

Hamlin Planning Board *Minutes*
Monday, May 7, 2007
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, Tom Jensen, Dave Martin, Linda Morey, James Nesbitt and Chris Schlieter.

Also present: Supervisor Denny Roach, Town Board Liaison Dave Rose, Support Boards Attorney Charlie Welch, Town Engineer J.P. Schepp, Town Board member Mike Marchetti, Highway Superintendent Tom Ingraham, Building Inspector B.J. Maier, Conservation Board member Craig Goodrich, resident Aaron LaFaro and several other interested residents.

A motion was made by Linda Morey, seconded by Dane Emens to approve the minutes from the April 2, 2007 as presented. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried, minutes approved.

The Clerk read the Proof of Publication

PUBLIC HEARING
KEVIN NOON

1675 LAKE RD.

Kevin Noon was present to seek Special Use Permit and Site Plan approval to have a Nursery/Farm Market located at 1675 Lake Road. Mr. Noon explained that this is a retail location intended for the purpose of selling items. A detailed map was provided with parking, outside layout and a floor plan included. Mr. Noon explained that he would like to sell plants, trees, shrubs, mulch, etc. He would also like to sell small tractors up to 40 horsepower, coffee, donuts, ice cream, alternate fuel fireplaces and swing sets. Mr. Noon explained that no alcohol will be sold or served. It will not be a full-scale restaurant but he will sell coffee, muffins and donuts and maybe hot dogs, pop and ice cream eventually. Mr. Noon stated that they have cleaned up the yard and he plans to paint the building. Dane Emens asked if he would be selling pellet stoves. Mr. Noon stated that he has been approached by a company that sells alterative fuel fireplaces such as coal, corn, propane, wood, etc. He would like to sell them inside. Chairman James Nesbitt read an email from Marilyn Rath regarding the entrance being handicap accessible and the building having handicap bathrooms. Mr. Noon stated that he would address both of those issues with the Building Inspector. He has a couple of different options for the entrance, either a lift at the front door or a ramp on the north side entrance. He also discussed the possibility of having the handicap entrance on the south side closer to the parking. He stated that he would have a handicap accessible bathroom and will discuss that with the Building Inspector. Linda Morey asked if the mulch was in bags or piles.

Mr. Noon stated both. Linda asked if customers would be driving back and loading their cars. Mr. Noon stated yes they could. Linda noted that this would eliminate a couple of parking spaces shown. Linda questioned the available parking. Mr. Noon stated that 20 spaces were required and he had 30 shown. Linda stated that there is seating for 28 people indicated on the map so more parking spaces were needed. Mr. Noon stated that he used the formula given to him at last month's meeting based on square footage to determine the required parking and he met that requirement. He stated that parking is not a problem just tell him what he needs and he will provide it.

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.

Chairman James Nesbitt closed the Public Hearing.

Chris Schlieter asked if there would be any outside lighting. Mr. Noon stated there are currently two lights on each pole outside. Chris stated that the lighting had to be the box type and shielded so no light spill effects the neighboring properties. Mr. Noon stated that he understood. Chairman James Nesbitt asked if B. J. Maier had any issues. Mr. Maier stated that the handicap issues will be addressed. He had some concerns with the space for the number of cars that attend the cruise ins. He stated that 30 or more cars may attend and questioned the space available. Mr. Noon stated that he has plenty of space available for additional parking if needed. Town Engineer J. P. Schepp stated that there are no engineering issues but would like to see the parking tallied up and written down on paper due to the multiple uses. Mr. Schepp stated that there was good traffic flow indicated on the map. Attorney Welch stated that the formula for parking is 1 parking space per 200 sq. ft. Mr. Noon indicated that at the last meeting there were some concerns with the ball fields and kids walking over for ice cream. He stated that he looked in to that and felt that the ball fields were far enough away that the parents would most likely drive over. Linda suggested providing the Recreation Department with information so they could pass it on to parents. Having a wagon or stand out front was discussed. Attorney Welch stated that because it is zoned C-GB there is no concerns with the stands because it falls under an allowable use. Attorney Welch asked about a sign. Mr. Noon stated he would just use the current sign and change the name. Attorney Welch stated that he would need to verify that sign was allowable per the code. Chris Schlieter questioned a couple of parking spaces at the parking lot entrance. He suggested changing the angle or moving the parking around. Chairman James Nesbitt asked the hours and days of operation. Mr. Noon stated 7 days a week eventually all year. From 6:00am-9:00pm.

A motion was made by Dane Emens, seconded by Linda Morey to grant Special Use Permit and Site Plan approval to Kevin Noon for a Nursery/Farm Market located at 1675 Lake Road. This is a Negative SEQR declaration. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**CONCEPTUAL SUBDIVISION
DILTZ SUBDIVISION**

39-63 KING STREET

Rich Maier from Maier Surveying was present to represent Dwight Diltz seeking Conceptual Subdivision approval for a 3-lot subdivision located at 39-63 King Street. Mr. Maier explained that Mr. Diltz has been trying to sell the property but can't find a buyer for the entire lot so he wants to divide it in hopes that he can sell them individually. The current buildings are non conforming therefore the project requires variances. Attorney Welch explained that the lot is zoned C-GB and lots 1 and 3 require a lot width variance also. Linda Morey asked if the buildings were attached. Mr. Maier stated no they are separate. Town Engineer J. P. Schepp stated there were no engineering issues because the buildings are existing but there were some fire code issues because the buildings are so close. Separate utilities are also a concern. Mr. Maier stated that he wasn't positive there were separate utilities on each lot. Mr. Schepp stated that the sewer, water, etc. needs to be addressed and shown on the map. Building Inspector B.J. Maier stated that the Fire Department is aware of the issues. Lot 1 does have a sprinkler system. He will do a walk through of the buildings. Attorney Welch verified that the current uses are separate. Mr. Rich Maier stated yes they are.

A motion was made by Tom Jensen, seconded by Dane Emens to refer the Diltz Subdivision to the Zoning Board of Appeals for variances and to schedule a Public Hearing for Preliminary approval for the July 2, 2007 meeting pending variance approval. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**CONCEPTUAL SUBDIVISION
COLOPIETRO SUBDIVISION**

882-890 REDMAN ROAD

Rich Maier from Maier Surveying was present to represent Mr. Colopietro seeking Conceptual Subdivision approval for a 3-lot subdivision located on Redman Road. Mr. Maier explained that there are existing houses on lot 1 and lot 2 and lot 3 is currently being farmed and will continue to be. They are being divided into 5-acre lots except lot 3 however lot 1 will require a variance for lot width. Some discussion took place on the variances. It was determined that the lots required both public water and sewer to not need a variance. Attorney Welch stated that lot 3 will also require a lot width variance. There are no plans proposed so according to the code the lot width is determined at the minimum so a variance is needed. Town Engineer J. P. Schepp stated that is how the code reads when no house is proposed.

A motion was made by Tom Jensen, seconded by Linda Morey to refer the Colopietro Subdivision to the Zoning Board of Appeals for variances and to schedule a Public Hearing for Preliminary approval for the July 2, 2007 meeting pending variance approval. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**CONCEPTUAL SITE PLAN APPROVAL
MR. AND MRS. LAMPARELLA**

7016 BENEDICT BEACH

Rich Maier from Maier Surveying was present to represent Mr. And Mrs. Lamparella seeking Conceptual Site Plan approval for 7016 Benedict Beach. Mr. Maier explained that the current owners are trying to sell the lot and the prospective buyer wants to buy an approved lot. This site plan was approved in 2005 but is now expired. Variances were received in 2003 but are expired now also. Mr. Maier stated that it does have current Monroe County Health Dept. approval. Attorney Welch stated that it does require an acreage variance, a lot width variance and a coastal erosion area variance plus it requires an impervious surface variance. Mr. Maier questioned needing to get the variances approved again. Attorney Welch explained that variances are good for one year. They were granted four years ago plus there is an additional variance needed. Town Engineer J. P. Schepp stated that there are no engineering concerns. Linda Morey asked if it was a 2-story house. Mr. Maier stated that he wasn't sure what the new buyer wanted to build. Mr. Schepp questioned approving this footprint if the buyer was going to build something different. Some discussion took place. Mr. Maier indicated that his client wanted to buy an approved lot. Attorney Welch explained if the Board approves this footprint and she changes anything it would have to come back again for approvals. Tom Jensen stated that they needed to know what she wanted to build. Attorney Welch explained that a Site Plan approval means you can only build exactly what is approved or something smaller in the same location if anything is different you need to come back for approvals. Mr. Schepp explained that it is more crucial along the shoreline. If the buyer wants to build something different it needs to be proposed now. Mr. Schepp stated that it is currently a non-approved lot but she can still buy it and get it approved. Tom Jensen questioned the existing shed in front of the house and the current dirt piles on the lot. Building Inspector B.J. Maier stated that the dirt was going to be used for back fill. Removing the existing structures was discussed. Chairman James Nesbitt stated they need a new proposal. Some discussion took place. If the buyer wanted to build what was on this plan then they could go forward.

A motion was made by Chris Schlieter, seconded by Dane Emens to refer the current proposal to the Zoning Board of Appeals for variances providing it's the exact same footprint or less. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

PRESENTATION

Betsy Johnson from Monroe County Storm Water Coalition was present to give a presentation on Storm Water.

DISCUSSION

Lynn Oliver requested approval to extend her hours of operation for B'zer's located at 52 Railroad Ave. Lynn Oliver was not present. Building Inspector B.J. Maier explained that Ms. Oliver contacted his office and asked if she could start opening at 8:00am to

serve coffee and muffins. She currently is open at 10:00am until 2:00am. Mr. Maier told her she needed to go before the Planning Board for discussion and approval to increase her hours. He indicated that he didn't know why she wasn't present tonight. According to the Liquor Authority you are allowed to sell alcohol at 8:00am. Chris Schlieter asked if a formal written request by Ms. Oliver had been submitted. Mr. Maier stated no but he told her to do that. Some discussion took place. A Public Hearing was discussed. It was mentioned that the Board must take care of the neighbors. They have the right to know what is going on at that location. Linda Morey stated that it would be fair to the public to have a Public Hearing. It was determined by the Board that a written request needed to be submitted. Ms. Oliver would have to come before the Board to answer questions.

Building Inspector B. J. Maier discussed the North Star Gun Club requesting to increase their use permit to include both parcels. Mr. Maier explained that it is an inspection done annually by the Building Department. They do not want to combine the parcels. Everything else is staying the same. Chairman James Nesbitt asked if the Board had to take any action. Mr. Maier stated no not at this time.

Chairman James Nesbitt mentioned an Internet On Line School test that was approved by the Town Board that meets the required training. Tom Jensen completed the training and scored a 92%. Congratulations Tom!

ADJOURNMENT

A motion was made by Dane Emens, seconded by Judith Hazen to adjourn tonight's meeting barring no further business. Members polled Emens aye, Hazen aye, Jensen 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 4, 2007 at 7:30pm. Deadline for all fees is May 21, 2007 at 2:00pm.