

Hamlin Planning Board *Minutes*  
Monday, September 7, 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, Support Boards Attorney Ken Licht, Town Board Liaison Dave Rose, Building Inspector Lee Nettnin, Conservation Board members Jeanine Klopp and Ed Evans, Engineers Dave Matt and Dan MacDonald, Attorney Douglas Heath, Wayne Healey, David and Silvia Rodak, Dean Brightly, Joe Heberle and Thad Maxwell. The following residents joined the meeting at 8:46pm Tom and Peg Leverenz, Charles and Mary Ann Rath, Joan and Doug Barstow and Tom Elphick.

A motion was made by Tom Jensen, seconded by Ron Breslawski to approve the minutes from the August 2, 2010 meeting as recorded. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried, minutes approved.

**PRELIMINARY SITE PLAN APPROVAL  
ANTHONY BARBARITA**

**5711 WAUTOMA BEACH**

Dave Matt from Schultz Associates was present representing Anthony Barbarita seeking Preliminary and Final Site Plan approval for a single family house located at 5711 Wautoma Beach. Mr. Matt explained that they were here last month and the decision was tabled until DRC comments were received back. The comments have been received and there were no issues. There were no Engineering concerns. Tom Jensen questioned if the east side balcony on the plan was staying. Mr. Matt explained that they did not receive a variance for the balcony so it will be removed. The owner is working on footer estimates. Peter Tonery questioned if the utilities would be underground. Mr. Matt explained that utilities are required to be underground for all new builds. Chairperson Linda Morey stated that a raised fill system was suggested. Mr. Matt stated they are using a smaller version of a raised fill system. It is still adequate for this house.

A motion was made by Judy Hazen, seconded by Tom Jensen to grant Preliminary and Final Site Plan approval to Anthony Barbarita to construct a Single Family house located at 5711 Wautoma Beach. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE LOT COMBINATION  
PATRICK AND MARGARET CULHANE                      SONGBIRD SUBDIVISION  
2222 BRICK SCHOOLHOUSE ROAD**

Town Engineer J. P. Schepp stated that “This is not an approved lot” was noted on the map. There were no other concerns.

Building Inspector Lee Nettnin stated that they received the Agricultural Data statement and comments from the County and there were no issues.

A motion was made by Tom Jensen, seconded by Dave Martin to grant Simple Lot Combination approval to Mr. and Mrs. Culhane for the Songbird Subdivision located at 2222 Brick Schoolhouse Road. The Board waives the need for a Public Hearing per Town Code 125-74 B (10). This is a Type II Negative SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE SUBDIVISION APPROVAL  
SHIRLEY PAUL    SHIRLEY E. PAUL SUBDIVISION  
449 MORTON ROAD**

Attorney Heath was present representing Shirley Paul seeking Simple Subdivision approval for the Shirley E. Paul Subdivision located at 449 Morton Road. Mr. Heath explained he was here last month and the decision was tabled until DRC comments had been received from the County. There were no issues from the County. Mr. Heath explained that the map had been amended to include “lot not approved for construction” and a 30’ easement has been added along the north property line so a land locked parcel is not being created. Town Engineer J.P. Schepp had no engineering concerns. Attorney Ken Licht reviewed the easement that was presented. Attorney Licht stated that the easement was workable and should be included in the motion and recorded with the map. Tom Jensen questioned if a Public Hearing was required or if this would still fall under a Simple Subdivision per the code. Attorney Licht stated that 1 lot is being created. No improvements are being proposed so it does meet the provisions for Town Code 125-74 B (10).

A motion was made by Tom Jensen, seconded by Peter Tonery to grant Simple Subdivision approval to Shirley Paul for the Shirley E. Paul Subdivision located at 449 Morton Road subject to the 30’ access easement between the Kludt Family Limited Partnership and the Mike-Matt Lands Partnership being recorded with the map. The Board waives the need for a Public Hearing per Town Code 125-74 B (10). This is a Type II SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE SUBDIVISION APPROVAL  
HEBERLE SUBDIVISION****1945 REDMAN ROAD**

Dan MacDonald from Tylin International was present representing Heberle Associates seeking Simple Subdivision approval for the Redman Road Heberle Subdivision located at 1945 Redman Road. Mr. MacDonald submitted a revised map to the Board. He explained that this is just a Simple Subdivision. No development is being proposed. Town Engineer J.P. Schepp stated that the note "For Subdivision approval only" had been added to the map. There were no other engineering concerns. Building Inspector Lee Nettin stated that DRC comments have not been received yet. He also stated that Part 2 of the EAF form needed to be disregarded because it was not filled out by the SEQR Officer. Attorney Ken Licht stated that there were no issues with this proposal however because no County comments have been received then no vote can take place tonight. Mr. MacDonald asked the Board for Contingent approval tonight due to family health issues. Attorney Ken Licht stated that the Board is not permitted to make a decision until County comments are received back or 30 days has expired since the DRC was submitted to the County. The Board has to wait for comments to be received back.

**CONSERVATION DEVELOPMENT PERMIT  
JIM DEREFINO****5926 WAUTOMA BEACH**

Jim Derefinko is seeking Conservation Development Permit approval to construct a 2 car garage addition on his house located at 5926 Wautoma Beach. Town Engineer J.P. Schepp stated that there are no engineering concerns. The site has frontage and it is an addition to an existing structure. Building Inspector Lee Nettin stated that County comments have not been received yet. Conservation Board member Jeanine Klopp stated that the proposal is consistent with the LWRP and there were no issues. Attorney Ken Licht stated that County comments need to be received before a decision can be made. Items were missing from the Site Plan and it would be a Board decision if those items can be waived. Tom Jensen stated that the Site Plan is inaccurate. There are several trees in the location that the garage is being proposed. The Site Plan needs to be current. An existing deck and shed need to be shown and the correct driveway location. Peter Toney stated that a revised current Site Plan is needed. Attorney Ken Licht stated that the application is incomplete.

A motion was made by Ron Breslawski, seconded by Peter Toney determining that the application for Mr. Derefinko for a 2 car garage located at 5926 Wautoma Beach is an incomplete application and a revised current Site Plan and comments from the County are needed. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Toney aye. Motion carried.

**CONSERVATION DEVELOPMENT PERMIT  
WAYNE HEALEY****7924 NEWCO DRIVE**

Wayne Healey was present seeking approval for a Conservation Development Permit to construct a 22' x 26' front porch on his house located at 7924 Newco Drive. Town Engineer J.P. Schepp stated that it is in the 100 year flood zone. Variances are needed. There are no other major engineering concerns. Building Inspector Lee Nettnin agreed that variances are needed from the Zoning Board and County comments have not been received back yet. Conservation Board member Jeanine Klopp stated that the proposal is consistent with the LWRP. There were no issues. Peter Tonery questioned if an Impervious Surface variance is needed also. Mr. Schepp stated that it is a big lot. After some figuring they determined that impervious surface would be close. It needs to be figured out and the variance needs to be added to the application.

A motion was made by Peter Tonery, seconded by Judy Hazen to refer Mr. Healey to the Zoning Board for variances for a front porch located at 7924 Newco Drive. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SPECIAL USE PERMIT APPROVAL  
DAVID AND SYLVIA RODAK****615 CHURCH ROAD**

David and Sylvia Rodak were present seeking Special Use Permit approval to sell fire arms at their house located at 615 Church Road. Mr. Rodak stated that he has had a license to sell fire arms since 1985. He sells an average of 1 or 2 guns a year. Customers do come to the house to pick up the guns. Town Engineer J.P. Schepp stated that there were no engineering concerns. Building Inspector Lee Nettnin stated that there were no issues and this proposal did not need to be sent to the County per the agreement. Attorney Ken Licht stated that the Board would need to determine if the proposed use is the same character as allowed in Town Code 125-38 B (7). The Board would also have to determine if a Public Hearing could be waived per Town Code 125-74 B (10). Chairperson Linda Morey questioned if there would be any firing of the guns at the residence. Mr. Rodak stated there would be no firing of guns on the property. No advertising on the property. His business is strictly word of mouth and family and friends. The customer puts an order in, fills out an application and a background check is completed. The gun gets delivered to the house by UPS. He sells shot guns and rifles only no hand guns. The customer comes to the house and picks up the gun within 24 to 48 hours of being delivered. Tom Jensen asked where the guns were stored. Mr. Rodak stated he has a safe that he keeps the guns in and a security system. Tom Jensen stated that he is concerned with safety and theft. Dave Martin stated that there is already one other gun shop in town.

A motion was made by Mark Reeves, seconded by Judy Hazen to grant Special Use Permit approval to Mr. and Mrs. Rodak to sell fire arms at their house located at 615 Church Road per Town Code 125-38 B(7). The Board waives the need for a Public Hearing per Town Code 125-74B(10). This proposal was exempt from County comments due to the agreement. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONSERVATION DEVELOPMENT PERMIT  
THAD MAXWELL**

**7570 SANDY HARBOR DRIVE**

Contractor Jeff Ackles was present representing Mr. and Mrs. Maxwell seeking approval for a Conservation Development Permit for a second story addition on their house located at 7570 Sandy Harbor Drive. Mr. Ackles explained that the owners want to raise the roof on their existing cottage. They are not adding any addition bedrooms. Town Engineer J.P. Schepp stated that there are no engineering issues. No bedrooms are being added so the current septic system is adequate. Jeff Ackles stated that no bedrooms are being added they are just being enlarged. There are currently 4 bedrooms. The existing wood burning stove and chimney are being removed. Building Inspector Lee Nettnin stated that he has concerns whether the current piers will hold the extra weight. Conservation Board member Jeanine Klopp stated that the proposal is consistent with the LWRP. She was concerned that there was a port-a-potty on the property. The owner stated they do that when they have parties at the house. There are no current septic issues. Jeff Ackles stated that there will just be the two occupants living there. It is currently used as a cottage but the owners will be living there year round. Building Inspector Lee Nettnin stated that County comments have not been received yet. Tom Jensen questioned if the current septic system is an approved system. Jeff Ackles stated that it has existed there for years. He will check if it is an approved system and verify the location. Mr. Nettnin stated that it is probably not up to today's standards but it is an existing system. Peter Tonery had some drainage concerns. Jeff Ackles stated that all of the drainage would be directed towards the lake. Attorney Ken Licht asked that the finished roof height be added to the plans. Mr. Ackles agreed. The decision was tabled until next month due to County comments not being received yet.

**SITE PLAN REVISION**

**HAMLIN MEADOWS SUBDIVISION**

**ROOSEVELT HIGHWAY**

Jim Beehler was present seeking Subdivision/Site Plan revisions to Lots 112, 113 and 114 of the Hamlin Meadows Subdivision located on Roosevelt Highway to have duplex rental homes approved. Mr. Beehler explained that the Subdivision was approved for single family homes in a senior development. They would now like to revise the plans to have 2 unit rentals on Lots 112, 113 and 114. Dimensions of the structure were handed out. Mr. Beehler stated that customers are looking for 2 unit adult rental homes that are part of an Association. The lawns would be taken care of by the Association. The 2 unit

structures would fit in the previous footprint per lot that has been approved. A second driveway would be added to the plans. No other changes would be made to the plans. Town Engineer J.P. Schepp stated that he reviewed the Senior Zoning Code. There are density limitations on the number of lots allowed per acre. They are changing the use from single family to duplex (2 families per lot) which changes the density. A Public Hearing was held stating that single family homes would be built. The neighboring properties should be notified of the change. The layout of the structures was requested. It was determined that 1 2-unit structure per lot was being proposed. Mr. Schepp added that water and sewer lines have already been laid out for single family structures on the lots. Building Inspector Lee Nettin stated he was concerned with who would be in charge of renting the homes, who would do the evictions, who would do the leases, what happens when a unit is vacant, who is responsible for the Association dues if a unit is vacant, what are the units being called, are they handicap accessible units per the code. Attorney Keith O'Toole stated that the property owner would be responsible for collecting the rent and paying the Association dues. Mr. Beehler would own the duplexes himself and he would be responsible for paying the fees due to the Association. The structures would comply with the setbacks. The sanitary and water lines would remain the same. Separate meters would be added to the units. The water fee would be a set amount. Due to the expense of an engineer Mr. Beehler is asking to waive the requirements for Site Plan approval. Attorney Licht questioned if an amendment would need to be filed for the Association. Attorney O'Toole stated yes they would be filing the amendment. Building Inspector Lee Nettin stated that this proposal did not need to be sent to the County for comments per the agreement. Peter Toney questioned if there were any restrictions in the senior code. Attorney Licht stated no there are no restrictions. Duplexes could have been approved originally. Tom Jensen questioned if the units would have a rent to own option. Mr. Beehler stated right now they would be straight up rentals but they could have a rent to own option in the future. Building Inspector Lee Nettin stated that per the code only 80% of the project is required to be senior the other 20% of the subdivision could be rented to anyone. Chairperson Linda Morey stated that she would prefer that a Site Plan was submitted and a Public Hearing is held due to the change in use. Mark Reeves agreed. Ron Breslawski questioned if it was just 3 lots. Mr. Beehler stated that actually they are proposing 4 lots now and if it works they would add more in the future. A revised plan was discussed. Tom Jensen questioned if all of the duplexes would be per the plan that was handed out tonight. Mr. Beehler stated that most of them would be that size. They would all fit in the approved footprint. There may be some minor room layout changes to that plan. Dave Martin questioned if the square footage would all be the same. Mr. Beehler stated that 1100 sq. ft. is a good size but the duplexes could be bigger. Only 2 bedrooms are allowed per the code. 55 years old is a senior per the code. Attorney Ken Licht stated that a revised Site Plan and Public Hearing are required for the change in use. Just changing the one page of the Site Plan is acceptable to address the change. Mark Reeves questioned traffic issues. J. P. Schepp stated that it would not be a large traffic issues. This change would not create a major traffic increase.

A motion was made by Dave Martin, seconded by Judy Hazen to schedule a Public Hearing for Preliminary Site Plan/Subdivision amended approval for designated lots 112, 113, 114 and 116 of the Hamlin Meadows Subdivision located on Roosevelt Highway for October 4, 2010. County comments are not required per the agreement. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

### **DISCUSSION**

Town Board Liaison Dave Rose stated that this Friday is the deadline for bids for the demolition of 1715 Lake Road. The Town Board will be awarding the bid at the September Town Board meeting. He suggested having more in house training sessions. He stated that the Zoning Workshops will be starting up again in October.

Peter Tonery questioned if a definition for 2 family structures is needed for our code. He was just concerned that there would be issues in the future. Attorney Ken Licht stated that there is currently a definition for duplexes in our code. Duplexes are allowed in senior zoning. Town Board Liaison Dave Rose explained that the 20% not senior was added to the code because sometimes a spouse is younger and not 55 years old. Anyone under 55 years of age needs permission from the Association to live there.

### **ADJOURNMENT**

A motion was made by Tom Jensen, seconded by Mark Reeves 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, October 4, 2010 at 7:30pm. Deadline for all fees is September 20, 2010 at 12:00pm.**