

Hamlin Planning Board *Minutes*
Monday, August 7, 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, Dane Emens, Judith Hazen, Dave Martin, James Nesbitt and Chris Schlieter.

Excused: Linda Morey

Also present: Support Boards Attorney Charlie Welch, Town Engineer J.P. Schepp, Town Supervisor Denny Roach, Highway Superintendent Tom Ingraham, Building Inspector B.J. Maier, Conservation Board member Craig Goodrich, Tom Jensen, Rich Maier, Duncan McEachern, Irene Frediani and several other interested residents.

A motion was made by Chris Schlieter, seconded by Ralph Della Rocco to approve the minutes from the July 5, 2006 meeting as presented. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, minutes approved.

The Clerk read Proof of Publication

PUBLIC HEARING
PRELIMINARY SUBDIVISION

R & L SUBDIVISION
1419 LAKE ROAD

Rich Maier from Maier Surveying was present to represent the owners of the R & L Subdivision located at 1419 Lake Road seeking Preliminary Subdivision approval. Mr. Maier explained that there are two existing buildings on the property now and the owners are interested in selling off one of the buildings so the property needs to be subdivided into two separate lots. They received variances from the Zoning Board. Dave Martin asked if the existing buffer would be maintained. Mr. Maier stated that nothing was being changed. Town Engineer J.P. Schepp questioned an access easement for utility service. Mr. Schepp stated that an easement may need to be filed and noted on the final map.

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 Chris Schlieter, seconded by Dane Emens to grant Preliminary Subdivision approval to the R & L Subdivision located at 1419 Lake Road. This is a Type I Negative SEQR Declaration. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Dave Martin, seconded by Dane Emens to grant Final Subdivision approval to the R & L Subdivision located at 1419 Lake Road subject to utility easement approval. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

PUBLIC HEARING
PRELIMINARY SUBDIVISION

TIMES SQUARE
1722 LAKE ROAD

Rich Maier from Maier Surveying was present to represent the owners of the Times Square Subdivision located at 1722 Lake Road seeking Preliminary Subdivision approval. Mr. Maier stated that the owner is interested in selling the store so two separate lots need to be created. They received variances from the Zoning Board.

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.

Attorney Welch stated at the last Public Hearing one of the neighbors had some drainage concerns. Building Inspector B.J. Maier stated that he talked with the owner Kevin Truelson and they walked the property line and talked with the neighbor Mr. Petro. Mr. Maier stated that the drainage problems are actually on Mr. Truelson's property and the neighbors are encroaching on his property. They are working on the drainage issue. Dane Emens stated that the property line issue needs to be resolved. Attorney Welch suggested that Mr. Truelson send out letters to the neighbors making them aware of the property line. Mr. Truelson stated that his property is staked out.

A motion was made by Ralph Della Rocco, seconded by Dane Emens to grant Preliminary Subdivision approval to the Times Square Subdivision located at 1722 Lake Road with the condition that the Building Inspector continues to work on resolving the drainage concerns with the neighbor. This is a Type I Negative SEQR Declaration. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Chris Schlieter, seconded by Judy Hazen to grant Final Subdivision approval to the Times Square Subdivision located at 1722 Lake Road. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

PUBLIC HEARING
PRELIMINARY SUBDIVISION/SITE PLAN

GUY RE-SUBDIVISION
380 WALKER ROAD

Dave Matt from Schultz Associates was present to represent the owners of the Guy Re-Subdivision located at 380 Walker Road seeking Preliminary Subdivision/Site Plan approval. Mr. Matt stated that the owners are changing some lot lines to be able to keep the existing barn, garage and shed. They received variances from the Zoning Board. Town Engineer J.P. Schepp stated that he had no issues.

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

Highway Superintendent Tom Ingraham asked the distance from the house to the creek. Mr. Matt stated that house would be just to the north of the bend in the creek and 70' from the center of the creek.

Dave Martin asked if the existing septic tank would be filed in. Mr. Matt stated that they would bury the existing septic tank.

At this time Chairman James Nesbitt closed the Public Hearing.

Chairman James Nesbitt asked Craig Goodrich if the Conservation Board had any concerns. Mr. Goodrich stated that the Conservation Board had not looked at the project.

Highway Superintendent Tom Ingraham stated that he had some concerns with building close to the creek because they have issues with similar situations on the creek with erosion problems.

A motion was made by Chris Schlieter, seconded by Dave Martin to grant Preliminary Subdivision/Site Plan approval to the Guy Re-Subdivision located at 380 Walker Road. This is A Type I Negative SEQR Determination. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Dave Martin, seconded by Chris Schlieter to grant Final Subdivision/Site Plan approval to the Guy Re-Subdivision located at 380 Walker Road. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

CONCEPTUAL SITE PLAN

BROMLEY SUBDIVISION 9544 BEACHWOOD PARK ROAD

Dave Matt from Schultz Associates was present to represent the owners of the Bromley Subdivision located at 9544 Beachwood Park Road seeking Conceptual Site Plan approval. Mr. Matt explained that they were originally before the Board in June proposing an east/west alignment but did not receive the necessary variances from the Zoning Board so now the owner is proposing a north/south alignment. They are relocating the leach fields and have added an emergency vehicle turn around at the end of the road. Erosion control has been added to the plan also. The two lots are existing and are separate tax account numbers. Chris Schlieter was concerned with the location of the fire hydrant and access for the fire department. Some discussion took place concerning the turn around. Mr. Matt stated that the road could be extended to the hydrant. Building Inspector B.J. Maier questioned the location of the septic systems. Mr. Matt stated that they have been moved next to the houses. Mr. Maier asked if they would be crossing the existing water lines. Mr. Matt stated no they are next to the houses on each lot. Town Engineer J.P. Schepp stated there were no engineering concerns. He agreed with the wider turn around and extending it to the hydrant. Mr. Schepp questioned the 33' Right of Way noted on the plan. Mr. Matt stated that it was a deeded Right of Way never dedicated to the Town. It is a private road maintained by the residents. Mr. Schepp asked that the wording be changed on the map and the water line easement be added to the plan also. Building Inspector B.J. Maier questioned the location of the house on the north side of the road and mentioned that there were some restrictions in the deed that protected the view of the lake for the neighbors. Mr. Schepp stated that if there were deed restrictions that would be part of the title.

A motion was made Chris Schlieter, seconded by Dane Emens to grant Conceptual Site Plan approval to the Bromley Subdivision located at 9544 Beachwood Park Road and refer them to the Zoning Board of Appeals for variances. If variances are granted a Public hearing will be scheduled for the October Planning Board meeting for Preliminary Site Plan approval. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

SPECIAL USE PERMIT MET TOWERS

175 COOK RD. and 730 REDMAN RD.

Duncan McEachern from CPV Wind Hamlin LLC was present to seek Special Use Permit approval for 2 MET towers. One located at 175 Cook Road and the other located at 730 Redman Road. Mr. McEachern explained that the towers would collect data for three years that would be used to evaluate the wind resource and determine whether a wind tower should be put up in Hamlin. Dane Emens questioned the process of putting up a MET Tower first. Mr. McEachern stated that his company likes to confirm the data first before getting the financing to put up a wind tower. Town Engineer J.P. Schepp had

some issues to be addressed. The access to the towers should be shown on the plan. Mr. McEachern stated that there is an agreement with the neighbors to use the access road to get to the towers. Mr. Schepp stated that the easements on the neighbor's property should be shown on the one maps. There is a discrepancy with the size of the base of the towers. Mr. McEachern said the report would be revised. The airport is in the Town of Sweden not the Town of Brockport. Mr. McEachern will have that corrected. Details on the guide wires need to be shown on the plan. Fencing was suggested for safety. The plan should show utilities. Mr. McEachern stated that solar panels supply the power and a cell phone supplies the data so no utilities are needed. Chris Schlieter asked if the data collected would be shared with the Town. Mr. McEachern stated that if the project goes forward they would be willing to provide the data to the Town. The proposed climbing apparatus should be shown on the plan. Mr. McEachern stated that the towers didn't have climbing apparatus and weren't designed for climbing. Attorney Welch stated that because they are two separate applications that two separate EAF assessments would need to be done. They would be similar but the locations are different so one needs to be done for each separate project. Dane Emens asked about a Letter of Credit. Attorney Welch stated that one would be required and they would be required to post a bond for the removal of the towers. Attorney Welch questioned the effects on the Ag. District. He stated that the County was concerned with the second use on the property. Mr. McEachern stated that they would still be able to farm the land. It is a temporary structure that will be removed in 3 years. Chairman James Nesbitt stated that the County recognizes a farm for 8 years and nothing else can be done on that property for 8 years or the Ag. District credit could be lost. Clarification from the County was requested. Mr. McEachern stated that the owners signed a contract that states they will be compensated if they lose their Ag. District credit. Attorney Welch requested to see a copy of the contract. Chris Schlieter requested to know the percentage of the land that would be affected. Dave Martin asked if the land was being leased. Mr. McEachern stated yes it is. Attorney Welch questioned the locations that were provided and how they picked those locations. Mr. McEachern stated that they worked with the Town Supervisor and those sites were agreed on for the applications. Attorney Welch stated that the pictures are so far away that they don't really show the visual impact of the towers. Ralph Della Rocco asked if it was standard to provide two towers. Mr. McEachern explained that the two separate towers would define the wind resource closer to the lake and how much it decreases the further south you go. They would collate the data between the two towers. Ralph Della Rocco questioned the speed of the data collection. Mr. McEachern stated every 10 minutes data would be collected. Yearly and seasonal variations would also be determined from the data. Dave Martin had some concerns with aerial spraying of fields and the visual for the pilots of the low flying planes. Mr. McEachern stated that because of the height of the tower a light was not required. Chris Schlieter suggested that the Board require a light on the towers if the Special Use Permit is approved. Supervisor Denny Roach stated that the FAA does provide notice to airman of changes in the area so all of the area pilots should be informed of the towers.

A motion was made by Dane Emens, seconded by Dave Martin to schedule a Public Hearing for September 5, 2006 at 8:00pm for the applications for Special Use Permits for MET towers located at 175 Cook Road and 730 Redman Road. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried.

Chairman James Nesbitt requested input from the Conservation Board on the proposed towers.

DISCUSSION

Chairman James Nesbitt asked if anyone would be able to give the presentation to the Town Board because he would be out of town. The Clerk would provide data from the minutes and the outcome for the Public Hearings by the September meeting so they could have a base to start from. Chris Schlieter stated that he would make the presentation to the Town Board. Ralph Della Rocco agreed to help also.

Also in the Town Board minutes it was stated that if you didn't attend a meeting you wouldn't get paid for that meeting.

Some training opportunities were available if anyone still needed them. Supervisor Denny Roach stated that next year New York State would require 4 hours of training for all Support Board members.

Judy Hazen asked if the no pay rule applied to all the Support Boards and Town Board. Supervisor Denny Roach stated it does not apply to the Town Board just the Support Boards.

Larry Gursslin gave an update on Heritage Woods. He stated that the Army Corp of Engineers would be touring the site and they should have a report in about 4-6 weeks from them. They would analyze the data and hopefully be at the October Planning Board meeting seeking Conceptual approval. The Board stated that this would be a new proposal.

ADJOURNMENT

A motion was made by Dave Martin, seconded by Dane Emens to adjourn tonight's meeting barring no further business. Members polled Della Rocco aye, Emens aye, Hazen aye, Martin 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 Tuesday, September 5, 2006 at 7:30pm. Deadline for all fees is August 21, 2006 at 2:00pm.