

Planning Board Meeting *Minutes*  
Monday, February 7, 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, Dave Martin and Chris Schlieter.

Excused: Judith Hazen and James Nesbitt.

Also present: Support Board Attorney Charles Welch, Town Engineer J.P. Schepp, Building Inspector Dick Bauman, Town Board Liaison Dave Rose, Highway Superintendent Tom Ingraham, Fire Marshal B.J. Maier, Adam Walters, Nina Hansel, Robin Hansel, Tom Jensen, Christine DuBois, Don DuBois, Chris Bernier, Nancy Butcher, Ronal Brown, Barbara Brown, Everett Bauch, Eleanor Bauch, Kyle Sullivan, John Seward, Nancy Seward, Mike Marchetti, John Picard, Marty Maier, Larry Heininger and several other residents.

Chairman James Breslawski congratulated Heather Norman on accepting the Clerk to the Building Inspector and Support Boards position.

A motion was made by Chris Schlieter, seconded by Ralph Della Rocco to approve the minutes of the January 3, 2005 meeting. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried minutes approved.

Clerk read Proof of Publication.

**PUBLIC HEARING**

**PRELIMINARY APPROVAL      LOTS 1 AND 2 OF BARRETT SUBDIVISION  
977 LAKE ROAD WEST FORK**

Rich Maier was present to seek Preliminary Approval for lots 1 and 2 of the Barrett Subdivision located at 977 Lake Road West Fork. Mr. Maier explained that they seek approval for the two lots to construct single-family homes on each with public water, gas and electric. All of the DOT comments were addressed and a catch basin would be installed between the two driveways for drainage. All of the Engineering concerns have been addressed also. Dane Emens had drainage concerns because the property is so flat. Mr. Maier stated that improvements have been made. Chris Schlieter questioned if the drainage could be changed to flow to the west. Mr. Maier stated that the drainage would flow towards the road.

At this time Chairman James Breslawski opened the Public Hearing and asked if there was anyone present to speak for or against the proposal.

Barbara Brown of 2370 Church Road asked what the future plans were for lot #3 of the subdivision. Mr. Maier stated that there were no plans for lot #3 at this time.

Don DuBois questioned if they were planning on putting a house behind an existing house. Mr. Maier stated yes they were. Mr. DuBois questioned the drainage. Mr. Maier stated that the drainage would run towards the road. J.P. Schepp stated that there should be no impact to Mr. DuBois' property if it is built to plan.

B.J. Maier of 990 Lake Road West Fork had some drainage concerns and questioned the driveway locations. Mr. Maier pointed out the driveway locations on the map.

Mr. DuBois questioned the wet area on the site. Mr. Maier stated that they are not proposing any development at that location.

B.J. Maier questioned the driveway length. Mr. Maier stated the length of the longest would be 450 feet and 12 feet wide. J.P. Schepp commented that was to code.

Chairman James Breslawski stated that he researched the location and it is not recognized on the Town, State and Federal Wetland maps. At this time he read a letter from Connie Davis of 976 Lake Road West Fork who is opposed to the proposal.

At this time Chairman James Breslawski closed the Public Hearing.

Chris Schlieter stated that they have several drainage concerns.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Preliminary Approval for lots 1 and 2 of the Barrett Subdivision located at 977 Lake Road West Fork pending further drainage studies. SEQRA determination was tabled until further review. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Preliminary Approval granted.

## **PUBLIC HEARING**

### **SITE PLAN APPROVAL**

### **WALKER BIBLE BAPTIST CHURCH 1425 WALKER LAKE ONTARIO ROAD**

Chris Karelus of Schultz Associates was present to seek Preliminary Site Plan Approval and school expansion for Walker Bible Baptist Church located at 1425 Walker Lake Ontario Road. Mr. Karelus explained that they combined 3 existing lots and received rezoning approval from the Town Board. The property was re-zoned R-L. J.P. Schepp indicated this should be a Type I action under SEQR due to the disturbance of acreage

and involvement in the Agricultural District. It was explained that they propose adding 5 classrooms, a Dining Hall and a Fellowship Hall. They also propose a road and parking lot. It was explained that a retention pond was required with a berm and landscaping buffer. They would add lights to the parking lot. They would have a forced septic with a grease trap and the Health Department was prepared to give approval.

J.P. Schepp stated that all engineering concerns were addressed.

Charles Welch questioned the number of parking spaces proposed. Mr. Welch stated that the code requires 60 spaces. It was stated that 50 students was projected for the future. After discussion it was determined that the 111 spaces proposed was acceptable.

At this time Chairman James Breslawski opened the Public Hearing and asked if there was anyone present to speak for or against the proposal.

Fire Marshal B.J. Maier questioned a sprinkler system being installed. It was stated that the existing church was not being touched and a fire separation was being proposed. The Fire Marshal commented that it is a concern of the Fire Department.

Marty Maier questioned the number of parking spots. Mr. Karelus stated there would be 111 spaces.

Scott Charles of 1401 Walker Lake Ontario Road questioned the location of the retention pond from his property line. Mr. Karelus stated at its highest level it is 40 feet from the property line. Mr. Charles stated that this is a concern due to the added watershed from the parking lot and added leach field. Mr. Karelus stated that swales direct the water towards the pond then towards the road. Mr. Charles questioned the berm size. Mr. Karelus stated the berm was 3 feet high with 4-foot trees. Mr. Charles questioned the traffic increase. Mr. Karelus stated the increase would be minimal due to it being a private school for church members only.

The property owner of 1411 Walker Lake Ontario Road questioned the square footage of the addition. Mr. Karelus stated 11,000 square feet was being added.

The property owner of 1461 Walker Lake Ontario Road questioned the location of the sanctuary and if it would be behind the existing houses. Mr. Karelus explained the location and stated that it would not be behind the houses. She also questioned the lighting. Mr. Karelus explained that 5 low wattage pole lights with shields would be added to the parking lot and wall mounted lights would be added to the building.

Mr. Charles had mosquito concerns. Chris Schlieter explained that they don't breed in those conditions and the pond water would be constantly moving.

The depth of the pond and need for a fence was questioned. Mr. Karelus stated that the pond would be 5 feet deep and a fence was not required. Mr. Karelus also noted that the pond edge would be graded flat and a safety bench would be constructed in the pond.

Snow removal concerns were mentioned. J.P. Schepp stated that there was adequate snow storage on site.

It was asked when construction would start. Mr. Karelus stated that construction would start right away and take 7-8 months to complete.

Highway Superintendent Tom Ingraham stated that he had some concerns about the condition of the drainage system along the road. J.P. Schepp questioned who maintained the ditch. Mr. Ingraham stated right now the County does.

At this time Chairman James Breslawski closed the Public Hearing.

A motion was made by Dane Emens, seconded by Ralph Della Rocco to grant Preliminary Site Plan Approval for expansion to Walker Bible Baptist Church located at 1425 Walker Lake Ontario Road. SEQRA determination was tabled until the information could be sent out and returned. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Approval granted.

#### **COMMERCIAL SITE PLAN APPROVAL**

#### **SANDY CREEK MARINA 12 LAKE ROAD EAST FORK**

Rich Maier was present to seek Commercial Site Plan Approval for Sandy Creek Marina located at 12 Lake Road East Fork. Mr. Maier explained that the Marina was changing ownership but the business would stay the same. The new owners plan to remodel the existing buildings and make repairs to the docks to improve the property. Mr. Maier stated that J.P. Schepp's parking concerns were addressed and he showed a revised site plan with room for adequate parking on the property. It was stated that there were currently 131 boat slips and parking could be provided for both cars and trailers. Chairman James Breslawski questioned if they would be selling gas. The owners stated yes, gas would be sold there. Chairman Breslawski asked if they would be providing any other services. The new owners stated no. Chairman Breslawski asked Dick Bauman if there was a current Special Use Permit for the property. Dick Bauman stated he was not sure but if there was one it wasn't being renewed every year.

A motion was made by Ralph Della Rocco, dually seconded by Dane Emens and Dave Martin to grant Commercial Site Plan Approval to Sandy Creek Marina located at 12 Lake Road East Fork. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Commercial Site Plan Approval granted.

**LOT COMBINATION**

**RICHARD DUFFY  
3511 ROOSEVELT HIGHWAY**

Rich Maier was present to seek Lot Combination Approval for Drakewood Subdivision located at 3511 Roosevelt Highway. Mr. Maier explained that Richard Duffy currently owns both lots and wishes to combine them into one due to the fact that he was paying for two water district charges. The combination would have no impact on other lots.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Lot Combination Approval for Drakewood Subdivision located at 3503 and 3511 Roosevelt Highway. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Approval granted.

**REVISED SITE PLAN APPROVAL**

**COUNTRY CREEK ESTATES  
HAMLIN-PARMA TOWN LINE ROAD**

Frank Spiotta from Freel Engineering was present to seek Revised Site Plan Approval for Country Creek Estates. Mr. Spiotta explained that the revision affects lots 6,7 and 8. The revision consists of moving the road further south making the lots on the north side bigger and lots on the south side smaller. The revision would also affect the storm sewers. Mr. Spiotta also explained that contamination from Orchards being on the property in the past was an issue and the soil was tested. The soil tests passed but if any waste material was discovered it must be removed from the site. Chris Schlieter questioned who would monitor the site. J. P. Schepp stated that an inspector would be on site. J.P. Schepp also requested revised plans to show the detention pond changes. Chairman James Breslawski questioned the wedged shaped parcel located to the north near the road. Rick Bower stated that he was in the process of transferring it to the neighboring lot, 1097 Hamlin Parma Town Line Road. Chairman James Breslawski questioned the land locked pieces. It was determined that the maps are not accurate and there were concerns about the land locked parcels to the west of the subdivision. Attorney Welch suggested an access easement at the point of declaration in between Phase 1 and Phase 2 development. Mr. Bower agreed.

Chairman James Breslawski notified Rick Bower of additional fees that needed to be paid and asked him to see the clerk for the amount. Rick Bower said he would call the clerk in the morning.

A motion was made by Chris Schlieter, seconded by Dave Martin to grant revised Site Plan Approval to Country Creek Estates. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Approval granted.

**DISCUSSION****MAYER LAKE ONTARIO WINERY  
1593 HAMLIN PARMA TOWN LINE ROAD**

Larry Heininger, Ann Hanson and Dave Bower were all present to discuss future plans for a winery located at 1593 Hamlin Parma Town Line Road. Mr. Heininger explained that they are proposing a tasting barn, which would consist of a café, tasting area, storage tanks and retail area with ample parking spaces. They are proposing to resubdivide 4 lots into one. They would submit two separate applications to the Board one for the re-subdivision and one for the business. Attorney Welch stated that the area is zoned RV-L and would require a Special Use Permit that would be renewed annually. Mr. Bower questioned the need of the Special Use Permit. Attorney Welch stated that they are changing the original business and the original business hasn't operated in several years so they would need a Special Use Permit. Dick Bauman questioned what would happen with the existing duplex that is on the property. Mr. Bower indicated that would become the Foreman's home. Mr. Bower explained this would be a small winery; he has 2 acres of grapes currently and plans to plant 20 acres in the future, which would produce 6 tons of wine per acre. The building they are proposing would consist of 6,000 square feet of public space and they plan to start the project in the fall.

A motion was made by Dane Emens, seconded by Dave Martin to schedule a Public Hearing for a resubdivision of Apple Mac's Subdivision and Mayers' Mill Estates to become Mayer Lake Ontario Winery located at 1593 Hamlin Parma Town Line Road for March 7, 2005 at 7:30pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried Public Hearing scheduled for March 7, 2005.

Chairman James Breslawski asked Mr. Bower to get 12 copies of the plans to the clerk by February 21, 2005.

**DISCUSSION****THOMAS LEVERENZ SUBDIVISION  
3889 ROOSEVELT HIGHWAY**

Chris Karelus of Schultz Associates was present to seek resubdivision Approval of the former High Vista Subdivision located at 3889 Roosevelt Highway. Mr. Karelus explained this would involve lot 1 and lot 5 of the WS Subdivision. They should be lot R-1 of High Vista Subdivision and lots R1 and R5 of WS Subdivision.

A motion was made by Dane Emens, seconded by Chris Schlieter to schedule a Public Hearing for the resubdivision of the former High Vista Subdivision located at 3889 Roosevelt Highway for March 7, 2005 at 7:30pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Public Hearing scheduled for March 7, 2005,

Chairman James Breslawski asked Mr. Karelus to get 12 copies of the plans to the clerk by February 21, 2005.

**PRELIMINARY AND FINAL APPROVAL      TOPS FUELING STATION  
1800 LAKE ROAD**

Adam Walter, Attorney for Tops was present to seek Preliminary and Final Approval and Special Use Permit Approval for the Tops Fueling Station located at 1800 Lake Road. Mr. Walters first wanted to thank the Board for scheduling the workshop to discuss concerns with the project. Mr. Walters explained that they had addressed all of the issues. They are increasing the parking lot spaces, they are adding 25 additional trees for screening, they installed a pedestrian walkway and crosswalk with signage and are proposing a 4-foot wide sidewalk. Lighting issues were also addressed. Tops has agreed to set up a workshop with the Fire Department. Mr. Walters stated that he did find out that DDR does own the property to the north of the parking lot and he will talk with them on improving the maintenance of that property. Mr. Walters concluded that this proposal has become a better project for both Tops and the Town. Concerns were raised about fuel delivery. Mr. Walters indicated that deliveries would be during hours of operation when an attendant is on duty. Chairman James Breslawski asked J.P. Schepp if all of the engineering concerns were addressed. Mr. Schepp stated that all of his concerns have been addressed. Chris Schlieter mentioned that two other issues were also addressed the snow removal times and the parking lot maintenance. Councilperson Dave Rose suggested having the Approval contingent on getting the easement between the two properties. Attorney Welch stated that the agreement would be between DDR and the Dollar General not Tops and that the Town really cannot make that happen.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Preliminary and Final Site Plan Approval and Special Use Permit Approval to Tops Fueling Station located at 1800 Lake Road contingent on it being built according to Exhibit A Submittal dated January 28, 2005 and no additional development of the property until the easement between DDR and Dollar General is filed. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Martin aye, Schlieter aye. Motion carried, Preliminary and Final Approval and Special Use Permit granted with contingencies.

**ADJOURNMENT**

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

Minutes respectively submitted by

Heather Norman  
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, March 7, 2005 at 7:30pm. Deadline for all fees is Monday, February 21, 2005.