

Hamlin Planning Board *Minutes*  
Monday, April 3, 2006  
7:30pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by the 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 and AED 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 J.P. Schepp, Town Supervisor Denny Roach, Town Board Liaison Dave Rose, Town Board member Mike Marchetti, Building Inspector Dick Bauman, Highway Superintendent Tom Ingraham, Conservation Board members Craig Goodrich, Tammy Palumbo, Jeanine Klopp and Tom Breslawski, Katie Rath, Ann Burns, Lloyd Lochner, Duncan McEachern, Tom and Karen Jensen, Terry Kelly, Terry Keister, Joe and Marge Ballister, Gene and Carol Hankey, Joan and Bruce Powell, Gordon Lasch, Irene Frediani, Kevin Clark, Sherry Miller, Reid Foertsch, Rich Maier, Adam Freemin and several other interested residents.

A motion was made by Linda Morey, seconded by Dane Emens to approve the minutes from the March 6, 2006 meeting as presented. Members polled Della Rocco abstain, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried, minutes approved.

*The Clerk read Proof of Publication*

**PUBLIC HEARING**

**SPECIAL USE PERMIT  
DOG HAIR EVERYWHERE**

**TERRY KEISTER  
2009 N. HAMLIN ROAD**

Terry Keister was present to seek Special Use Permit approval to operate a dog grooming business called Dog Hair Everywhere in her home located at 2009 N. Hamlin Road. Ms. Keister stated that customers would drop off their dogs for a bath and hair cut and then pick them up later. She expected 4-5 dogs per day. Hours of operation would be by appointment Wednesday through Saturday.

Dane Emens asked about the holding kennels. Ms. Keister stated that they would be plastic crates used to hold the dogs when they are done.

Ralph Della Rocco asked if she would be keeping dogs over night. Ms. Keister stated no.

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

Karen Jensen of 1 Roadside Drive asked if Terry Keister was a licensed dog groomer. Ms. Keister stated that she was a certified dog groomer and has just completed her training. She was planning to open in July.

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

A motion was made by Dane Emens, seconded by Linda Morey to approve the Special Use Permit for Terry Keister of 2009 N. Hamlin Road to operate a dog grooming business in her home called Dog Hair Everywhere. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

## **PUBLIC HEARING**

### **PRELIMINARY RE-SUBDIVISION APPROVAL**

#### **JOSEPH BALLISTER SUBDIVISION**

#### **684 WILER ROAD**

Darryl Moser from Schultz Associates was present to seek Re-Subdivision approval for the Ballister Subdivision located at 684 Wiler Road. Mr. Moser stated that Mr. and Mrs. Ballister have purchased 5 acres of land from Pat Lawler and would like to combine it to their existing lot. No construction is proposed.

Attorney Welch asked about creating a lot with dual zoning. Town Engineer J.P. Schepp that no improvements to the lot were proposed. It was just Subdivision approval. Mr. Schepp requested that Subdivision approval only be noted on the plans. The owner's name needed to be corrected on the plans also.

At this time Chairman James Nesbitt opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

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

A motion was made by Dave Martin, seconded by Dane Emens to grant Preliminary Re-subdivision approval to Mr. and Mrs. Ballister for the Ballister Subdivision located at 684 Wiler Road. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

A motion was made by Dave Martin, seconded by Dane Emens to grant Final Re-subdivision approval to Mr. and Mrs. Ballister for the Ballister Subdivision located at 684 Wiler Road with corrections made to plans and all fees paid. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

## **PUBLIC HEARING**

### **PRELIMINARY RE-SUBDIVISION PAT LAWLER SUBDIVISION**

### **2018 ROOSEVELT HIGHWAY**

Darryl Moser of Schultz Associates was present to seek Re-subdivision approval for the 5-lot Pat Lawler Subdivision located at 2018 Roosevelt Highway. Mr. Moser explained that Pat Lawler is no longer farming the land and has decided to divide it and sell it off. No development is being proposed he is just dividing the land at this time. He is keeping 27 acres.

Ralph Della Rocco questioned Lot 5 being accessible by Lot 1. Mr. Moser explained that Lot 1 was from the old subdivision. There is no division line there. It is all one lot. No development is being proposed. Town Engineer J.P. Schepp noted that the Recreation fee is due for the 5 lots.

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

Gene Hankey of 732 Wiler Road asked to have Mr. Schiebel's property shown to him on the map. Mr. Moser showed him. Mr. Hankey asked if there were any plans to have cows and other animals on the land. Mr. Moser stated that it is just a subdivision with no development proposed at this time but if it was allowed by code they could have animals.

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

A motion was made by Ralph Della Rocco, seconded by Judith Hazen to grant Preliminary Subdivision approval to the Pat Lawler Subdivision located at 2018 Roosevelt Highway. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

A motion was made by Judith Hazen, seconded by Linda Morey to grant Final Subdivision approval to the Pat Lawler Subdivision located at 2018 Roosevelt Highway with corrections to the plans and fees paid in full. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

### **CONCEPTUAL SITE PLAN APPROVAL**

#### **JOHN CLEVELAND**

#### **704 MONROE ORLEANS COUNTY LINE RD.**

Adam Freeman from Land Tech was present to seek Conceptual Site Plan approval for John Cleveland of 704 Monroe Orleans County Line Road. Mr. Freeman explained that this is not a 5-acre lot as is required. The original house burned down and now they are proposing a new single family modular home. A driveway with 2 accesses is proposed along with a well and private leach field.

Attorney Welch asked how long ago the house burned down. Linda Morey stated about 6 years ago. Attorney Welch stated because it's a new site plan and the footprint is

changing it needs variances to meet the requirements of the zoning. It needs lot size and lot width variances.

Town Engineer J.P. Schepp stated that an impervious surface variance might be needed also.

Linda Morey questioned the location of the old well. She also asked how close the new well is to the property line and how far the shed is from the property line. Mr. Freeman stated that the new well is 5' from the property line and the shed is 10' from the property line. They didn't locate the old well. Linda asked if the driveway would be over the old foundation. Mr. Freeman stated he wasn't sure there wasn't much left. The new house is further to the south than the old house was.

Chairman James Nesbitt stated that a driveway permit would be needed from the County.

Highway Superintendent Tom Ingraham stated that it was a State road.

A motion was made by Dane Emens, seconded by Linda Morey to refer John Cleveland of 704 Monroe Orleans County Line Road to the Zoning Board of Appeals for variances for the proposed Site Plan. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

Chairman James Nesbitt asked for a definition of a modular home. Mr. Freeman stated that it is not a trailer. It comes in sections on a truck and is bolted together and it will have a basement.

## **CONCEPTUAL SITE PLAN/SUBDIVISION APPROVAL**

**WALTER REID FOERTSCH**

**6528 SHORE ACRES**

Darryl Moser from Schultz Associates was present to seek Conceptual Site Plan/Subdivision approval for Walter Reid Foertsch of 6528 Shore Acres. Mr. Moser stated that Mr. Foertsch wants to combine the two lots together to eliminate the property line that currently runs through his house now. The Site Plan is for an addition of a lighthouse structure with a deck to his existing house. The lighthouse addition would be 39' high so they would need a height variance from the Zoning Board.

Attorney Welch read the code for maximum height and stated that a variance can only be granted for height after Site Plan approval is granted. He stated that height is a very important issue on the lake and the Zoning Board needs input on how it is going to look before granting the height variance.

Chairman James Nesbitt stated that the lots need to be combined. However he has talked to the Coast Guard and the lighthouse cannot function as a lighthouse. If it looks like a lighthouse the Coast Guard would need to approve it before a permit could be issued.

Mr. Foertsch stated that there would be no light in it that could be observed from the lake.

Attorney Welch stated that architectural drawings would be needed for the Public Hearing. The first floor elevation for Lots 5, 8 and 9 would need to be added to the plan. There were some drainage concerns and the neighboring leach fields needed to be noted on the plans if possible.

Town Engineer J.P. Schepp stated that the set back is 30' and 35' is required so a variance would be needed. The shed also needs a front and side set back variance. The

shed would be built in front of the foundation and may obstruct the neighbor's view of the lake. It is a 12' x 12' addition. Mr. Schepp asked if there would be any additional bedrooms. Mr. Moser stated no actually the number of bedrooms was being reduced. Mr. Schepp requested that the Conservation Overlay District boundaries be shown on the plans also along with the elevation of the addition and the elevation of the neighboring properties. Mr. Schepp asked if a basement was proposed. Mr. Moser stated it's a 4' crawl space. Mr. Schepp stated that per the code a crawl space isn't an issue. Drainage concerns were discussed.

A motion was made by Dane Emens, seconded by Linda Morey to schedule a Public Hearing for May 1, 2006 for the lot combination only for Mr. Foertsch of 6528 Shore Acres. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

A motion was made by Dane Emens, seconded by Ralph Della Rocco to refer Mr. Foertsch of 6528 Shore Acres to the Zoning Board of Appeals for variances needed for Site Plan approval.

Chairman James Nesbitt asked if Craig Goodrich had everything he needed for the Conservation Board to review 6528 Shore Acres and get comments back to the Board. Mr. Goodrich stated he did.

**SPECIAL USE PERMIT  
HAIR SALON**

**SHERRY MILLER  
1728 MONROE ORLEANS COUNTY LINE RD.**

Sherry Miller was present to seek Special Use Permit approval to operate a Hair Salon in her home located at 1728 Monroe Orleans County Line Road. Ms. Miller stated that she has recently moved to Hamlin and would like to continue her Hair Salon business. Her hours of operation would be Monday through Saturday by appointment only.

Linda Morey asked if there was a bathroom. Ms. Miller stated yes near the utility closet is a bathroom and changing area. Linda Morey asked about the parking. Ms. Miller stated that parking would be on the other side of the main entrance in the back. There is plenty of room.

Attorney Welch asked the size of the salon. Ms. Miller stated it's a 22' x 30' room.

Ralph Della Rocco asked if there would be delivery trucks. Ms. Miller stated that she would pick up most of her supplies herself but she may have an occasional delivery of supplies.

A motion was made by Ralph Della Rocco, seconded by Dane Emens to schedule a Public Hearing for May 1, 2006 for Sherry Miller for a Special Use Permit to operate a Hair Salon in her home located at 1728 Monroe Orleans County Line Road. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

**SITE PLAN APPROVAL  
BRUCE POWELL**

**6 SUMMER HAVEN**

Bruce Powell was present to seek referral to the Zoning Board of Appeals for variances needed for Site Plan approval for 6 Summer Haven. Mr. Powell explained that he received Conceptual Site Plan approval and needed some variances to continue. Town Engineer J.P. Schepp stated that a side setback variance is needed. Some discussion took place and because it was for the chimney and not the foundation no variance would be required. Impervious lot coverage was discussed. It was determined that because he was changing the footprint and expanding the use an acreage and lot width variance would be required.

Building Inspector Dick Bauman asked if the power lines were still an issue. Mr. Powell stated no he moved everything back away from the power lines. Mr. Powell stated that he has added 2 12" drainage lines and would be reducing the number of bedrooms from 5 down to 3.

Mr. Powell asked about building on the private road. Town Board member Dave Rose stated that it is a public easement and the water line runs under the private road. The deed needs to be researched. Summer Haven is a right of way to the Town so you can't build on it.

Town Engineer J.P. Schepp stated that the scale needs to be revised on the plans. Chairman James Nesbitt stated that the location of the neighbor's leach fields and first floor elevations need to be added to the plans also.

A motion was made by Ralph Della Rocco, seconded by Linda Morey to refer Mr. Powell of 6 Summer Haven to the Zoning Board of Appeals for area and lot width variances for Site Plan approval with corrections made to the plans. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

Chairman James Nesbitt asked if Craig Goodrich had everything he needed for the Conservation Board to review 6 Summer Haven and get comments back to the Board. Mr. Goodrich stated he needed a Coastal Assessment form. Mr. Nesbitt gave him his.

A motion was made by Linda Morey, seconded by Judith Hazen to schedule a Public Hearing for June 5, 2006 for Mr. Powell of 6 Summer Haven for Preliminary Site Plan Approval with all corrections made to the plans, fees paid and variances granted. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

**CONCEPTUAL SUBDIVISION APPROVAL  
R & L SUBDIVISION**

**1419 LAKE ROAD**

Rich Maier from Maier Surveying was present to seek Conceptual Site Plan approval for the R & L Subdivision located at 1419 Lake Road. Mr. Maier explained that the parcel is zoned G-CB. The owner has a buyer for Lot 2 but they are not interested in buying the

building presently being used for a church. So they are dividing off the church creating a flag lot. The 20' wide driveway goes back to the existing warehouse.

Town Engineer J.P. Schepp stated that he is creating non-conforming issues. A lot width variance is needed and a side setback variance is needed for the new lot. Lot 2 would require a front setback variance. The lot depth needs to be 200' and its only 96'. Depth and width variances are needed for both lots.

The project is going less conforming. The variances required were discussed.

A motion was made by Linda Morey, seconded by Judith Hazen to refer the R & L Subdivision located at 1419 Lake Road to the Zoning Board of Appeals for variances for subdivision approval. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

**CONCEPTUAL SUBDIVISION APPROVAL  
TIMES SQUARE SUBDIVISION**

**1722 LAKE ROAD**

Rich Maier of Maier Surveying was present to seek Conceptual Subdivision approval for the Times Square Subdivision located at 1722 Lake Road. Mr. Maier stated that the owner Kevin Truelson has a buyer for the store but they don't want the adjacent vacant property so he wants to subdivide the property and sell it off separately.

Linda Morey asked if the store would still need to use the right of way for truck deliveries. Mr. Maier stated that a 15' egress is proposed.

Judith Hazen questioned if the vacant land would be land locked. Mr. Maier stated that there is a 30' access proposed. Chairman James Nesbitt stated that the code calls for a 50' buffer between commercial and residential property.

Future plans for the vacant land were discussed. Mr. Maier stated that he didn't know about any future plans for the vacant lot.

Town Engineer J.P. Schepp stated that Lot 1 would require an impervious surface variance. Rear setback variance would also be required. Parking spaces for the store and the other businesses inside were discussed.

Chairman James Nesbitt stated that without the required 50' buffer a land locked parcel would be created. He could seek a variance from the Zoning Board of Appeals for the buffer.

Town Engineer J.P. Schepp stated that Mr. Maier needed to check the tax account number on the plans.

Mr. Maier stated that he would revise the plan and come back before the Board.

**CONCEPTUAL SUBDIVISION APPROVAL  
COUNTRY LIVING ESTATES**

**LAKE ROAD**

Robert LaDieu from LaDieu Associates was present to seek Conceptual Subdivision approval for the Country Living Estates Subdivision located on Lake Road. Mr. LaDieu

stated that they are proposing a 15-lot subdivision in R-M zoning. The parcel is 51.6 acres. Mr. LaDieu stated that they had received comments from J.P. Schepp and can comply with all of the comments except #6.

Town Engineer J.P. Schepp stated that it is required in the Development Regulations Book so no variance could be granted. Mr. Schepp also stated that it is in the Conservation Overlay District and no major drainage is being proposed.

The Board asked if the smaller lots would be extending on Leona Lane. Mr. LaDieu stated yes and there would be three private roads proposed per Town Requirements.

Town Engineer J.P. Schepp stated that he discussed the proposal with Highway Superintendent Tom Ingraham and he had some concerns with the lots ending on the hammerhead. He had some snow removal concerns. Mr. Ingraham stated he had some concerns with the 2 lots on the west side of West Creek crossing the creek. He is concerned that people will build bridges and cause flooding. Putting restrictions on the lots was suggested.

Town Engineer J.P. Schepp discussed a drainage easement along the property line. He has concerns with flooding in Lake Breeze Estates and suggested a drainage easement along the property line to maintain drainage.

A motion was made by Dave Martin, seconded by Linda Morey to grant Conceptual Subdivision approval for the Country Living Estates Subdivision located on Lake Road. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

## **KEVIN CLARK 5733 WAUTOMA BEACH ROAD**

Kevin Clark was present to schedule a Public Hearing for Preliminary Subdivision/Site Plan approval for 5733 Wautoma Beach Road. Mr. Clark stated that he was referred to the Zoning Board of Appeals for variances to divide the lot and convert the existing garage into a house.

Town Engineer J. P. Schepp stated that he prepared a memo and a letter listing his concerns and they are still outstanding.

Property issues were discussed. Variances received were discussed.

A motion was made by Ralph Della Rocco, seconded by Dave Martin to schedule a Public Hearing for May 1, 2006 for Preliminary Subdivision/Site Plan approval for Kevin Clark for 5733 Wautoma Beach Road. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

Chairman James Nesbitt asked Building Inspector Dick Bauman to prepare a list of all the requirements for approvals.

Chairman James Nesbitt asked if Craig Goodrich had a Coastal Assessment form. Mr. Goodrich stated yes.

## **APPLE MAC SITE PLAN 1593 HAMLIN PARMA T.L. ROAD**

Dave Bower was present to schedule a Public Hearing for Preliminary Site Plan approval for the Apple Mac Site Plan located at 1593 Hamlin Parma T.L. Road. Mr. Bower stated that he had plans for the layout of the inside of the winery. He has planted 33 acres for the vineyard. Parking was discussed. A Special Use Permit was granted for the property. Town Engineer J. P. Schepp stated that he submitted comments but was told that the plans were going to change again so the comments from April 4, 2005 are still outstanding until the revised plans can be reviewed.

Traffic issues were discussed. A back flow preventer would be required.

The Board asked how big the winery would be. Mr. Bower stated the first floor would be 5,000 sq. ft. Capacity would be about 150 people plus the patio.

A motion was made by Dave Martin, seconded by Linda Morey to grant Conceptual Site Plan approval for the Apple Mac Site Plan and schedule a Public Hearing for May 1, 2006 for Preliminary approval for Apple Mac Site Plan approval located at 1593 Hamlin Parma T.L. Road. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

## **PRESENTATION**

Competitive Power Ventures, Inc. was present to give a presentation on MET towers. Duncan McEachern stated that he has been working with the Town Supervisor about a potential project in the area for wind energy. A MET Tower is a 197' tower guided on all four sides used to gather wind speed and direction data. If the area has potential they would like to propose a wind generating facility in the future. They would collect data for 2-3 years. The area is located in the Cook Road and Redman Road area. They would be going to the Zoning Board for a height variance. Next Monday they would be making a presentation to the Town Board.

Ralph Della Rocco asked if there were other sites in the area. Mr. McEachern stated no not yet.

Chairman James Nesbitt stated that a Special Use Permit would also be required. He would also like to see a condition that the tower be removed after the 3-year period was over. Mr. McEachern stated they could do that. Mr. Nesbitt asked how the data was collected. Mr. Eachern stated that the info was collected through a solar panel connected to a cell phone where the data would be retrieved about every three days. Mr. Nesbitt asked how many wind towers they were proposing to put up. About 40-50 towers were planned. Mr. Nesbitt asked about other structures needed. They would connect to Rt. 18 substation and run lines to Rt. 18.

Ralph Della Rocco stated that a variance would be required for the guide wires too. Mr. McEachern thanked the Board for their time.

## **DISCUSSION**

Chairman James Nesbitt stated he had some information on training opportunities if anyone was interested.

He was also looking into making simple Special Use Permit requests a one-month process instead of having the people come to two meetings. He would like to have the Clerk schedule a Public Hearing and eliminate the two-month process.

Town Board Liaison Dave Rose had nothing to report at this time.

Highway Superintendent Tom Ingraham had nothing to report at this time.

Conservation Board member Craig Goodrich reminded everyone of the Tree Give Away at Tops April 22, 2006 from 9:00am-12:00pm.

Building Inspector Dick Bauman stated he had a situation with a flag lot. The owner wants to build a pole barn in front of his front foundation and Mr. Bauman asked if the same regulations applied. The Board stated yes the same regulations apply.

## **ADJOURNMENT**

A motion was made by Linda Morey, seconded by Judith Hazen to adjourn tonight's meeting barring no further business. Members polled Della Rocco aye, Hazen aye, Martin aye, 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, May 1, 2006 at 7:30pm. Deadline for all fees is April 17, 2006 at 2:00pm.