

Hamlin Planning Board *Minutes*
July 5, 2005
7:30pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by Chairman James Nesbitt 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: Judith Hazen, Dave Martin, Linda Morey, James Nesbitt and Chris Schlieter.

Excused: Ralph Della Rocco and Dane Emens.

Also present: Support Boards Attorney Charlie Welch, Town Engineer J.P. Schepp, Town Board Liaison Dave Rose, Building Inspector Dick Bauman, Conservation Board Liaison Craig Goodrich, Tom Jensen, Barb Cline, Sue Daul, Charlotte Hansel, Leonard Hansel, Nina Hansel and several other interested residents.

A motion was made by Chris Schlieter, seconded by Judith Hazen to approve the minutes from the June 6, 2005 meeting. Members polled Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried, minutes approved.

SUBDIVISION APPROVAL

**EAST COVE SUBDIVISION
BRICK SCHOOLHOUSE ROAD
AND LAKE ROAD WEST FORK**

Tom Lucas from LaRue Associates was present to seek Subdivision Approval of the East Cove Subdivision located at the corner of Brick Schoolhouse Road and Lake Road West Fork. Mr. Lucas explained that Mr. Shaw owned the 67-acre parcel and wanted to divide it into two separate parcels. One parcel being 7 acres and the other being the remaining 60 acres. There was some discussion about an access easement being provided. Chairman James Nesbitt questioned the future development for the 7-acre parcel. Mr. Lucas stated that they are proposing a 40 unit building on the 7-acre parcel. Mr. Lucas also stated that the 7-acres is needed for the building, green space and parking lot for the project. Dave Martin asked if it would be just like Heritage Woods. Mr. Lucas stated that the proposed project would be only one building with 40 units. Town Board Liaison Dave Rose asked if they would be separate tax account numbers. Mr. Lucas stated that yes that is what they are requesting.

A motion was made by Chris Schlieter, seconded by Linda Morey to schedule a Public Hearing for August 1, 2005 for Subdivision Approval for the East Cove Subdivision located on the corner of Brick Schoolhouse Road and Lake Road West Fork with the deadline for the submittal being July 18, 2005 at 2:00pm. Members polled Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried, Public Hearing scheduled.

LOT COMBINATION APPROVAL

**HERITAGE WOODS SUBDIVISION
ROOSEVELT HIGHWAY**

No one present at tonight's meeting. No maps submitted for review.

CONCEPTUAL APPROVAL

**COUNTRY LIVING SUBDIVISION
1406 LAKE ROAD**

Robert LaDieu of LaDieu Associates was present to seek Conceptual Approval for the Country Living Subdivision located at 1406 Lake Road. Mr. LaDieu stated that Sunset Builders was proposing to develop 60 lots on the 51.6 acres. Mr. LaDieu stated that the project would include water, sewer, sidewalks and streetlights. Mr. LaDieu explained that due to the drainage issues at Lake Breeze Estates they would like to leave a green space for a drainage ditch and swale to help with the current drainage problems and to avoid any future problems. Vick Tafone the developer explained that due to the drainage issues and flooding concerns they are proposing a drainage ditch around the property with a swale and retention pond. Because of this they would be losing 10 building lots. Therefore, they are proposing under article 278 of the State Code smaller lot sizes. They would like to propose 85-foot building lots in exchange for the green space and drainage ditch that they are providing the Town. The drainage ditch would be done in phases along with the phases of the subdivision. Attorney Welch stated that the property is currently zoned R-M, which requires .5-acre lots. The proposal has several lots only .4 acres. Therefore the lots are undersized to begin with. Attorney Welch also stated that had he known that they would be asking for Article 278 he could have reviewed the code and informed the Board before the meeting. Attorney Welch stated that in article 278 there is usually a trade off of green space dedicated to the Town. Mr. Tafone stated that the trade off would be the space for the swale and drainage ditch. Linda Morey questioned the width of the road and a turn around for buses, etc before the project was completed. Town Engineer J. P. Schepp stated that the proposed road width is 22' wide and suggested a temporary turn around until the project is complete. Town Board Liaison Dave Rose questioned if the project would connect to Lake Breeze Estates. Mr. Tafone stated yes at Leona Lane.

At this time Chairman James Nesbitt explained that the Board would need to know what direction they wanted to go. They could either refer them to the Zoning Board of Appeals for a variance for the smaller lot sizes or they could pursue the article 278 which would require a new set of plans indicating lot sizes and the drainage ditch. Chris Schlieter questioned the road access parcel. Mr. LaDieu indicated that they would be purchasing the 100-foot wide parcel. Chris Schlieter asked if the phases could be done in order for access for emergency vehicle instead of starting at either end and working into the middle. Mr. Tafone stated that would not be a problem. Some discussion took place about the Town easement size and the wetlands on the property. The Town easement would be 100'-130' wide and it was determined that the wetlands are to the south of the project. Chris Schlieter asked if this would be a dry swale. Mr. Tafone stated yes. Town Engineer J.P. Schepp stated that the property is very flat with very little fall to bring the water to the east. Maintenance would be needed by the Town to keep it clear but this

seemed to be the best solution for the drainage issues. There was some discussion about building on the swale and causing it to get jammed. Dedicating the land to the Town was suggested so that no one could put sheds and bridges up was suggested.

Mr. LaDieu stated that they would resubmit revised plans to the Planning Board for next month's meeting. Chairman James Nesbitt stated that the deadline for the August 1, 2005 meeting was July 18, 2005.

DISCUSSION

William Kosel was present to discuss Site Plan Approval for 3768 Brick Schoolhouse Road. Mr. Kosel explained that the property was approved in 1978 and he has owned it since 1989. He would like to build a 2,000 sq. ft. house with an in-law apartment with 4 bedrooms, 4 bathrooms, 2 kitchens with a 2-car garage between the houses with an access between the two homes. He would also like to move the location of the house south closer to the road. He also explained that there is an existing water line that he would like to hook up to on the property. Chairman James Nesbitt explained the Board would need something current to review so Mr. Kosel would need to submit some new plans and start over. Attorney Welch explained that the property was zoned R-M and duplexes were not permitted. An In-law apartment would need Planning Board approval and couldn't be advertised as a duplex or rented out even in the future when Mr. Kosel decided to sell the property. Town Engineer J.P. Schepp stated that in regards to the water line he would need to contact the Water Department because it wasn't in a water district and he would need approval to be an out of district user. He also stated that a new perk test would be needed. Mr. Kosel stated that he didn't want to pay for engineer drawings if the Board was not going to let him build the house. Attorney Welch stated that with approvals it was a permitted use but new engineer drawings would need to be submitted for approvals.

Chairman James Nesbitt stated that there were some issues with the new car wash. Chairman James Nesbitt explained that the Goltermann Car Wash had several changes from the approved plan. The plan showed a planter in front of the car wash and vacuums along the side of the car wash. The planter could not be there due to the lack of space for a trailer to get in and out of the bays. The vacuums have been moved inside. There is also a large dirt pile on the property. There are some liability concerns and it wasn't on the approved plan. The Board would like a date of when the pile would be removed. There were some concerns that grading it off would cause drainage issues. Also on the plan there was a stockade fence along the property line. Attorney Charlie Welch drew up an agreement between the Goltermanns and the Hansels to agree upon a 4' stockade fence 1 foot from the property line on the car wash property. Some discussion on the agreement took place. The dumpster was also moved from the approved location. An "as built" Mylar was suggested. Judith Hazen asked how big the planter was going to be. It was stated that the planter was suppose to be 60' x 15'. Mr. Bauman stated that more green space to the east was gained. Additional plantings was suggested. Chris Schlieter had some concerns about changing the approved Mylar. A memorandum prepared by Attorney Welch was suggested to list all of the changes that were made. Some discussion on the pile of dirt took place. Town Engineer J.P. Schepp stated that the Goltermanns

would be responsible for any drainage issues or safety issues regarding the pile of dirt because the Board never approved it. Therefore, the Town is not liable. It was agreed that the dirt would be removed within 2 years or the Town takes over the dirt. Chris Schlieter requested that the dirt removal be added to the memorandum also. The status of the fence agreement was questioned. It was stated that it was still in process. Both parties have not signed the agreement yet. The Goltermanns questioned what was meant by fence maintenance. Attorney Welch stated the upkeep and maintenance of the fence. To keep it painted and if it falls down repair it. Chris Schlieter stated that this was beginning to be a property dispute and the Board was not going to be involved. The agreement needs to be signed and then the fence needs to be put up. Building Inspector Dick Bauman questioned a conditional Certificate of Occupancy if the fence is not up. Mr. Goltermann promised he would put up the fence. Attorney Welch stated that he would talk to the Hansel's Attorney Wednesday in regards to signing the agreement.

Building Inspector Dick Bauman stated that a gentleman would like to add a second story to a house on Summer Haven. The concern is that there is only a 2' foundation wall. There was some discussion on major additions and site plan approvals. Chairman James Nesbitt stated that for all major remodels the prints should be presented before the Board for approval and discussion.

Building Inspector Dick Bauman stated that a gentleman contacted him in regards to a cottage on Shore Acres that was in very poor condition. He wanted to put a second story on it and because it was on pillars he wanted to add a foundation under it. He would be using the same footprint. An LWRP would need to be done for the project. Because he might have to change the septic and other issues the Board agreed that he needed to submit prints to the Board for discussion.

Building Inspector Dick Bauman questioned the status of the Tops easement agreement. Attorney Welch stated that the agreement is done he is just waiting on a property description from Freel. Town Engineer J.P. Schepp stated that he would write a letter to Freel Engineers requesting a property description. Attorney Welch stated that this was an easement agreement between the Dollar General and Tops and that Tops stated that they could not guarantee it would be signed they only agreed to present it to the Dollar General. Mr. Bauman questioned holding up the Certificate of Occupancy for the Tops Fueling Station. Attorney Welch stated that they only agreed to present the agreement.

Town Board Liaison Dave Rose reported that at the next Town Board meeting they are having a Public Hearing for 8 new Town Laws. The change that affects this Board would be that ponds would come to the Planning Board for Approval. The others include maintenance code, junk vehicles and the keeping of animals.

Conservation Board Liaison Craig Goodrich reported that July 21, 2005 at 7:00pm there would be a Water Advisory Meeting at the Greece Town Hall.

ADJOURNMENT

A motion was made by Judy Hazen, seconded by Chris Schlieter to adjourn the meeting barring no further business. Members polled Hazen aye, Martin aye, Morey aye, Nesbitt 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, August 1, 2005 at 7:30pm. Deadline for fees is Monday, July 18, 2005 at 2:00pm.