

Hamlin Planning Board *Minutes*  
Monday, June 5, 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: Dane Emens, Judith Hazen, Dave Martin, Linda Morey, James Nesbitt and Chris Schlieter.

Excused: Ralph Della Rocco

Also present: Support Boards Attorney Charlie Welch, Town Engineer J.P. Schepp, Town Board member Mike Marchetti, Fire Marshall B.J. Maier, Tom Jensen, Glenn Quetschenbach, Bruce Powell, Robert Kruger, Reid Foertsch, Patti Reynolds, Rich Maier, Frank DeLapa and several other residents.

A motion was made by Linda Morey, seconded by Judith Hazen to approve the minutes from the May 1, 2006 meeting as presented. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye.

*The Clerk read Proof of Publication*

**PUBLIC HEARING**

**PRELIMINARY SUBDIVISION**

**BRUSH CREEK SUBDIVISION**

**710 WALKER LAKE ONTARIO RD.**

Rich Maier was present to seek Preliminary Subdivision approval for Mr. Kruger for the Brush Creek Subdivision located at 710 Walker Lake Ontario Road. Mr. Maier explained that Mr. Kruger was interested in selling off the farmhouse and keeping the remaining farmlands. Mr. Maier stated that they received all of the variances required. Town Engineer J.P. Schepp stated that all of the engineering concerns had been addressed.

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 Dave Martin, seconded by Dane Emens to grant Preliminary Subdivision approval to Mr. Kruger for the Brush Creek Subdivision located at 710 Walker Lake Ontario Road. This is a Type II Negative SEQR Declaration. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Chris Schlieter, seconded by Judith Hazen to grant Final Subdivision approval to Mr. Kruger for the Brush Creek Subdivision located at 710 Walker Lake Ontario Road. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**PUBLIC HEARING**  
**PRELIMINARY SITE PLAN**

**BRUCE POWELL**  
**6 SUMMER HAVEN**

Mr. Powell of 6 Summer Haven was present to seek Preliminary Site Plan approval for 6 Summer Haven. Mr. Powell explained that he would be changing the footprint of his house and converting the existing house into a garage. Mr. Powell stated that he was granted the necessary variances from the Zoning Board. Town Engineer J.P. Schepp stated that all of the engineering concerns had been addressed. Mr. Powell stated that he would be reducing the number of bedrooms.

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.

Conservation Board member Craig Goodrich stated that they talked with the neighbors and they welcomed the improvement to the neighborhood. Drainage had been added to the plan so the Conservation Board had no issues.

A motion was made by Judith Hazen, seconded by Linda Morey to grant Preliminary Site Plan approval to Mr. Powell for 6 Summer Haven. This is a Type I Negative SEQR Declaration. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Judith Hazen, seconded by Linda Morey to grant Final Site Plan approval to Mr. Powell of 6 Summer Haven. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**MYLAR RE-SIGNING**

Chairman James Nesbitt explained that Mr. Barea was present seeking the re-signing of the Kingsbury Mylar. Mr. Nesbitt explained that the code states the Mylar needs to be filed within 60 days of signing. The Kingsbury Mylar was signed over a year ago. Mr. Barea stated that there were no changes to the Mylar. Town Engineer J.P. Schepp approved the Mylar.

A motion was made by Linda Morey, seconded by Judith Hazen to re-sign the Kingsbury Subdivision Mylar. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**SPECIAL USE PERMIT**

**LINDA ROBINSON  
2228 ROOSEVELT HIGHWAY**

Linda Robinson was present to seek Special Use Permit approval to operate a business in her home located at 2228 Roosevelt Highway called Country Sage Herb Shop. Mrs. Robinson explained that they would be moving the North Star Gift Shop to this location and also sell herbs, spices, candles, jewelry, soaps, Avon and gifts at this one shop. Chairman James Nesbitt asked if they live at the residence. Mrs. Robinson stated yes they do but they would have a separate entrance for the business. Town Engineer J.P. Schepp had some issues regarding the zoning, and square footage allowed. The code states the maximum square footage allowed is 25% of the area. The maximum for this location would be 500 sq. ft. and according to the plan they would be using 750 sq. ft. Mrs. Robinson stated that they would scale it down. Mrs. Robinson stated that they have a large driveway with a turn around for parking. The Board asked if she would be closing the North Star Gift Shop. Mrs. Robinson stated yes they would close that.

A motion was made by Dane Emens, seconded by Linda Morey to schedule a Public Hearing for Linda Robinson on July 5, 2006 at 7:30pm to operate a business in her home located at 2228 Roosevelt Highway selling herbs, spices, candles, jewelry, soaps, Avon and gifts. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**SPECIAL USE PERMIT**

**KELLI BOWER  
1520 CHURCH ROAD**

Kelli Bower was present to seek approval to increase the number of dogs she is allowed to have under her current Special Use Permit located at 1520 Church Road. Ms. Bower stated that currently she is allowed to have 9 adult dogs but is asking to increase that number to 16. Ms. Bower stated that she would like to be able to provide older dogs a place to retire and would like to be able to provide dogs that need to be rescued or returned a place to stay until they can be placed in a new home. Ms. Bower stated that she has talked with her neighbors and they don't have any concerns with the dogs. She stated that none of her dogs have ever gotten out. Dane Emens questioned the insurance requirement. Ms. Bower stated that she has a two million dollar policy. The Town required a one Million dollar policy. Attorney Welch asked her to provide proof of insurance. Assistant Dog Warden B.J. Maier stated that there has not been any issues at the location but would like to get approval from the Humane Society that this number of dogs would be acceptable at this location. A written statement from the Humane Society was requested. The Board asked Mr. Maier to inspect the location. Ms. Bower stated that she was licensed.

A motion was made by Chris Schlieter, seconded by Dane Emens to schedule a Public Hearing for July 5, 2006 at 7:30pm for Kelli Bower of 1520 Church Road to increase the number of dogs allowed for her current Special Use Permit. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**SPECIAL USE PERMIT**

**JIM BEEHLER  
COUNTRY CREEK**

Jim Beehler was present to seek approval to increase the size of his existing pond located in the Country Creek Subdivision on tax account number 023.01-01-005.2. Mr. Beehler explained that he has a retention pond on the site that wouldn't be effected and another pond below that one that he would like to enlarge and use as a possible retention pond for the future Phase II development. He needs additional fill for the current Phase I development for the front of the houses he is building now. The pond is located in the Conservation Overlay District so he wasn't sure whether he needed a permit or a Special Use Permit just to enlarge the pond. The pond is currently 4' deep and he would like to make it 12' deep. It would be 200' behind any houses that would be built in Phase II. Another option that he had because the area is so wet in that location would be to dig another new pond outside of the Conservation Overlay District. Chris Schlieter stated that he would prefer to see him enlarge the existing pond to help with Phase II drainage and to improve the water quality of the existing pond. Attorney Welch stated that he would prefer to have the existing pond increased also as part of Phase II development. Mr. Beehler stated that it was very wet in that location. Chairman James Nesbitt stated that the pond would need to be designed to be kid proof especially because it is so close to a subdivision. He stated it would need to have a beach for safety and a 1 on 5 shelf instead of a 1 on 3 that was shown. Chairman James Nesbitt asked if the Conservation Board had any issues. Craig Goodrich stated that the Conservation Board would have to look at it. The Board advised Mr. Beehler that he would need a Conservation Overlay District permit to increase the size of the existing pond.

**SPECIAL USE PERMIT**

**JOE LANCIA  
75 WALKER ROAD**

Joe Lancia was present to seek Special Use Permit approval to operate an Equine Assisted Psychotherapy Practice on his vacant property located at 75 Walker Road. Mr. Lancia stated that he would bring in horses for the purpose of observing his clients communicate and interact with each other and the horses as part of his psychotherapy practice. The horses would be housed at his residence a couple of lots down. The horses would just be there for a couple of hours a day. Attorney Welch stated that this business doesn't fit the code. It fits best under the public stable description. It does require a Public Hearing for a Special Use Permit. Attorney Welch asked why this couldn't be done on his home property. Mr. Lancia stated that his malpractice insurance required it to be on a separate parcel. The Board asked if there would be water, electric and

restrooms. Mr. Lancia stated no water, yes electric and no restrooms just a port a potty. Chris Schlieter asked about having water for the horses. Mr. Lancia stated that there was no need since the horses were not being housed there. Town Engineer J. P. Schepp requested that the fencing be included on the Site Plan and stated that a driveway permit would be required from the Department of Transportation.

A motion was made by Dane Emens, seconded by Linda Morey to schedule a Public Hearing for July 5, 2006 at 7:30pm for Mr. Lancia for a Special Use Permit to operate an Equine Assisted Psychotherapy Practice on his vacant lot located at 75 Walker Road. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

### **CONCEPTUAL SITE PLAN**

**JERRY ROWELL  
87 KING STREET**

Rich Maier was present to represent Jerry Rowell for Conceptual Site Plan approval for 87 King Street. Mr. Maier stated that Mr. Rowell received approval from the Town Board for the location of the barn because the property is zoned Industrial. Mr. Maier stated that the barn would be used for storage. The Board asked what would be stored there. Mr. Maier stated that he wasn't sure. Mr. Maier stated that he would have electric and water on site with a dirt floor. Town Engineer J.P. Schepp stated he had some engineering concerns. The purpose of the building, traffic impacts and paving requirements should be shown on the Site Plan. Utilities should be shown on the plan. Mr. Maier stated he would address those items on a Site Plan.

A motion was made by Dane Emens, seconded by Dave Martin to schedule a Public Hearing for July 5, 2006 at 7:30pm for Preliminary Site Plan approval for Jerry Rowell for the 87 King Street Site Plan. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

### **COMMERCIAL SITE PLAN APPROVAL ALAN AND PATRICIA REYNOLDS**

**1549 LAKE ROAD**

Patricia Reynolds was present seeking approval to convert their existing restaurant located at 1549 Lake Road into 5 one-bedroom apartments. Ms. Reynolds explained that they would be removing the existing kitchen and replacing the banquet rooms and kitchen with apartments. The original farmhouse would remain their home. Attorney Welch stated that apartments are not a permitted use in C-GB zoning. The proposal would require a Use variance from the Zoning Board and he would recommend hiring an attorney because they are very difficult to get. Chris Schlieter asked the historic background of the building. Ms. Reynolds stated she wasn't sure but she knew the banquet rooms were added on later. Ms. Reynolds stated they were thinking of renting to older couples. Senior Zoning was discussed. Chris Schlieter asked about changes in the parking. Ms. Reynolds stated there were no plans at this time. Town Engineer J.P.

Schepp had some setback and impervious surface concerns. Mr. Schepp questioned whether the existing water would be sufficient for 5 apartments. Ms. Reynolds stated that they would add a new hook up. Mr. Schepp questioned the need for sprinklers. Ms. Reynolds stated that she was told by Dick Bauman that because the kitchen was being removed that sprinklers were not needed. Attorney Welch suggested having the zoning changed by the Town Board because apartments are allowed in Senior Zoning. Mr. Schepp stated that they would need a proper Site Plan with screening and buffers shown on the plan. Ms. Reynolds stated that she would discuss their options with her husband.

Attorney Welch and Board member Dane Emens excused themselves for this proposal.

### **SITE PLAN RE-APPROVAL**

### **AGENT ESTATES 422 LAKE ROAD WEST FORK**

Laurie Pearse from Barden Homes was present to seek the re-approval of the Agent Estates Site Plan located on 422 Lake Road West Fork. Ms. Pearse stated that the Site Plan received approval in 2000. Nothing has changed. She received re-approval from Monroe County Health Department and the Monroe County Water Authority. Chairman James Nesbitt stated that according to the code approval is good for one year. Ms. Pearse stated that no changes were being proposed. Chairman James Nesbitt stated that a Public Hearing is required to notify the neighbors of the proposal. Ms. Pearse stated that the house was already built and the buyers were ready to move in.

A motion was made by Chris Schlieter, seconded by Dave Martin to schedule a Public Hearing for July 5, 2006 at 7:30pm for Laurie Pearse for Preliminary Site Plan approval for Agent Estates located at 422 Lake Road West Fork. Members polled Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

The Recreation fee and Public Hearing fee along with 12 copies are due by June 19, 2006.

Attorney Welch and Dane Emens returned to the meeting.

### **FINAL SUBDIVISION APPROVAL**

### **PAT LAWLER SUBDIVISION 2018 ROOSEVELT HIGHWAY**

Darryl Moser from Schultz Associates was present to represent Mr. and Mrs. Lawler seeking Final re-approval of the Pat Lawler Subdivision located at 2018 Roosevelt Highway. Mr. Moser explained that a couple of months ago they received Final Subdivision approval but realized that Lot 4 needed to be changed to 10 acres which would change Lot 5 to 37 acres. Mr. Moser stated that Lot 4 was being sold and they agreed to buy 10 acres not 12 acres that the original plan showed. Chairman James

Nesbitt asked if the map had been filed. Mr. Moser stated no it wasn't filed. Mr. Nesbitt asked if the only change was the one lot line. Mr. Moser stated that was the only change.

A motion was made by Judith Hazen, seconded by Dane Emens to grant Final Subdivision approval to the revised Pat Lawler Subdivision located at 2018 Roosevelt Highway as present on June 5, 2006. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

#### **CONCEPTUAL RE-SUBDIVISION**

#### **GUY RE-SUBDIVISION 380 WALKER ROAD**

Dave Matt from Schultz Associates was present to seek Conceptual Re-Subdivision approval for the Guy Re-Subdivision located at 380 Walker Road. Mr. Matt explained that this subdivision was previously approved but now the owners would like to make some changes. Mr. Matt explained that they would like to change some lot lines, which created the need for some variances for the existing barn. Mr. Matt stated that the owner would also like to keep the existing house for storage. Town Engineer J.P. Schepp stated that the plan says the house is to be removed. Mr. Matt stated they were just asking. Attorney Welch stated that the existing house would have to be removed.

A motion was made by Chris Schlieter, seconded by Dane Emens to refer the Guy Re-Subdivision located at 380 Walker Road to the Zoning Board for variances. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

#### **CONCEPTUAL SITE PLAN AND RE-SUBDIVISION**

#### **BROMLEY RE-SUBDIVISION 9544 BEACHWOOD PARK**

Dave Matt from Schultz Associates was present to seek Conceptual Site Plan and Re-Subdivision approval for the Bromley Re-Subdivision located at 9544 Beachwood Park. Mr. Matt explained that the owner currently has two lots on Beachwood. One lot is on the lakeside and the other is across the road. He would like to make two separate lake front lots with two separate houses. The Beachwood Park road would also need to be extended. Variances are required for lot size, lot width and building in a coastal hazard area. Town Engineer comments need to be addressed.

A motion was made by Chris Schlieter, seconded by Judith Hazen to refer the Bromley Re-Subdivision located at 9544 Beachwood Park to the Zoning Board for variances. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

## **SCHEDULE PUBLIC HEARING**

### **LOTS 6 & 7 OF THE COLLAMER SUBDIVISION 6528 SHORE ACRES**

Mr. Foertsch was present to seek a motion to schedule a Public Hearing for Preliminary and Site Plan approval for Lots 6 & 7 of the Collamer Subdivision located at 6528 Shore Acres. Mr. Foertsch explained that he has been to the Zoning Board for variances to add a deck, porch, lighthouse and storage out building to his existing house. He has a letter from the Coast Guard stating they have no objections with the structure. A copy of the letter was requested. The Board asked the height of the structure. Mr. Foertsch stated that the lighthouse would be 42' and a height variance would be needed after Final Site Plan approval. Chairman James Nesbitt asked if the Conservation Board had any concerns. Craig Goodrich stated that a list was given to the Planning Board concerning: impervious surface, setbacks, height of structure, gutters, septic system size and age, 100' buffer, 45 degree site for deck and the removal of the dead tree that was left on the beach that could create a safety hazard for boaters in the water. Mr. Foertsch stated that the new construction would be one less bedroom and that he had an inspection done of the septic stating it was acceptable. The Board asked for a copy of the letter.

A motion was made by Chris Schlieter, seconded by Dane Emens to schedule a Public Hearing for July 5, 2006 at 7:30pm for Preliminary Subdivision and Site Plan approval for Mr. Foertsch of 6528 Shore Acres. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

## **DISCUSSION**

Chairman James Nesbitt stated he had some education opportunities if anyone was interested. He was also working on the idea of receiving credits for attending the Code Review meetings. He would discuss this with the Town Board.

Chairman James Nesbitt also talked with Larry Gursslin regarding the Senior Citizen project and would like the Board to review the definitions of condominiums and duplexes and to read the Senior Zoning Code.

Town Board member Mike Marchetti reminded everyone that the next Zoning Workshop is scheduled for Tuesday, June 20, 2006 at 7:00pm.

A motion was made by Chris Schlieter, seconded by Linda Morey to schedule a Public Hearing for Preliminary Re-Subdivision approval for the August 7, 2006 meeting at 7:30pm for the Guy Re-Subdivision located at 380 Walker Road contingent on receiving variances. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

## **ADJOURNMENT**

A motion was made by Dave Martin, seconded by Judith Hazen to adjourn tonight's meeting barring no further business. Members polled Emens 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 held on Wednesday, July 5, 2006 at 7:30pm. Deadline for all fees is June 19, 2006 at 2:00pm.