

Hamlin Planning Board Meeting *Minutes*
Monday, March 1st, 2004
7:00pm

The regularly scheduled meeting of the Hamlin Planning Board was called to order by Chairman Dane Emens at 7:00pm with the location of the fire exits explained for those present.

Present: James Breslawski, Ralph Della Rocco, Dane Emens, Judith Hazen, David Martin, James Nesbitt and Chris Schlieter.

Also present: Building Inspector Dick Bauman, Support Board Attorney Charlie Welch, Town Engineer J.P. Schepp, Conservation Board liaison Craig Goodrich, Town Supervisor Austin Warner.

A motion was made by James Breslawski, seconded by Dave Martin to approve the minutes from the February 2nd, 2004 meeting. Members polled Breslawski aye, Della Rocco aye, Emens abstained, Hazen aye, Martin aye, Nesbitt aye, Schlieter abstained.

The Clerk read the Proof of Publication

**PUBLIC HEARING
SUBDIVISION APPROVAL**

**Donald Ophardt Subdivision
816 Church Road**

Mr. Daryl Mosher of Schultz Associates was present to represent the Donald Ophardt Re-Subdivision located at 816 Church Road. He explained that part of this subdivision will be combined with the North Star History Center, located at 864 Walker Lake Ontario Road. He explained that Mariel Ophardt sold a small parcel to the Town, this is only a change of property line, there will be no change of use.

At that time Chairman Emens opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? There were no replies. He then declared the Public Hearing closed. There were also no questions from the Board.

A motion was made by James Breslawski, seconded by James Nesbitt to grant re-subdivision approval for the Mariel Ophardt Subdivision (which is the new name) and also the lot combination for the North Star History Center, located at 864 Walker Lake Ontario Road. This is a TYPE II SEQR. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Re-Subdivision Approval granted.

SPECIAL USE PERMIT

**Mr. and Mrs. Jason Humbert
1649 Walker Lake Ontario Road**

Mr. and Mrs. Humbert of 1649 Walker Lake Ontario Road were present to request a Special Use Permit to operate a dog/cat kennel at their residence. Mrs. Humbert

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explained that they added distance off the lot line on the north side. A 200' Conservation Overlay from Moorman Creek has been added to the map. The proposed kennel will be far from each lot line. They added a wider driveway and parking area and also a dumpster. A watchdog deodorizer will be mounted on top of the dumpster. The kennel will be close to 700' from Rte 260. There will be thick insulation inside the kennel. Mrs. Humbert also explained that their property contains a thick hedgerow. They will be planting Austrian pines as a noise barrier. The hours of operation will be 8:00am-6:00pm. Monday-Saturday The dogs will be outside no later than 6pm. Music will be piped in for the dogs after 6pm to keep them from getting anxious. At that time Chairman Emens opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Regina Maier of 1732 Walker Lake Ontario Road stated that she did not receive a legal notice. She called the building department and spoke with Charlie Hungerford. He explained that a legal notice was also printed in the Hamlin Clarkson Herald. At that time Mr. Humbert stated that he had also spoken for over two hours to the Maier family and explained the complete kennel proposal to them prior to tonight's meeting. John Barnes of 1700 Walker Lake Ontario Road was present and passed out his list of his concerns to the Board Members. He stated that barking, insects, smell of feces and urine and also the use of insecticides and chemicals are a major concern. He stated that he feared there would be decreased property values with a dog kennel located across the street. Mr. Humbert replied that his kennel would have a full grooming plan. Every dog that stays at his kennel will leave with a shampoo and bath. Also the kennel will be inspected by the State of New York on a bi-annual basis. Chairman Emens explained that once the kennel is built; if the Myers and Barnes family have any concerns they should contact the Building Department. Attorney Charlie Welch stated that the Code Enforcement Officer should be notified in regards to any noise issue. The Special Use Permit is issued through the Building Department. Mr. Humbert explained that this proposal would cost them \$100,000.00. They have the luxury of building from scratch. There will be a maximum of 50 animals kept at his kennel at one time. Of those 50 animals a maximum of 5 will be felines. There will be five feline cages for cat boarding. Mr. Barnes asked about the type of building that would be built. Mr. Humbert replied that the building will be esthetically pleasing and be 45' x 28' in size. He said the septic system would be approved from the Monroe County Health Department. Mr. Barnes asked if anyone from the Board had any plans to visit area kennels? Clerk Cindy Olds stated that she lives across the street from a kennel and has never had problems with that kennel regarding noise and smell. She explained that the kennel houses 20-25 dogs at one time and the kennel is only roughly 100' or less from the road. That kennel is not a state of the art like this proposed kennel, and she felt that the Myers and Barnes family shouldn't have any complaints once the new kennel is built. Assistant Dog Warden BJ Meier stated that as a state mandated kennel, this kennel must be kept up to State standards. Also Fire Marshall B.J. Meier stated that there is access to the creek for fire protection. The plans now show a 20' wide driveway and parking lot. Board Member James Nesbitt stated that the Code Enforcement Officer has the right to visit the property

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anytime, and he has the right to revoke the Special Use Permit. Dean Strussenberg of 1626 Walker Lake Ontario Road stated that he lives across the street from the Humbert's and he looks forward to having this kennel in the neighborhood. Also dogs don't bark 24 hours a day. The Humbert's have done their homework. They know how to raise animals before they get it. Also the existing barn will act as a sound barrier for the neighbors across the street. Chairman Emens read a letter from Dawn Comden of 1801 Walker Lake Ontario Road which stated her negative concerns mainly about barking dogs and losing the peacefulness of the neighborhood. Board Member Chris Schlieter asked about the location of the dumpster and Board Member James Nesbitt asked how waste would be eliminated. Mr. Humbert replied that he would have the dumpster on crushed stone and there would be a hosing system. The kennels would be hosed down twice a day. The dogs' beds would be on plastic pallets. Also there will be no type of hazardous waste in the kennels. Board Member Ralph Della Rocco inquired about exterior lighting. Mrs. Humbert replied that possibly there would be time release lighting. Also Travellers Insurance will be implemented for the kennel. There will be sound proofing, with additional trees planted for landscaping and buffering around the kennel. There were no further comments.

Chairman Emens then declared the Public Hearing closed.

Board Member Chris Schlieter stated that once a Special Use Permit is approved, it would be reasonable to see a site plan. He stated that he would like to see the Humbert's bring their plans in for site plan approval, that will cover issues with location of landscaping and location of the septic, everyone will have a comfort level with that. Attorney Welch suggested a few conditions that should be placed in the motion for Special Use Permit approval. One item is that a state mandated kennel has to be up to state guidelines. Also installing sound proofing and additional trees for sound buffering. No more than 2 dogs outside at any time and no dogs outside after 6pm. Most noise problems occur when there are more than 2 dogs outside together. Also the owner's dog should not be anywhere near the kennel. Also the insurance should be a condition of the Special Use Permit. Mrs. Humbert said that in regards to a time frame, they do not have an opening date, however they will begin building as soon as possible.

A motion was made by Judith Hazen, to grant a Special Use Permit to Jason and Carey Humbert of 1649 Walker Lake Ontario Road to operate a Pheasant Creek Farm Kennel at their residence, with a maximum of 50 animals. They own 120 acres of land and the property is zoned Commercial Business. According to their prospectus that the Planning Board received last month, they are planning to operate Monday through Saturday 8:00am-6:00pm, receiving dogs or sending dogs home between 9-11 in the morning and between 4-6pm in the afternoon. The dogs will be put to bed at 6:00pm at night. So they will not be out in the evening hours. Other stipulations are that they will have site plan approval from the Planning Board. A copy will be on record with the Building Inspector. The owner's dogs will be maintained at their residence and nowhere near this kennel. Two dogs will be allowed outside at the same time and in order to control sound they are

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urged to use as much sound proofing materials in the building as possible. They will also build and maintain their facility according to state inspection guidelines. They will maintain insurance on the property at all times. They will also show on the plans necessary buffering. This is a TYPE II SEQR. Board Member James Breslawski stated that the motion should be amended since the property is zoned R-VL and also the Humbert's don't actually own 120 acres of land. Chris Schlieter seconded the motion with its amendments.

Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Special Use Permit granted with conditions.

LOT COMBINATION APPROVAL

**Mr. and Mrs. Todd Baase
3487 Roosevelt Highway**

Mr. Todd Baase of 3487 Roosevelt Highway was present to seek Lot Combination Approval to combine two lots into one lot. He explained that lot #3487 and lot #3495 will be combined into one lot. The Baase's plan is to bring these two lots into one conforming lot. These properties aren't encumbered by anything, one being vacant land. Board Member Chris Schlieter stated that an official map with a wet seal on it is needed to bring the lot into conformance.

A motion was made by Chris Schlieter, seconded by James Breslawski to grant Lot Combination Approval to 3487 and 3495 Roosevelt Highway. Final approval and signatures will be obtained once the proper documents are submitted to this Board in a sign able form. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Lot Combination Approval granted.

FINAL APPROVAL

**Mr. and Mrs. John Testa
5700 Wautoma Beach Road**

Mr. Fitzgerald of Avery Engineering was present to request Final Approval for Mr. and Mrs. John Testa who wish to construct a single family residential dwelling at 5700 Wautoma Beach Road. Mr. Fitzgerald explained that there is an existing cottage on the site now, which will be demolished prior to building the new home. Town Engineer J.P. Schepp stated that the only engineering concern he has is regarding obtaining the underground utilities. Mr. Testa said he called Niagara Mohawk and was told that the underground utilities will be placed on the property.

A motion was made by James Breslawski, seconded by James Nesbitt to grant Final Approval to Mr. and Mrs. Testa of 5700 Wautoma Beach Road to construct a single family residential dwelling. The only exception would be obtaining a Niagara Mohawk

TESTA - FINAL APPROVAL

Power easement from a neighboring pole. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Final Approval granted.

SPECIALUSE PERMIT

**James Reitter
711 Hamlin Center Road**

Mr. James Reitter was present to request a Special Use Permit to operate a HVAC (Heating, Ventilation and Air Conditioning) business at his residence. Mr. Reitter explained that this is just a legitimate way of saying he is running a business out of his home. There will be no customers coming to his home. There will be an additional garage built away from the house to get the business away from the house. Several Board Members asked about storage of equipment, size of the building, signage, coolant storage. Mr. Reitter replied that he would not be using coolants on his property. The equipment will be stored in his garage. He will not be leaving any used furnaces at the street. The piping will be located inside his building. There will be no signage at the residence. However he will have a sign over the door or his building, mainly for UPS drivers making deliveries. Deliveries will not be more than once a month. At this time, there will be no employees. This will be a 35' x 40' wood construction building. The building will have the same siding and same pitch as the roof. The new building will be 14' in height. Board Member James Nesbitt said there is no necessity for variances since the property is over 8 acres in size.

A motion was made by James Nesbitt, seconded by Ralph Della Rocco to schedule a Public Hearing for James Reitter of 711 Hamlin Center Road to operate a Heating, Ventilation and Cooling business at his residence. The Code Enforcement Officer for the Town (Dick Bauman) will make sure the proposed plans are sufficient to hold a Public Hearing, which will be held on Monday, April 5th, 2004 at 7:00pm. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing scheduled.

CONCEPTUAL APPROVAL

**Beehler/Bower Subdivision
Hamlin Parma Townline Rd.
Tax acct#023.01-01-007.1**

Frank Spiotti of Freel Engineering was present to represent the Beehler/Bower Subdivision located on Hamlin Parma Townline Road. Mr. Spiotti displayed a map for all to view. He explained that this would be a 30 lot subdivision. This was recently rezoned from commercial neighborhood business to residential medium density. Mr. Spiotti explained that the biggest problem is the length of the road. It doesn't extend far enough to access another road. The sewer will be dedicated to the Town. There will be public water on the site. Town Engineer J.P. Schepp stated that it is recommended that

BEEHLER/BOWER SUBDIVISION

the Planning Board have input from the Fire Marshal, Highway Superintendent and the Hilton Transportation Department. Board Member Chris Schlieter stated that a hard surface, or a larger easement must be built in to accommodate the turnaround for school buses and refuse collection. There will be street lighting and easement location issues. Mr. Spiotti explained that he can drain the foundation by gravity, some houses will have walk out basements. These houses will cost \$180,000.00 and over. Board Member Dave Martin stated that this proposed 30 lot subdivision might contain too many houses for this property in regards to drainage issues. Board Member James Breslawski said that we could grant conceptual approval tonight, but SEQR referrals will need to be sent out. This parcel is not currently enrolled in the AG District.

A motion was made by Chris Schlieter, seconded by James Breslawski to grant Conceptual Approval to the Beehler/Bower Subdivision (to construct 30 single family homes) located on Hamlin Parma Townline Road with the caveat that the Fire Marshal and Highway Superintendent along with the Hilton Transportation Department look at this proposal closely to see how it will affect the drainage, roads and transportation system. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted with the caveat that the Fire Marshal, Highway Superintendent and Hilton Transportation Department look at this proposal.

DISCUSSION

A motion was made by James Breslawski, seconded by Dave Martin at 9:15pm to go into Executive Session on a legal matter. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye.

A motion was made by James Nesbitt, seconded by James Breslawski at 10:10pm to come out of Executive Session. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye.

Supervisor Austin Warner was present and stated that the Recreation Department's Snowfest was a success. There were 150 people there.
A Copy of the Master Comprehensive Plan is now on the web page.

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ADJOURNMENT

A motion was made by James Breslawski, seconded by Chris Schlieter to adjourn the meeting barring no further business. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye.

Respectfully submitted,

Cindy Olds
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be scheduled for Monday, April 5th, at **7:00pm**. Deadline for fees is Monday, March 15th, 2004.