

Hamlin Planning Board *Minutes*
Monday, October 2, 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, Linda Morey, James Nesbitt and Chris Schlieter.

Excused: Ralph Della Rocco and Dave Martin

Also present: Support Boards Attorney Charlie Welch, Town Engineer J.P. Schepp, Town Supervisor Denny Roach, Town Board Liaison Dave Rose, Town Board members Mike Marchetti and Paul Rath, Highway Superintendent Tom Ingraham, Building Inspector B.J. Maier, Conservation Board member Craig Goodrich, Tom Jensen, Duncan McEachern, Frank and Pam Mastrodonato, Valery Wandtke, David Riggs, Gordon Wandtke, James Mastrodonato, David Strabel, Desuree Chambry, Honey DeLapa, Adam Freeman and several other interested residents.

A motion was made by Dane Emens, seconded by Linda Morey to approve the minutes from the September 5, 2006 meeting as presented. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried, minutes approved.

The Clerk read Proof of Publication

PUBLIC HEARING

COMMERCIAL SITE PLAN APPROVAL

DAVID RIGGS

1419 LAKE ROAD

David Riggs was present seeking Commercial Site Plan approval for an auto repair/sales business located at 1419 Lake Road. Mr. Riggs stated that he was interested in having an auto repair/auto sales business located at 1419 Lake Road. Mr. Riggs stated that he had a revised Site Plan showing parking and emergency access. Linda Morey questioned the spacing of the parking and if there was enough room for emergency vehicles. Mr. Riggs stated that there was 35' from the sidewalk to the parking spaces for emergency vehicle access. Town Engineer J.P. Schepp questioned there being enough room for parking spaces #1- #4. Mr. Riggs stated that he put a full size SUV there and there was plenty of room. Attorney Welch stated that there was 55' between the building and right of way. That would leave 19' to make the turn. Town Engineer J.P. Schepp stated that 22' is needed and he wasn't sure that double stacked parking would work. He figured 6 spaces along the north property line and 4-5 along the south property line to get a total of 10 spaces. Attorney Welch explained that car sales is not an allowable use per the code and if parking is a concern the Board could limit the number of cars for sale at one time on the lot. Mr. Schepp questioned the number of employees and the number of cars being

repaired at the location. Mr. Riggs stated that he would be the only employee and just 1 or 2 cars would be there for repairs.

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.

Chris Schlieter questioned an auto sales business being at the site. Attorney Welch stated that it is not prohibited its just not an allowable use.

A motion was made by Chris Schlieter, seconded by Linda Morey to grant Commercial Site Plan approval to Dave Riggs for an auto repair/sales shop located at 1419 Lake Road with the restriction to limit the number of cars for sale to 10. This is a similar use in nature to the businesses that have been at this location in the past. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

PUBLIC HEARING

COMMERCIAL SITE PLAN APPROVAL

MR. AND MRS. MASTRODONATO

328 LAKE ROAD EAST FORK

Frank Mastrodonato were present seeking Commercial Site Plan approval for a restaurant located 328 Lake Road East Fork. Mr. Mastrodonato stated that they would like to open a restaurant and serve alcohol at 328 Lake Road East Fork. They would be open Thursday through Sunday 5:00pm-11:00pm and Friday through Sunday in the winter. They would have 4 employees. The maximum occupancy would be 100 people. They would book private parties also. They have 29 parking spaces available per code. Attorney Welch stated this is an allowable use. Chris Schlieter asked Craig Goodrich if the Conservation Board had any concerns. Craig stated no concerns. Chris asked if the Building Inspector B.J. Maier had any concerns. Mr. Maier stated there were 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.

Ann Yockel of 856 Redman Road asked if they would be selling alcohol. Mr. Mastrodonato stated yes it will be a restaurant/bar.

At this time Chairman James Nesbitt closed the Public Hearing.

A motion was made by Linda Morey, seconded by Judy Hazen to grant Commercial Site Plan approval to Mr. and Mrs. Mastrodonato seeking Commercial Site Plan approval for a restaurant/bar located at 328 Lake Road East Fork. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

PUBLIC HEARING

PRELIMINARY SITE PLAN APPROVAL

**BROMLEY SUBDIVISION
9544 BEACHWOOD PARK**

Dave Matt from Schultz Associates was present to represent Hans Metzger seeking Preliminary Site Plan approval for the Bromley Subdivision located at 9544 Beachwood Park Road to construct two single-family homes. Mr. Matt explained that they received variances to construct one house on the north side of the road and one house on the south side of the road. This is a private road with a Homeowner's Association. All drainage would be to the lake. Riprap is being proposed. An erosion plan is being proposed per the DEC and Army Corp. of Engineers requirements. Both houses would have public water and private leach fields. The road would extend to the hydrant and would be doublewide at the end for snowplows and emergency vehicles to turn around. Town Engineer J.P. Schepp stated that the water main easement was never filed. Attorney Welch stated that the Town would have to look into that in case there are is a need for repairs to the water main. Mr. Schepp stated that all other engineering concerns have been addressed. Chairman James Nesbitt stated that he received a list of concerns from the Conservation Board regarding the project and a letter in response to the issues from Schultz Associates. Craig Goodrich went through the list of concerns from the Conservation Board. Building in a Coastal Erosion Hazard Area. Riprap is being proposed to stop the erosion. Undersized lot was a concern. There are two separate lots proposed. Setbacks were a concern. Variances were granted. Lot 1 needing riprap was a concern. Riprap and erosion control is being proposed. Lot 2 being very low was a concern. The lot would be built up. The old septic tank being removed was a concern. The septic tank will be removed. The gutters draining towards the lake was a concern. It is shown on the plan. The removal of trees is a concern. They are only removing the trees needed to build the house. Impervious surface was also a concern with the driveways and sidewalks. Chairman James Nesbitt thanked the Conservation Board for their comments. Town Engineer J.P. Schepp stated that the issues to protect the shoreline would be addressed in the permit process.

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

Peter Toner of 937 Moscow Road was concerned with the erosion. The cliff is all sand and storms and ice build up contribute to the erosion also. It is risky to build there. Hamlin Beach has the area all fenced off also. Mr. Toner also had concerns with the roof drainage going into the lake and the type of shingles being used.

At this time Chairman James Nesbitt closed the Public Hearing.

Chris Schlieter stated that asphalt shingles are no longer being used so that is not an issue for drainage into the lake anymore. The drainage for Lot 2 needs to be addressed and changed on the plan. Town Engineer J.P. Schepp stated that the drop in contour is not

shown on the map. The drainage on the south side of the road needs to be shown on the plan.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Preliminary Site Plan approval for the Bromley Subdivision located at 9544 Beachwood Park Road to construct two single family homes with the grading plan to be modified. This decision does not supercede the Army Corp. of Engineers requirements. This is a Type 1 Negative Declaration SEQR action. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

Chairman James Nesbitt asked that Dave Matt get a copy of the Conservation Board's concerns to the property owner.

J.P. Schepp stated that the drainage concerns need to be addressed for Final and the easement needs to be looked into.

There was a brief recess to move the meeting into the gym for the 8:00 Public Hearing.

The Clerk read Proof of Publication

PUBLIC HEARING
SPECIAL USE PERMIT
TAX ID #005.03-1-1.2

METEOROLOGICAL TOWER
REDAMN ROAD

Duncan McEachern from Competitive Power Ventures was present seeking Special Use Permit approval for a Meteorological (MET) Tower located on Redman Road tax account #005.03-1-1.2 with access at 813 Redman Road. The purpose of the tower would be to gather wind resource data exclusively. The tower would be 197' tall and be guided on all 4 sides. A solar panel would service the cell phone that would transmit the data. No maintenance or data collection would take place at the tower. The tower would be 2400' off of the road and 300' off of the south property line. The tower would be the same as the tower that was approved for Cook Road. Chris Schlieter questioned the location of the tower in regards to the knoll on the property. Mr. McEachern stated that they were trying to capture the knoll and the location would not disturb the other activities on the property. Chairman James Nesbitt asked what the distance was between the two towers. Mr. McEachern stated that the towers would be about 1 to 1 1/2 miles apart. The need for two towers was questioned. Mr. McEachern stated to collate data between the two towers and to define the southern edge of the wind resource.

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

John Shelvin of 768 Redman Road stated that they had a petition signed by 92 residents opposed to the MET tower. He stated that the Supervisor writes in the newsletter that he

would like to maintain the rural residential area in Hamlin. Mr. Shelvin is also concerned about his property value decreasing due to the MET tower.

Jerry Borkholder of 391 Morton Road asked if the purpose of the MET tower was to build windmills in the future. Mr. McEachern stated if the data proves that a windmill farm would be feasible they would then go before the Town Board and then the Planning Board for approval. Mr. Borkholder was concerned about the generators that would be used. Chairman James Nesbitt stated that they are only addressing the MET tower at this Public Hearing. Mr. McEachern explained that his company is spending money to find potential wind resource areas.

Paul Lapinski of 417 Redman Road is opposed to the MET tower also and is concerned with the lack of information that was provided to the Town. He asked if copies of the booklets that were at the St. John's informational meeting were still available. Supervisor Denny Roach stated that he had copies of the booklet available.

Ann Yockel of 856 Redman Road asked why the towers weren't proposed at the same time. Chairman James Nesbitt explained that they were but the wrong address was given for the Redman Road tower so the Public Hearing had to be postponed. She asked why everyone wasn't notified about the Public Hearing. Chairman James Nesbitt explained that the Legal Notice is advertised in the local paper and as a courtesy the Clerk mails out notices to everyone within 500' of the project.

Larry Fisher of 4466 Roosevelt Highway asked if it was such a good deal why isn't National Grid putting up these towers. The Board stated they cannot answer for National Grid. Chairman James Nesbitt explained that CPV Wind Hamlin LLC has the right to submit an application for a MET tower and it is an allowable use per the code. The purpose of the Public Hearing is to gather all of the information to make a decision.

John Shelvin stated that he has been doing research on the Internet and he is concerned that the tower will decrease his property value. Mr. Shelvin asked when the code changed. The law was approved by the Town Board in June. There was a Public Hearing for the law and it was advertised.

Mrs. Lapinski of 417 Redman Road asked if a picture of the tower was available. Mr. McEachern stated he didn't have one with him at this time.

David Lucas of 1288 Moscow Road asked how they could start an amendment to not allow the towers in the Town. The Chairman explained that this Board cannot do that. This Public Hearing is for the Special Use Permit for the MET tower only. The tower is an allowable use per the code.

The purpose of the tower was questioned if windmills aren't allowed in the Town. The purpose of gathering information to see if the wind resource is available in this area was explained. The process of having a law approved by the Town Board for windmills was

also explained. Attorney Welch explained that the Board has guidelines to approve the Special Use Permit.

Steven Snyder of 466 Redman Road stated that he is opposed to the tower and asked out of the 36 sites researched how many have been developed. Mr. McEachern stated that 25-40% of the sites are being proposed for wind generation.

Mr. Colopietro for 918 Redman road is opposed to the tower and is concerned with the noise from the guide wires. Mr. McEachern stated that the tower is 2400' from any residence so noise from guide wires won't be detected.

Ann Yockel of 856 Redman Road asked what happens to the tower after the data is collected. Mr. McEachern explained that after 3 years a bond is in place for the removal of the tower. Ms. Yockel asked if there would be fencing around it for safety. Mr. McEachern stated yes a fence is required. They would comply with all of the requirements of the Town.

Mrs. Lapinski asked if the tower would cause any interference with televisions or cell phones. Mr. McEachern stated that he did not know if it would. The tower is designed with a cell phone itself to transmit the data that is collected.

Arthur Mc Farlane of 1873 Redman Road stated that the MET tower would not create a strobe effect and there is no sound to the tower. It doesn't kill birds either. Wind Farms would create a significant tax base for the Town. They would not decrease the value of property values.

Ms. Spellan of 382 Morton Road asked what the property owner gains and the benefit to the residents. Mr. McEachern stated that if the property owner wanted to reveal the contract he could do that on his own. He cannot determine the potential benefit to the residents until the data has been collected.

Mr. Macdonald of 43 Cook Road asked the minimum time for the data collection. Mr. McEachern stated probable 1 year would be the minimum time frame. He explained that it is base on the consistency of the wind resource.

Peter Toney of 937 Moscow Road asked if the Town would have access to the data collected. Mr. McEachern stated that the data would not be made available until after the 3 years then they would share the information. They did not want competitors to have access to the information.

It was asked if the Board had done any research on the project. The Board explained that they have attended workshops on wind energy and other training sessions.

It was asked how much of the tower was funded by the government. Mr. McEachern stated that they receive no government funding or grants for the towers.

Ms. Kingsbury of 666 Redman Road wanted clarification on the Board attending workshops. The Chairman explained that the Board has not attended a workshop as a group but they have attended training sessions as individuals. Linda Morey stated that she lives within 500' of the proposed tower.

It was asked what role the Town would play in the installation of the tower. The Board explained that the Building Inspector would issue the permit and inspect the tower.

Ann Yockel asked about the vacant land around the tower being developed in the future. The Chairman explained that there is nothing proposed at this time. It is zoned R-VL in the Agricultural district currently.

It was asked if this Special Use Permit was denied what would happen to the Cook Road tower. Mr. McEachern stated that the Cook Road tower would still be erected.

Peter Toney asked the cost of the permit and suggested referring it back to the Town Board to revisit the fee in case litigation occurs. Chris Schlieter explained that the fees are set by the Town Board in the beginning of the year.

The MET tower law being passed by the Town Board was discussed. Town Board Liaison Dave Rose explained the process for approving the MET tower law.

Lighting on the tower was discussed. FAA notification was also discussed for crop dusters in the area. It was determined that a notice is released by the FAA notifying pilots in the area of the tower.

Chairman James Nesbitt thanked everyone for coming. Their cooperation was appreciated.

At this time Chairman James Nesbitt closed the Public Hearing.

A motion was made by Linda Morey, seconded by Judy Hazen to grant Special Use Permit approval for a Meteorological (MET) Tower located Redman Road tax account number 005.03-1-1.2 for a maximum of 3 years from the date a building permit is issued and a \$6500.00 bond must be posted to ensure the towers removal. All data to be given to the Town Board. A fence around the tower is required. This is a Type 1 Negative Declaration SEQR determination. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt no, Schlieter aye. Motion carried.

A motion was made by Dane Emens, seconded by Judy Hazen to refer Kevin Clark to the Zoning Board for variances for 5733 Wautoma Beach Road. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

Will be placed on the agenda for Conceptual approval for the November meeting.

LIFETIME ASSISTANCE 1 TRACIANN DRIVE

David Strabel was present to schedule a Public Hearing for Lifetime Assistance for Preliminary Site Plan approval for 1 Traciann Drive. Mr. Strabel explained that they are before the Zoning Board for variances.

A motion was made by Linda Morey, seconded by Chris Schlieter to schedule a Public Hearing for November 6, 2006 at 7:30pm for Lifetime Assistance for Preliminary Site Plan approval for 1 Traciann Drive. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

DISCUSSION

Chairman James Nesbitt stated that Chris Schlieter had prepared a list of goals for the presentation to the Town Board in November. Please review and get comments back to Chris within the next couple weeks.

Chairman James Nesbitt briefed everyone on the tree removal being done at the Heritage Woods site. He explained that about a year ago Dick Bauman stopped work there because they were removing trees and clearing the site. Now they are doing it again. He asked B.J. Maier to inspect the site and the construction that is happening there again. Pictures of the site were passed around. According to Town Code 125-74A(5)(c) no modifications can be made until Preliminary Site Plan approval is granted. He asked the Board to support the Building Inspector in his job of reviewing the project. They are in violation of the DEC permit. J.P. Schepp has talked to B.J. Maier and it appears that two driveways have been created and the drainage is being changed. J.P. Schepp stated that the clearing of trees in this area is not an issue but they do appear to be making site modifications. Chris Schlieter stated that they have modified the swale and removed vegetation, which is a DEC violation. J.P. Schepp stated that if more than 5 acres is disturbed a permit is required. If they are in violation of the code action needs to be taken. B.J. Maier stated that he did talk with Jim Beehler and he did stop grading. There won't be two access roads one was just used to get construction vehicles to the site. They did bury some of the stumps on the site. Chris Schlieter stated that he was concerned for

the town. There is a reason for the codes and they should be followed. They must meet the DEC requirements also. A follow up letter should be written.

Chairman James Nesbitt informed everyone of a training opportunity on November 17 in Mt. Morris.

ADJOURNMENT

A motion was made by Judy Hazen, seconded by Chris Schlieter to adjourn tonight's meeting barring no further business. Members polled Emens aye, Hazen 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, November 6, 2006 at 7:30pm. Deadline for all fees is October 23, 2006 at 2:00pm.