

**TOWN OF CLARKSON
PLANNING BOARD MEETING
OCTOBER 21, 2014**

The Planning Board of the Town of Clarkson held their regularly scheduled meeting on Tuesday, October 21, 2014 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 7:00 p.m.

PRESENT – Board Members

Donald Osborne – Chairperson
Scott Hanko
John Jackson
Dave Virgilio
William Rowe

Support Board Members

Richard Olson, Town Attorney
Chad Fabry, Bldg. Inspector/Code Enforcement
JP Schepp, Town Engineer
Kristen DiFilippo, Bldg. Dept. Coordinator

CALL TO ORDER

D. Osborne opened the meeting at 7:00 p.m. and led all those present in the Pledge of Allegiance. A moment of silence was observed for all those serving in the military.

PUBLIC HEARING

D. Osborne read aloud the legal notice for the following application:

Jerry and Anna Donigian – Lot 210 Deer Creek Estates

Regarding: Site plan approval of a single lot residential subdivision. The proposed home is 2,200 square feet on a 1.91 acre lot. Kris Schultz was present from Schultz and Associates. He updated the site plans per comments from the Town Engineer, JP Schepp. K. Schultz stated there would be a dead-end hydrant for water.

David Moriarty of 16 Stag Creek Trail asked about the side lot swale and what is planned to divert water down to the edge. K. Schultz stated the swale would be cut, pulled to the west, and go around the cul-de-sac, becoming an open swale.

D. Osborne asked for comments from the public. There was no response. D. Olson and board members agreed that site plan approval for Lot 210 Deer Creek Estates is contingent upon:

1. Lot 210 is the only lot to be approved without dedication to the road.
2. If the property on the other side of the road is to be developed in the future, the The utilities will be extended to the full width of the road.
3. Acceptable agreement between the owner and the Town Attorney regarding the access easements.
4. Turn-around must be paved within one year of building permit issuance.

Motion by Don Osborne
Seconded by John Jackson
To close the Public Hearing
Unanimously carried

Motion by John Jackson
Seconded by Bill Rowe
To approve the site plan for Lot 210 Deer Creek Estates, Stag Creek Trail with the above conditions/criteria.
Unanimously carried

Chad Fabry stated that there are covenants attached to home sizes on Stag Creek Trail that the Donigians need to be aware of. Several property owners of Stag Creek Trail called the Building Department inquiring about the size of the proposed home. C. Fabry stated that it is important that the Donigians adhere to these requirements.

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Joseph and Amy Buchel – 2961 Redman Road

D. Osborne read aloud the legal notice for the following:

Regarding: Site plan approval for a one lot single family home accompanied by a storage barn to be constructed prior to home. Nick Smith, DDS Company, represented the Buchels. N. Smith stated a public hearing was scheduled for the Zoning Board of Appeals on November 5, 2014.

C. Fabry stated that an area variance was approved in 2012 for the above site plan, but expired after one year and therefore has to go before the Zoning Board to be reinstated.

Donald Moyer of 2977 Redman Road expressed the following concerns:

1. Blockage of sunlight and privacy it will take away from both homes.
2. Drainage issues from the landfill with the pond being dug.
3. Recreational concerns with the home being built so far back, taking away from the hunting.

N. Smith addressed these issues stating the drainage has been improved with the installation of a culvert which will run into the pond. N. Smith stated the privacy is not an issue. D. Moyer stated that the proposed home will be in his back yard blocking sunlight to his property. N. Smith stated the Buchels have the right to develop their own land. D. Osborne asked Town Engineer JP Schepp if he had concerns and JP Schepp stated the issues he had concerns about had already been addressed. N. Smith addressed the hunting issue, and again stated that the Buchels have the right to develop on their land.

D. Osborne asked if there were any more comments from the public. D. Moyer stated there is a Nuisance Law in NY State and the Buchels are taking away the privacy and enjoyment from his lot on 2977 Redman Road. D. Olson stated nuisance cases are few and far between and difficult to prove. D. Olson stated that the proposed home and barn meet code except for the current area variance before the Zoning Board of Appeals. D. Olson asked if there were existing apartments on D. Moyer's property. D. Moyer answered yes. D. Olson asked if the apartments were being used. D. Moyer answered not at the present time. D. Olson asked if the apartments would be used in the future. D. Moyer answered yes. D. Olson asked how long the apartments had been on the property. D. Moyer answered since the 1960's. D. Olson asked how long it had been since the apartments have been used. D. Moyer answered a couple years. D. Olson stated the apartments may not be used again, pre-existing non-conforming use but D. Moyer may have lost that. D. Moyer stated he had not lost the use to have the apartments occupied. D. Olson stated that D. Moyer has lost use if the apartments have not been occupied in one year, according to Town Code.

Motion by Don Osborne

Seconded by Bill Rowe

To close the public hearing

Unanimously carried

Motion by Scott Hanko

Seconded by Dave Virgilio

To approve the application for the site plan for 2961 Redman Road contingent upon approval of the area variance from the Zoning Board of Appeals.

Unanimously carried

New Business

Andrew Watt – Lawton Road property

Regarding: Site plan approval for a single family home with an in-ground leach system, well water and a storage barn. K. Schultz represented Andrew Watt and stated that the proposed home is for an older couple building their retirement home with a large storage barn.

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D. Osborne asked if there would be animals in the proposed storage barn. K. Schultz answered no. JP Schepp stated he had concerns about the existing overhead wire pole that runs through the property and asked if there was an easement. K. Schultz answered no and that he would bring it to the attention of the power company. D. Osborne stated the above application needs to go before the Conservation Board.

Motion by Don Osborne
Seconded by John Jackson
To schedule a public hearing on November 4, 2014
Unanimously carried

Motion by: Don Osborne
Seconded by: John Jackson
To approve the October 7, 2014 minutes.
Unanimously carried

NEXT MEETING

The next regularly scheduled meeting of the Planning Board will be Tuesday, November 4, 2014 at 7:00 p.m.

ADJOURNMENT

Motion by: Don Osborne
Seconded by: John Jackson
To adjourn the meeting at 7:42 p.m.
Unanimously carried

Respectfully submitted,

Kristen DiFilippo
Building Department Coordinator

Approved 11-4-2014