

Hamlin Planning Board Meeting *Minutes*  
Monday, April 4, 2005  
7:30pm

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

Present: Dane Emens, Judith Hazen, David Martin, James Nesbitt and Chris Schlieter

Excused: Ralph Della Rocco

Also present: Support Boards Attorney Charlie Welch, Town Engineer J.P. Schepp, Town Board Member Dave Rose, Building Inspector Dick Bauman, Conservation Board Liaison Craig Goodrich, Highway Superintendent Tom Ingraham, Conservation Board Member Glenn Quetschenbach, Tom Jensen, Steve DeVay, Kay Draz, Irene Frediani, Denny Roach, Scott Swan, Amy Baker and several other interested residents.

A motion was made by Dane Emens, seconded by Dave Martin to approve the minutes from the March 7, 2005 meeting. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, minutes approved.

**The Clerk read the Proof of Publication**

**PUBLIC HEARING**  
**SITE PLAN APPROVAL**

**RECREATION BUILDING**  
**1658 LAKE ROAD**

Town Engineer J.P. Schepp was present to seek Site Plan Approval for a Recreation Building consisting of restrooms, concession stand, storage and picnic area and a parking lot consisting of 23 parking spaces and 2 handicap parking spaces located at 1658 Lake Road with access from 2806 Roosevelt Highway. The Hamlin Lion's Club has offered to construct a 60 x 40 steel building on Town property. There will be a sidewalk around the building and the driveway will be located at 2806 Roosevelt Highway. J.P. Schepp explained that the sewer would be pumped down Town property to the main sewer line located behind 2850 Roosevelt Highway. Water and electric would come from Roosevelt Highway.

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

Amy Baker stated that she lived next to the proposed site and had concerns about increased pedestrian and bicycle traffic and asked if there would be sidewalks on Roosevelt Highway. J.P. Schepp stated that the only sidewalks would be from the parking lot to the building and around the building. She had concerns about increased traffic and asked if the driveway would be paved. Tom Ingraham stated that the

driveway would be paved to the back property line and gravel the rest of the way for right now. Mr. Ingraham also stated that the driveway permit has been obtained from the DOT already. Ms. Baker also had drainage concerns. J.P. Schepp stated that a drainage pipe currently runs across Town property and drainage would be directed to a catch basin on site. Ms. Baker questioned the location of the building. Mr. Ingraham stated that the Recreation Department picked the location because it is centrally located to all the fields and parking is needed for those fields.

Andy Irvine also has traffic concerns and feels it will cause accidents with cars coming and going. Mr. Irvine asked about dust control. Mr. Ingraham stated that the driveway being paved should reduce the dust. Mr. Irvine also had noise and privacy concerns and asked about a privacy fence. Mr. Ingraham stated that no fence was being proposed. Mr. Irvine also had security concerns. Mr. Ingraham stated that security would be on duty and if needed could be increased. Mr. Irvine was also advised to call 911 when needed. Mr. Ingraham stated a gate would be installed at the end of the driveway.

Joan Irvine also had traffic and speeding concerns.

Vice Chairman stated that the restrooms and additional parking are needed for the fields and the Public Hearing was held to get neighbor concerns to see what could be done to improve the proposal. Mr. Nesbitt suggested planting additional trees for privacy.

Bill Kirchgessner also had traffic and speeding concerns. Mr. Kirchgessner also stated that security is too routine. Mr. Ingraham stated he would address the security concerns. Chris Schlieter asked a time frame for the project. Mr. Ingraham stated that they have the grant for the parking lot and driveway already and they have applied for a grant for the building. Chris Schlieter asked about possibly having the speed limit reduced on Roosevelt Highway. Mr. Ingraham stated that DOT would only reduce it to 35. Chris Schlieter also stated that the responsibility lies with the neighbors to call 911. Chris Schlieter suggested additional screening. Dane Emens asked if there was room to make a turning lane on Roosevelt Highway. Mr. Ingraham stated that there really isn't enough room. Dave Martin questioned the location of the building. Assistant Recreation Director Patty Jo Groenendaal stated that the site was picked because that is where the most people are and there is a need for bathrooms and more parking there. It was suggested to have the driveway come in from the Town Hall Lake Road Entrance. Patty Jo Groenendaal explained that was too far away and would cut through too many fields and would be dangerous with so many kids in the area. Tom Jensen stated that most of the activity is on the fields in the back. Another resident suggested access from Hamlin Center Road. Mr. Ingraham explained that wouldn't be feasible due to the creek that runs through there, the drainage pipe, access to utilities and sewer and crossing through fields. Mr. Irvine questioned what was going to be done about his assessment due to his property value decreasing because of the driveway. J.P. Schepp suggested he contact the Town Assessor.

At this time Vice Chairman James Nesbitt closed the Public Hearing.

A motion was made by Dane Emens, seconded by Chris Schlieter to table their decision until after they had a work session to discuss the proposal. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, decision tabled. Vice Chairman James Nesbitt reminded everyone that a work session is open to the public but is not a public forum.

**PUBLIC HEARING**  
**PRELIMINARY APPROVAL**

**GUY SUBDIVISION**  
**380 WALKER ROAD**

Dave Matt from Schultz Associates was present to request Preliminary Approval for Guy Subdivision located at 380 Walker Road. Mr. Matt stated that they are proposing to divide the lot into 4 separate 5-acre lots all with water, gas electric, private septic systems and separate driveways. Mr. Matt stated they would be removing the existing house and plan to develop Lots 1,2 and 3 as soon as possible. Drainage for the properties is directed to the creek on site.

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

Steve DeVay of 480 Walker Road stated to the east of Lot 4 he owns a 40' access that connects to the railroad bed in the back of Lot 4. They purchased the right of way from Audrey Schult years ago so they can access their property in the back. It is not shown on the subdivision map. Dave Matt stated that he would look into that.

Kay Draz stated that it is a deeded ownership for access to her property.

J.P. Schepp stated that the map would have to be revised before final signatures but the access does not effect the subdivision because it is to the east of the lot line.

William Preissing of 420 Walker Road had concerns about the house on Lot 1 causing drainage problems for him. Dave Matt stated that the house on Lot 1 is only 9" higher than his house, the septic is located in front of the house and the drainage is directed to the creek. Mr. Preissing asked if they would be changing the flow of the creek. Dave Matt stated that they would not change the flow of the creek. Mr. Preissing asked how close to his lot line was the driveway for Lot 1. Dave Matt stated that the driveway would be 150' from the lot line.

Dave Martin questioned if a sprinkler system was needed for Lot 2.

J.P. Schepp stated that a sprinkler system is a recommendation not a requirement.

At this time Vice Chairman James Nesbitt closed the Public Hearing.

Chris Schlieter stated that Conservation Overlay Permits would be needed for Lots 1 and 2.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Preliminary Approval to Guy Subdivision located at 380 Walker Road provided that the access is shown on the final map and Conservation Overlay Permits are required for Lots 1 and 2. This is a Type I Negative Declaration SEQR determination. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, Preliminary Approval granted.

## **COMMERCIAL SITE PLAN APPROVAL**

**AMY MCCULLOUGH  
39 KING STREET**

Amy McCullough was present to request Commercial Site Plan Approval for a Florist Shop located at 39 King Street. Ms. McCullough stated that she currently has a Special Use Permit for the business out of her home but would like to move it to King Street to expand the business.

Judy Hazen asked if she would be closing the home business. Ms. McCullough stated yes she would close the home business.

Vice Chairman James Nesbitt questioned the hours of operation. Ms. McCullough stated 9:00am-6:00pm Monday thru Friday, 9:00-3:00pm Saturdays and closed on Sundays.

James Nesbitt asked about the parking. Ms. McCullough stated that there were 4 parking spaces in the front and parking on the side street and additional public parking by the car wash. J.P. Schepp stated that the parking by the car wash was actually owned by K & K Food Mart. Vice Chairman James Nesbitt asked if there would be any employees. Ms. McCullough stated no employees. Ms. McCullough had some lighting and sign questions. She stated that she was proposing 2-18 sq. ft. signs, one on the front of the building and one on the side of the building. Neither of those signs would be lit. She would have a lighted OPEN sign in the window. Ms. McCullough asked if she could also have a small A-frame sign out by the road. Attorney Welch stated as long as it was on her property. Attorney Welch questioned the square footage of the building. It was determined that there would be approximately 1,000 sq. ft. of retail space so 4-5 parking spaces would be required. The Board asked about additional lighting and parking lot lighting. Ms. McCullough stated there would be no additional lighting. The Board asked if the Building Inspector had looked at the building yet. Dick stated he had not but an inspection was required before she could open.

A motion was made by Judy Hazen, seconded by Chris Schlieter to grant Commercial Site Plan Approval to Amy McCullough to open a Florist Shop located at 39 King Street with two non-lit 18 sq. ft. signs, one on the front of the building and one on the side, no outside lights, one illuminated OPEN sign, hours of operation Monday thru Friday 9:00am-6:00pm, Saturdays 9:00am-3:00pm and closed Sundays contingent on Amy relinquishing her current Special Use Permit for the home business. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, Commercial Site Plan Approval granted.

## **PRELIMINARY & FINAL SITE PLAN APPROVAL**

**JOSEPH SUBDIVISION**

**200 WALKER LAKE ONTARIO ROAD**

Mr. Swan presented the Board with a letter addressed to the Zoning Board regarding notification of the Joseph Public Hearing for variances. Attorney Welch explained that the Public Hearing was closed and suggested that Mr. Swan contact his Attorney about this matter.

Dave Matt from Schultz Associates was present to request Preliminary and Final Site Plan Approval and SEQR determination for the Joseph Subdivision located at 200 Walker Lake Ontario Road. Mr. Matt explained that they received approval for variances from the Zoning Board. Mr. Matt explained that they are proposing swales to take the water east to the pond and drainage should improve. Building Inspector Richard Bauman stated that there was a 10' easement proposed for drainage from Lot 1. Chris Schlieter had deed concerns about the leach field location for Lot 1. Mr. Matt stated that the septic and leach fields are correct on the site plan.

Mr. Swan questioned what would happen if the septic failed and drained into the pond.

Mr. Matt stated that this would be a new system and others would fail before this one.

Mr. Swan questioned if they had permission from the owner to drain into the pond. Mr.

Joseph stated they had all the approvals.

At this time Vice Chairman James Nesbitt closed the Public Hearing.

Vice Chairman James Nesbitt asked J.P. Schepp if he was satisfied with the drainage.

J.P. stated he was satisfied that drainage would improve if it were built according to plan.

The Board requested an "as built" be presented to the Building Inspector at final to

protect the neighbors and ensure that it is built per plan. Mr. Swan thanked the Board.

Vice Chairman James Nesbitt asked if Conservation Board member Craig Goodrich had any concerns. Craig stated no concerns if built per plan.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Preliminary Site Plan Approval to Joseph Subdivision located at 200 Walker Lake Ontario Road with an "as built" required at completion. This is a Type I Negative Declaration SEQR.

Members polled Emens aye, Hazen aye, Martin no, Nesbitt aye, Schlieter aye. Motion carried, Preliminary Approval granted.

Vice Chairman James Nesbitt asked if J.P. Schepp had any concerns. J.P. stated that all of his concerns were addressed. A drainage easement was requested.

Dick Bauman asked if they had Health Department approval yet. Mr. Matt stated they received verbal approval from the Health Department.

A motion was made by Chris Schlieter, seconded by Judy Hazen to grant Final Site Plan Approval to Joseph Subdivision located at 200 Walker Lake Ontario Road pending Recreation fees paid, a drainage easement reviewed and approved and an "as built" required at completion. Members polled Emens aye, Hazen aye, Martin no, Nesbitt aye, Schlieter aye. Motion carried, Final Approval granted.

## **LOT COMBINATION**

## **BEEHLER/KRONENBERG**

Frank Spiotta was present to request Lot Combination Approval for tax parcel numbers 021.03-03-008, 021.03-03-23.2 and part of 029.02-01-001.115. Revised Subdivision maps were handed out to the Board. Mr. Spiotta explained that they received re-zoning for the 54.233 acres from the Town Board to Senior Zoning. They are proposing a Senior Community and need to combine the 3 tax parcels for the project. Attorney Welch asked what the original zoning was. Mr. Spiotta stated R-M, Commercial and R-VL. Some discussion took place regarding an existing easement thru the Dollar General's property reserved for the purpose of a right of way. J.P. Schepp stated that they couldn't create a

land locked parcel so the easement needs to be in place. J.P. Schepp questioned the easement going back the full depth of the lot. There was discussion on the width of the roadway and dedication. Mr. Spiotta stated he would provide a map showing the easement.

A motion was made by Dane Emens, seconded by Judy Hazen to grant Lot Combination Approval contingent on easement verification to Beehler/Kronenberg for tax parcels 021.03-03-008, 021.03-03-23.2 and part of 029.02-01-001.115. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, Lot Combination granted.

**CONCEPTUAL SITE PLAN APPROVAL  
SPECIAL USE PERMIT APPROVAL**

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

Larry Heininger from HBMA was present to request Conceptual Site Plan Approval and Special Use Permit Approval for Dave Bower owner of Mayer Lake Ontario Winery located at 1593 Hamlin Parma Town Line Road. Mr. Heininger explained that they received re-subdivision approval last month for the project. He explained that the wine tasting building would consist of a tank room and storage, tasting area and the second floor would be for observation. Dick Bauman stated that the second floor would have to be handicapped accessible. Mr. Bower, owner of the property, stated that the second floor would offer everything that the first floor did. Mr. Heininger addressed Chatfield's concerns about waste disposal. He stated that this would be a tasting barn and storage only. No pressing would be conducted at this location so there wouldn't be any other waste except sewer waste. Mr. Heininger questioned the need for a Special Use Permit. Attorney Welch explained that a Special Use Permit was required because of the expansion and different operation from the current business. Some discussion took place about separating the tasting barn from the current business. Mr. Heininger explained that they had moved the building forward and that perk tests would be done soon. He stated there would be 26 parking spaces with room for expansion. Vice Chairman James Nesbitt asked if it would be used as a Party Hall for Wedding Receptions. Mr. Heininger stated that if small Receptions were held there they would be in a separate tent outside. Mr. Bower stated that tour buses would bring in most of the people. Attorney Welch questioned the maximum capacity. Mr. Bower stated that it was mostly storage. Discussion took place on maximum capacity, number of parking spaces required and tour bus accommodations. Attorney Welch stated that Fire Marshal capacity was required. A motion was made by Chris Schlieter, seconded by Dane Emens to schedule a Public Hearing for the June meeting for Preliminary Site Plan Approval and Special Use Permit Approval. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, Public Hearing scheduled.

## **DISCUSSION**

### **PHEASANT CREEK FARM KENNEL 1649 WALKER LAKE ONTARIO RD. SPECIAL USE PERMIT REQUIREMENTS**

Dick Bauman stated that Jason Humbert owner of Pheasant Creek Farm Kennels would like to make some changes to his Special Use Permit requirements. He would like to change the hours to include Sundays by appointment only. He would like to change the bedtime of the dogs from 6:00pm to 9:00pm. Also he would like to change the number of dogs allowed outside to 2 dogs per quadrant, which would mean 8 dogs would be out at one time. Attorney Welch had some concerns about neighbor complaints.

A motion was made by Chris Schlieter, seconded by Dave Martin to modify the Special Use Permit requirements for Pheasant Creek Farm Kennels located at 1649 Walker Lake Ontario Road to reflect the revised items submitted on a trial basis contingent on a report given to the Board every two months by the Building Inspector. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, Special Use Permit requirement changes granted.

## **DISCUSSION**

Chris Schlieter discussed upcoming training and suggested that the Clerk and Board members attend.

Conservation Board Member Craig Goodrich commented that the Conservation Board would be at Tops April 16 at 9:00am giving away Douglas fir and Blue Spruce trees.

Vice Chairman James Nesbitt informed everyone of Chairman James Breslawski's resignation and stated they would be voting on Chairman and Vice Chairman at next months meeting.

A motion was made by James Nesbitt, seconded by Dane Emens to grant a Resolution of Appreciation for James Breslawski for 18 years of service and dedication to the Planning Board and the Town of Hamlin. Members polled Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried Resolution granted.

## **ADJOURNMENT**

A motion was made by Dane Emens, seconded by Dave Martin to adjourn the meeting barring no further business. Members polled, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, meeting adjourned.

Respectively submitted by,

Heather Norman  
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, May 2, 2005 at 7:30pm. Deadline for fees is Monday, April 18, 2005.