

Planning Board Meeting *Minutes*
Monday, July 5th, 2004
7:30pm

Called to order by Vice Chairman James Breslawski at 7:30pm with the location of the fire exits explained for those present.

Roll call: James Breslawski, Ralph Della Rocco, Judith Hazen, Dave Martin, James Nesbitt, and Chris Schlieter

Excused: Judith Hazen, Ralph Della Rocco

Also present: Building Inspector Dick Bauman, Support Board attorney Charlie Welch, Town Engineer J.P. Schepp, James Krempasky-Board of Assessment Review, Highway Superintendant Tom Ingraham Town Board liaison Dave Rose, Supervisor Austin Warner and several interested citizens.

A motion was made by Chris Schlieter, seconded by James Nesbitt to approve the minutes of the Monday, June 7th, 2004 meeting. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION

SPECIAL USE PERMIT

**JAMES JACKSON
1671 HAMLIN PARMA TL RD.**

Mr. Jackson was present to request a Special Use Permit to operate an automotive repair shop at his residence. Mr. Jackson explained that his building is 24' x 40' in size. He stated that he has a waste removal contract already in place. His hours of operation will be from 8:00am – 6:00pm several days a week. Mr. Jackson explained that he has a full time job elsewhere. The automotive repair job will be strictly part time. Board Member James Nesbitt inquired about storage of vehicles outside. Mr. Jackson replied that he would only be working on a few vehicles at a time and that his building is large enough to hold several cars at once.

At that time Vice Chairman Breslawski opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Dave Bower of 1613 Hamlin Parma Townline Road explained that he owns Meyers Cider Mill. His business is directly next door to Mr. Jackson's auto shop. Mr. Bower explained that he will begin building a new winery on his property soon. This will be a large business and he will be working closely with the Fast Ferry bringing customers to his winery. Mr. Bower said he is concerned that having a car repair shop next to his winery will create a poor impression. Mr. Jackson's property is about 150' away from where he will be bringing his business in. Mr. Jackson replied that he would only be working on a few cars at a time. He said he has been running the garage for the past 8-10 years anyways without any complaints from area neighbors. Paul Meyer who lives at 1699 Hamlin Parma Townline Road stated that this area is zoned a residential farm community. He stated his concerns about contamination of ground water and area wells. He said that automotive shops run a high

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JACKSON-SPECIAL USE PERMIT

risk of creating ground contamination and he wondered if Mr. Jackson is ready to put a bond together to protect the ground water. He also asked if Mr. Jackson had participated in the Wet Seal checklist that has to do with all of the aspects of having such a facility as an automotive repair shop. There is quite a potential for waste that could be hazardous to well water. There were no further comments from area residents. Mr. Breslawski then closed the Public Hearing. Board Member Chris Schlieter asked about signage. Mr. Jackson replied that he would be placing a sign on the outside of the building. In addition, there will be no outside lighting. Mr. Jackson said he would abide by a waste management contract. He then passed out copies of an instrument survey showing where his automotive shop is located on the property. Chris Schlieter said that more landscaping would be helpful to conceal the property and appease his neighbors. Mr. Schlieter said that he would like to encourage Mr. Jackson to offer to his neighbors a different type of buffering. Board Member James Nesbitt said that a waste management contract should be in place. Also restrictions should be placed on how many vehicles are allowed to be stored outside. Mr. Jackson should also list the concise hours of operation. Mr. Nesbitt explained that a Special Use Permit's purpose is to place restrictions on home-based businesses.

A motion was made by Chris Schlieter, seconded by James Nesbitt to close the Public Hearing and table making a decision until the August 2nd, 2004 Planning Board meeting when Mr. Jackson can bring in a more detailed site and landscaping plan. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing closed, decision tabled until the August 2nd, 2004 Planning Board meeting.

PRELIMINARY APPROVAL

**MR. & MRS. STEVENS
6512 SHORE ACRES**

Mr. and Mrs. Stevens were present and explained that their architect was not present tonight and asked to leave the Public Hearing open until next month. Mr. and Mrs. Stevens explained that they wished to construct a single family residential dwelling at 6512 Shore Acres. Mr. Stevens stated that the necessary variances had been obtained at the recent Zoning Board of Appeals meeting of June 21st, 2004.

At that time Vice Chairman Breslawski opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? There were no replies.

A motion was made by James Nesbitt, seconded by Dave Martin to leave the Public Hearing open until next month for Mr. and Mrs. Stevens when their architect will be in attendance. The Stevens' are proposing to construct a new single family residential dwelling at 6512 Shore Acres. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing left open and continued at the August 2nd, 2004 meeting.

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**FINAL APPROVAL
CARL BAUER**

**99 HAMLIN PARMA TL RD.
RED FOX RUN**

Mr. Arnold Carmichael was present to represent Carl Bauer who seeks to construct a single family residential dwelling at 99 Hamlin Parma Townline Road also known as Red Fox Run. Mr. Carmichael explained that at this date he has received Monroe County Health Department approval. He has also received a zoning variance for building in a federal wetland. In addition he has received approval from the DOT for the driveway placement. Town Engineer J.P. Schepp said all engineering concerns have been addressed. James Breslawski inquired about the basement floor elevation? Mr. Carmichael replied that it would be about a foot below the existing ground. Mr. Carmichael stated that he would like a natural gravity flow for the sanitary system.

A motion was made by James Nesbitt, seconded by Chris Schlieter to grant Final Approval to Carl Bauer of 99 Hamlin Parma Townline Road, also known as Red Fox Run, to construct a single family residential dwelling. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Final Approval granted.

FINAL APPROVAL

**BEEHLER/BOWER SUB.
HAMLIN PARMA TL RD.**

Mr. Frank Spiotti of Freel Engineering was present to represent the Beehler/Bower Subdivision who are proposing to construct, Phase 1 of a 30 lot single family residential home subdivision to be located on Hamlin Parma Townline Road. Mr. Spiotti explained that changes have been made to improve the drainage. There are two ponds. One of the ponds is located on an abandoned dumpsite. That pond was moved and pushed back a bit. The storm sewer has more than adequate capacity. Town Engineer J.P. Schepp stated that there are several more items that need to be addressed. They are related to storm drainage, reviewing hydraulics for water, also a documented traffic study is needed showing in detail some of the traffic issues. Many residents are concerned about the level of traffic. We need to have a site distance for a 40mph road. There is buffering on the northerly property line, showing a conservation area. Mr. O'Toole stated that a 40' conservation easement would be dedicated to the Town. Board Member James Breslawski asked about the size of the 10' storm water access easement and stated that he would like to see it be 20' in size. Highway Superintendent Tom Ingraham asked about sidewalks and lighting. Mr. Spiotti replied that there would be south side sidewalks and alternating street lights. James Nesbitt asked about the ability to turn snow plows around. Mr. Spiotti replied that they have created a hammerhead turn around. The platt will show horizontal curve information. Attorney Charlie Welch stated that the traffic design should be shown for both phases for a total of 30 lots. Mr. Breslawski stated that at last months meeting a conditional preliminary approval was granted. Does the Board want to move ahead with this application or table this for further review? James Nesbitt stated

**BEEHLER/BOWER SUB-
HAMLIN PARMA TOWNLINE RD.**

that the Board still does not have enough information to grant Preliminary or Final Approval.

Town Councilman Dave Rose asked about water districts being formed. He stated that a water district, lighting, sidewalk and a sewer district should be formed. Attorney Charlie Welch said that one of the issues in SEQR is the traffic issue. Will there be a level of service change regarding traffic? We need that information before making a SEQR determination. The SEQR determination should take into consideration both phases of the subdivision. James Nesbitt said that storm water drainage is part of the SEQR process also and that hasn't been fully addressed. Town Engineer J.P. Schepp said none of the above are new issues, he has asked time and time again for all the above information.

A motion was made by Chris Schlieter, seconded by James Nesbitt to table this Preliminary Approval for further review for the Beehler/Bower Subdivision to construct 30 single family residential homes until more information is obtained to complete the SEQR process and satisfy Planning Board requirements. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Preliminary Approval tabled.

A motion was made by James Breslawski, seconded by James Nesbitt to refer the Beehler/Bower Subdivision to the Town Board for consideration and forming of the special districts. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, referral to the Town Board made.

COMMERCIAL SITE PLAN APPROVAL

**KATHY BARONE
1722 LAKE ROAD**

Kathy Barone was present to seek Commercial Site Plan approval to open KB Photography Shop at 1722 Lake Road. Kathy explained that she would like Commercial Site Plan Approval to relocate her photography business from her home to 1722 Lake Road. Board Member Dave Martin inquired about a fire escape? Mrs. Barone said that there is a rear exit also. It will be basically a one room photography studio.

A motion was made by Dave Martin, seconded by James Nesbitt to grant conditional Commercial Site Plan Approval to Kathy Barone to open KB Photography shop at 1722 Lake Road. The only contingency is that the business be inspected by the Building Inspector prior to opening and that the necessary permits are in place. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, conditional Commercial Site Plan Approval granted.

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SUBDIVISION APPROVAL

**SHANE LADUE
1949
BRICK SCHOOLHOUSE RD.**

Mr. Shane LaDue was present to request subdivision approval to subtract 5 acres out of 83 acres located at 1949 Brick Schoolhouse Road. Mr. LaDue explained that three years ago he inherited a house and 88 acres from his mother. He merely wants to break off the house and 5 acres and turn it over to his son. Town Engineer J.P. Schepp stated that a variance for a setback requirement might be needed for a shared pond. Mr. Schepp said that in regards to the parent property, we need to make sure we are not creating a non-conforming lot, therefore the line should be moved to have the pond located on one property only. James Breslawski stated that this property is in the AG District.

A motion was made by Chris Schlieter, seconded by Dave Martin to table this Subdivision Approval to cover the pond issue. Because of the pond location, the Planning Board cannot approve a non-conforming lot. A revised site plan needs to be presented by Mr. LaDue to show proper setbacks, and show existing lands around it. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Subdivision Approval tabled until revised site plan is presented.

SPECIAL USE PERMIT

**CHARLES HUNGERFORD
1300 CHURCH ROAD**

Mr. Charles Hungerford was present and explained that he would like to construct an in-law apartment for his mother-in-law to live in on his property. He will be constructing a 30' x 35' addition onto the front of the house. He would like to go through the right process during the period of time his mother-in-law will be using the apartment.

A motion was made by James Nesbitt, seconded by Dave Martin to schedule a Public Hearing for Charles Hungerford of 1300 Church Road to obtain a Special Use Permit to construct an in law apartment at his residence. The Public Hearing is scheduled for Monday, August 2nd, 2004 at 7:30pm. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing scheduled.

DISCUSSION

Building Inspector Dick Bauman stated his concerns regarding the Harry Bower Special Use Permit. Mr. Bauman said that he would like to see the insurance clarified, including the exact amount of the insurance. The Town should be named as additionally insured. Mr. Bauman would also like to define what is an adult dog. Attorney Welch stated that the Bowers already have a copy of the waste disposal contract in place and the Town has been named as the insured. Mr. Welch said that without a court order we are not going to get absolute clarification as to the legal age of an adult dog. Mr. Welch also stated that

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DISCUSSION

the Fire Marshall asked for three sided access into the house in case of emergency. Chris Schlieter stated that if the owners have breeding records, then we could record what dogs are adults as breeding material. In addition the design of the kennel must be approved. Public safety issues need to be addressed. Supervisor Austin Warner said there are terrified property owners in that area. Attorney Charlie Welch stated that this board has no authority to revoke a Special Use Permit. Only a judge can revoke the permit. The Planning Board doesn't give annual approvals to Special Use Permits any longer. However, Mr. Welch stated that Code Enforcement official Dick Bauman can deny the renewal permit and take it to court. Although he must have strong evidence to close a Special Use Permit.

DISCUSSION

Town Board liaison Dave Rose stated that the Town Board will be holding a Public Hearing regarding the Senior Citizen zoning on July 12th, 2004.

ADJOURNMENT

A motion was made by James Nesbitt, seconded by Chris Schlieter to adjourn the meeting barring no further business. Members polled Breslawski aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, meeting adjourned.

Respectfully submitted,

Cindy Olds
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, August 2nd, 2004 at 7:30pm. Deadline for fees is Monday, July 19th, 2004.