

Hamlin Planning Board *Minutes*
Monday, May 1, 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. The location of the fire exits and AED was explained for those present.

Present: Ralph Della Rocco, Judith Hazen, Dave Martin, Linda Morey, James Nesbitt and Chris Schlieter.

Excused: Dane Emens

Also present: Support Boards Attorney Charlie Welch, Town Engineer 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 member Craig Goodrich, Fire Marshall B.J. Maier, Irene Frediani, Tom Jensen, Sherry and Bill Miller, Frank A. DeLapa, Winnie and Rich Franklin and several other interested residents.

A motion was made by Linda Morey, seconded by Judith Hazen to approve the minutes from the April 3, 2006 meeting as presented. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter abstain. Motion carried, minutes approved.

The Clerk read Proof of Publication

PUBLIC HEARING

**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. Mrs. Miller explained that she recently moved to Hamlin and would like to continue the business that she has had for years.

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 Chairman James Nesbitt closed the Public Hearing.

A motion was made by Linda Morey, seconded by Judith Hazen to approve a Special Use Permit for Sherry Miller to operate a hair salon business in her home located at 1728 Monroe Orleans County Line Road as presented in her application. Members polled

Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

PUBLIC HEARING

PRELIMINARY SITE PLAN

APPLE MAC SITE PLAN

DAVE BOWER

1593 HAMLIN PARMA T.L. RD.

Dave Bower and Larry Heininger from HBMA Engineering were present to seek Preliminary Site Plan approval for the Apple Mac Site Plan located at 1593 Hamlin Parma T.L. Road. Mr. Bower explained the Site Plan is for Mayer's Lake Ontario Winery. The winery is proposed on the south side of the farm. This would be the second winery in Monroe County and he would like to create a wine trail from Niagara County to Monroe County. The value of property will increase. A newspaper article was passed around. Mr. Bower explained that the building would be 14,000 sq. ft. with a loft for viewing the scenery. He is planning on having tours and tour buses come. Mr. Heininger stated that he received comments from the Town Engineer and is addressing them. The phone and utilities will be overhead, the water supply will come from the existing pressing barn, there will be a drop off loop in front of the building, handicap accessible parking and an outside terrace. The septic tank and pump will be located on the side and drainage runs towards the pond out front and then to the road. The dumpster will be behind the building, waste will be composted, there are 70 parking spaces proposed and additional parking is available at the pressing barn and people could be shuttled over if needed. DOT and Monroe County Health Department approvals are needed and he will get them if Preliminary approval is granted tonight. Erosion control will be done and added to the plans.

Chairman James Nesbitt stated that this is a very extensive building that is being proposed and asked about its appearance. Mr. Bower stated that the cellar underneath would be for aging of the wine and storage and the second floor is a loft for observation. Chairman James Nesbitt asked what the total square footage was. Mr. Bower stated that the main building was about 5,000 sq. ft. Chairman James Nesbitt stated that the Board was concerned if it didn't make it as a winery that it would be turned into a reception hall or restaurant. Mr. Bower stated that he could offer cold sandwiches. Chairman James Nesbitt asked if there was a banquet hall included in the proposal. Mr. Bower stated no, not at this current time. Mr. Bower stated that he currently supplies other wineries with juice now and he is going to continue making wine at the location.

Building Inspector Dick Bauman stated that he had some concerns about how the proposal ties into the existing buildings. Mr. Bauman stated that the plan doesn't show the overall picture. There is another driveway, barns and green houses that aren't shown on the plan.

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

Rich Franklin of 1583 Hamlin Parma T.L. Road stated that he has several concerns. He is concerned that the winery will decrease the value of his property. He asked if the

existing barn is a processing facility. Mr. Bower stated no he just processes juice there. He is concerned that the access road to the rear of his property is very close to his house. He is concerned with the waste that will be generated, the disposal of the waste and the impact on the environment. Traffic concerns were discussed. Storage concerns were discussed. He asked if the project was approved for a winery if it could later be turned into a party house. Attorney Welch stated no he cannot use it as a party house if it is approved for a winery. Mr. Heininger stated that the leach field has been designed for a winery not a party house. When the juice is processed the skins will be composted and recycled. Mr. Franklin asked about the flush down and cleaning of the tanks. Mr. Bower stated the wash down would take place at the barn where the larger septic exists. Air quality being affected was discussed. Mr. Bower stated that he would be processing in September and October only. Mr. Franklin asked the hours of operation. Mr. Bower stated Monday through Saturday 10:00am to 7:00pm and Sundays 12:00 to 5:00pm. Mr. Franklin asked about truck traffic. Mr. Bower stated no truck traffic at night or on Saturdays and Sundays. Mr. Franklin asked the time frame that he would open. Mr. Bower stated that he would like to open July 1, 2006. He has hired two men to maintain the vineyard and run the facility. Mr. Bower stated that a berm and trees are being added along the property line. Mr. Franklin stated that it is a very small berm.

Winnie Franklin of 1583 Hamlin Parma T.L. Road stated that she has many concerns. Mr. Bower has started several projects but hasn't completed any of them. She is concerned about the condition and maintenance of the existing store that is not shown on the plans. She is concerned with maintenance and condition of the property currently and what the winery is going to do to the value of her house.

Robert Flugel of 798 Hamlin Parma T.L. Road lives across the street and his wife runs a daycare in their home and he has concerns with the increase in traffic and truck traffic because his driveway is directly across from Mr. Bower's driveway. He is also concerned with the smell from the trucks when the kids are outside playing.

Frank DeLapa asked the number of bottles Mr. Bower plans to produce. Mr. Bower stated about 10,000 bottles.

Resident of 820 Hamlin Parma T.L. Road asked what the driveway across from him was going to be used for. Mr. Bower stated that driveway would be used for the farm market only. Truck deliveries would use the other driveway until about 4:30pm. There would not be any evening deliveries. He asked if any improvements were being made to the existing barn. Mr. Bower stated that the barn is being painted and greenhouses are going to be built.

John Barnes of 1700 Walker Lake Ontario Road stated that what the property to the rear was going to be used for. Mr. Bower stated some farming and grape vines. Mr. Barnes asked the time frame. Mr. Bower stated in about 5 years.

Resident of 1420 West Avenue asked where the entrance to the winery was. Mr. Bower stated to the west of the property.

Winnie Franklin asked about the status of the existing house that had a fire. Mr. Bower stated that they are currently rebuilding the house.

Chris Schlieter stated that clearly two parcels are affected and not everything has been shown on the plan. The property maintenance issues need to be cleaned up and addressed by the Building Inspector and a traffic study needs to be done. He asked if the Building Inspector inspects the business annually. Mr. Bauman stated that he doesn't but the Fire Marshall does every three years. Mr. Schlieter suggested that a pamphlet explaining the proposed business in more detail would be helpful.

Chairman James Nesbitt asked about the barrels that are currently by the road. Some discussion took place as to whether they were going to be a sign or if they needed to be added to the Site Plan. Mr. Nesbitt stated that the Site Plan is not complete. Driveways and existing barns need to be added to the plans.

Town Engineer J.P. Schepp stated that he was unaware of the existing buildings and agreed that we need to know how they tie into the improvements.

Chairman James Nesbitt stated that our code states that no removal of vegetation can be done until Final Site Plan approval is granted. Nothing can be done to the property until Final Site Plan approval. Therefore the huge kegs by the road shouldn't be there.

Winnie Franklin stated that they have lived there for 20 years. The realtor said that they would lose all of the equity in their home. She stated that she does not want a winery in her back yard. Trees have already been removed in the back of the property.

Chairman James Nesbitt stated that the Board could require birms to be added to the plan. He also stated that he would like to have the Franklin's house added to the plan.

Mrs. Franklin thanked Mr. Nesbitt.

Russ Adams of 1547 Hamlin Parma T.L. Road stated that he lives to the north of Mr. Bower and questioned what he would be looking at. Mr. Bower stated vineyards. Mr. Adams also had some drainage concerns. Mr. Bower stated that drainage has been added. It was just completed.

At this time Chairman James Nesbitt closed the Public Hearing.

Attorney Welch stated that they need the whole site to be on the plans.

Chairman James Nesbitt stated that we have a schedule to maintain and deadlines need to be met. He asked Mr. Bower to have all of his fees and copies in on time in the future. Mr. Bower stated that he would take care of that himself in the future.

Chairman James Nesbitt stated that location of the neighbors, driveways, proposed birm and wine barrels need to be added to the plan along with the existing barns and driveways.

A motion was made by Judith Hazen to table tonight's decision on the Apple Mac Site Plan until the June meeting. There was no second.

Some discussion took place on the Preliminary Plan. Chris Schlieter stated that he would like to see drainage, site distances and birms added to the plan along with the location of the compost area. Mr. Bower agreed.

A motion was made by Ralph Della Rocco, seconded by Chris Schlieter to grant Preliminary Site Plan approval to Dave Bower for the Apple Mac Site Plan located at 1593 Hamlin Parma T.L. Road. This is a Type I Negative SEQR declaration. Members polled Della Rocco aye, Hazen no, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

Attorney Welch excused himself for the next presentation.

**LYNN OLIVER
B'ZERS BAR**

52 RAILROAD AVENUE

Lynn Oliver was present to explain that she had received approval for B'zers Bar located at 52 Railroad Avenue and because of financial reasons would like to open in phases. She stated nothing has changed, everything is still going as planned but they just won't have the fryers installed until the next phase but would like to open the bar as soon as possible. According to the liquor law she is required to serve food so just cold sandwiches will be served at first. The fire system is installed but the anse system is not installed yet. The pull stations and wiring is all installed. Phase 2 the fryers and the anse system will be installed.

Chairman James Nesbitt asked the number of people. Mrs. Oliver stated she didn't know yet. Chairman James Nesbitt asked number of parking spaces. Mrs. Oliver stated that 65 parking spaces were originally required. Chris Schlieter asked if she had a liquor license. Mrs. Oliver stated yes she does and she should be ready in the next couple of weeks for a Certificate of Occupancy. Ralph Della Rocco asked if she owned the building. Mrs. Oliver stated yes she does. Chris Schlieter stated that after the building obtains a Certificate of Occupancy if there is any change in the business an inspection would be required of the fire equipment or the business gets closed down. The Board determined that no motion was needed and wished Mrs. Oliver good luck.

Attorney Welch returned.

**CONCEPTUAL SITE PLAN
TIMES SQUARE SUBDIVISION**

1722 LAKE ROAD

Rich Maier was present to seek Conceptual Site Plan approval for the Times Square Subdivision located at 1722 Lake Road. Mr. Maier stated that he has received the Town Engineer's comments. He talked to the owner and addressed the items. The owner would like to apply for a variance for impervious surface and the 50' buffer. Driveway access was discussed. Mr. Maier explained that the owner has a potential buyer for Lot 1. Drainage issues were discussed. Judith Hazen questioned the access to Lot 2. Attorney Welch stated that it was a shared access. An ingress/egress utility easement would be noted on the plans. Town Engineer J.P. Schepp stated that the Beehler property to the east needs a 50' buffer also because it is zoned residential. Mr. Maier stated he would add it to the plan.

A motion was made by Linda Morey, seconded by Chris Schlieter to refer the Times Square Subdivision located at 1722 Lake Road to the Zoning Board of Appeals for variances. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

PRELIMINARY SUBDIVISION APPROVAL

BRUSH CREEK SUBDIVISION

710 WALKER LAKE ONTARIO ROAD

Rich Maier was present to have a Public Hearing scheduled for Preliminary Subdivision approval for the Brush Creek Subdivision located at 710 Walker Lake Ontario Road. Mr. Maier explained that they had been to the Zoning Board and all variances were approved. Mr. Maier questioned the need for another Public Hearing. Chairman James Nesbitt stated that the Code requires a Public Hearing for Preliminary approval. Attorney Welch stated if there are no comments they could grant Preliminary and Final approval the same night.

A motion was made by Chris Schlieter, seconded by Linda Morey to schedule a Public Hearing for the Brush Creek Subdivision located at 710 Walker Lake Ontario Road for June 5, 2006 at 7:30pm. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

FINAL SITE PLAN APPROVAL

ORCHARD ACRES SUBDIVISION

3768 BRICK SCHOOLHOUSE ROAD

Arnold Carmichael was present to seek Final Site Plan approval for Lot 5 of the Orchard Acres Subdivision Section II located at 3768 Brick Schoolhouse Road. Mr. Carmichael explained that they checked the east line of the property and elevations were taken of the properties backing up to the proposed property. A swale does run to the rear of the lots. The lots to the rear were undisturbed. Landscaping was added when necessary to shield

the rear lots. Town Engineer J.P. Schepp stated that the barn on the east lot is very close to the lot line and questioned the ability to maintain it. Mr. Carmicheal stated that an easement could be added to allow for maintenance and if the barn needs to be replaced it needs to follow the code. Chris Schlieter questioned Monroe County Health Department approval. Mr. Carmichael stated it was in the upper left corner and was approved again in July 2005.

A motion was made by Dave Martin, seconded by Linda to grant Final Site Plan approval for Lot 5 of the Orchard Acres Subdivision Section II located at 3768 Brick Schoolhouse Road with an easement to be added for the existing barn that is too close to the property line for maintenance and if it should need to be replaced it needs to follow code. Members polled Della Rocco aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

DISCUSSION

Conservation Board member Craig Goodrich stated that they had their tree give away and all of the trees were given away.

Town Board Liaison Dave Rose stated that there would be a Zoning revising meeting on May 17, 2006 with the Town Board. He would have the Clerk mail out reminders.

Town Supervisor Denny Roach stated that there would be an informational meeting on wind towers at the St. John's Church on May 4, 2006

Highway Superintendent Tom Ingraham stated that Spring Clean up was going on until May 6, 2006. They were also starting the Wiler Road water line extension.

Chairman James Nesbitt stated that he had some training workshop information and reminded everyone to get a copy of their training certificates to the Clerk so a copy could be kept in their file. He also mentioned the possibility of having a training session next year for neighboring Towns to discuss projects and get ideas and feed back form other Towns. He is asking for input.

ADJOURNMENT

A motion was made by Chris Schlieter, 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, 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, June 5, 2006 at 7:30pm. Deadline for all fees is May 22, 2006 at 2:00pm