

Planning Board Meeting *Minutes*
Monday, January 3, 2005
7:30pm

The regularly scheduled meeting of the Hamlin Planning Board was called to order by Chairman James Breslawski at 7:30pm at the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The location of the fire exits was explained for those present.

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

Also Present: Building Inspector Dick Bauman, Support Board Attorney Charles Welch, Town Engineer J.P. Schepp, Conservation Board Member Craig Goodrich, Town Councilperson Dave Rose, Deputy Supervisor Mary Hueser, Adam Walters, Tom Jensen, Mike Marchetti, Alfred Campbell and several other residents.

A motion was made by Dane Emens, seconded by Chris Schlieter to approve the minutes of the December 6, 2004 meeting. Members polled, Breslawski abstain, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried December 6, 2004 minutes approved.

Clerk read proof of Publication.

PUBLIC HEARING

SPECIAL USE PERMIT

**MR. AND MRS. LUTHER
218 MONROE ORLEANS COUNTY LINE RD.**

Mr. and Mrs. Luther of 218 Monroe Orleans County Line Road were present to seek Special Use Permit approval for a Quilt Shop at their residence. Mrs. Luther explained that the Quilt Shop would be located in the 16 x 20 addition to their home. Mrs. Luther stated that it would be a small shop with 3-5 customers a day. She would be selling materials and supplies and holding small classes in the evenings. Dane Emens questioned the number of customers per day. Mrs. Luther stated that it would only be 3-5. James Nesbitt questioned the hours of operation. Mrs. Luther stated that the Shop would be open Tuesday-Saturday 10:00am-4:00pm. James Nesbitt also questioned the number of cars that could park in the existing turn around. Mr. Luther stated 8 cars could park there. Ralph Della Rocco questioned if they would be selling quilts. Mrs. Luther stated no quilts just supplies and material for the quilts. Chairman Breslawski asked if J.P. Schepp had any concerns. J.P. stated that he had no concerns.

At this time Chairman James Breslawski opened the Public Hearing. There was no one present to speak for or against the proposal. Chairman James Breslawski closed the Public Hearing.

A motion was made by Judith Hazen, seconded by Dane Emens to approve a Special Use Permit for Mr. and Mrs. Luther of 218 Monroe Orleans County Line Road to operate a Quilt Shop at their home. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, Special Use Permit granted.

PUBLIC HEARING

COMMERCIAL SITE PLAN APPROVAL/ SPECIAL USE PERMIT

TOPS MARKET 1800 LAKE ROAD

Adam Walters, Attorney for Tops was present to seek Commercial Site Plan Approval and a Special Use Permit for a fueling station located at 1800 Lake Road. Mr. Walters gave a brief overview of the process so far. He explained that Tops is proposing a 3 dispenser fueling station, 2 under ground tanks and a kiosk at the location. Mr. Walters explained that the fueling station would be open 6:00am-Midnight with an attendant on duty at all times. He stated that no other items would be for sale at the fueling station or at the kiosk. Mr. Walters explained that all variances were approved and they received a Negative SEQRA Declaration. Mr. Walters addressed some previous lighting concerns. He explained that they would be using revised flat lens lighting that is flush with the canopy to prevent the light from spilling out. Mr. Walters stated that additional screening would be provided per the Town Engineer's request. Trees would be added and some would be relocated. Dane Emens asked J.P. if these were the latest updates. J. P. stated yes, engineering is satisfied with the changes. Chris Schlieter commented that all of the parking spaces should be consistent. Mr. Walters stated that would not be a problem. James Nesbitt questioned the 20 signs that the Zoning Board gave variances for. Mr. Walters explained that there would be one sign on each side of the canopy for a total of 4, one sign on each side of the kiosk for a total of 4 and 2 signs per dispenser for a total of 12, 20 in total. James Nesbitt questioned the snow removal. Mr. Walters explained that Tops would design a plan with the contractor to relocate the snow piles or remove the snow from the site if necessary.

At this time Chairman James Breslawski opened the Public Hearing.

John Picard of 1753 Lake Road asked if this proposal was consistent with the Master Plan and how does this add to the rural character of the town. Chairman Breslawski explained that the Comprehensive Plan is a guide not code and that all public comments are taken into consideration. Mr. Picard questioned if the SEQRA Declaration was offered previously. Mr. Picard also asked if Tops pays taxes. Chairman Breslawski stated that would be a question for the Assessor.

Kelly Smith of 1753 Lake Road stated that she feels that another gas station is not needed in Hamlin and it would not be convenient or beneficial to the residents.

Judith Hazen explained that the location is zoned Commercial.

Chris Schlieter explained that this is an emotional presentation and the Board will try to mold the project to have the least impact on the community as possible. The Board can require revised lighting and additional screening be added.

Mrs. Hansel questioned if a traffic study was done and if they were proposing to widen the road or put in a stoplight. J.P. stated that a traffic analysis was provided for review and there was no need for a stop light at Tops according to the study. J. P. also stated that the road was not going to be widened for this project.

Julie Picard of 1753 Lake Road had concerns about the hours of operation and traffic concerns. Mrs. Picard questioned the fueling station being open after Tops is closed and the safety for that attendant. It was stated that Tops has been open 24 hours for several weeks so the attendant would be in constant contact with the store. Mr. Walters also added that they have security cameras and an alarm system for the attendant's safety.

Mr. Picard asked if the parking lot lights could be dimmed. Mr. Walters stated that the canopy lights would be turned off when the fueling station was closed and that one streetlight was being removed from the parking lot and being replaced with the canopy lighting so it may be less light.

A resident of Barringer Drive questioned the site location and asked if it could be moved to the south side of the parking lot. Mr. Walters explained that Tops doesn't own the property to the south and that this is the location that the landlord made available to Tops for the fueling station.

Kevin Truelson of 89 Roths Cove had some Master Plan concerns and questioned the Special Use Permit requirements. Attorney Charles Welch explained that all fueling stations require a Special Use Permit. Mr. Truelson questioned two buildings being allowed on one site and stated that he should be able to do the same with his property. Charles Welch stated that the Board would review all site plans submitted to them. Mr. Truelson asked what value does this have. Mr. Walters explained that the fueling station is part of the Tops Store. The fueling station does not stand-alone. Mr. Walters stated that Tops is invested in the Community. Tops provides local employment for Hamlin residents and contributes to community events. Mr. Walters also explained that Tops has met all of the Town's standards and conditions of the code.

Julie Picard mentioned snow removal concerns. She stated that the snowplows wake her up at 4:00am and now it will be all night long. Mr. Walters stated that he could suggest that Tops works with the contractor for a later time that would be better.

Peter Toney of Moscow Road stated that he had some concerns about the competition putting other gas stations out of business and suggested that the Board put restrictions on the Special Use Permit.

Mike Marchetti of Brick Schoolhouse Road asked if there would be any fuel pricing signs. Mr. Walters stated that New York State requires fuel price signs on the pumps and Town Code can't regulate them.

James Nesbitt stated that he has had competition concerns for his wife's business too but could not stop new business from coming into Hamlin. He also stated that the Special Use Permit requires an inspection every year by the Code enforcement Officer to make sure everything is kept up to the Town's code.

Mrs. Hansel commented that Tops should treat their customers better.

Brenda Welch of 1746 Lake Road asked what the neighbors could do to make this better. She stated that at previous meetings there was talk of a berm. Mrs. Welch also stated that she had traffic concerns and was concerned about gas fumes. J.P. stated that the berm is going to remain and additional trees are proposed.

Scott Dony of 1749 Lake Road suggested more flowering trees and a sidewalk so people walking to Tops wouldn't have to walk through the parking lot. Chris Schlieter stated that the Town Engineer memo did request more landscaping and that the sidewalk point would be taken into consideration.

Peter Toner commented that that Mr. Dony's suggestions were excellent and he suggested rows of rose bushes to stop people from walking through the neighbor's yards.

Kevin Truelson asked the size of the footprint and questioned the number of parking spots that were being added. J.P. stated that the footprint is 110 x 100 square feet and that 11 parking spaces were added to provide the required number of parking spaces under the code. Mr. Truelson then asked what would happen to the fueling station if Tops didn't make it in Hamlin. Mr. Walters stated that under the Tops lease they are required to remove the facility if it is no longer being used.

At this time Chairman James Breslawski closed the Public Hearing.

Chris Schlieter asked if Adam Walters would address the issues. Mr. Walters stated that Tops is committed to being a good neighbor. He suggested establishing a complaint line with the store if issues arise. Tops is proposing adding 17 trees to screen the new fueling station not the whole Plaza. Tops would be happy to add more trees if that is what the Board requests. However adding a sidewalk would mean eliminating a lane for traffic and that might cause more of a safety hazard. Mr. Walters stated that having an attendant in the parking lot might actually reduce the chance of people throwing trash on the ground or maybe when the attendant wasn't busy they could clean up the trash around the parking lot to help eliminate the trash problem. Mr. Walters will talk to Tops about the snow removal concerns.

Dane Emens suggested putting a sidewalk in along the north side of the entrance. Mr. Walters stated that he didn't feel a sidewalk was necessary because the majority of the people wouldn't walk all the way around on the sidewalk to get to the front entrance of Tops.

Attorney Charles Welch stated that the Board has the option to give a written decision within 62 days of the Public Hearing.

A motion was made by Chris Schlieter, seconded by Dane Emens to reserve decision on this project to give time for the Board to review the following issues: grading plans, berm height, landscaping plans, parking space sizing, lighting issues and a sidewalk proposal. The Board scheduled a workshop to discuss these issues on Tuesday, January 25, 2005 at 7:00pm at the Hamlin Town Hall. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, decision reserved.

SITE PLAN APPROVAL

EMANUEL CHURCH 412 HAMLIN CLARKSON TL RD.

John Klotz was present to seek site plan approval for the Emanuel Church located at 412 Hamlin Clarkson TL Road. Mr. Klotz explained that the Church has been holding services in the Town of Hamlin for the past 10 years and they have grown in size and need more space. They would like to offer many additional services such as family care, Vacation Bible School, divorce support groups and evening services that would benefit the community.

Judith Hazen asked if the family care was a Preschool. Mr. Klotz stated no it would be more like family counseling.

Chairman James Breslawski asked Dick Bauman about the construction status. Mr. Bauman stated that the construction is almost complete. They have added handicap restrooms, an ADT Fire Alarm System and have really cleaned up the site. Chairman James Breslawski asked if J.P. had any concerns. J.P. stated that it is an existing building with existing parking and he has no issues. Chairman Breslawski asked if they would have evening hours. Mr. Klotz stated that yes they were planning Sunday evening services and Monday evening classes.

A motion was made by Ralph Della Rocco, seconded by Dave Martin to approve the commercial site plan for Emanuel Church located at 412 Hamlin Clarkson TL Road. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, site plan approval granted.

DISCUSSION

Chris Schlieter stated that he has a lot of concerns regarding Tops and the Dollar General and the drainage problems caused to the Hansel property. He also mentioned the traffic concerns and suggested communicating with Tops to improve the Plaza.

J.P. mentioned that he was contacted by Freel Engineering regarding the Beehler/Bower Subdivision contacting the Monroe County Health Department in regards to having the site tested for pesticides because there were orchards there in the past. They are also proposing a slight road change 15 feet to the south. Chris Schlieter asked about drainage concerns. J.P. stated that it is a minor change and it wouldn't affect anything. Chairman Breslawski stated that they never filed and the maps would need to be resigned now due to changing of the property lines.

Chairman James Breslawski asked if Dave Rose had anything from the Town Board. Mr. Rose stated nothing at this time.

Judy Hazen stated that she would like to be excused from the February meeting.

A motion was made by Chairman Jim Breskawski, seconded by Dane Emens to go into Executive Session on a personnel matter. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Chris Schlieter, seconded by Judith Hazen to reopen the meeting. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

ADJOURNMENT

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

Respectively submitted by,

Heather Norman
Acting Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, February 7, 2005 at 7:30pm. Deadline for all fees is Monday, January 24, 2005.