

Hamlin Planning Board *Minutes*  
Monday, February 2, 2009  
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: Judith Hazen, Tom Jensen, Dave Martin, Linda Morey and Mark Reeves.

Excused: Ron Breslawski

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Charlie Welch, Town Board Liaison Dave Rose, Highway Superintendent Tom Ingraham, Building Inspector Charles Hungerford, Conservation Board members Jeanine Klopp and Ed Evans, Engineers Dave Matt and Randall LaDieu and residents Dennis and Karen Howe, Gary Sherwood and David and Donna Butterbaugh.

A motion was made by Judy Hazen, seconded by Tom Jensen to approve the minutes from the January 5, 2009 meeting as recorded. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried, minutes approved.

*The Clerk read Proof of Publication*

**PUBLIC HEARING**

**PRELIMINARY SITE PLAN APPROVAL  
STRASSNER RE-SUBDIVISION**

**770 MARTIN ROAD**

Randall LaDieu from LaDieu Associates was present representing Markus Spaker and Donna Galloway seeking Preliminary Site Plan approval to construct a single-family house located at 770 Martin Road. Mr. LaDieu stated that this lot was approved in 2002 and then sold. The new owners want to move the footprint of the house back 100'. The septic location and everything else is staying the same. They have a letter from Monroe County Health Dept. They have submitted to M.C.W.A. to approve a 1 1/2 inch tap and meter. Due to the setback of the house a sprinkler system is being proposed. The driveway is per the Town requirements.

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.

Town Engineer J.P. Schepp stated that all of the Engineering concerns have been addressed. However there was a difference in interpretation of the Conservation Overlay District. Mr. Schepp interprets the code to require either 100' from the Flood Plain or

100' from the Conservation Overlay District. The Conservation Board is asking for both to be labeled.

Dave Martin stated that Brush Creek has recently been cleaned up so if it is maintained there shouldn't be any problems.

Mr. Schepp stated that the house and the septic are not in the Conservation Overlay it is just a small part of the driveway. Attorney Welch agreed that it is one or the other not both. Conservation Board member Jeanine Klopp questioned if it needed to be designated on the map.

Mark reeves stated if the map needed to be revised then there were some spelling corrections that should be made.

It was agreed that the Conservation Overlay District label be added to the map.

Town Engineer J.P. Schepp stated that if a pond was going to be used for the fill that it needed to be added to the plans. Mr. LaDieu stated that they wouldn't be using a pond. They would be bringing in clean fill.

A motion was made by Tom Jensen, seconded by Judy Hazen to grant Preliminary Site Plan approval for the Strassner Subdivision for a single family house located at 770 Martin Road with the provision that the spelling corrections be made and the Conservation Overlay District label be added to the plans. This is a Type II Unlisted SEQR determination. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

A motion was made by Tom Jensen, seconded by Judy Hazen to grant Final Site Plan approval for the Strassner Subdivision for a single-family house located at 770 Martin Road. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

### **PUBLIC HEARING**

#### **PRELIMINARY SUBDIVISION/SITE PLAN APPROVAL**

#### **HOWE SUBDIVISION**

#### **2728 CHURCH ROAD**

Dave Matt from Schultz Associates was present representing Dennis and Karen Howe seeking Preliminary Subdivision/Site Plan approval for the Howe Subdivision to construct a single family house located at 2728 Church Road. Mr. Matt stated that this was previously subdivided and the Site Plan was approved. There were no changes.

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.

Town Engineer J.P. Schepp stated that the minimum lot width correction had been made and there were no other engineering concerns.

Conservation Board member Jeanine Klopp questioned one of the comments from the Monroe County Planning and Development memo regarding changing the twin culvert that was proposed.

Town Engineer J.P. Schepp stated that there are no issues with the twin culvert. It will have minimal impact if any. This is a small swale.

A motion was made by Dave Martin, seconded by Tom Jensen to grant Preliminary Subdivision/Site Plan approval to the Howe Subdivision for a single-family house located at 2728 Church Road. This is a Type II Negative SEQR determination. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

A motion was made by Dave Martin, seconded by Tom Jensen to grant Final Subdivision/Site Plan approval to the Howe Subdivision for a single-family house located at 2728 Church Road. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

### **PUBLIC HEARING**

#### **COMMERCIAL SITE PLAN APPROVAL**

**JOHN ANTONIOU**

**1721 LAKE ROAD**

Owner John Antoniou was present seeking Commercial Site Plan approval for a Restaurant/Bar located at 1721 Lake Road. Mr. Antoniou stated that he would like to re-open the Hamlin Diner and serve beer and wine there now also.

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

Dave Butterbaugh of 1727 Lake Road stated that he owns the house directly south of the proposed restaurant. He stated that he doesn't have any issues with a restaurant but he is opposed to a bar. He doesn't want to live between two bars. He currently has problems with traffic, trash and trespassing. When Mr. Antoniou was given approval for the addition on the restaurant he never followed through with a buffer between the properties that he was suppose to put in. The yard around the restaurant is not maintained and the snow is pushed into the neighbor's property and kills his shrubs. He understands that he lives in a commercial zone but he doesn't want to live next to two bars.

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp stated that there has been some history of parking concerns at this location. As long as there is enough available parking then there are no other engineering concerns.

Building Inspector Charlie Hungerford stated that he measured the parking. The plan calls for 28 tables, which would be 112 people. Because the building does not have a sprinkler system the maximum occupancy is 99 people therefore only 25 tables are allowed. With customers and staff, 31 parking spaces are required. There is no parking allowed between the buildings along the north because Mr. Antoniou doesn't own all of that property. With parking in the front and rear of the building there are enough spaces.

Attorney Welch questioned if there was going to be an actual bar or only beer and wine were going to be offered on the menu. Mr. Antoniou stated no actual bar just serving beer and wine. Attorney Welch questioned the hours of operation. Mr. Antoniou stated Sundays 6:00 am until 2:00 pm, Monday through Wednesday 6:00 am until 9:00 pm and Thursday through Saturday 6:00 am until 10:00 pm.

Chairperson Linda Morey asked Mr. Antoniou what he planned to do for a barrier between the neighbor's property. Mr. Antoniou stated that he was surprised by Mr. Butterbaugh's complaint that the snowplow puts the snow on his property. He owns 8' over and that is where the snow is piled. He stated that he would build a wall along the property. Mr. Antoniou stated that some of his neighbor's trees hang on his roof also. Chairperson Linda Morey questioned if the building was for sale because of the sign on the building. Mr. Antoniou stated no they are going forward with this plan.

Dave Martin asked Mr. Antoniou if he could take care of the neighbors concerns. Mr. Antoniou stated that the problem would be eliminated. Tom Jensen stated that maybe the trees could be trimmed back along the property line and that the hired snowplow guy could respect the neighbor's property when he is plowing. Mr. Butterbaugh stated that he planned on removing the tree in the back that hangs over on the restaurant. He also stated that there was suppose to be a wall built to help eliminate runoff onto his property too but that was never done. Judy Hazen questioned what kind of buffer Mr. Antoniou was planning on putting up. Mr. Antoniou stated he would put up a 12" high wall to keep cars and snow from going onto the neighbor's property and killing his shrubs.

Building Inspector Charlie Hungerford stated that the dumpster needed to be enclosed also. Mr. Antoniou agreed.

Mr. Antoniou stated that there were some issues with the VFW sewer lines also. The water doesn't drain and backs up on his property and his neighbors. He stated that the VFW needs to run a new line.



plan for the parking lot needs to be shown. Paving of the parking lot and curbing are required. There are some setback issues. Some discussion took place regarding setbacks and whether variances were required.

Tom Jensen questioned the current sq. ft. Mr. Danzig stated about 2300 sq. ft. The restaurant addition would be about 4000 sq. ft. and the retail addition about 3000 sq. ft.

Attorney Welch stated that the Board could refer the proposal to the Zoning Board for a variance due to the lots being combined.

Some discussion on setbacks took place.

Town Engineer J.P. Schepp stated that the setbacks needed to be shown on the plans.

Tom Jensen asked since the proposal is being done in phases, phase I doesn't have any parking concerns until phase 2 then he questioned if there were enough parking spaces available. Plus the code requires the parking lot to be paved. So in phase 1 the parking lot would need to be paved then torn out for the phase 2 retail addition.

Building Inspector Charlie Hungerford agreed that there were not enough parking spaces for phase 2. Mr. Maier stated that calculations for parking were done for each phase and are shown on the plans.

Some discussion on parking took place.

Town Engineer J.P. Schepp stated that parking tally would be determined on the use of the retail space in the future. He also stated that according to the code a 10' planted buffer between residential and commercial property is required. Therefore a 10' buffer is required along the front. Mr. Maier stated that site distances for the driveways would be affected by a planted buffer.

Town Engineer J.P. Schepp stated that impervious surface calculations should be added to the plans. The M.C.W.A. needed to approve the two additional water services on the property. They usually only approve one meter per property and once this is combined it would be considered one property. The Flood Plain for Otis Creek needed to be added to the plans. The storm water detention needed to be shown on the plans. More runoff is being created so drainage needs to be shown. The Town Plan Notes need to be added also.

Building Inspector Charlie Hungerford stated that address corrections needed to be made and driveway permits are required.

A motion was made by Tom Jensen, seconded by Mark Reeves to grant Simple Lot Combination approval for Mr. and Mrs. Danzig for 913 Roosevelt Highway. The Board waives the need for a Public Hearing per Town Code 125-74 E 10. This is an unlisted SEQR determination. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

Some discussion took place on the buffer requirement.

Town Engineer J.P. Schepp stated that the DOT might make road cut changes. The neighbors may have some lighting concerns also.

Highway Superintendent Tom Ingrahm stated that the State might eliminate the second driveway cut. He also stated that the buffer might cause traffic issues.

A motion was made by Tom Jensen, seconded by Dave Martin to grant Conceptual Commercial Site Plan approval for Phase 1 and 2 of the proposal located at 913 Roosevelt Highway. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

A motion was made by Tom Jensen, seconded by Judy Hazen to refer the proposal located at 913 Roosevelt Highway to the Zoning Board for variances and schedule a Public Hearing for Preliminary Commercial Site Plan approval for the April 6, 2009 meeting at 7:30pm. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

### **REVISED SITE PLAN APPROVAL 6676 GREENWOOD PARKWAY**

Dave Matt from Schultz Associates was present representing Mary Jane Dreher seeking revised Site Plan approval for changes made to the site plan located at 6676 Greenwood Parkway. Mr. Matt explained that the owner decided to change the location of the driveway to the other side of the lot, which meant that the location of the leach field had to be moved also. An additional catch basin was added on the east side also.

Town Engineer J.P. Schepp had no engineering issues.

Building Inspector Charlie Hungerford added that the house was raised about 2' so the original pump system was not required per the plan.

A motion was made by Tom Jensen, seconded by Dave Martin to grant revised Site Plan approval to Mary Jane Dreher for changes made at 6676 Greenwood Parkway as presented. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

**SIMPLE LOT COMBINATION  
SHERWOOD SUBDIVISION**

**1648 CHURCH ROAD**

Dave Matt from Schultz Associates was present representing Linda and Gary Sherwood seeking Simple Lot Combination for the Sherwood Subdivision located at 1648 Church Road. Mr. Matt stated that the owners would like to combine all three lots into one creating one 49-acre lot.

Town Engineer J.P. Schepp had no engineering concerns.

A motion was made by Tom Jensen, seconded by Dave Martin to grant Simple Lot Combination approval to Mr. and Mrs. Sherwood for the Sherwood Subdivision located at 1648 Church Road. The Board waives the need for a Public Hearing per Town Code 125-74 E 10. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

**MYLAR RE-SIGNING  
ROWELL SUBDIVISION**

Rich Maier from DDS Engineers was present representing Jerry Rowell seeking updated approval for the Rowell Subdivision. Mr. Maier explained that the Rowell Subdivision was previously approved but was not filed within the 60 days per the Town Code. A list of changes that were made after the approval was provided to the Board.

Town Engineer J.P. Schepp stated that he reviewed the changes that were made and there were no issues.

A motion was made by Tom Jensen, seconded by Dave Martin to grant Final revised Site Plan approval to the Rowell Subdivision. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried.

**DISCUSSION**

Town Board Liaison Dave Rose stated that at the first Zoning Workshop they looked at out door wood burners, shoreline zoning and R-VL lot size. They formed sub committees to get information on each of these topics for the next meeting. They would

like to get the county involved in the shoreline zoning review and have them take a walk through. Charlie Hungerford is taking a look at the code and making a list of areas that needed to be updated. The zoning meetings will be the third Thursday of every month at 7:00pm. The Town Board will let the State regulate the setbacks for wind towers. Down the road there will probably be a Public Hearing for individual wind towers. They are thinking about changing the height to 150' for residential towers.

**ADJOURNMENT**

A motion was made by Mark Reeves, seconded by Tom Jensen to adjourn tonight's meeting barring no further business. Members polled Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves 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, March 2, 2009 at 7:30pm. Deadline for all fees is February 13, 2009 at 12:00pm.**