Legislative authority.

§ 140-92. Applicability.

§ 140-93. Definitions.

§ 140-94. Benefits or amenities.

§ 140-95. Incentives or bonuses.

§ 140-96. Criteria and procedure for approval.

§ 140-97. Expenses of Compliance with SEQRA.

§ 140-54. Title.

This law shall hereinafter be known and cited as "The Incentive Zoning Law of the Town of Clarkson."

§ 140-55. Purpose and intent.

The Town Board has determined that it may be appropriate to make adjustments to permissible use, density and area requirements for the specific purpose of encouraging development using principals set forth in the Town of Clarkson's Comprehensive Plan while providing amenities to the Town at a minimum cost to the residents and taxpayers. It is the intent of this chapter to empower the Town Board to grant incentives or bonuses to advance the vision and policies articulated in the Town of Clarkson's Comprehensive Plan and the following objectives:

- A. The preservation and enhancement of natural and cultural features.
- B. The accommodation of land uses and physical site arrangements which are not contemplated under conventional zoning but which would further the land use goals of the Town.
- C. The creation of usable open space and public access to recreation lands and trails.
- D. The orderly development of Parks.

- E. The preservation of scenic viewsheds, water resources, forests, meadows, geologic features, environmentally sensitive areas, significant plant and animal habitats, and important ecological resources.
- F. The provision of a more desirable environment than what would be possible through the strict application of existing zoning regulations.
- G. The promotion of the general health, safety and welfare of the Town.

§ 140-56. Legislative authority.

In accordance with §261-b of the Town Law of the State of New York, the Town Board of the Town of Clarkson is empowered to provide for a system of zoning incentives or bonuses in exchange for specific social, economic, or cultural benefits or amenities as the Town Board deems necessary and appropriate and which are consistent with the intent and purpose set forth in § 140-55.

§ 140-57. Applicability.

This chapter shall apply to all zoning districts in the Town of Clarkson.

§ 140-58. Definitions.

For the purpose of this chapter, the terms used are defined as follows:

COMMUNITY BENEFITS OR AMENITIES

Open space, parks, Historical Overlay District enhancements, off street parking and other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Town Board.

INCENTIVES OR BONUSES

Adjustments to the permissible density, area, height, use or other requirements of the Zoning Code for the Town of Clarkson and any amendments thereto in exchange for a specific community benefit or amenity. These adjustments may incorporate two or more noncontiguous parcels of land.

INCENTIVE ZONING

The system by which specific incentives or bonuses are granted, pursuant to § 261-b of New York State Town Law, on condition that specific social, economic, or cultural benefits or amenities are provided to the community.

§ 140-94. Benefits or amenities.

- A. The following benefits or amenities may be either on or off the site of the subject application:
- (1) Preservation of open space.
 - (2) Construction, improvement and enhancement to Town buildings and grounds including parks.
 - (3) Preservation of cultural or historic facilities in excess of those required to mitigate proposed development impacts.
 - (4) Enhancement and preservation of the Clarkson Historical Overlay District.
 - (5) Other facilities or benefits to the residents of the community which are consistent with the purpose and intent of this chapter, as determined by the Town Board.
 - (6) If the Town Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Town Board may require a cash payment in lieu of the provision of the amenity or bonus. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities specified in these provisions.
 - (7) Any combination of above-listed amenities and/or cash in lieu of any amenity(s) for specific purposes identified.
 - (8) Prior to the issuance of any permit, stripping of any ground cover, site grading, or any other site improvements or construction activities:
 - (a) Any property transfers shall have been made;
 - (b) Cash in lieu of amenities shall be made;
 - (c) If the amenities include construction by the developer, the Letter of Credit posted by the developer shall include provisions for such work.
- B. These amenities shall be in addition to any mandated requirements pursuant to other provisions in the Code of the Town of Clarkson.

§ 140-59. Incentives or bonuses.

The following incentives may be granted by the Town Board to an application on a specific site:

- A. Increases in residential or nonresidential unit density.
- B. Changes in use.
- C. Increases in lot coverage.
- D. Changes in setbacks or height.
- E. Increases in floor area.
- F. Reduction of required buffer area.
- G. Modification of parking requirements.

§ 140-60. Criteria and procedure for approval.

- A. A preapplication conference is required prior to the submission of an application for incentive zoning. The purpose of a preapplication conference is to inform the applicant of applicable procedures, submission requirements, development standards and other pertinent matters before the applicant finalizes the incentive zoning proposal.
 - (1) The preapplication conference will be coordinated through the Building Department and will normally be attended by the Supervisor, the Chairperson of the Planning Board (or designee), the Chairperson of the Zoning Board of Appeals (or designee), the Chairperson of the Conservation Board (or designee), the engineer representing the Town, the Highway Superintendent, the Building Inspector, the Town Attorney and other interested parties who may be designated by the Town Supervisor or Planning Board Chairperson. If the proposal impacts the Historical Overlay District, the Chairperson of the Architectural Review Board (or designee) shall be included.
 - (2) The applicant requesting consideration for incentive zoning is required to attend the preapplication conference and is encouraged to bring the project's design professional(s).
 - (3) Upon the request for the preapplication conference, the applicant shall pay a fee in an amount determined by the Town Board by resolution and as set forth in the Fee Schedule. This fee shall be non-refundable.

- (4) Opinions presented during a preapplication conference are advisory in nature and do not represent a commitment on behalf of the Town Board or represented agency regarding the acceptability of the incentive zoning proposal.
- B. An application for incentive zoning will consist of a letter of intent accompanied by the following information:
- (1) One concept plan showing the site developed to its fullest extent under the zoning regulations in this Chapter of the Town Code, and one concept plan showing the site developed in a manner that incorporates the desired incentive and amenity to be provided. These plans shall show the following information:
 - (a) Location and extent of all proposed land uses, including development areas and open spaces, with areas shown in acres.
 - (b) All interior streets, roads, access easements and their planned private or public ownership, as well as all points of access and egress from existing public rights-of-way.
 - (c) An area map showing adjacent parcels; that portion of the applicant's property under consideration; all properties, zoning districts, subdivisions, streets, access, easements, watercourses, drainage facilities, buildings, structures and other significant natural and built features within 300 feet of the applicant's property, and all uses of abutting lands.
 - (2) A written description of the proposed amenity.
 - (3) The cash value of the proposed amenity.
 - (4) A narrative which:
 - (a) Describes the benefits to be provided to the community by the proposed amenity.
 - (b) Provides a preliminary indication that there is adequate sewer, water, transportation, waste disposal and fire-protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity may place on these facilities beyond the demand on them as if the site were developed to its fullest extent under the zoning regulations in this Chapter of the Town Code.
 - (c) Explains how the amenity helps implement the vision and policies of the Comprehensive Plan and, where appropriate, the Clarkson Historical Overlay

District, and land use goals of the Town as supplemented by the laws and regulations adopted by the Town Board.

- (d) Describes in detail the requested incentive(s).
 - (e) Completed long environmental assessment form, Part I.
 - (5) Twenty sets of the application shall be provided to the Town for distribution and review. The Town Board, upon receipt of an application, and as part of its review, shall refer the application to the Planning Board for its review and recommendations.
 - (6) A check to the Town of Clarkson in an amount established by Resolution of the Town Board as set forth in the Fee Schedule. This shall be non-refundable.
 - (7) In addition to the fee above, the developer shall be responsible for all costs associated with reviewing the application including legal fees and engineering fees. To guarantee the payment of these costs, the developer shall be required to deposit the sum of \$1,500.00 with the Town at the time of application. Any unused portion shall be refunded to the developer upon completion of the project, or withdrawal of the application. The Town may request payment of additional fees as required and such payment shall be due within ten (10) days of request.
- C. The Planning Board shall forward a written recommendation to the Town Board indicating whether or not it supports the approval of the incentive and amenity. This recommendation shall consider the following:
- (1) The suitability of the site(s) for the type of open space preservation proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development.
 - (2) The adequacy of major roads, utilities and other facilities and services to serve the development.
 - (3) That the proposal is conceptually sound, is consistent with the Town Comprehensive Plan, and meets local and area wide needs.
- D The application shall be referred to the Monroe County Planning Department for its review. The Town may also refer the application to the Town Engineer, as well as other local and county officials, representatives of federal and state agencies and consultants as deemed appropriate. These agencies may include, but are not limited to, the Monroe County Department of Transportation, the New York State

Department of Transportation and the New York State Department of Environmental Conservation.

- E. Once the application has been determined to be complete, a public hearing will be scheduled before the Town Board. The Town Clerk shall give notice of the hearing in the official newspaper of the Town at least 10 days prior to the date of the hearing.
- F. All applicable requirements of the State Environmental Quality Review (SEQR) Act shall be complied with as part of the review and hearing process. In addition to other information that may be required as part of the environmental assessment of the proposal, the assessment shall include verification that the zoning district in which the proposal is to be located has adequate sewer, water, transportation, waste disposal and fire-protection facilities to:
- (1) First, serve the remaining vacant land on the site as though it were developed to its fullest potential under the zoning regulations in effect at the time of the amenity/incentive proposal; and
 - (2) Then, serve the on-site amenity and incentive, given the development scenario in Subsection F(1) above.
- G. In order to approve an amenity/incentive proposal, the Town Board shall determine that the requirements of SEQR have been met and the proposed amenity provides sufficient public benefit to provide the requested incentive. In order to make this determination, the Town Board may require the completion of an environmental impact statement. Thereafter, the Town Board is authorized to act on an application for approval pursuant to this chapter.
- H. The Town Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.
- I. Upon a favorable decision of the Town Board, an application shall be submitted to the Planning Board for subdivision and/or site plan approval pursuant to the applicable provisions of the Code and Regulations of the Town of Clarkson. Failure to submit the application to the Planning Board within 6 months of approval by the Town Board shall render any incentive zoning granted hereunder null and void unless extended by resolution of the Town Board for a maximum of 6 additional months.

§ 140-61. Expenses of Compliance with SEQRA.

In accordance with section §261-b of the Town Law, any applicant for incentives or bonuses shall pay a proportionate share of the cost of preparing any generic environmental impact statement prepared in conjunction with the project, and that such charge shall be added to any site-specific charge made pursuant to the provisions of §8-0109 of the Environmental Conservation Law.