

Hamlin Planning Board *Minutes*
Monday, December 1, 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, Highway Superintendent, Conservation Board members Jeanine Klopp and Ed Evans, Engineer Dave Matt and residents Timothy Slossar, Joanne Mosley, Brian Licata, Ron and Anne Klein, Ken Dauphinee, Michelle Farrell, Melissa Natoli and Mark Ballerstein.

A motion was made by Dane Emens, seconded by Judy Hazen to approve the minutes from the November 3, 2008 meeting as recorded. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter abstain. Motion carried, minutes approved.

Chairperson Linda Morey thanked Dane Emens for his many years of service to the Planning Board and wished him well on his retirement.

A motion was made by Judy Hazen, seconded by Tom Jensen to nominate Linda Morey as Chairperson of the Board for the year 2009. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey abstain, Schlieter aye. Motion carried.

A motion was made by Judy Hazen, seconded by Chris Schlieter to nominate Dave Martin as Vice Chairperson of the Board for the year 2009. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin abstain, Morey aye, Schlieter aye. Motion carried.

The Clerk read Proof of Publication

PUBLIC HEARING

PRELIMINARY SUBDIVISION/SITE PLAN APPROVAL

MOSLEY SUBDIVISION

624 HAMLIN CLARKSON T.L. RD.

Dave Matt from Schultz Associates was present to represent Joanne Mosley seeking Preliminary Subdivision/Site Plan approval for a 2-lot Subdivision located at 624 Hamlin Clarkson T.L. Road. Mr. Matt explained that the lot is on the north side of the road and is currently 43 acres. The owner would like to divide 6.5 acres off and build a single-family house on Lot 2. The lot is currently vacant with some wetlands. The house would be set back about 100' with public water, sewer, gas and electric. The sewer system will be pumped to the Fawn Meadow sewer line and connect at the road. Calculations have

been submitted that show that the system can handle the additional property. They will petition to be part of the existing water district.

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

Ron Klein of 11 Fawn Meadow Drive and President of the Homeowner's Association was concerned about who would pay to repair Fawn Meadow Drive and if the sewer system was capable of handling another property. He also stated that the homeowners pay the expense of the sewer line and it would only be fair that the new owners share the expense if they hook into it.

Tim Slossar of 7 Fawn Meadow had an Attorney research Town records and he stated that no easements have been granted to the Town in regards to the sewer system. He claims that RG & E, Time Warner, Frontier and Niagara Mohawk are the only easements filed. He stated that the Town dissolved the easements that Schultz Engineers currently show on the map. They were never recorded. He stated that the sewer system is privately owned. He is also concerned about the wetlands behind him. He has water issues behind his house. B.J., Charlie Hungerford and J.P. have all been out to his house and the water problem hasn't been solved. All of these people said they would resolve it but have not. Pictures were passed around showing his water problem.

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp stated that he has reviewed the issues on the water main and force main sewer line. He explained that the initial Fawn Meadow project had another road that came out onto Lake Road. The developer came back to the Board and changed the plans. The easements that were dissolved were the easements that went with the first plan. He met with the Highway Superintendent and the Town accepted dedication of the water line and force main sewer line. He recommended that they use the connection at the right of way to tie in for the new house. He explained that the Town would require Schultz Engineers to provide a letter of credit that would include repairs to Fawn Meadow Drive. He recommends that they bore under the road instead of cutting through it. He explained that the portion where they are tying into is in the Town right of way. He stated that a biologist has delineated the existing wetlands. There is no work being done in the wetland buffer zone. There will be minimal drainage impact. He explained that the drainage would be directed towards the swale along the west property line.

Highway Superintendent Tom Ingraham stated that the dedication of the water and sewer lines was August 2003.

Attorney Welch clarified that that the Town dissolved the easements for the original plans not the current Fawn Meadow line easements. The Town has only one sewer district.

Conservation Board member Jeanine Klopp stated that her only concern was if the wetlands had been delineated and they had.

Chris Schlieter discussed the drainage issues for 7 and 11 Fawn Meadow. He questioned where the existing swale is that is in the picture with the ducks. Mr. Slossar showed where the swale goes on the map. He stated a pipe was put in that goes to one pond then drains to another pond. Chris Schlieter stated that he doesn't see the swale that Mr. Slossar refers to on the map. Mr. Slossar stated that Mr. Mattle removed the swale when the house was built. Chris Schlieter asked if the drainage could be improved on Lot 2. Dave Matt stated that they could increase the swale to the north of the proposed house and take water to the swale along the west property line. He stated that this project wouldn't cause any additional water issues. The owners on Fawn Meadow will still have their existing water issues. Town Engineer J.P. Schepp stated that this development wouldn't make the existing water issue any worse. Dave Martin asked if the swale on Fawn Meadow is plugged. Mr. Slossar stated that it is all standing water now from the road back. Dave Martin asked who maintains the swale now. Dave Matt stated that the swale is on Fawn Meadow property. Tom Jensen suggested cleaning out the swale and maintaining it. He suggested looking at increasing the pipe size and making sure the screens are not plugged at the pond outlets. Chris Schlieter mentioned a memo from the DEC regarding additional permits may be required and suggested Schultz should check with them. Dave Matt stated that they are not building in the wetland buffer.

A motion was made by Chris Schlieter, seconded by Tom Jensen to grant Preliminary Subdivision/Site Plan approval for the Mosley Subdivision located at 624 Hamlin Clarkson T.L. Road with the stipulation that the swale to the north of the proposed house be increased on Lot 2. This is an Unlisted Negative SEQR Declaration. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

SIMPLE SUBDIVISION APPROVAL WILLIAM BARDIN SUBDIVISION

2203 REDMAN ROAD

Dave Matt from Schultz Associates was present to represent William Bardin seeking Simple Subdivision approval for the William Bardin Subdivision located at 2203 Redman Road. Mr. Matt stated that in 1983 this lot was subdivided by deed only. It was never filed. The lot is 224' wide and the house is about 50' from the road. The pond has existed for about 50 years. The owner would like to make this a proper subdivision and file it.

Town Engineer J.P. Schepp had no concerns.

Attorney Welch stated that it is a pre-existing non-conforming lot. There were no pond regulations prior to 1992.

A motion was made by Dave Martin, seconded by Dane Emens to grant Simple Subdivision approval to William Bardin for the William Bardin Subdivision located at 2203 Redman Road. The Board waived the need for a Public Hearing per Town Code 125-75 E 10. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

CONCEPTUAL SUBDIVISION/SITE PLAN APPROVAL

HOWE SUBDIVISION

2728 CHURCH ROAD

Dave Matt from Schultz Associates was present to represent Dennis and Karen Howe seeking Subdivision/Site Plan approval for the Howe Subdivision located at 2728 Church Road. Mr. Matt explained that the owners came before the Board several years ago with this plan but never received Final approval. They are coming back with the same plan. No changes to the map. The map has just been updated.

Town Engineer J.P. Schepp stated that public water available needed to be added to the plan so that the 190' lot width is allowable.

Attorney Welch stated that there are no changes but since it is a Site Plan a Public Hearing is required.

Chris Schlieter stated that the spelling of Brick Schoolhouse Road needed to be corrected.

Dave Martin questioned the driveway length. Dave Matt stated 435'.

A motion was made by Tom Jensen, seconded by Dave Martin to schedule a Public Hearing for Dennis and Karen Howe for Preliminary Subdivision/Site Plan approval of the Howe Subdivision located at 2728 Church Road for January 5, 2009 at 7:30pm. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

SIMPLE SUBDIVISION APPROVAL

C.A. LUPO SUBDIVISION

ROOSEVELT HIGHWAY

Rich Maier from Maier Land Surveying was present to represent Carl Lupo seeking Simple Subdivision approval for the C.A. Subdivision located on Roosevelt Highway. Tax account #030.02-1-47. Mr. Maier stated that this lot was divided by deed years ago.

The owner wants to make it a legal Subdivision and have it filed. Tom Jensen stated that the lot is not approved for building. Mr. Maier agreed.

A motion was made by Dave Martin, seconded by Dane Emens to grant Simple Subdivision approval to Carl Lupo for the C.A. Lupo Subdivision located on Roosevelt Highway. Tax account # 030.02-1-47. The Board waived the need for a Public Hearing per Town Code 125-75 E 10. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

**SIMPLE SUBDIVISION APPROVAL
NORTHWEST SUBDIVISION**

REDMAN ROAD

Rich Maier from Maier Land Surveying was present to represent Greg Speer seeking Simple Subdivision approval for the Northwest Subdivision located on Redman Road. Tax account #005.01-005-004.111. Mr. Maier stated that the owner is interested in selling off some of his property but would like to keep the pond for irrigation of the golf course. He is dividing off the pond and has created a 25' right of way to maintain the pond.

Town Engineer J. P. Schepp stated that Lot 2 is entirely pond in the Conservation Overlay District. It is not approved for building. Mr. Maier stated that they have no intentions of developing the lot. Lot 1 is currently being farmed.

Chris Schlieter questioned the lot width. It was determined that it is a Flag lot. Tom Jensen stated that Lot 2 should note "not approved for building".

Some discussion took place.

A motion was made by Tom Jensen, seconded by Ron Breslawski to grant Simple Subdivision approval to Greg Speer for the Northwest Subdivision located on Redman Road with the stipulation that Lot 2 is not approved for building. Tax account # 005.01-005-004.111. The Board waived the need for a Public Hearing per Town Code 125-75 E 10. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

**SIMPLE SUBDIVISION APPROVAL
WEST WIND SUBDIVISION**

REDMAN ROAD

Rich Maier from Maier Land Surveying was present to represent Greg Speer seeking Simple Subdivision approval for the West Wind Subdivision located on Redman Road. Tax account #005.04-001-013.112. Mr. Maier stated that the owner is interested in selling off some of his property so he wants to divide some land off.

Town Engineer J.P. Schepp stated that he was concerned that the Site Plan approval for the Golf Course isn't impacted by this subdivision. He would like to review the Golf Course Site Plan. A discussion took place about the location of the holes and if there was a buffer for the golf course or not.

A motion was made by Dave Martin, seconded by Dane Emens to grant Simple Subdivision approval to Greg Speer for the West Winds Subdivision located on Redman Road with the stipulation that the Site Plan for the golf course be reviewed to determine if a buffer exists and if it does to ensure that it won't be affected by this subdivision. Tax account # 005.04-001-013.112. The Board waived the need for a Public Hearing per Town Code 125-75 E 10. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

COMMERCIAL SITE PLAN APPROVAL

GOOD TIMES SALOON

1484 LAKE ROAD

Melissa Natoli and Michelle Farrell were present seeking Commercial Site Plan approval for the Good Times Saloon located at 1484 Lake Road. They would like to open a Bar/Restaurant. They explained that they are leasing the building from Mr. Dollard. The total bottom floor area is 2700 sq. ft. The kitchen is approx. 20' x 30'. They are not sure of the sizes of all of the rooms.

Chairperson Linda Morey asked if the building was handicap accessible. They stated no it isn't but their Attorney is discussing that with the owner. The bathrooms are not handicap accessible either.

They are waiting to hear back from the Liquor Authority. They will have 5-6 employees. 7-8 when the bar opens. They plan to have 13 tables now and add more when the bar opens.

Attorney Welch stated that there were some parking issues. There are 10-12 parking spaces in the front. If there are 13 tables then 21 parking spaces are required. Additional parking behind the strip of shops next to the bar was discussed. There are 4 apartments above the strip of shops also. Mr. Dollard stated that there are 45 spaces behind the strip of shops. Attorney Welch questioned the number of spaces and asked if that included the Post Office parking. Mr. Dollard said no they have separate parking. Attorney Welch stated that he would verify the additional parking spaces behind the strip of shops.

Tom Jensen asked if they would be using the apartments above the bar. It was stated not at this time but they are available to them if they want to use them.

Dave Martin asked the bar hours. It was stated that the bar would be open from 11:00am-2:00am.

Town Engineer J.P. Schepp stated that there are some parking concerns and if the apartments upstairs are used then that is additional parking that is required.

Attorney Welch questioned their experience in the business. It was stated that one of their husbands managed a bar previously. They stated that they would like to change it around and make it a place where families could come to eat or friends could come to hang out and have a good time.

Chairperson Linda Morey stated that they would need a more detailed description and map for the Public Hearing next month with the parking spaces marked.

A motion was made by Judy Hazen, seconded by Tom Jensen to schedule a Public Hearing for Melissa Natolli and Michelle Farrell for Commercial Site Plan approval for the Good Times Saloon located at 1484 Lake Road for January 5, 2009 at 7:30pm. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

They were reminded to have maps and fees into the Clerk by the deadline.

EXECUTIVE SESSION

A motion was made by Tom Jensen, seconded by Dane Emens to go into Executive Session for a Personnel matter. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

A motion was made by Tom Jensen, seconded by Ron Breslawski to come out of Executive Session. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Schlieter aye. Motion carried.

ADJOURNMENT

A motion was made by Dave Martin, seconded by Tom Jensen to adjourn tonight's meeting barring no further business at 9:10pm. Members polled Breslawski aye, Emens aye, Hazen aye, Jensen aye, Martin aye, Morey 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, January 5, 2009 at 7:30pm. Deadline for all fees is December 15, 2008 at 12:00pm.