

Hamlin Planning Board *Minutes*  
Monday, July 2, 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: Town Engineer J.P. Schepp, Support Boards Attorney Charlie Welch, Supervisor Denny Roach, Town Board Liaison Dave Rose, Town Board member Mike Marchetti, Building Inspector B.J. Maier, Highway Superintendent Tom Ingraham, Conservation Board members Craig Goodrich, Tom Breslawski and Aaron LaFaro, residents Gwen Comstra, Susan and Anthony Comstra, Tim Voight, Lloyd Lochner and Irene Frediani.

A motion was made by Linda Morey, seconded by Dane Emens to approve the minutes from the June 4, 2007 as presented. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter abstain. Motion carried, minutes approved.

*The Clerk read the Proof of Publication*

**PUBLIC HEARING**

**PRELIMINARY SUBDIVISION APPROVAL**

**DILTZ SUBDIVISION**

**39-63 KING STREET**

Rich Maier of Maier Land Surveying was present to represent Dwight Diltz seeking Preliminary Subdivision approval for the Diltz Subdivision located at 39-63 King Street. Rich Maier explained that it is currently one lot with existing buildings. Mr. Diltz would like to subdivide the property into three lots and sell them individually. Rich Maier explained that they received variances from the Zoning Board and utilities have been noted on the map per the Town Engineer's request. Lots 2 and 3 have their own water and sewer. Lot 1 has no sewer, does have fire suppression but no dedicated line for water service.

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.

Tom Jensen asked if there were any issues because there was no dedicated water service for lot 1. Attorney Welch stated it isn't an issue because there is water service there currently.

Town Engineer asked if the other utilities were separate. Rich Maier stated yes each building has separate utilities. J.P. Schepp stated that this is for subdivision only so there is no issue with the water service.

Dave Martin asked if parking on the street is allowed. Attorney Welch stated there are no signs prohibiting parking and they have always parked along the street there.

A motion was made by Tom Jensen, seconded by Dane Emens to grant Preliminary and Final Subdivision approval to Dwight Diltz for the Diltz Subdivision located at 39-63 King Street. This is a Type 1 Negative SEQR determination. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

### **PUBLIC HEARING**

#### **PRELIMINARY SUBDIVISION APPROVAL COLOPIETRO SUBDIVISION**

#### **REDMAN ROAD**

Rich Maier of Maier Land Surveying was present to represent Mr. Colopietro seeking Preliminary Subdivision approval for the Colopietro Subdivision located at 005.04-001-016 Redman Road. Rich Maier explained that there are currently two houses on one lot. Mr. Colopietro wants to subdivide the lot into three separate lots and sell them individually. Lot 3 is currently being used for farming and will continue to be used for that purpose. Rich Maier explained that they received variances from the Zoning Board. Town Engineer J.P. Schepp had no issues with this proposal.

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.

A motion was made by Judy Hazen, seconded by Dave Martin to grant Preliminary and Final Subdivision approval to Mr. Colopietro for the Colopietro Subdivision located on Redman Road. This is a Type 1 Negative SEQR determination. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

### **CONCEPTUAL SITE PLAN APPROVAL**

#### **RED FOX RUN**

#### **99 HAMLIN PARMA TOWNLINE RD.**

Arnold Carmichael of Carmichael Engineers was present to represent Nuciolo Vito seeking Conceptual Site Plan approval for Red Fox Run located at 99 Hamlin Parma Townline Road. Mr. Carmichael explained that this Site Plan was previously approved in 2004 but has expired. It is located in a Federal Wetland and across the street from State wetlands. It received a variance from the Zoning Board in 2004 but it has expired also.

There are no changes to the Site Plan. Mr. Carmichael will get Monroe County Health Department and Monroe County Water approvals.

Town Engineer J. P. Schepp explained that it is the same plan from before its just expired. There are issues with the Conservation Overlay District that need to be addressed.

Attorney Welch explained that it would need to go to the Zoning Board for a variance for a septic system within 150' of a wetland.

Conservation Board member Craig Goodrich stated that they looked at it in 2004. There was a house there previously. As long as Monroe County approves it then they don't have any concerns.

A motion was made by Tom Jensen, seconded by Dane Emens to grant Conceptual Site Plan approval for Red Fox Run located at 99 Hamlin Parma Townline Road, refer it to the Zoning Board of Appeals for relief from Town Code 125-34D(1)(b)(15) having a septic system within 150' of the Conservation Overlay district and schedule a Public Hearing for Preliminary Site Plan approval for the September 4, 2007 meeting pending variance approval. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

**SPECIAL USE PERMIT APPORVAL  
PHEASANT GAME FARM 2264 MONROE ORLEANS COUNTY LINE RD.**

Fred Paye was present to seek Special Use Permit approval to operate a raise and shoot pheasant game farm located on the property at 2264 Monroe Orleans County Line Road owned by Fred Paye and William and Janet Surridge. Mr. Paye explained that his partner William Surridge and himself would like to have a pheasant game farm called F & B Upland Birds. They would raise and sell pheasants. They would also have small groups of 4-5 people come and hunt the pheasants. They have applied for a breeder's license and have applied to the DEC for a shooting preserve license. The pens will be 700' off of the road. No hunting will be permitted within 500' of neighboring houses. Hours for hunting will be from 9:00am til dusk. There will only be one group hunting at one time. They will hunt in 4-hour time blocks.

Linda Morey asked how far they are from the church. Mr. Paye stated they are about ¾ of a mile from the church. Linda questioned the hunting hours due to the church having activities and weddings outside.

Mr. Paye stated that in the future he would be building a house on the lot where the driveway is located now.

Attorney Welch questioned the map stating no hunting east of the line. Mr. Paye stated it should say no hunting west of the line. Attorney Welch stated there is no issue with raising pheasants on the property. However the code limits the number of poultry that is allowed. According to the code the maximum number of adult birds that would be allowed is 50. Mr. Paye stated that they would need to have a couple thousand birds. He

explained that each pen is 100' x 150' and holds 800 birds. Attorney Welch stated that a variance would be needed to have that many birds on the property. Attorney Welch explained that having groups of people pay to come and hunt on the property is not an allowable use per the code. It doesn't fit the code so its not allowed.

Chairman James Nesbitt explained that he was concerned with the width of the lot and missed shots going on the neighboring property. Mr. Paye explained that the lot is long and the back of the lot is all woods. Chris Schlieter stated that he has been involved with preserves and using good rules is important and safety is number one. A brush wall is usually put along the property lines. He suggested seeing a business plan of the lot. Attorney Welch explained that this is not a gun club therefore it is not permitted per the code. He explained that they can either go to the Zoning Board for a Use variance that is very difficult to get or they can go before the Town Board to have hunting preserves added to the Town Code as an allowable use. Chris Schlieter argued that this is an agricultural use the same as raising livestock or produce on the property. Attorney Welch stated that they could raise the pheasants and not have it as a business and just invite family and friends over to hunt but they couldn't charge a fee or have it as a business because it is not permitted. Some discussion took place. Attorney Welch suggested that they go before the Town Board to have the code changed and in the mean time go to the Zoning Board to ask for a variance for the number of pheasants they can raise. This would allow them to just raise the birds not hunt them.

A motion was made by Chris Schlieter, seconded by Linda Morey to refer Mr. Paye to the Zoning Board of Appeals for a variance for the number of pheasants that he can raise on his lot. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

## **SPECIAL USE PERMIT APPORVAL RETREAT RENTAL**

### **1 SUMMER HAVEN**

Mr. Cotsworth was present to seek Special Use Permit approval to have a retreat and hold classes at his property located at 1 Summer Haven. Mr. Cotsworth explained that they live at 5678 Wautoma Beach Road and would like to rent out their property at 1 Summer Haven for small group retreats. His wife would hold painting and quilting classes there also. It's a peaceful setting and groups could have meetings or classes there and enjoy the relaxed setting.

Dane Emens asked the size of the groups. Mr. Cotsworth stated 6-8 people. Dane Emens asked if there was adequate parking. Mr. Cotsworth explained that there is plenty of space to provide adequate parking.

Attorney Welch asked what kind of classes would be held there. Mr. Cotsworth used as an example that a quilting group could rent it out for a couple of days and hold classes as a group and get away. Attorney Welch asked how long the classes would be. Mr. Cotsworth explained that the classes would be 4-6 hours long and the retreats would be a couple of days. Attorney Welch explained that because that is not their residence it is not a permitted use per the code.

Dave Martin asked how they would advertise. Mr. Cotsworth stated just by word of mouth.

Building Inspector B.J. Maier stated that Summer Haven is a private road and suggested checking the deed for any restrictions.

Chairman Jim Nesbitt stated they would need a use variance and that is very difficult to get.

Some discussion took place.

Attorney Welch explained that the classes are the issue. Because they don't live there they can't get a Home Business permit. It is not allowed per the code. They aren't using it as a vacation rental property they want to use it as a business to conduct classes and that is not permitted per the code. If they make it their residence in the future they can come back and apply for a Special Use Permit to have a business in their home. He explained that the code is written to protect the neighbors.

### **CONCEPTUAL SUBDIVISION APPROVAL 613 LAKE ROAD EAST FORK**

Rich Maier was present to represent Jim and Nick Breslawski seeking Conceptual Subdivision approval for 613 Lake Road East Fork. Rich Maier explained that they purchased the property for the farmland and would like to subdivide 5 acres with the house and sell it separately. They would keep the remaining vacant land for farming. It was explained that it was previously two separate lots and was combined. Now they want to divide it again and make it two separate conforming lots.

Town Engineer J.P. Schepp stated there were no issues. They would just be creating one new lot.

After some discussion the Board decided that no Public Hearing was required.

A motion was made by Dane Emens, seconded by Dave Martin to grant Final Subdivision approval to 613 Lake Road East Fork waiving all other subdivision procedures pursuant to Town Code. This is a Type 1 Negative SEQR determination. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

It was noted that all final fees needed to be paid in full before the Mylar can be signed.

### **CONCEPTUAL SITE PLAN APPORVAL HIDDEN CREEK MOBILE HOME PARK**

### **COMMUNITY CENTER**

Chris Schultz of Schultz Engineering was present to represent Morgan Management owners of Hidden Creek Mobile Home Park seeking Conceptual Site Plan approval for a Community Center located at 87 Drake Road. Mr. Schultz explained that they received approval for the community Center in 2002. They never constructed the center. It is the same format. Not changes they just are back for renewal. Monroe County Health Dept.

and Water Dept. are reviewing the proposal. The required water main will be completed. They will hook into the existing Roosevelt Highway main.

Linda Morey asked the hours. Kevin Morgan stated it would be open from 8-5 for residents to use for cards, crafts, bingo, etc. and with management approval the residents could use it for other functions after hours. It was asked if there would be basketball or tennis courts. Mr. Schultz stated no just a building at this time. The Board asked if there would be rest rooms and a kitchen inside and if it would be handicap accessible. Mr. Morgan stated that they weren't sure if it would have a kitchen at this time but it would be handicap accessible and have restrooms. The Board asked for a detailed floor plan of the building.

Chairman James Nesbitt stated that he had some concerns with the building being located at the entrance of the park attracting all of the children to the main road. He had traffic concerns. He also asked if this would be a show room for mobile homes. Mr. Schultz stated no it would be used strictly for recreation. Tom Jensen had concerns with the mail building next to the community center that is being proposed. He was concerned that this would be a busy and congested area. He had traffic concerns. He also mentioned that it would be a tight spot when bringing in new mobile homes. He had concerns about traffic and speed and suggested speed bumps. Lighting for the building was discussed.

Town Engineer J.P. Schepp stated there were no engineering concerns with the proposal. Chairman James Nesbitt asked if the building would need to have a sprinkler system. Building Inspector B.J. Maier stated no because it would be under the square footage. He did state that he would like to see a floor plan of the building with seating capacity. He also asked what the building would be made of. Mr. Morgan stated they weren't sure at this time. B.J. Maier stated that it would need to meet code.

Chairman James Nesbitt requested construction of the building, location of lighting and inside floor plan of the building.

A motion was made by Dane Emens, seconded by Linda Morey to grant Conceptual Site Plan approval to Morgan Management for a community Center located at 87 Drake Road and schedule a Public Hearing for Preliminary approval for August 6, 2007 at 7:30pm. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

## **HIDDEN CREEK MOBILE HOME PARK WATER MAIN DISCUSSION**

Chris Schultz of Schultz Associates was present to explain the Mobile Home Park Water Main. Mr. Schultz explained that last time they came for approval for phase 6 of the park it was determined that the existing water main could not adequately provide service for the expansion. There was lack of sufficient volume and lack of fire flow for the entire park. This created a hazardous situation for the residents. They have rebuilt broken valves and made other repairs. A lot of testing has been done. There is a need for a new water main for section 6. They will hook into the Roosevelt Highway main, come across the road and head north. The plan was reviewed. The Mobile Home Park is its own district and it would be servicing the park. The construction would be in the right of way for the road.

Chairman James Nesbitt asked if the neighbors would be notified about the project. Mr. Schultz stated that they could send out notices.

Dave Martin asked when the water would be in. Mr. Schultz stated they would like to begin construction this year. Attorney Welch stated that they don't need approval for the water line. They can make the approvals for section 6 of the park contingent on the water main being complete. They can start the water main now.

Town Engineer J. P. Schepp asked Chris Schultz for a revised map with the changes. Mr. Schultz stated he would get him one.

## **CONCEPTUAL SITE PLAN APPORVAL HIDDEN CREEK MOBILE HOME PARK SECTION 6**

Chris Schultz of Shultz Associates presented section 6 of the Hidden Creek Mobile Home Park. Mr. Schultz explained that it was basically the same plan as before with some upgrades. They added a storm water facility, lift station upgrades and an emergency roadway.

Linda Morey asked about the proposed road size. Town Engineer explained that they are private roads not maintained by the Town.

The lots are all the required 50' x 100'. Doublewide trailers are being proposed. Approximately 28' x 48' in size. The utility detail is shown. He explained the emergency gravel road from the pond to Sandybrook Drive. He also noted that Sandybrook Drive was to stub at the east property line as requested.

Chris Schlieter questioned overhead wire concerns and numbering issues from before. Mr. Schultz stated that those issues have been taken care of and addressed.

Chairman James Nesbitt asked Craig Goodrich if the Conservation Board had any concerns. Mr. Goodrich stated they would look at it.

Chairman Jim Nesbitt asked if there would be any restrictions. Mr. Schultz stated no it would be open to the public with no age restrictions for the residents.

A motion was made by Chris Schlieter, seconded by Linda Morey to grant Conceptual Site Plan approval to Morgan Management for Section 6 of the Hidden Creek Mobile Home Park located at 87 Drake Road and schedule a Public Hearing for Preliminary approval for August 6, 2007 at 7:30pm. Members polled Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nesbitt aye, Schlieter aye. Motion carried.

## **DISCUSSION**

Chairman James Nesbitt mentioned some training opportunities that were available.

Chris Schlieter mentioned the company that bought RG&E and asked how that would affect the wind tower dynamics for the town. Supervisor Roach stated it needed to be looked at. Article 10 needed to be looked at also. If the State passes a law then the Town won't have any say.

Judy Hazen mentioned an article in the paper regarding Brighton and how they are setting regulations for tearing down existing houses and building huge houses on small lots.

Craig Goodrich introduced the newest Conservation Board member Aaron LaFaro.

**ADJOURNMENT**

A motion was made by Tom Jensen, seconded by Dane Emens 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, August 6, 2007 at 7:30pm. Deadline for all fees is July 23, 2007 at 2:00pm.**