

Planning Board Meeting *Minutes*  
Tuesday, September 7<sup>th</sup>, 2004  
7:30pm

The regularly scheduled meeting of the Hamlin Planning Board was called to order by Vice Chairman James Breslawski at 7:30pm with the location of the fire exits explained for those present.

Present: James Breslawski, Dane Emens, Judith Hazen, Dave Martin, James Nesbitt, Chris Schlieter

Excused: Ralph Della Rocco

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

A motion was made by Chris Schlieter, seconded by James Nesbitt to approve the July 5<sup>th</sup>, 2004 minutes. Members polled, Breslawski aye, Emens abstained, Hazen abstained, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, minutes approved.

A motion was made by James Nesbitt, seconded by Judith Hazen to approve the minutes of the August 2<sup>nd</sup>, 2004 meeting. Members polled, Breslawski aye, Emens abstained, Hazen aye, Martin aye, Nesbitt aye and Schlieter abstained. Motion carried, minutes approved.

**THE CLERK READ THE PROOF OF PUBLICATION**

**PUBLIC HEARING  
PRELIMINARY APPROVAL**

**Mr. and Mrs. James Lamparella  
7016 Benedict Beach Road**

Mr. Rich Maier of Maier Surveying was present, representing Mr. and Mrs. Lamparella who are seeking Preliminary Approval to construct a single family residential dwelling located at 7016 Benedict Beach Road. Mr. Maier displayed a site plan for all to view. Mr. Maier explained that the original house was condemned. The new house will be serviced by water and gas and there will be an upgraded septic system. Town Engineer J.P. Schepp said all engineering concerns have been addressed.

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. He then closed the Public Hearing. Mr. Maier went on to explain that elevations are controlled by the flood zone, and the elevation has to be 251' or above. There will also be an elevated septic system. At that time neighbors, Gordon Wandtke of 7024 Benedict Beach along with Mark Thomas of 7040 Benedict Beach both voiced their concerns regarding water run off and drainage. They stated their concerns regarding water draining off the Lamparella's property (since it will be elevated higher than most of the other lots) and

**LAMPARELLA-7016 BENEDICT BEACH RD**

draining onto neighboring properties in the neighborhood. Mr. Maier said that there will be 4 catch basins installed that will intercept the drainage and direct it towards the Lake. The catch basins are a precast 2' x 2' structure, with a steel grate on top, it will catch the water and direct it towards the lake. There will be a back flow valve. The Lake level is currently around 245'. There will be an 8" storm drainage that will run parallel on both sides of the property and drain into the Lake. Mr. Wandtke stated that a French drain is needed. Town Engineer J.P. Schepp stated that the catch basins and swale on the property are better than a French drain. Anything on the surface will drain into the catch basins. The swales will run about ¾ length of the property line. Mr. Lamparella stated that he has installed an 8" drain and the run off will be the same as it is now and up until now drainage has not been a problem. Tom Hayes 7056 Benedict Beach, asked how the debris from the condemned house would be removed? Mr. Lamparella stated all the concrete, brush, walls, wood--everything will be removed by the Federico's who have the right size trucks to handle the removal. Board Member Chris Schlieter stated that it appears that all necessary grading changes have been made on the plans and they are taking the existing grading and making it better.

A motion was made by Dane Emens, seconded by Chris Schlieter to grant Preliminary Approval to Mr. and Mrs. James Lamparella of 7016 Benedict Beach Road to construct a single family residential dwelling. This is a TYPE I Negative Declaration under SEQR. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Preliminary Approval granted.

**LOT COMBINATION APPROVAL**

**Heeder Subdivision  
587 Lake Road West Fork**

Mr. Rich Maier, of Maier Surveying was present to seek Lot Combination Approval for the Heeder Subdivision to combine two lots into one lot located at 587 Lake Road West Fork. Mr. Maier explained that the Heeder's owns both parcels. They merely want to combine the two lots into one lot. There were no questions from the Board.

A motion was made by Judith Hazen, seconded by Dane Emens to grant Lot Combination Approval for the Heeder Subdivision to combine two lots into one lot located at 587 Lake Road West Fork. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Lot Combination Approved.

**RE-SUBDIVISION APPROVAL**

**Wheaton Subdivision  
1204 Monroe Orleans Ctyline Rd.**

Mr. James Glogowski was present to represent Mr. and Mrs. William Haist of 1204 Monroe Orleans Countyline Road who are seeking Re-Subdivision Approval to subdivide

**WHEATON SUBDIVISION-1204 MONROE ORLEANS CTYLINE RD.**

one parcel into two parcels. Mr. Glogowski explained that the purpose is to create a little over 5 acres on parcel Lot R-1B. He will be taking a small triangle patch out of R-1A and adding it to R-1B. Lot R-1B has an existing barn on the 130' strip. There is a house and barn on the larger parcel, R-1A. They merely want to take some land out of R-1A and add it to R-1B, and combine the 130' strip to create a legal building lot consisting of 5.473 acres. Attorney Welch said to keep in mind that if Lot R-1B ever gets built, the house would have to be built behind the barn to get the required setback. A variance will most likely be needed.

A motion was made by James Nesbitt, seconded by Dave Martin to grant Re-Subdivision Approval to the Wheaton Subdivision located at 1204 Monroe Orleans Countyline Road. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Re-Subdivision Approval granted.

**SPECIAL USE PERMIT**

**Amy McCullough  
1320 Redman Road**

Amy McCullough of 1320 Redman Road was present to seek a Special Use Permit to open a florist shop at her residence. Ms. McCullough explained that she may have a few deliveries to her house. Her business will be by appointment only. She will be storing flowers in a residential size cooler, not commercial size. Board Member Judith Hazen asked about the length of her driveway and was concerned about parking arrangements. She also mentioned that Ms. McCullough will be advertising for weddings and funerals and that would seem to be more of a retail business. Ms. McCullough replied that the existing truck in the driveway would be removed. Her business will be by appointment only so only one car at a time would be parked in her driveway. Ms. McCullough stated that she would be working mainly on consultations for flower arrangements.

A motion was made by James Nesbitt, seconded by Dane Emens to schedule a Public Hearing for Amy McCullough of 1320 Redman Road for a Special Use Permit and to open a florist shop at her residence. The Public Hearing will be scheduled for Monday, October 4<sup>th</sup>, 2004 at 7:30pm. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing scheduled.

**SPECIAL USE PERMIT**

**CHRIS STURM  
2274 NORTH HAMLIN RD.**

Mr. Chris Sturm of 2274 North Hamlin Road was present to request a Special Use Permit to open a small machine shop at his residence. Mr. Sturm explained that he bought an old dairy farm (at 2274 N. Hamlin Rd.) and planned to move a small machine shop into one of the existing pole barns. The pole barn is 45' x 65' dimensions. He currently employees three people, all family members. He currently has an SUP in Clarkson and

**STURM-2274 NORTH HAMLIN ROAD**

would like to move it to his residence. His business makes steel molds for plastic parts. Board Member Judith Hazen asked if he would consider changing his name to Hamlin Machine instead of Brockport Machine? Mr. Sturn replied that yes he would change the name. Attorney Welch stated that the mortgage is just on the three acres of land and his house, he did not get a separate deed. The building that will hold the machine shop is at least 150' off the road. Mr. Sturn stated that he does his own pickups and deliveries. He doesn't want a sign in his front yard. Town Engineer J.P. Schepp asked what about water, sewer and fire suppression requirements. Mr. Sturn replied that it is on public water, there is a fire hydrant on the site, with no other fire suppression equipment. He said he would like to have a small septic system for a bathroom and sink for his three employees. He would like to run the water line to that building. Town Engineer J.P. Schepp stated that the Planning Board would like to see a more detailed sketch drawn to scale, showing parking, where the driveway comes in, where the dumpster will be located, where the water line will be coming in, show where the septic system will be located. He would need Monroe County Health Department approval also for the septic system. Mr. Sturn stated that he will get a more detailed sketch into the Building Department before the Public Hearing next month.

A motion was made by Dane Emens, seconded by Judith Hazen to schedule a Public Hearing for Mr. Chris Sturm of 2274 North Hamlin Road who is seeking a Special Use Permit to open a small machine shop at his residence. The Public Hearing will be scheduled for Monday, October 4<sup>th</sup>, 2004 at 7:30pm. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing scheduled.

**SPECIAL USE PERMIT**

**Mr. Mark Allen  
42 Curtisdale Lane**

Mr. Mark Allen was present to request a Special Use Permit to operate a Firearm Instruction and Sales business from his residence, at 42 Curtisdale Lane. Mr. Allen passed out additional information and explained that he has supporting information and that this will be more of a consulting engagement. Training and shooting will be held at a local gun range. This will not be a retail focus. There will be a limited supply of guns on the premises. The focus will be on training, not retail sales. There are 4-H groups and the Boy Scouts of America groups that might be participating in the training. Mr. Allen explained that all guns will be shipped with a gun lock. There will be mostly 10 people at a time scheduled for training. Attorney Welch asked what type of "public" will be coming to your home? Mr. Allen replied that other professionals will be coming to his house only to do planning and scheduling of training. There will be no extra traffic, no signage, no extra noise and no delivery trucks in the neighborhood. Attorney Welch stated that this would fall into a Home Occupation category which would require a SUP permit. However, in the Residential High Density area in which he lives this type of

**ALLEN-42 CURTISDALE DR.**

Home Occupation is not permitted. Mr. Welch stated that his only other alternatives would be to go before the Zoning Board of Appeals to try to obtain a variance. In order to obtain a variance one must show unnecessary hardship, or economic hardship. Or Mr. Allen could go before the Town Board and ask for a change in Town Code which will not necessarily be an easy task. Mr. Allen thanked the Board for their time, and left the meeting.

**SUBDIVISION APPROVAL**

**KLAFEHN SUBDIVISION  
1560 MONROE ORLEANS  
COUNTYLINE ROAD**

Mr. Rich Maier of Maier Surveying was present to represent the Klafehn Subdivision at 1560 Monroe Orleans Countyline Road. He explained that the Klafehn's are seeking to subdivide 5.006 acres from the 68.6 acres that they own. The Klafehn's intent is to keep the 5 acres that the house is on since that is the required zoning in the area. The rest of the 60 acres will be farmed. He is also selling 60' on the side of the property to the new owner so the remaining lands will not become landlocked. There were no comments or questions from the Board.

A motion was made by Dane Emens, duly seconded by Judith Hazen and James Nesbitt, to grant Subdivision Approval to Mr. and Mrs. Klafehn of 1560 Monroe Orleans Countyline Road to subtract 5.006 acres from 68.620 acres. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Subdivision Approval granted.

**PRELIMINARY APPROVAL**

**Beehler/Bower Subdivision  
Hamlin Parma Townline Road**

Mr. Frank Spiotti of Freel Engineering along with Jim Beehler were present to represent the Beehler/Bower Subdivision of Hamlin Parma Townline Road. Mr. Spiotti explained that this will be a 30 lot subdivision of single family residential homes. Town Engineer J.P. Schepp has reviewed the drainage information. He stated that all engineering concerns have been addressed except for some small final changes to the drainage system. Mr. Spiotti stated that one last item in the drainage report states that they can't exceed the existing amounts of run-off after development. They can maintain that in all but the smallest of storms. On Friday Pure Waters sent over a report suggesting that a storm manhole be relocated over to the pond. They have to work out more details on that structure. The smallest orifice that can be placed in that structure is 3". Mr. Spiotti stated that there is some detail being worked out to make the pond a little larger to capture more of the drainage area. Traffic issues and site distance have been addressed. The Town has sent a letter over to the Water Authority saying they can take over the water main. Board Member Dane Emens inquired about page 2 of the plans showing a

**BEEHLER/BOWER-HAMLIN PARMA TOWNLINE ROAD**

former dumpsite? Mr. Spiotti replied that this site has old construction debris buried and this area will not be touched. Town Engineer J.P. Schepp said Frank has addressed the engineering concerns. There are some minor drainage issues to work out regarding controlling the storm water drainage, and how water coming out of the detention pond will be controlled. This is a minor engineering concern that can be worked out. Building Inspector Dick Bauman asked if the property owners will be taking ownership of the pond? Mr. Schepp replied that generally maintenance of the pond will fall onto the property owners that live near the pond. Normally the pond is dedicated to the Village and Town. The Town will maintain it. Dedication of the pond will not take place until the site is developed. The plans do indicate access easements to get back to the pond and take care of it. The individual easements are shown on the plans. In addition, the Town formed special district to take care of sidewalks, lighting and storm water drainage. Board Member Judith Hazen stated her concern over drainage and said that she didn't want to see drainage problems like those that are located near Lake Breeze Estates and Brick Schoolhouse Rd. Mr. Schepp said this is just a matter making some minor modification to the drainage plans. This is located in the Conservation Overlay area. The area where houses are proposed will be well drained. In addition, inspections will be on going a minimum of once a week regarding storm water management during construction. James Breslawski asked about the 40' buffer on the north side of the property? Mr. Spiotti said they had talked about dedicating it to the Town as some sort of conservation easement. Attorney Welch said he would like to see something restricting homeowners from getting back there and cutting down all the trees. Possibly placing deed restrictions on the plans. Mr. Welch stated that the Town needs to make sure that there is a party who will be responsible for ensuring that no trees are damaged or cut down in this area by residents of the neighborhood.

A motion was made by James Nesbitt, seconded by Dane Emens to grant Preliminary Approval to the Beehler/Bower Subdivision located on Hamlin Parma Townline Road to construct 30 single family residential homes. This is a TYPE I Negative Declaration under SEQR. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Preliminary Approval granted.

**SPECIAL USE PERMIT**

**Kelly Bower  
1520 Church Road**

Ms. Kelly Bower along with her attorney, Thomas DeSimone of Harris, Beach and Wilcox were present to discuss Ms. Bower's Special Use Permit that was originally granted in July of 2002. Building Inspector Dick Bauman stated that there are some issues that the Board needs to address. Mr. Bauman read from the list of items that his department prepared. After a lengthy discussion the conditions below were agreed upon by both the Planning Board and Mrs. Bower and her attorney.

**BOWER-1520 CHURCH RD.**

1). Age of Adult Dogs---after much discussion it was mutually agreed upon by the Planning Board and Mrs. Bower that the Planning Board would consider any Cane Corso dog whether male or female to be an adult dog at 18 to 22 months of age. She is currently allowed to harbor only 9 adult Cane Corso dogs at any given time at her residence. Mrs. Bower stated that she currently has two 8 week olds puppies for sale now and is considering breeding one more time before the end of the year. However, those puppies will be not be born and ready for sale until 2005.

2). Amount of insurance ---it was determined and the policy presented stating that there is a two million dollar liability insurance policy in place.

3). The Town of Hamlin is named as the additional insured for the two million dollar liability policy.

4). Harry Bower doesn't need to have the insurance policy in his name, as long as the Town of Hamlin is named as the additional insured.

5). There was much discussion on obtaining an emergency plan if the dogs escape. One suggestion was for Kelly to contact her neighbors by calling each of them and letting them know that the dogs have escaped. She could also call 911. Supervisor Austin Warner stated that there are many terrified neighbors in that area. They are afraid of Harry Bower and after the incident in December the neighbors want some assurance that something like that won't happen again. The neighbors need to have some level of comfort here. Building Inspector Dick Bauman asked when another tension line would be installed on the fence? Kelly replied that it would be installed in the next week or so. Board Member Chris Schlieter stated that this Board needs to have some kind of a comfort level if these dogs escape. There was also some discussion on the use of a tranquilizer gun which the Fire Department could keep on hand. Mr. Schlieter said that wouldn't be feasible to depend on the tranq. gun because valuable time would be wasted getting it to the site or in finding the dog. James Nesbitt asked about placing the words **hazardous area** or something to that effect on the map for the fire and police officials. Also Mrs. Bower should have a boarding kennel named and made available to her in case she would need immediate shelter for her dogs in case of a fire or natural disaster. Mr. Schlieter said that an emergency plan that is taylor made to this site needs to be presented to the Building Department. There is a real fear out there and we want to contain this situation as quickly as possible. We need a sufficient plan in place to contain the dogs. Judith Hazen, suggested getting the neighbors involved. Inform them first if one of the dogs escapes.

Building Inspector Dick Bauman stated that regarding numbers 8, 9 and 10 on his list, The breeding, medical and waste removal documents need to be reviewed on an annual basis to confirm that they are up to date. In conclusion, Kelly Bower along with her attorney will be giving the Building Department and Planning Board a more detailed taylor made emergency plan within the next few weeks to complete the Special Use Permit requirements for Mrs. Bower's dogs.

September 7<sup>th</sup>, 2004

**DISCUSSION**

Building Inspector Dick Bauman stated that he is having a problem with the final site plans. He said he receives a plan that is labeled FINAL, then the owners bring in the plan with some revisions on it. He asked how the Building Department could get copies of the signed mylars in the file? Attorney Welch stated that we could require the signed mylar plus 3 paper copies as well. Also Mr. Bauman said he would like to obtain 12 copies of the site plans so that the Highway and Water department can look at them before they are asked to sign them. Clerk Cindy Olds said that she would start to request 12 copies of the site plans instead of 10.

Supervisor Austin Warner stated that he had nothing from the Town Board and thanked the Planning Board for their hard work tonight. Mr. Warner also asked Town Engineer J.P. Schepp to contact Attorney Kenneth Licht regarding obtaining a Letter of Intent from builders in the Town. This way when the builders pull out of the site after finishing building, the Town will have some money in hand to fix whatever site problems may arise in the future.

**EXECUTIVE SESSION**

A motion was made by James Breslawski, seconded by Dane Emens to go into executive session on a personnel matter.

A motion was made by James Nesbitt, seconded by Dane Emens to come out of executive session.

A motion was made by Dane Emens, seconded by Chris Schlieter to appoint James Breslawki as Chairperson of the Hamlin Planning Board.

A motion was made by Dane Emens, seconded by Judith Hazen to appoint James Nesbitt as Vice Chairman of the Hamlin Planning Board.

**ADJOURNMENT**

A motion was made by Chris Schlieter, seconded by Judith Hazen to adjourn the meeting of the Hamlin Planning Board barring no further business. Members polled, Breslawski aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, meeting adjourned. Deadline for fees is Monday, September 20<sup>th</sup>, 2004.

Respectfully submitted,

Cindy Olds  
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, October 4<sup>th</sup>, 2004 at 7:30pm. Deadline for fees is Monday, September 20<sup>th</sup>, 2004.

