

Hamlin Planning Board *Minutes*
Monday, October 6, 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, Chris Schlieter.

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Charlie Welch, Deputy Supervisor Mike Marchetti, Building Inspector Charles Hungerford, Highway Superintendent Tom Ingraham, Conservation Board members Jeanine Klopp and Ed Evans, Engineer David Matt and residents Matt Capuano, Mary Jane Dreher, Lauren V. Nevil-Foos, Myona D. Listenzee and Debbie Howe.

Chairperson Linda Morey gave the Board's condolences to Ron Breslawski and his family for the recent loss of his father.

A motion was made by Dave Martin, seconded by Dane Emens to approve the minutes from the September 2, 2008 meeting as recorded. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried, minutes approved.

**FINAL SITE PLAN APPROVAL
MARY JANE DREYER**

6676 GREENWOOD PARKWAY

David Matt from Schultz Associates was present to represent Mary Jane Dreyer seeking Final Site Plan approval to construct a single-family house located at 6676 Greenwood Parkway. Dave Matt explained that the owner is tearing down the existing structure and building a new house with the leach field by the road and existing driveway that curves in with a paver loop in front of the house. They have received variances from the Zoning Board. At the last meeting they received Preliminary approval but some drainage concerns needed to be addressed. Drainage was improved along the west property line going towards the lake and downspouts off the house will drain towards the lake also. Town Engineer J.P. Schepp stated that all engineering concerns have been met.

A motion was made by Dane Emens, seconded by Dave Martin to grant Final Site Plan approval to Mary Jane Dreyer to construct a single family house located at 6676 Greenwood Parkway. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

**FINAL SITE PLAN APPORVAL
DONALD CAPUANO****6456 SHORE ACRES**

Rich Maier from Maier Land Surveying was present representing Donald Capuano seeking Final Site Plan approval to construct a single-family house located at 6456 Shore Acres. Rich Maier explained that they received Preliminary approval last month. All of Town Engineer J.P. Schepp's comments have been addressed. Town Engineer J.P. Schepp stated that plan notes needed to be added to the plans. Mr. Maier stated that they should be on there now.

Highway Superintendent Tom Ingraham requested that the drainage pipe be enlarged from a 4" pipe to a 6" pipe. Chris Schlieter questioned the hydraulics. Town Engineer J.P. Schepp stated that a 4" pipe is a little undersized. The owner would benefit from a larger pipe. A 6" pipe would be workable and wouldn't back up. Some discussion took place. The Board agreed with the change to a 6" pipe.

A motion was made by Chris Schlieter, seconded by Tom Jensen to grant Final Site Plan approval to Donald Capuano to construct a single-family house located at 6456 Shore Acres with the stipulation that the drainage pipe be increased to a 6" pipe. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

HAMLIN HOMETOWN CAFÉ**1722 LAKE ROAD**

Debbie Howe was present seeking approval for a revised Site Plan for the Hamlin Hometown Café located at 1722 Lake Road. She explained that since the last time they were here the Chiropractor has moved. They have taken over the office space and are using it for over flow. The area holds 33 people. They also want to add a drive up window. It is already marked and doesn't affect the parking. Dane Emens questioned if it was just one window. Debbie stated yes just one window. Town Engineer J.P. Schepp stated that the original plan stated that the gas island was being removed. Debbie stated that they would have to check with the owner about that. Mr. Schepp stated that it was part of the original approval. Building Inspector Charlie Hungerford stated that he gave the owner until the end of last month to remove it. He is working on it. Dane Emens questioned if the owner is not in compliance then what happens now. Building Inspector Charlie Hungerford stated that he will remove it or he will be going to court. Debbie stated that the fence around the dumpster will be put up now too. They were waiting for the owner to remove his dumpsters first.

A motion was made by Judy Hazen, seconded by Chris Schlieter to grant approval for the revised Site Plan for Hamlin Hometown Café to include the over flow room and drive up

window. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

CONCEPTUAL SUBDIVISION/SITE PLAN APPROVAL

JOANNE MOSLEY

624 HAMLIN CLARKSON T.L. ROAD

Dave Matt from Schultz Associates was present to represent Joanne Mosley seeking Conceptual Subdivision/Site Plan approval for 624 Hamlin Clarkson T.L. Road. Dave Matt explained that the owner purchased the 43-acre parcel on Hamlin Clarkson T.L. Road and wants to divide off 6.4 acres to build her house on. The utilities are at the road. The sewer would pump to the road then connect to the Subdivision sewer main that is right next to the property. The larger remaining parcel has a large section of wetlands. Their wetland biologist found just a ditch running up the middle of the lot. Town Engineer J.P. Schepp explained that in Hamlin there is a Conservation Overlay District and that the 200' buffer needs to be shown on the plan. They have to get a permit from the Planning Board to build within the buffer. Mr. Schepp explained that the force main has been dedicated to the Town so he needs to check with Tom Ingraham because he maintains the line and see if it is feasible to add this property. The line was created for the Subdivision only and they don't want to over tax the line. Some discussion took place. Chris questioned the sewer connection if lot 201 of the subdivision was to be developed. Mr. Schepp stated that more detail is needed. The capacity of the line needs to be verified. Connecting to the sewer line needs to be looked into. Jeanine from the Conservation Board stated that her Conservation Overlay District concerns were addressed already but she wanted to point out that the site location map was incorrect. Dave Matt stated that the owner had changed the location of the house and he will make that correction. Tom Jensen asked if there were any plans to develop the larger lot. Dave Matt stated that the women's daughter owns the lot to the west so there were no plans for development in the near future.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Conceptual Subdivision/Site Plan approval to Joanne Mosley for 624 Hamlin Clarkson T.L. Road. 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 amend the motion to schedule a Public Hearing for December 1, 2008 at 7:30pm for 624 Hamlin Clarkson T.L. Road. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

DISCUSSION

Chairperson Linda Morey stated that the Board received correspondence from Thomas Haley from the DEC regarding the Greenwood Parkway proposal and other projects along the lake. Attorney Welch explained that the Town of Hamlin has an approved code. The Town has priority over these regulations. The property at Greenwood Parkway received a variance so the structure didn't need to be moveable per the code. Chris Schlieter stated that the LWRP and the code address these issues. The State approved our Town code, which supercedes what the State says. Charlie Hungerford stated that State law says that no one can build in the Structural Hazard Area. Attorney Welch explained that there is a process for getting a variance and that was followed. Charlie Hungerford stated that by allowing these homes to be built we are putting these people in jeopardy. The new homes don't meet the code. Chris Schlieter suggested getting an opinion from the DOS because any structure can be moved. Attorney Welch stated that if it is on a foundation then it is considered a non-moveable structure. Town Engineer J.P. Schepp stated that if the owners don't get a variance then they would just add on 25% at a time until they have rebuilt the entire structure anyway. Linda Morey stated that we need some clarity. Charlie Hungerford stated that in theory 100 years from now those houses wouldn't be there. Chris Schlieter stated that if the State approved our code and the LWRP then we need to be on the same page and find out who has jurisdiction. Attorney Welch stated that most of the lots along the lake are completely in the Hazard Area. Chris Schlieter questioned if there needs to be a different protocol for the Zoning Board when variances are issued along the lake. Tom Jensen agreed that they are building in an area that could flood. It is very dangerous. Chris Schlieter stated that it comes back to how the lake level is regulated too. This needs to be researched. Linda Morey stated that this needs to start with the Zoning Board since they issue the variances. Charlie Hungerford stated that he could contact the person listed in the email at the DEC. Town Engineer J.P. Schepp stated that they have made them raise the first floor elevations and other changes to make it safer. Conservation Board member Ed Evans requested that this discussion be passed on to the Zoning Board. Tom Jensen stated that it will be part of our minutes but this Board does not have any power over the Zoning Board. Chris Schlieter stated that everyone has the right for a variance. The Town Engineer reviews the projects and makes changes to protect the homeowners. Tom Jensen suggested that this be discussed at the next Zoning Workshop. Some discussion took place on when the next workshop was. The date of the next workshop is to be determined.

Building Inspector Charlie Hungerford stated that a commercial business in town wants to expand their building and he questioned if they need to come back before the Board. Town Engineer J. P. Schepp stated that if the addition affected drainage, water, sewer or parking then it should come back before the Board. Mr. Hungerford stated that the addition would not affect anything. It is just a 25% addition to the existing structure. The Board agreed that it didn't need to come back before them.

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, November 3, 2008 at 7:30pm. Deadline for all fees is October 20, 2008 at 12:00pm.