

Hamlin Planning Board *Minutes*
Monday, November 6, 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.

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, David Strabel, Adam Freeman, Ernest Hayward, Irene Frediani, Steve Liotta and several other interested residents.

A motion was made by Dane Emens, seconded by Linda Morey to approve the minutes from the October 2, 2006 meeting as presented. Members polled Emens aye, Hazen aye, Martin abstain, Morey aye, Nesbitt aye, Schlieter aye. Motion carried, minutes approved.

The Clerk read Proof of Publication

PUBLIC HEARING
SITE PLAN APPROVAL
JOHN CLEVELAND

704 MONROE ORLEANS COUNTY LINE RD.

Adam Freeman from Land Tech was present representing the owner John Cleveland to seek Preliminary Site Plan approval for 704 Monroe Orleans County Line Road to construct a single family house. Mr. Freeman stated that no changes have been made to the plans. It is a 0.87 acre lot zoned R-VL. Variances from the Zoning Board have been granted. The code was reviewed and there was nothing stating that parking is not permitted in the front yard. All other engineering concerns were addressed. The Health Department is ready to approve the plan as is. Dave Martin asked why they were building on an under sized lot. Mr. Freeman stated that there was a house on the existing lot that burned down several years ago. Dave Martin questioned the parking in front of the house. Mr. Freeman explained that the owner is a truck driver and would park his truck in the driveway when he was home only not on a daily basis. Dave Martin suggested moving the parking to behind the house. Mr. Freeman stated that the house is at the minimum set back now and they were trying to keep it line with the rest of the houses in the neighborhood. A second driveway was requested but the State DOT would not allow two driveways at that location. Dave Martin questioned having a truck parked

in the driveway and what it would do to the character of the neighborhood. Dane Emens stated that there are other properties in the neighborhood that have farm trucks parked in the driveway. Linda Morey asked if a garage was proposed. Mr. Freeman stated yes it is in the footprint of the plans. Building Inspector B.J. Maier questioned emergency vehicle access to the house if the truck was parked in the driveway. He also questioned what was being hauled in the truck. If liquids were being hauled there may be an issue. Mr. Freeman stated that the truck would not be blocking the main driveway and that emergency vehicles would still have access to the structure.

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

Mr. Fabry of 336 Monroe Orleans County Line questioned the location of the driveway and suggested moving it to another location so the truck could be parked there. Mr. Freeman stated that the DOT would not allow a horseshoe driveway with two access points on the property and the location of the house and the septic system prevented them from moving the driveway to another location. Mr. Fabry stated that he previously owned the property and the existing house burned down 11 years ago.

Building Inspector B.J. Maier was concerned with the weight of the truck affecting the culvert pipe at the end of the driveway. Mr. Freeman stated that there would be enough cover over the pipe to protect it.

Ron Breslawski of 501 Priem Road stated that he owned the property around this lot and he questioned why the Zoning Board would approve the variances after denying them the first time. He stated that the former house never even had running water or a septic system. He questioned why some people need 5 acres to build a home and others don't. Mr. Fabry stated that they had remodeled the house before it burned down and they were going to rebuild after the fire but the Town has a law against it. They reduced the assessment on the lot. He doesn't understand why this gentleman is having so much trouble. Attorney Welch explained that the original application to the Zoning Board had several issues and it was denied. Additional information was provided to the Board and the application was reviewed again and the variances were approved. Mr. Breslawski asked if the former Building Inspector told the applicant that he could rebuild on the lot and if so was it in writing. Attorney Welch stated that they do have some evidence that may have occurred but it wasn't in writing. Attorney Welch explained that this was an existing lot and there was no possibility that it could ever be conforming because additional land could not be purchased.

At this time Chairman James Nesbitt closed the Public Hearing.

Dave Martin asked the square footage of the house. Mr. Freeman stated it is approximately a 2,000 square foot modular home.

A motion was made by Judith Hazen, seconded by Linda Morey to grant Preliminary Site Plan approval for the application of John Cleveland for a single family house located at

704 Monroe Orleans County Line Road. This is a Type I Negative Declaration SEQR determination. 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 Site Plan approval for the application of John Cleveland for a single family house located at 704 Monroe Orleans County Line Road. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

Dave Martin excused himself from the Board for this application.

PUBLIC HEARING
SPECIAL USE PERMIT
STEVE LIOTTA

1034 LAKE ROAD WEST FORK

Steve Liotta was present to seek Special Use Permit approval to construct a pond on his property located at 1034 Lake Road West Fork. Mr. Liotta explained that he was building a house at this location and needed the fill for around the house. The pond would also eliminate the access water around the house. Dane Emens questioned using the water pressure regulator that was recommended on the plans. Mr. Liotta stated that was for the water service only. Chris Schlieter asked the Town Engineer if the pond would improve the drainage issues on the property. Town Engineer J.P. Schepp stated that the pond can only improve the current conditions on the site. A variance was granted because the property is in the R-L district. All other regulations for the pond and proper setbacks for the code need to be met. Mr. Schepp stated that there are no engineering concerns with the pond. It should detain and hold water on site. Judith Hazen asked if there were young children in the neighborhood and questioned if a fence was necessary. Building Inspector B.J. Maier stated that there weren't any small children and a fence wasn't needed. Chris Schlieter stated that the plans show a beach area along the pond, which is an acceptable practice.

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

Dave Martin of 775 Lake Road East Fork stated that his farm is on the east side of Mr. Liotta's property and his livelihood depends on proper water management and he doesn't need any more water. Mr. Martin stated that all of the other houses that were built in the area brought in fill and he provided a lot of that fill to them. He did offer fill to Mr. Liotta also. If you have the money to build a house you should be able to afford to bring in the necessary fill. We shouldn't just dig ponds everywhere in the Town. Mr. Martin stated that he doesn't need any added water on his property. Mr. Liotta stated that he hopes the pond would help Mr. Martin's water situation also. Mr. Liotta stated that he did bring in 1800 yards of fill already. Mr. Martin stated that the property has never been wet in the past. Mr. Liotta stated that ever since he purchased the property it has been

very wet. Mr. Martin is concerned that the over flow from the pond or springs will come onto his property.

Mr. Fabry of 331 Monroe Orleans County Line Road stated that if you bring in a lot of fill and don't build a pond then all of that water is going to run off onto other people's property.

At this time Chairman James Nesbitt closed the Public Hearing.

Town Engineer J.P. Schepp stated that the original grading plan is not changing. The pond will retain water and shouldn't have any adverse effects. Attorney Welch asked where the water would go if there wasn't a pond. Mr. Schepp stated on the original plan that was approved the water was directed towards drainage swales that went towards the West Fork. Chris Schlieter questioned if drainage scouts were provided so water was metered going off of the site. Mr. Schepp stated no. Mr. Schlieter asked if an over flow design could be drawn up to eliminate any concerns that the neighbors may have. Installing a small pipe for the over flow was suggested also. Mr. Schepp stated that he would be willing to work with Mr. Liotta to come up with a design. Mr. Liotta also agreed. Dave Martin asked if Monroe County Soil and Water had reviewed the plans. Mr. Liotta stated that he contacted them and the gentleman was very busy at the time but he will get him involved and call him again.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Special Use Permit approval to Steve Liotta to construct a pond located at 1034 Lake Road West Fork with the consideration that it meets Monroe County Soil and Water regulations and that Mr. Liotta works with the Town Engineer on a plan to monitor the drainage. Members polled Emens aye, Hazen aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

Dave Martin returned to the Board

PUBLIC HEARING
PRELIMINARY SUBDIVISION APPROVAL
PJ LEN RATH SUBDIVISION

1928 MOSCOW ROAD

The application was found to be incomplete. The Public Hearing will be held when a complete application is received.

PUBLIC HEARING
PRELIMINARY SITE PLAN APPROVAL
LIFETIME ASSISTANCE

1 TRACIANN DRIVE

Robert LaDieu of LaDieu Associates was present to seek Preliminary Site Plan approval for Lifetime Assistance to construct an Individual Residential Alternative Residence located at 1 Traciann Drive. Mr. La Dieu explained that they were proposing a one-story 3334 sq. ft. house with a sprinkler system and garage. The parking lot will accommodate 7 vehicles. It will have sewer and water hook up. Drainage will be directed towards the existing catch basin on the lot. A fence will be installed along the north lot line as discussed with the neighbor. Variances were granted from the Zoning Board. Attorney Welch asked if they would be keeping the existing vegetation on the lot. Mr. LaDieu stated yes they would keep as much as they could. Chairman Jim Nesbitt asked if there would be a fence to the west. Mr. LaDieu stated no just existing brush and trees.

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.

Town Engineer J.P. Schepp stated that all engineering concerns were addressed and the drainage issues were worked out. Judith Hazen asked the number of residents and if they would be going to work every day. Mr. Hayward from Lifetime Assistance stated that there would be 5 residents in the house. They currently live at another residence in Hamlin but there is not sufficient room there any more. They would be going every day either to work or another workshop program.

A motion was made by Chris Schlieter, seconded by Judy Hazen to grant Preliminary Site Plan approval to Lifetime Assistance to construct an Individual Residential Alterative Residence located at 1 Traciann Drive. This is a Type 1 Negative Declaration SEQR determination. 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 Dane Emens to grant Final Site Plan approval to Lifetime Assistance to construct an Individual Residential Alterative Residence located at 1 Traciann Drive. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

CONCEPTUAL SITE PLAN
KEVIN CLARK

5733 WAUTOMA BEACH ROAD

Kevin Clark was not present. Town Engineer J.P. Schepp stated that no revised Site Plan was received as per request.

**CONCEPTUAL REVISED SITE PLAN
JEFFERY HAND**

1758 BRICK SCHOOL HOUSE RD.

Jeffery Hand was present to seek Conceptual Site Plan approval for revised plans for 1758 Brick Schoolhouse Road. Mr. Hand explained that the original Site Plan was approved over a year ago. Some changes have been made to the plans. He wants to change the location of the driveway and reshape it. This may cause the length to be over 600' so the location of the house may need to be moved closer to the road so the driveway is less than 600'. The culvert pipe on the plans has been changed to a round 42" plastic pipe. Chairman James Nesbitt explained that to save some money Mr. Hand used the old plan and drew on the new location for the driveway. Mr. Hand explained that he wanted to try to avoid the low spots with the driveway and shift it closer towards the existing drain. Building Inspector B.J. Maier explained that if the driveway is over 600' it needs to be doublewide and the house needs to have a sprinkler system. Dave Martin asked if the width was acceptable. Mr. Maier stated yes because it does have a turn around at the end. Chairman James Nesbitt asked if Mr. Hand would be able to have new plans with the new location of the driveway and the length indicated on the plans by next month. Mr. Hand stated yes he would.

A motion was made by Dane Emens, seconded by Dave Martin to schedule a Public Hearing for December 4, 2006 at 7:30pm for Jeffery Hand for Preliminary Site Plan approval for 1758 Brick Schoolhouse Road. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**FINAL SITE PLAN APPROVAL
BROMLEY SUBDIVISION**

9544 BEACHWOOD PARK

Dave Matt from Schultz Associates was present to seek Final Site Plan approval for the Bromley Subdivision located at 9544 Beachwood Park. Mr. Matt explained that the drainage for Lot 2 on the south side was added to the plan. It would drain from Lot 2 to a catch basin then go under the road to the lake. That is the only change. Town Engineer J.P. Schepp stated that was the extent of the drainage concerns. The DEC is concerned with discharge being at the top of the slope. So it should be directed to the lower part of the embankment. The DEC sent a letter in regards to several issues with the property. Additional permits will be required from the DEC. A copy of the letter will be given to Schultz Associates. The DEC is concerned with Lot 1 on the north side being in the Coastal Erosion Hazard Area. Attorney Welch stated that a variance was received for building in the Coastal Erosion Hazard Area from the Zoning Board. Conservation Board member Craig Goodrich stated that the Board is against building on the north lot. The DEC will be attending the next Conservation Board meeting and everyone is invited to attend. Building Inspector B.J. Maier stated that Lot 1 is in the Hazard Area according

to the Coastal Erosion map and the Building Department is against building on Lot 1 also. Attorney Welch stated that variances were received for Lot 1. Linda Morey stated that if the DEC has concerns then they won't issue the necessary permits. Mr. Goodrich stated that in order to build an LWRP would be required and it will not be marked consistent by the Conservation Board. Chris Schlieter stated that the LWRP is only a recommendation. Attorney Welch stated it is only a recommendation and additional permits from the DEC would be required before a building permit would be issued.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Final Site Plan approval for Lot 1 and Lot 2 of the Bromley Subdivision located at 9544 Beachwood Park with the stipulation that all required DEC and Army Corp. of Engineer permits be obtained before a building permit is issued. Members polled Emens aye, Hazen no, Martin abstain, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

CONCEPTUAL SUBDIVISION APPROVAL HERITAGE WOODS SUBDIVISION

ROOSEVELT HIGHWAY

John Kim from La Dieu Associates was present to represent the owners of the Heritage Woods Subdivision located at tax account no. 021.03-03-008.1 on Roosevelt Highway. Mr. Kim explained that the previous plan that was approved would require a substantial amount of fill so a revised plan was needed. This plan consists of a larger pond constructed to meet DEC regulations to provide additional fill. They are proposing 134 condominium homes on 54.23 acres. This is 14 units less than the original plan. A revised layout is also being proposed. Dane Emens asked if Highway Superintendent Tom Ingraham had any concerns with the plan. Mr. Ingraham stated he had no concerns. Chris Schlieter asked about the black walnut tree shown on the plans. Some discussion took place regarding the existing tree. Mr. Kim stated that sidewalks and the storm and sanitary systems would be located on that side but they would try to save the tree. Chairman James Nesbitt asked about the empty lot between lots 19 and 20. Mr. Kim explained that was an easement to the land locked parcel. Mr. Nesbitt explained that the easement was filed with the County and it cannot be altered. It needs to be shown on the plans the way it was recorded with the County. Mr. Kim stated that he would do some research and make the changes on the plans. Town Engineer J.P. Schepp stated that there were no engineering concerns. Chris Schlieter asked if the pond would be a 1 on 4 slope. Mr. Kim stated yes. Mr. Schlieter asked who would maintain the pond. Mr. Kim stated the association would. Mr. Schlieter asked about the size and discharge of the pond. Mr. Kim stated that discharge would go to the west to the existing creek. The approximant size of the pond would be 5-6 acres. Linda Morey asked what the distance from the pond to the lots was. Mr. Kim stated the pond would be 30' from the lot line and 80' from the proposed structure. Dave Martin asked if the pond would be fenced. Mr. Kim stated no it wouldn't be. Town Engineer J.P. Schepp stated that a pond is required for the subdivision. Chairman James Nesbitt stated that the plan has incorrect tax account numbers and asked that the corrected numbers be noted on the plans. Dave Martin questioned if variances were needed. Mr. Schepp stated that the setbacks were

acceptable and according to the code no variances are required. Mr. Martin asked why it was noted on the plans then. Chairman James Nesbitt stated that the codebook defines condominiums as individual ownership of a unit in a multi unit structure. Condominiums are not an allowable use in the SC zoning. Attorney Welch suggested that they not refer to them as condominiums. Attorney Welch suggested calling them Town Houses. Larry Gurrslin stated that they were looking at how the structures will be taxed for the residents. Some discussion on condos and assessment took place. Attorney Welch stated that according to the code on page 40.3 it states that if the setbacks are acceptable with the Town Engineer then no variances are required. Mr. Schepp stated that he would review the plan for easements. Dave Martin questioned the cherry trees noted on the plan crossing the road. Mr. Kim stated that they will need to be removed due to the roadway.

A motion was made by Linda Morey, seconded by Judith Hazen to grant Conceptual Site plan approval to the Heritage Woods Subdivision located at tax account number 021.03-03-008.1 Roosevelt Highway. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

DISCUSSION

Rich Maier was present to seek a simple lot combination for 105 Hamlin Center Road. Chairman James Nesbitt explained that the money was in on time but the maps were not that is why it was not on the agenda. Mr. Nesbitt stated that if everything is not in by the deadline in the future it will not be put on the agenda and it can wait until next month. Mr. Maier stated that the owner Mr. Dawson purchased two separate lots. One lot has a house and the other is a vacant lot. He would like to put a storage building on the other lot so he needs to combine the lots into one creating a 2.8-acre parcel. Town Engineer J.P. Schepp stated that there are no engineering concerns but asked the size and location of the proposed structure. Mr. Dawson stated it would be a 30' x 50' storage barn. Mr. Schepp asked if it would be for animals. Mr. Dawson stated no for personal storage only. Mr. Dawson stated it would be 15' from the property line and even with the front foundation of the house.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant approval of the simple lot combination for Mr. Dawson located at 105 Hamlin Center Road. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

Linda Morey requested that any items being added to the agenda be mentioned at the beginning of the meeting.

EXECUTIVE SESSION

A motion was made by Dane Emens, seconded by Judith Hazen to go into Executive Session. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

A motion was made by Dane Emens, seconded by Chris Schlieter to come out of Executive Session. Members polled Emens aye, Hazen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

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, 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, December 4, 2006 at 7:30pm. Deadline for all fees is November 20, 2006 at 2:00pm.