

Hamlin Planning Board *Minutes*  
Monday, March 1, 2010  
7:30pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by the 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, Judith Hazen, Tom Jensen, Dave Martin, Linda Morey, Mark Reeves and Peter Tonery.

Also present: Town Engineer J.P. Schepp, Town Board Liaison Tom Breslawski, Building Inspector Lee Nettnin, Conservation Board members Jeanine Klopp, Nick Kramer, Jason Baxter and Ed Evans and resident Milton Shoup.

A motion was made by Tom Jensen, seconded by Judy Hazen to approve the minutes from the February 1, 2010 meeting as recorded. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried, minutes approved.

**SIMPLE LOT COMBINATION  
RODAS SUBDIVISION  
539 CHASE ROAD**

Rich Maier was present representing Ronald Rodas seeking a Simple Lot Combination for the Rodas Subdivision located at 539 Chase Road. Mr. Maier explained that Mr. Rodas just wanted to combine the two lots together. There were no concerns.

A motion was made by Judy Hazen, seconded by Tom Jensen to grant Simple Lot Combination approval to Ronald Rodas for the Rodas Subdivision located at 539 Chase Road. The Board waives the need for a Public Hearing per Town Code 125-74 B (10). This is a Type II Negative Declaration SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SITE PLAN APPROVAL/IN LAW APARTMENT  
465 LAKE ROAD EAST FORK**

Application for John Bello and Phyllis Bovenzi seeking Site Plan approval for an In Law apartment located at 465 Lake Road East Fork.

Town Engineer J.P. Schepp stated that adequate sewer and water needed to be verified. Building Inspector Lee Nettin stated that he had some minor concerns that he spoke to the owner about. Smoke and CO detectors would be required. Dave Martin questioned if it could be rented. Per Town Code it cannot be rented. Only family members can live there. Tom Jensen stated that there is adequate parking there but the sewer and water would have to be checked. Attorney Ken Licht stated that no motion should be made until comments from the County have been received back or 30 days have passed. After discussion the Board and Attorney Ken Licht decided that the In Law apartment has existed and there would not be any comments from the County for the proposal.

A motion was made by Dave Martin, seconded by Mark Reeves to grant Site Plan approval for an In Law apartment to John Bello and Phyllis Bovenzi located at 465 Lake Road East Fork with the stipulation that it meets sewer and water regulations and smoke and CO detectors are installed. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE LOT COMBINATION  
R & T RATH SUBDIVISION  
BRICK SCHOOLHOUSE ROAD**

Rich Maier was present to represent Robert and Todd Rath seeking Simple Lot Combination for the R & T Rath Subdivision located on Brick Schoolhouse Road. Mr. Maier stated that “not approved for building” has been added per Town Engineer comments. A flag lot is being created. No future plans at this time. Comments have not been received back from the County. Peter Tonery questioned the width of the lot. It was determined that 60’ was allowed.

A motion was made by Peter Tonery, seconded by Dave Martin to grant Simple Lot Subdivision approval for the R & T Rath Subdivision located on Brick Schoolhouse Road contingent on no negative comments from the County. The Board waives the need for a Public Hearing per Town Code 125-74 B (10). This is a Type II Negative Declaration SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE LOT COMBINATION  
DRAKEWOOD SUBDIVISION  
LOT R-22  
3487 ROOSEVELY HIGHWAY**

Todd Baase was present seeking a Simple Lot Combination for the Drakewood Subdivision Lot R-22 located at 3487 Roosevelt Highway. Mr. Baase explained that he just wanted to add his vacant lot to the lot with his house on it. There were no concerns.

A motion was made by Mark Reeves, seconded by Tom Jensen to grant Simple Lot Combination approval to Todd and Sarah Baase for Lot R-22 of the Drakewood Subdivision located at 3487 Roosevelt Highway. The Board waives the need for a Public Hearing per Town Code 125-74 B (10). This is a Type II Negative Declaration SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**RE-SUBDIVISION APPROVAL  
HAMLIN MEADOWS  
LOT R-102 SECTION NO. 1  
BEEHLER LANE**

Application for Beehler Construction seeking approval for the Re-Subdivision of Lot R-102 of the Hamlin Meadows Re-Subdivision Section No. 1. It was explained that this was previously approved however the bay window was not added. Town Engineer J.P. Schepp stated that the owner's Attorney recommended that they include the bay window in the subdivision of the footprint. Setbacks will have to be looked at when future houses are built.

A motion was Tom Jensen, seconded by Ron Breslawski to grant Re-Subdivision approval to Beehler Construction for Lot R-102 of the Hamlin Meadows Re-Subdivision Section No. 1. The Board waives the need for a Public Hearing per Town Code 125-74 B (10). This is a Type II Negative Declaration SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SITE PLAN APPROVAL/IN LAW APARTMENT  
2698 CHURCH ROAD**

Milton Shoup was present seeking Site Plan approval for an In Law apartment located at 2698 Church Road. Mr. Shoup explained that the In Law apartment has been there since he purchased the house. The bank requested that the In Law apartment be approved when he applied for a refinancing loan. Town Engineer J.P. Schepp stated that adequate septic and water needs to be verified. Mr. Shoup stated that the number of bedrooms is the same as when the house was built in 2000. Building Inspector Lee Nettin stated that smoke and CO detectors will be required. The property is zoned R-VL.

A motion was made by Peter Tonery, seconded by Tom Jensen to grant Site Plan approval for an In Law apartment to Mr. and Mrs. Shoup located at 2698 Church Road contingent on no negative comments from the County. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**DISCUSSION**

The Board discussed the DRC Referral process. Chairman Linda Morey explained that the Board needs to make a decision whether to enter into an agreement with the County or continue to send everything in for review. She is concerned if we don't send everything in then errors could be made. Attorney Ken Licht explained that the Town Board can enter into an agreement with the County which takes the burden off of the staff for the Planning Board and the Zoning Board. You can still submit any proposals that you question to the County for comments even with the waiver in place. The majority of these proposals are local matters and don't require County review. He explained that if the Town Board does not enter into the agreement then proposals should be submitted to the County and no vote should take place until the comments are received or until after 30 days have passed since the submittal. He recommends entering into the agreement with the County. It would permit you to take a vote without worrying if the 30 days has passed or not. He understands that many towns in the County have entered into the agreement with the County. The Town Board will discuss entering into the agreement at their next meeting. Town Engineer J.P. Schepp stated that the more complex proposals that would require the County review would require a Public Hearing so the 30 day time frame shouldn't be an issue because comments should be back prior to the Public Hearing. Attorney Ken Licht stated that the majority of the proposals would be exempt. Zoning Board Chairman Norman Baase is in favor of entering into the agreement.

A motion was made by Tom Jensen, seconded by Peter Tonery to make a recommendation to the Town Board that they enter into the agreement with the County regarding DRC referrals. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**PIZZA SHACK**

Building Inspector Lee Nettin stated that the owner of the Pizza Shack has requested to sell beer and wine with food purchases. Lee explained that the Board previously gave permission to the address to sell beer and wine. There is a new owner now and he would like to change the hours. Tom Jensen questioned if the owner has a liquor license yet. Lee stated no not yet he wanted to check with the town first. Attorney Ken Licht questioned if they received Commercial Site Plan approval. The Board stated yes. Attorney Ken Licht stated that this is not a significant modification. This would be regulated by the Liquor Authority. No motion is required. Town Engineer J.P. Schepp stated that the hours were a condition of the Site Plan approval and the hours were part of the motion. Building Inspector Lee Nettin stated that the neighbor did have some complaints at the prior Public Hearing. Attorney Ken Licht stated that the owner doesn't need to come before the Board but a motion should be made to modify the hours from the previous motion.

A motion was made by Mark Reeves, seconded by Ron Breslawski to modify the hours of operation to sell beer and wine for Chris Kuhn owner of the Pizza Shack located at 1721 Lake Road to be Sunday 12:00 noon to 11:00pm, Monday through Thursday 11:00 am to 11:00pm and Friday through Saturday 11:00am to 12:00 midnight. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

Town Board Liaison Tom Breslawski stated that the next Zoning Workshop is scheduled for March 11 at 7:00pm in the Court House. He also stated that the new assessment letters have gone out. There is a 1-800 number to if you have any questions regarding your assessment.

Conservation Board member Jeanine Klopp stated that they are busy working on Earth Day at the Park in April.

Ed Evans gave an update on the CCC Camp. He mentioned that the State will be paving walkways in the CCC Camp area. The POW from Germany would like to return but the funds aren't available. He discussed establishing the Friends of the Park.

### **ADJOURNMENT**

A motion was made by Tom Jensen, seconded by Judy Hazen to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Peter Tonery 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 5, 2010 at 7:30pm. Deadline for all fees is March 22, 2010 at 12:00pm.**