

Hamlin Planning Board *Minutes*  
Monday, June 4, 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 and James Nesbitt.

Absent: Chris Schlieter and Town Engineer J.P. Schepp.

Also present: Support Boards Attorney Charlie Welch, Town Board member Mike Marchetti, Building Inspector B.J. Maier, Conservation Board member Craig Goodrich, residents Lynn Oliver and Matt Capuano.

A motion was made by Linda Morey, seconded by Dane Emens to approve the minutes from the May 7, 2007 as presented. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried, minutes approved.

## **DISCUSSION**

### **6456 SHORE ACRES**

Matt Capuano was present to discuss the remodel of 6456 Shore Acres. Chairman James Nesbitt explained what was discussed at last month's meeting and that the Board decided that a Site Plan would be needed to show septic and leach location, drainage and elevation. Mr. Capuano explained that it was very expensive to provide a site plan so he changed his plans and just decided to add a second story to the existing house. Chairman James Nesbitt asked if he would be adding on to the existing footprint. Mr. Capuano stated no he wouldn't. He would just be going up. Dane Emens questioned the existing foundation. A representative from Norbutt Construction stated that the foundation was inspected and certified to be in good condition for a 1-1 ½ story house. The foundation is adequate it may just need some reinforcement. Chairman James Nesbitt stated that the Building Inspector took some pictures of the house and the waves were washing under the house. Tom Jensen stated that the house elevation is 249' and the lake elevation is 248' and the code is 251'. Chairman James Nesbitt explained that new construction requires the first floor elevation is 251' but this is not a new build it's a remodel. Putting in a break wall was suggested. Some discussion on the location and size of a break wall took place. Conservation Board member Craig Goodrich stated that he hasn't had a chance to review the project but as long as the lake is controlled it shouldn't be a problem. The Conservation Board would recommend a break wall. Mr. Capuano explained that if he puts in a break wall and the lake raises it will be over the break wall. Moving the cottage back was suggested. Mr. Capuano stated that he would lose the view of the lake due to the neighbor's house location if he moved the cottage back.

Chairman James Nesbitt asked if the number of bedrooms was changing. Mr. Capuano stated no. Dave Martin suggested contacting the Army Corp. of Engineers for suggestions with the break wall. Building Inspector B. J. Maier stated that he was concerned with how close the existing houses are. He was also concerned with the house being on pillars. Mr. Capuano stated that the foundation would be certified by an architect prior to construction. James Nesbitt questioned the peak on the plans. Mr. Capuano stated that he wasn't going to add the peak any more just a second story. Chairman James Nesbitt explained that since it is just a second story addition no Site Plan is required. Just a building permit from the Building Department would be required. He suggested working with the Building Inspector and contacting the Army Corp. of Engineers regarding the break wall to protect the property. Linda Morey questioned the septic location. Mr. Capuano stated it was in the eastern corner of the property.

### **B'ZER'S BAR HOURS INCREASE**

Lynn Oliver was present to request approval to increase her hours for B'zer's Bar to be open at 8:00am. Chairman James Nesbitt explained that last month Lynn was on the agenda but was not present. Tonight she was not on the agenda but was present. Last month the Board requested a proposal in writing from Lynn. Just today he received a letter unsigned from the neighbors on Railroad Ave. They have a lot of issues regarding B'zer's. He explained that the Board needs to agree on whether major and minor changes require Public Hearings. He stated that they need to be consistent and equal to everyone. He stated that B'zers came before the Board and requested to open in stages due to financial issues and they were criticized for not having a Public Hearing then. This is a very alarming letter that was received and these concerns need to be addressed. The Code Enforcement Officer is actually the person that needs to follow up with the issues in the letter. Lynn explained that she is currently open from 10am until 2am and would like to open at 8am for a breakfast club for coffee and donuts. Some discussion took place as to whether the time of day and the increase in hours was a significant increase and if a Public Hearing was required or not. Attorney Welch suggested considering the percentage of the increase to decide if a Public Hearing would be required or not. According to the Liquor Authority she could be open at 8:00am. Chairman James Nesbitt stated that if they use the percentage to look at then they need to be consistent and the Code Enforcement Officer would have to enforce the code. Dane Emens stated that he didn't feel that this was a significant increase due to the time of day of the increase. Tom Jensen agreed that it is a quiet time of the day for the increase in hours. Dave Martin stated that they could try it and if there is complaints then the Board would have to revisit the request. Linda Morey stated if they were going to use a percentage then they need to have something in writing to go by first and then determine if a Public Hearing is required. Judy Hazen agreed with Linda. There needs to be guidelines written so there is consistency. Judy also stated that last month they asked for something in writing from Lynn but she never received anything. Jim Nesbitt stated that Lynn gave him a letter tonight requesting approval to be open at 8:00am. Tom Jensen stated in regards to the letter from the neighbors it wasn't signed so they couldn't really address it but suggested that Lynn be a good neighbor and work on the issues in the letter that she can improve. Chairman James Nesbitt agreed.

A motion was made by Tom Jensen, seconded by Dane Emens to approve the request made by Lynn Oliver to open B'zer's Bar at 8:00am instead of 10:00am due to the fact that the time of day of the increase is not significant and the type of business is not a significant change. The Code Enforcement Officer will monitor the situation and if problems arise then the Board will revisit the request at that time. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye. Motion carried.

#### **HIDDEN CREEK MOBILE HOME PARK PHASE 6**

Shultz Associates had presented a Mylar for resigning for a community center for Hidden Creek Mobile Home Park. Chairman James Nesbitt explained that five phases were completed in the mobile home park. There was insufficient water supply in case of a fire emergency for phase six. There were also some power line concerns therefore it was not approved. They have now agreed to add waterlines and would like the project approved. The Board decided that they would require new maps and they would have to go through the approval process from the beginning. The community center would require new approvals also because it was originally approved in 2002.

Chairman James Nesbitt made some training opportunities available

#### **ADJOURNMENT**

A motion was made by Dane Emens, seconded by Tom Jensen to adjourn tonight's meeting barring no further business. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt 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, July 2, 2007 at 7:30pm. Deadline for all fees is June 18, 2007 at 2:00pm.**