

Hamlin Planning Board *Minutes*
Tuesday, September 6, 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: Ralph Della Rocco, Dane Emens, Judith Hazen, Dave Martin, Linda Morey and James Nesbitt.

Excused: Chris Schlieter.

Also present: Support Boards Attorney Charlie Welch, Town Engineer Representative Jason Foote, Building Inspector Dick Bauman, Conservation Board Liaison Craig Goodrich, Tom Jensen, Mike Marchetti and several other interested residents.

Mike Marchetti requested that his statement in the August 1, 2005 minutes on page two be amended to say that he was promised the drainage issues would be corrected and that he suggested a buffer.

A motion was made by Judith Hazen, seconded by Dave Martin to approve the amended minutes from the August 1, 2005 meeting. Members polled: Della Rocco aye, Emens abstain, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried, minutes approved.

LOT COMBINATION

**RAY O'DELL
140 WESTPHAL ROAD**

Ray O'Dell of 140 Westpahl Road was present to seek lot combination approval for lots 07.090-02-002 and 007.030-01-001 located on Westphal Road. Mr. O'Dell stated that he would like to combine the two lots together to get one 5.4-acre lot so that he could have horses in the R-VL district in the future. He also stated that he has a drainage problem so he was purchasing the 40' strip to the south from his neighbor so he could dig a drainage ditch there to help eliminate his flooding problems. Chairman James Nesbitt stated that there were a couple of concerns with his proposal. The first item is that the property line to the east of lot 2 should be corrected to 193.25' rather than 93.25' as shown. The second issue is with the purchasing of the strip of land from the neighbor's property. The neighbor's lot is currently pre-existing non-conforming and the change in the lot line reduces the lot further. Therefore, Mr. Whelehan would need to go before the Zoning Board of Appeals for a variance. A drainage easement to maintain the ditch was suggested. Chairman James Nesbitt stated that the Planning Board has to go by the code and they can't reduce the lot size without a variance from the Zoning Board. Attorney Welch explained that this Board couldn't approve the joining of two lots that create a non-conforming lot. Judith Hazen suggested just combining Lot 1 and Lot 2 and not

combining the other strip from the neighbor. Mr. O'Dell asked if he didn't purchase the strip from his neighbor could he just combine his two lots together. Chairman James Nesbitt stated that if the map was corrected they would look at the combination again. A drainage easement with the neighbor instead of purchasing the property was suggested again.

A motion was made by Dane Emens, seconded by Linda Morey to refer Mr. O'Dell of 140 Westphal Road to the Zoning Board of Appeals for a variance for a non-conforming lot in the R-VL district. Members polled: Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

CONCEPTUAL APPROVAL

**ANDY SIMPSON
1246 MOSCOW ROAD**

Justin Meyers from Avery Engineering was present to seek Conceptual Site Plan Approval for Andy Simpson for Lot 4 of the Gorki Park Subdivision located at 1246 Moscow Road. Mr. Meyers explained that this is a revised plan of a 1989 approved Site Plan. The septic has been updated and they have added an in-law apartment, pole barn and pond to the site. A driveway permit was granted from the D.O.T. Linda Morey asked if there would be 3 bedrooms in the main house and 1 bedroom in the in-Law apartment. Mr. Meyers stated that was correct. The property is zoned R-VL so there was some discussion whether a Special Use Permit was required for the in-law apartment. Attorney Welch stated that a Public Hearing for a Special Use Permit for the in-law apartment would be needed. It could be done when the Public Hearing for the Preliminary approval was done. There would be a \$25.00 fee for the Special Use Permit. Chairman James Nesbitt stated that the septic would need Monroe County approval. The Town Engineer stated that they have addressed all of Chatfield's issues. They did move the location of the pond to meet code. The Board asked the proposed house type. Mr. Meyers stated it would be a 2-story Cape House with the in-Law apartment being a single story.

A motion was made by Dane Emens, seconded by Ralph Della Rocco to grant Conceptual Site Plan approval to Andy Simpson for Lot 4 of the Gorki Park Subdivision located at 1246 Moscow Road and to schedule a Public Hearing for Preliminary Approval and Special Use Permit approval for the October 3, 2005 meeting at 7:30pm. Members polled: Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

Chairman James Nesbitt stated that the deadline for the October 3, 2005 meeting is September 19, 2005 at 2:00pm.

CONCEPTUAL APPROVAL

CHRIS MARTIN SUBDIVISION 638 LAKE ROAD EAST FORK

At this time Board member Dave Martin removed himself from the Board for this proposal.

Darryl Moser from Schultz Associates was present to seek Conceptual approval to subdivide a 7-acre lot with house and barns from the 171-acre farm located at 638 Lake Road East Fork owned by Dave Martin. Mr. Moser stated that the map was revised to show that no substandard parcels were being created, the Recreation fee per lot was added to the plans and the Fire Marshal was added to the signature block. A pond easement was discussed. Dave Martin stated that they don't plan on using the pond any more.

A motion was made by Ralph Della Rocco, seconded by Judith Hazen to grant Conceptual Subdivision approval to Dave Martin to subdivide a 7-acre lot with house and barns from the 171-acre farm located at 638 Lake Road East Fork and to schedule a Public Hearing for Preliminary Approval for the October 3, 2005 meeting at 7:30pm. Members polled: Della Rocco aye, Emens aye, Hazen aye, Martin abstain, Morey aye, Nesbitt aye. Motion carried.

Chairman James Nesbitt stated that the deadline for the October 3, 2005 meeting is September 19, 2005 at 2:00pm.

At this time Dave Martin returned to the Board.

DISCUSSION

HENRY ENOS 6338 SHORE ACRES

Henry Enos of 6338 Shore Acres was present to discuss a deck addition from his existing deck to the break wall on his property. Mr. Enos explained that it is currently 8' from his existing deck to the gabions and he would like to extend the deck to the gabions. The deck addition would be 8' x 16'. It would not cover the gabions. It would be of wood construction and footers would be required. Linda Morey questioned how he would maintain the gabions in the future. Mr. Enos stated that the existing boat launch would have to be removed to work on the break wall. Attorney Welch stated that a variance is needed to construct a deck more than 10' from the front foundation.

The Board referred Mr. Enos to the Zoning Board of Appeals for a variance to construct a deck to the gabions.

Conservation Board member Craig Goodrich stated that the location is above the flood plain.

Chairman James Nesbitt stated that the workshop went well and just wanted to let everyone know that the Country Living Subdivision was discussed and would be going before the Zoning Board of Appeals for several variances and might be coming back to this Board for approvals in the future.

ADJOURNMENT

A motion was made by Linda Morey, seconded by Ralph Della Rocco to adjourn tonight's meeting barring no further business. Members polled: Della Rocco aye, Emens aye, Hazen aye, Martin abstain, Morey aye, Nesbitt 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, October 3, 2005 at 7:30pm. Deadline for all fees is Monday, September 19, 2005 at 2:00pm.