

Hamlin Planning Board *Minutes*
Monday, March 3, 2008
7:30pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by Chairperson Linda Morey 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: Ron Breslawski, Dane Emens, Judith Hazen, Tom Jensen, Dave Martin, Linda Morey, and Chris Schlieter.

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Charlie Welch, Town Board members Mike Marchetti and Tom Breslawski, Highway Superintendent Tom Ingraham, Building Inspector B.J. Maier, Conservation Board members Jeanine Klopp, Aaron LaFaro and Ed Evans, residents Bill and Bernadette Kirchgessner, Irene Frediani, Harry Petro, Donald and Linda Rabjohn, Tammy Keyes, James and Linda Schmeer, Andy Smith, Sandi Hindmarch and several other interested residents.

A motion was made by Dane Emens, seconded by Tom Jensen to approve the minutes from the February 4, 2008 meeting as recorded. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried, minutes approved.

The Clerk read the Proof of Publication

PUBLIC HEARING

PRELIMINARY SUBDIVISION/SITE PLAN APPROVAL

HERITAGE WOODS SUBDIVISION

ROOSEVELT HIGHWAY

Jong Kim of LaDieu Associates was present to represent Jim Beehler seeking Preliminary Subdivision/Site Plan approval for the Heritage Woods Subdivision located at 021.03-03-008.1 Roosevelt Highway. Mr. Kim explained that they were seeking approval for the 134 condo/patio home project located on 54 acres in the senior zoning. There were a couple of corrections. The front setbacks for the units should be 25' and the side setbacks should be 5'. The grading for the storm water was also revised to provide two inlets into the pond per DEC permit conditions. The easement between units 29 and 30 is now revised. It will be a 30' wide easement for sanitary sewer and sidewalk access towards the back of Tops. They have received Town Engineer comments and all will be addressed before Final approval.

At this time Chairperson Linda Morey opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Jeanine Klopp of 3987 Roosevelt Highway asked the size of the sidewalk to Tops. Mr. Kim stated it would be a 5' wide sidewalk between units 29 and 30. It is not shown on the map. Tom Jensen asked if the sidewalk would be extended all the way to Tops. Larry Gurrslin stated that at one time Tops was in favor of continuing the sidewalk to Tops and offered to provide lighting also. The developer Jim Beehler stated that no lighting at Heritage Woods is proposed now.

Jim Schmeer of 2552 Roosevelt Highway asked the number of houses being proposed. Mr. Kim stated 134 homes. Mr. Schmeer stated that he is concerned with the number of houses and only one entrance into the subdivision. Mr. Kim explained that NYSDOT stated that an additional entrance was not required for the subdivision. Town Engineer J.P. Schepp stated that they have asked the DOT for a second entrance in the past but the DOT preferred only one.

Linda Schmeer of 2552 Roosevelt Highway questioned the speed limit on the road. Chris Schlieter stated that the speed limit needs to be addressed with the State. The NYSDOT determines the speed limit not the town. Tom Jensen suggested writing a letter to the Supervisor regarding the concerns about the speed limit on the road and stated that the Sheriffs need to patrol that area more often. Chris Schlieter suggested that the residents forward their concerns to State legislators also.

Sandi Hindmarch of 2576 Roosevelt Highway stated that she was very annoyed that someone was allowed to build a car wash in the other right of way to the property and the traffic is a big concern. She is very upset and this is a safety issue. Jim Beehler stated that a passing lane is being added to the area. When asked about another entrance he stated that the State wouldn't allow another entrance for the project. Town Engineer J.P. Schepp stated access to the car wash property was requested. The shoulder is being widened in that area to accommodate vehicles turning into the subdivision.

Peter Toney of Moscow Road stated that he is sympathetic with the neighbors traffic concerns but the State has jurisdiction over Roosevelt Highway not the Town.

Jim Schmeer questioned a possible second access in the future. Mr. Kim stated they have left room for another access from the back of the property.

Bill Kirchgessner of 2608 Roosevelt Highway had some concerns with putting a road through Federal Wetlands. Mr. Kim showed the vacant lot that could be used for future access that was not located in the Federal Wetlands. Mr. Kirchgessner questioned how this development would affect the cost for the water line that was just approved. Town Engineer J.P. Schepp stated that some of the subdivision would fall into the boundaries of the water line district and those units would contribute to the cost and reduce the current homeowners cost for the water line district.

Sandi Hindmarch stated that at the meeting for the water line they were told that this subdivision may or may not be included in the water district. Town Engineer J. P. Schepp explained that it is included in the water district but because the water district was

formed before the subdivision was approved they couldn't say that this development would be included.

Harry Petro of 2811 Roosevelt Highway stated that he lives next to the Federal Wetlands and the creek is filling up with all kinds of debris causing his yard to flood. His yard floods now and he is very concerned about increased flooding due to the development. Mr. Kim explained that this project would actually help the drainage. All of the water will be directed towards the retention pond and drainage would be reduced. Mr. Petro questioned if the creek could be cleaned out. Town Engineer J.P. Schepp stated that the Town could obtain a permit to clean out area creeks that are located in the Federal Wetlands. Mr. Petro stated that drainage is his biggest concern.

Irene Frediani of 146 Hamlin Clarkson Townline Road asked if just one resident of the house needs to be 55 years of age. Town Engineer J.P. Schepp stated yes per the code. Ms. Frediani asked if a spouse were 35 with young children would there be a separate area for children with a playground facility. Chairperson Linda Morey stated that no playground facility was proposed. Ms. Frediani questioned if the roads were wide enough for a school bus. Mr. Kim stated that the roads are 22' wide. Ms. Frediani questioned if park benches had been considered along the sidewalk to Tops. Jim Beehler stated that they haven't been proposed. Chris Schlieter explained that as the project progresses if a need is generated certain stipulations could be added as the phases are approved. Highway Superintendent Tom Ingraham explained that the project has 7 phases and sidewalks would be towards the end of the project. Mr. Kim stated that 18 units are proposed in Phase I and 21 units in Phase II.

Andy Smith of 2530 Roosevelt Highway questioned whether they are proposing condos or patio homes. Mr. Kim stated that they are patio style condos with full basements. The homeowner would own just the footprint of the unit. The developer would own the land and the Homeowners Association would maintain the property.

Mr. Schmeer suggested moving the entrance and possibly adding a light to help with traffic concerns. Town Engineer J.P. Schepp stated that NYSDOT regulates the entrance site for the project. Chris Schlieter explained that the State uses formulas to determine the site for the entrance. The town is locked in and has no jurisdiction.

Mr. Kirchgessner questioned where lot #134 would drain. Mr. Kim stated it would drain towards the road. Mr. Kirchgessner stated that his property floods now and it couldn't take any more drainage. Mr. Kim stated that the drainage would be minimal. Chris Schlieter explained that Federal Storm Water Regulations state how drainage has to be staged and discharged in a subdivision so that no additional drainage is created.

Mr. Schmeer questioned the sewage system and asked if the other homes would be included. Mr. Kim explained that the sewer would tie into the trunk line at the back of the property. Ms. Hindmarch asked if the gas line would be extended to other homes. Mr. Kim explained that once the plan is submitted to RG & E they would determine

where the line goes and suggested that the homeowners approach them again to get the line extended once the project is approved.

Ms. Frediani questioned the timeline. Town Engineer J.P. Schepp stated that if the project gets Final approval next month then it would be up to the developer.

Mr. Petro asked if the property would be crowned. Mr. Kim stated that the property is flat and the existing contour would be followed. All of the subdivision drainage would be directed towards the pond and flow and flooding would be controlled. Town Engineer J.P. Schepp stated that existing culverts would be cleaned out and drainage should be reduced in the area.

Dane Emens questioned the size of the turning lane. Mr. Kim stated that the westbound shoulder would be widened to 400'. It would not be a turning line but just widened.

Attorney Welch questioned if they had condominium approval from the State yet for the project. Mr. Beehler stated not yet. He explained that his Attorney wanted Preliminary approval prior to going to the State for condominium approval. Attorney Welch explained that it is a lengthy process. He also explained that the Forth Step Process that was being proposed has no basis under NYS Town Law. His research found that a condominium project map would be approved as one lot with no property lines. What was submitted to the Planning Board for this project is a map for Townhouse approval. Mr. Gursslin tried to present a map showing the 4th Step Process that he was proposing. Attorney Welch stated that other towns say that Unionville Station has been doing it wrong and we are not doing it like that and refused the maps. There is no need for an extra step. Condominium approval is needed from the State and that could take up to 2 years. The map needs to be revised if it is going to be approved for condominiums.

Andy Smith stated that the safety of the project is a failure and one access to the subdivision is not acceptable. He stated that if there is an accident at the entrance and someone needs an ambulance in the subdivision emergency vehicles would no be able to get into the subdivision. Mr. Gursslin asked how many subdivisions in town have only one access currently. The Board named 4 other subdivisions with only one access in the town.

At this time Chairperson Linda Morey closed the Public Hearing.

Chairperson Linda Morey asked if the Conservation Board had any comments. Jeanine Klopp stated that they had no issues and all of her questions had been answered.

Chris Schlieter stated that maintenance agreements needed to be reviewed prior to Final approval of the project.

Dane Enens asked if there were any statistics on accidents along Roosevelt Highway near the entrance to Huntington Park. Chris Schlieter stated that no study was required by the

State. Dane asked if a turning lane could be recommended instead of just widening the shoulder. Chris stated that a State DOT permit would be required prior to starting any work on the entrance.

Tom Jensen stated that he had some concerns with the setbacks. There would only be 10' between the structures. He would like to see greater setbacks. Attorney Welch stated that the code stated a 5' setback is required unless the Town Engineer feels that it needs to be changed. 10' between structures is required per the fire code also.

Chairman Linda Morey stated that the current plans have property lines. This doesn't fit for condominiums so the map needs to be revised and new maps need to be submitted to the Board by the deadline. Another P.H. is not required. Chris Schlieter asked for a drainage study. Mr. Kim agreed to provide the Board with the drainage study at Final approval along with revised maps.

Town Engineer J. P. Schepp stated that he has 16 issues that need to be addressed. He suggested that the pond be dedicated to the town for maintenance reasons. Mr. Kim agreed.

A motion was made by Chris Schlieter, seconded by Tom Jensen to grant Preliminary Subdivision approval to Heritage Woods Subdivision located on Roosevelt Highway contingent on a new plan to reflect condominiums, all comments be addressed and a maintenance agreement be reviewed. This is a Type I Negative Declaration SEQR. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

FINAL SUBDIVISION/SITE PLAN APPROVAL COUNTRY CREEK PHASE II

Frank Spiotta was present to represent Rick Bower seeking Final approval for Phase II of the Country Creek Subdivision. Town Engineer J.P. Schepp stated that engineering concerns had been updated and a Plat map had been presented. He questioned the Storm Sewer Easement on the plat map that wasn't on the Site Plan map. Mr. Bower stated that was maintained for future development for storm water purposes. Mr. Schepp questioned whether that could be conveyed to the Town. Attorney Welch stated that it could be conveyed to the town. Mr. Spiotta stated that the easement had been added to the Site Plan along with dropped manholes as previously requested. Mr. Schepp stated that Recreation fees need to be addressed and a letter of credit was needed.

Attorney Welch stated that two different people own the property so a deed conveyance needs to be filed with the County. He needs to see the filed deed prior to the filing of the map. The approval would be contingent on the transfer of the property and proof of filing.

Dave Martin asked if there was a problem with 4 different people owning the pond. Mr. Bower stated that the situation regarding the pond is disclosed to the homeowners and restrictions are in place. Attorney Welch asked if there were any issues with homeowners not being able to access the back portion of their lots. Mr. Bower stated there haven't been any issues.

Chairperson Linda Morey asked if the Conservation Board had any issues. Jeanine Klopp asked if West Creek would be protected during construction. Mr. Spiotta stated that erosion controls were in place.

Dave Martin asked the depth of the pond. Mr. Bower stated he didn't know the depth but it would be a shallow grade and designed per specs.

A motion was made by Dave Martin, seconded by Tom Jensen to grant Final Subdivision approval to Country Creek Phase II contingent on proof of the property transfer being filed. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Final Site Plan approval to Country Creek Phase II. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

DISCUSSION

Chairman Linda Morey reminded everyone about the Flood Plain meeting scheduled for March 18 at 7:00pm. The time will count towards training.

Town Engineer J.P. Schepp handed out copies of the revised Development Regulations for everyone to review. They will have a workshop meeting to go over the revisions.

Building Inspector B.J. Maier stated that he had the owner of 122 Lake Road East Fork bring in plans to remodel more than 50% of his existing house. The project cost is \$220,000. He questioned whether a Site Plan approval is required for the addition. Some discussion took place. Attorney Welch stated that Site Plan approval from the Planning Board would be required.

ADJOURNMENT

A motion was made by Dane Emens, seconded by Tom Jensen to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey 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, April 7, 2008 at 7:30pm. Deadline for all fees is March 24, 2008 at 2:00pm.