

Hamlin Planning Board *Minutes*
Monday, May 5, 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, Linda Morey, and Chris Schlieter.

Excused: Dave Martin

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Charlie Welch, Town Board Liaison Dave Rose, Town Board member Mike Marchetti, Highway Superintendent Tom Ingraham, Building Inspector B.J. Maier, Conservation Board members Jeanine Klopp and Ed Evans, residents Susan and Anthony Cotsworth, Gwen Comstra, Tim Voight, Rich Maier and Irene Frediani.

A motion was made by Dane Emens, seconded by Ron Breslawski to approve the minutes from the April 7, 2008 meeting as recorded. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Morey aye, Schlieter aye. Motion carried, minutes approved.

The Clerk read Proof of Publication

PUBLIC HEARING

**MARCIA HOVER
SPECIAL USE PERMIT**

**179 CHURCH ROAD
HORSE BOARDING**

Marcia Hover was present to seek Special Use Permit approval to have a horse-boarding stable located at 179 Church Road. Ms. Hover explained that she has previously had the business but failed to renew the Special Use Permit and let it lapse. She explained that the business would still be for 35 horses. There are no changes to the business. Chris Schlieter asked if there were any issues with the business in the past. It was stated that there were no issues with the business.

At this time Chairperson Linda Morey 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 Chairperson Linda Morey closed the Public Hearing.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Special Use Permit approval to Marcia Hover to run a horse boarding stable for 35 horses located at 179 Church Road. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Morey aye, Schlieter aye. Motion carried.

The fee and an inspection would need to be completed prior to operation.

**SUSAN COTSWORTH
SPECIAL USE PERMIT**

**1 SUMMER HAVEN
BED AND BREAKFAST**

Susan Cotsworth was present to seek Special Use Permit approval to operate a Bed and Breakfast located at 1 Summer Haven. Attorney Welch asked if Mrs. Cotsworth resided at 1 Summer Haven. She stated that she did not. Attorney Welch stated that according to the code a Bed and Breakfast must be owner occupied. The owner must live there. He also mentioned that she was planning on having more than just a Bed and Breakfast there. From the previous application there would be meetings and conferences there also which is not allowed per the code. Attorney Welch explained that typically there are no meeting rooms in a Bed and Breakfast. People on vacation come and stay the night and have breakfast. Attorney Welch explained that she could apply for a variance but Use variances are very difficult to get approved. Attorney Welch stated that she was denied last summer but continued to advertise and rent out the cottage. Mrs. Cotsworth stated that they didn't put that on the website the company did just as a sample. Mrs. Cotsworth stated that another Board told her that she would be able to have a Bed and Breakfast there now because the code had changed. Attorney Welch explained that the code now allows for a Bed and Breakfast in the Shoreline zoning but it has to be owner occupied per the code. Mrs. Cotsworth stated that Supervisor Roach and B.J. Maier told her that she could have the Bed and Breakfast and everything looked good for the inspection. Town Board Liaison Dave Rose stated that at the Town Board meeting the code was approved but it does state that the owner must live there. There is also a deed restriction on the property that doesn't allow for a business there. At that meeting Attorney Licht explained that she would be committing perjury if she stated she lived there when she actually doesn't. Chairperson Linda Morey apologized for the confusion. Mrs. Cotsworth asked if she could rent the house. Attorney Welch explained that the whole house could be rented as a single family use as a single-family dwelling. It cannot be rented on a daily basis as a Bed and Breakfast or hotel. The deed restriction for the property can be enforced by the neighbors not allowing a business at that location but the Town doesn't enforce deed restrictions. Attorney Welch explained that the code does not allow for any businesses in the Shoreline zoning. They aren't permitted per the code. The Town Board passed a law allowing Bed and Breakfasts in the Shoreline zone just recently but the owner must reside there per the code. Therefore the Planning Board cannot approve the request for a Special Use Permit.

**CONCEPTUAL SITE PLAN APPROVAL
SALVATORE ANSELMO**

122 LAKE ROAD EAST FORK

Rich Maier from Maier Land Surveying was present to represent Mr. Anselmo seeking Conceptual Site Plan approval for an addition on his existing house located at 122 Lake Road East Fork. Mr. Maier explained that Mr. Anselmo is planning on increasing his

existing house by 50%. It is currently a single story house and the addition will be a single story addition. Town Engineer J.P. Schepp asked if there was a full basement there now. Mr. Anselmo stated there is a full basement under most of the dwelling now. He will be enlarging the basement for the footer. Mr. Schepp stated there are some Flood Plain regulations to look at then with the foundation. Tom Jensen asked if he would be going closer to the creek. Mr. Schepp stated that he couldn't go closer than the existing footprint of the house. Attorney Welch stated that the setback is measured from the property line. Attorney Welch stated that variances are needed because the use is being expanded. Mr. Schepp asked if bedrooms are being added and if so then Monroe County Health Department approval is required. Mr. Anselmo stated that no bedrooms or bathrooms are being added. Rich Maier questioned the variances and the Public Hearing. Attorney Welch explained that the existing structure is non-conforming but once it is changed then variances and a Public Hearing are required. Chairperson Linda Morey asked if the Conservation Board had any concerns. Jeanine Klopp stated that an LWRP had already been completed for this project. The Conservation Board has concerns with the septic location and with the addition going closer to the bank of the creek. Mr. Anselmo questioned why he needed variances. Attorney Welch explained the need for the variances.

A motion was made by Chris Schlieter, seconded by Ron Breslawski to grant Conceptual Site Plan approval and to refer Mr. Anselmo to the Zoning Board of Appeals for variances for an addition to his existing house located at 122 Lake Road East Fork. A Public Hearing was scheduled for the July 7, 2008 Planning Board meeting at 7:30pm for Preliminary approval. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Morey aye, Schlieter aye. Motion carried.

Chairperson Linda Morey stated that Mr. Maier needed to get maps into the Clerk for the Zoning Board meeting.

CONCEPTUAL SUBDIVISION/SITE PLAN APPROVAL MICHAEL AND MARILYN MITCHELL 2825 CHURCH ROAD

Rich Maier from Maier Land Surveying was present to represent Michael and Marilyn Mitchell seeking Conceptual Subdivision/Site Plan approval for 2825 Church Road to construct a single-family house. Mr. Maier explained that Mr. and Mrs. Mitchell own both lots. They want to subdivide 5 acres off of the one lot and sell it to their daughter to build on. The remaining acres would be added to the other lot. Town Engineer J.P. Schepp asked when the lot was originally approved. Mr. Maier stated it was approved in 1990. Mr. Schepp stated that zoning needed to be added, setbacks needed to be shown, the utilities needed to be shown. There was no perk for the septic. Monroe County Health Department approval would be needed. It is a County Road so a driveway permit from the County would need to be obtained. Site distances needed to be added. Recreation fee needed to be added. Monroe County Water Authority approval was needed. Updated hydrant information was needed. It has changed since 1990. Rich Maier asked if the Public Hearing could be waived. Attorney Welch stated that it

couldn't be waived per the code plus there were several Engineering issues that needed to be addressed.

A motion was made by Dane Emens, seconded by Tom Jensen to grant Conceptual Subdivision/Site Plan approval to Mr. and Mrs. Mitchell and to schedule a Public Hearing for June 2, 2008 at 7:30pm for Preliminary approval for 2825 Church Road. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Morey aye, Schlieter aye. Motion carried.

Chairperson Linda Morey reminded Rich Maier to have maps and fees in to the Clerk by the deadline.

**CONCEPTUAL SITE PLAN APPROVAL
RICK JENSEN**

7016 BENEDICT BEACH

Rich Maier from Maier Land Surveying was present to represent Rick Jensen seeking Site Plan approval to construct a single-family house at 7016 Benedict Beach. Rich Maier explained that his client has a purchase offer in on this property contingent on it getting Site Plan approval. He did submit house plans. Several variances are needed. This property did receive variances in 2005 but they have expired. Mr. Jensen does plan on removing the existing garage and cabana that is on the property so an impervious surface variance would not be needed. Attorney Welch stated that a variance for building in the Structural Hazard Area would be needed. Town Engineer J.P. Schepp stated that as long as the drainage is kept the same and catch basins are being added then there are no Engineering concerns.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Conceptual Site Plan approval and to refer Mr. Jensen to the Zoning Board of Appeals for variances to construct a single-family house at 7016 Benedict Beach. A Public Hearing was scheduled for the July 7, 2008 Planning Board meeting at 7:30pm for Preliminary approval. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Morey aye, Schlieter aye. Motion carried.

Chairperson Linda Morey reminded Rich Maier to have maps and fees in to the Clerk by the deadline.

**COMMERCIAL SITE PLAN APPROVAL
JEANNIE CARELLA**

39 KING STREET

Jeannie Carella was present to seek Commercial Site Plan approval to operate a dance studio at 39 King Street. Ms. Carella explained that she currently operated her dance studio at 1722 Lake Road and has had the business for 12 years. She wants to expand the business and needs a larger building. She wants to rent from the owner of 39 King Street. The prior business was a florist shop. Chairperson Linda Morey questioned the parking and how the overhead door in the back would be affected. Building Inspector B.J. Maier

stated that the business next door doesn't use the overhead door so the parking wouldn't be affected. Chris Schlieter asked if there were any other property issues. It was stated no there were not. Town Engineer J.P. Schepp stated that the parking requirements needed to be met. Attorney Welch explained that there is no parking in the code for a dance studio. Ms. Carella explained that her parents just drop off and pick up their children. Only a couple times a year during rehearsal do the parents actually park at the studio. Attorney Welch stated that 17 parking spaces area available. Town Engineer J. P. Schepp stated that the Fire Marshall would have to make sure that there was adequate emergency vehicle access to the building. Highway Superintendent Tom Ingraham stated that in the past there has been parking issues with customers parking along the street. He stated that parking along the street is not allowed. Ms. Carella stated that she would let her parents know that and would put it on her website. There would be no parking in the street.

A motion was made by Judy Hazen, seconded by Chris Schlieter to grant Commercial Site Plan approval to Jeannie Carella to operate a dance studio at 39 King Street. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Morey aye, Schlieter aye. Motion carried.

The Building Inspector would need to do an inspection of the property and issue a Certificate of Occupancy prior to opening.

DISCUSSION

Town Board Liaison Dave Rose stated that the Developmental Regulations should be approved once they get the corrections.

ADJOURNMENT

A motion was made by Tom Jensen, seconded by Dane Emens to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen 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, June 2, 2008 at 7:30pm. Deadline for all fees is May 19, 2008 at 2:00pm.