

Hamlin Planning Board *Minutes*
Monday, October 4, 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 (late).

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, Jason Baxter, Nick Kramer and Ed Evans, Engineers Dave Matt, Rich Maier and Dan MacDonald, Attorney Keith O'Toole, Wayne and Jan Healey, Thad Maxwell, Tom and Peg Leverenz, Andy Smith, Jim Derefinko, Jim and Linda Schmeer, Sandi and Ron Hindmarch, Joan and Doug Barstow and Tom and Anne Elphick.

A motion was made by Tom Jensen, seconded by Dave Martin to approve the minutes from the September 7, 2010 meeting with a correction to page 106 to read Shirley Paul not Shirley Heath. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye. Motion carried, minutes approved.

The Clerk read the Proof of Publication

PUBLIC HEARING

PRELIMINARY AMENDED SUBDIVISION/SITE PLAN APPROVAL

HAMLIN MEADOWS

ROOSEVELT HIGHWAY

LOTS 112, 113, 114 and 116

Attorney Keith O'Toole was present representing Jim Beehler seeking amended Subdivision/Site Plan approval for Lots 112, 113, 114 and 116 of the Hamlin Meadows Subdivision located on Roosevelt Highway to have duplex rental homes. The Subdivision was previously approved for single family homes. They are proposing to amend Section 1 Lots 112, 113, 114 and 116 to have rental 2 family unit dwellings. This is allowed in the SC zoning. The only change to the plans would be two driveways on those lots. The rentals would still be part of the Home Owner's Association.

Chairperson Linda Morey asked if the units would have full basements. Mr. O'Toole stated they would have full basements separated per unit. Chairperson Linda Morey questioned if the units would be handicap accessible. Mr. O'Toole stated that it wasn't required per code. The front doors are 36" wide to accommodate a wheelchair. Mr. Beehler stated that upgrades are an option when you pick out a house plan. Judy Hazen questioned if there would be firewalls between the units. Mr. Beehler stated yes there would be a firewall separation per New York State code.

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

Jim Schmeer of 2552 Roosevelt Highway questioned if there was enough room on the lots for duplexes. Mr. O'Toole stated that the original plans were approved for 2000 sq. ft. homes. The duplex units will be 2200 sq. ft. and there is room on the approved lots. Mr. Schmeer stated that he is against rental properties because the residents don't respect the properties and maintain them. Mr. O'Toole explained that the rentals would be part of the Home Owner's Association and would be subject to those guidelines for property maintenance. The builder would manage the rentals and it would be in his best interest to keep those properties neat and tidy.

Andy Smith of 2530 Roosevelt Highway questioned the size of each side of the duplex. He questioned the number of rental units in the town currently and the occupancy rate. He stated that there are several duplexes currently for sale in the town and questioned the need for more duplexes in town. He is against this proposal.

Ron Hindmarch of 2576 Roosevelt Highway stated that renters don't respect the properties. He asked for more research on the need for more duplexes in the town. He questioned how this would affect the water district and the cost. He questioned the status of the widening of the road. He is concerned about what is going on across the street. He stated that the grass is not being mowed and Mr. Beehler has not done the things that he was supposed to do. He is concerned about how this will affect his property value.

Linda Schmeer of 2552 Roosevelt Highway questioned why rentals were being proposed now. She questioned what would happen with the rest of the complex. She questioned what would happen next since the houses didn't sell and if the duplexes don't get rented either. What are the future plans.

Mr. O'Toole explained that the builder is responding to the current market place. They won't build the duplexes if there isn't the demand. He stated that any single family house in the town can be rented. He stated that right now there is a request for the rental units. People want to stay close to family and remain in town but don't want to own a house. The Home Owner's Association is independent from Mr. Beehler and they will enforce the restrictions. He stated that the current road width is 22' per town code and there are no plans to widen the road in the future. Even with the change to 2 family units they are well under the traffic threshold per the town Zoning Code.

Sandy Hindmarch of 2576 Roosevelt Highway is concerned about the population density. She stated that the neighbors are concerned about traffic issues due to only one exit.

Mr. O'Toole explained that they originally asked for two exits for the subdivision but it was denied by the State DOT. He explained that only 4 families are being added with this change. This is senior housing which generates less traffic. The number of cars per

house is generally reduced. Less parking is needed. The Home Owner's Association is responsible for mowing, plowing and yard maintenance therefore cars can be parked in the garages.

Sandy Hindmarch had water district concerns. She questioned if there would be any debt relief for the water district. She questioned why the debt wasn't equally distributed for the houses in the subdivision.

Mr. O'Toole explained that there are fewer occupants in senior zoning. They generally use less water therefore they pay less district charge for water.

Peter Tonery discussed the annual water fee.

Town Engineer J.P. Schepp explained that the water district was created prior to the subdivision. The water district charge is based on the set number of units. When new houses are built the debt should be reduced annually.

Chairperson Linda Morey stated that the water district is not a Planning Board issue and suggested that they address their water district concerns at the next Town Board meeting.

Peggy Leverenz of 47 Victor Lane stated that they sold their house and wanted to purchase a house in Hamlin Meadows. They would like to rent a house in the senior subdivision. They don't want to own a house any more but want to stay in their town.

Jim Beehler stated that he has fixed up the entrance to the subdivision and has planted trees. He explained that he is using the tall grass as a natural buffer.

Mr. Schmeer stated that the widening of Route 18 never happened. There was supposed to be a turning lane added.

Mr. Beehler explained that the widening of the road happens at Section 2. Once Section 1 is complete then they will move onto Section 2.

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp explained that the widening of Rt. 18 will take place at Section 2 of the subdivision. He stated that the addition of 4 units won't create any traffic issues. The water, sewer, drainage and current road can all accommodate this change.

Peter Tonery questioned the water district issues. Attorney Ken Licht stated that he can't address that issue tonight. This is the first that he has heard about it. He explained that annually the debt is divided by the assessable units.

Peter Tonery stated that there are no regulations on the number of rental units allowed in the town.

Dave Martin questioned the easement on the plans. Mr. O'Toole stated that the easement was never granted. The owner was given access per deed to his parcel. He has access to his landlocked parcel through Beehler Lane.

A motion was made by Judy Hazen, seconded by Peter Tonery to grant Preliminary amended Subdivision/Site Plan approval for designated Lots 112, 113, 114 and 116 of the Hamlin Meadows Subdivision located on Roosevelt Highway to have rental duplexes. County comments are not required per the agreement. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves no, Tonery aye. Motion carried.

A motion was made by Judy Hazen, seconded by Peter Tonery to grant Final amended Subdivision/Site Plan approval for designated Lots 112, 113, 114 and 116 of the Hamlin Meadows Subdivision located on Roosevelt Highway to have rental duplexes. This is an Unlisted Negative Declaration with no significant impact SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves no, Tonery aye. Motion carried.

PUBLIC HEARING

PREMINARY SITE PLAN APPROVAL MYRON AND MARY ANN GREEN

7920 NEWCO DRIVE

Dave Matt from Schultz Associates was present representing Mr. and Mrs. Green seeking Preliminary Site Plan approval to construct a single family house located at 7920 Newco Drive. Mr. Matt explained that they received Conceptual approval a couple months ago. They received variances from the Zoning Board. A single family house is being proposed with an 80' setback from the water with a private septic. A catch basin along the west property line is proposed with drainage towards the lake. Chairperson Linda Morey questioned if the driveway would be paved and if there would be a full basement. Mr. Matt stated yes, the driveway would be paved and there would be a slab. The garage and basement would be on the same level with an entry way to the house.

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

Bruce Proctor of 7908 Newco Drive asked to view the Site Plan. Mr. Healey of 7924 Newco Drive reviewed the Site Plan also. The locations of catch basins were questioned and there were grading concerns. Mr. Matt showed the location of the catch basins and stated that another catch basin was added to the plans. He stated that the drainage for 7924 Newco Drive will not change. Mr. Healey questioned the location of the house. Mr. Matt stated that is where the owner would like the house built to save as many trees as possible on the lot. Mr. Proctor stated that he is concerned about flooding on his lot and suggested that the drainage go towards the road. Chairperson Linda Morey stated

that drainage along the lake is required to go towards the lake to avoid flooding. Mr. Matt stated that ½ of the leach would drain towards the road. Tom Jensen stated that swales to the lake reduce flooding. Mr. Proctor suggested that the owners maintain their break wall.

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp questioned the driveway construction and stated that the driveway is required to be paved to the right-of-way per code per town standards. He stated that the note “no basement elevation” needs to be added to the plans. He explained that the house is further lakeside than the neighbors and mentioned that it is a courtesy to not impact the view of the lake however there is no code restricting it.

Attorney Ken Licht stated that a Conservation Development Permit is needed.

Conservation Board member Jeanine Klopp stated there were no LWRP issues with this proposal.

Dave Martin questioned the marginal soil note for the septic. Mr. Matt stated that the only difference is more sand is needed.

Tom Jensen mentioned that the neighbor to the west will have site loss with the addition of his 3 season room also.

A motion was made by Tom Jensen, seconded by Dave Martin to grant Preliminary Site Plan approval to Mr. and Mrs. Green to construct a single family house located at 7920 Newco Drive. This is a Type II Negative Declaration SEQR determination. Comments have been received from Monroe County. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

A motion was made by Tom Jensen, seconded by Mark Reeves to grant Conservation Development Permit approval to Mr. and Mrs. Green to construct a single family house located at 7920 Newco Drive per Town Code 125-34D(2). The permit will expire 1 year from the date the Building Permit is issued. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

A motion was made by Tom Jensen, seconded by Ron Breslawski to grant Final Site Plan approval to Mr. and Mrs. Green to construct a single family house located at 7920 Newco Drive. 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 with the corrections the County wanted. He explained that this is just a Simple Subdivision. No development is being proposed. There were no other Engineering concerns.

A motion was made by Peter Tonery, seconded by Ron Breslawski to grant Simple Subdivision approval to Heberle Associates for the Redman Road Heberle Subdivision located at 1945 Redman Road. Comments were received from Monroe County and addressed. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONSERVATION DEVELOPMENT PERMIT
JIM DEREFINKO****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. Mr. Derefinko stated that the locations of the trees on the property were added to the map. There were no Engineering concerns. Peter Tonery questioned if the first driveway was being moved. Mr. Derefinko stated that it is just gravel and he would like to keep it for additional parking. Peter Tonery questioned if the garage would include living space or be heated. Mr. Derefinko stated no living space and it wouldn't be heated. There would be a breezeway connecting the house to the garage.

A motion was made by Peter Tonery, seconded by Mark Reeves to grant Conservation Development Permit approval to Mr. Derefinko for a 2 car garage addition located at 5926 Wautoma Beach per Town Code 125-34D(2). The permit will expire 1 year from the date the Building Permit is issued. Monroe County comments have been received. 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 stated they are just raising the roof. No additional bedrooms are being added. The footprint of the house is not changing. There were no Engineering concerns. Building Inspector Lee Nettnin stated that the height of

the finished structure and septic location needs to be shown on the plans. A DEC permit is required per the County comments. Drainage towards the lake has been addressed.

Conservation Board member Jeanine Klopp questioned the need for a DEC permit. Building Inspector Lee Nettin stated because the property is 100' of a wetland. Mr. Ackles stated that he talked to the DEC and they say they aren't sure if a permit is required or not. He has to submit a map and plans to the DEC. Mr. Nettin stated that the DEC is concerned with building equipment and building materials on the property and the 100' is measured from the property lines. Peter Tonerly stated that he feels if the Building Inspector says that it is measured from the property lines then he supports the Building Inspector. Attorney Ken Licht stated that it is his understanding also that it is measured from the property lines.

Tom Jensen questioned the number of bedrooms. Mr. Ackles stated that there are currently 4 bedrooms and no additional bedrooms are being added.

Attorney Ken Licht questioned the height of the proposal. Mr. Ackles stated it would be 21' from the ground to the roof peak.

The location of the septic was discussed. Town Engineer J.P. Schepp stated that Monroe County Health takes jurisdiction on the septic. Since no bedrooms are being added the location isn't an issue.

A motion was made by Dave Martin, seconded by Peter Tonerly to grant Conservation Development Permit approval to Mr. Maxwell for a second story addition located at 7570 Sandy Harbor Drive per Town Code 125-34D(2). The permit will expire 1 year from the date the Building Permit is issued. Monroe County comments have been received. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonerly aye. Motion carried.

SIMPLE SUBDIVISION APPROVAL HAMLIN MEADOWS

1 BEEHLER LANE

Keith O'Toole was present seeking Simple Subdivision approval for Lot 101 of the Hamlin Meadows Subdivision located at 1 Beehler Lane. Mr. O'Toole explained that a house has been constructed at 1 Beehler Lane and per the Subdivision approval a Simple Subdivision is required to change the lot lines to just the footprint of the house. The remaining yard is owned by the Home Owner's Association. There were no engineering concerns. County comments were not required due to this being an approved subdivision already.

A motion was made by Mark Reeves, seconded by Judy Hazen to grant Simple Subdivision approval to Beehler Construction for Lot 101 of the Hamlin Meadows Subdivision located at 1 Beehler Lane. This is a Type II Negative Declaration SEQR. County comments were not required for this proposal. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**MYLAR RE-SIGNING
GRANT SUBDIVISION**

500 COOK ROAD

Rich Maier was present representing Linda Grant seeking Mylar re-signing approval for the Grant Subdivision located at 500 Cook Road. Mr. Maier explained that this subdivision was previously approved but when it got to Monroe County Health Department they had an issue with the septic location. The map has been revised and now just needs to be approved again. There were no Engineering concerns. No changes other than the septic were made to the map.

A motion was made by Tom Jensen, seconded by Peter Tonery to grant Mylar re-signing approval to Linda Grant for the Grant Subdivision located at 500 Cook Road. County comments were not required for this proposal. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

Planning Board member Dave Martin removed himself from the Board for the next proposal.

**SIMPLE SUBDIVISION APPROVAL
QUINLAN SUBDIVISION**

2647 BRICK SCHOOLHOUSE ROAD

Rich Maier from DDS Engineers was present representing Dave Martin seeking Simple Subdivision approval for the Quinlan Subdivision located at 2647 Brick Schoolhouse Road. Mr. Maier explained that the owner is dividing off the house from the rest of the property. The house will be sold and the owner will keep the vacant land for farming. There were no Engineering concerns. Attorney Ken Licht stated that this proposal would fall under the town's Simple Subdivision approval and the Public Hearing could be waived. The County DRC has been submitted but comments have not been received back yet therefore no action can be taken.

A motion was made by Tom Jensen, seconded by Ron Breslawski to table this decision until the November meeting until County comments have been received. Members polled Breslawski aye, Hazen aye, Jensen aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

Planning Board member Dave Martin returned to the Board.

**SIMPLE SUBDIVISION APPROVAL
DANZIG/JIACOBBE SUBDIVISION**

1366 and 1372 W.L.O.ROAD

Dave Matt from Schultz Associates was present representing the owners of 1366 and 1372 Walker Lake Ontario Road seeking Simple Subdivision approval for the Danzig/Jiacobbe Subdivision. Mr. Matt explained that this is 2 parcels currently owned by two separate people. It was previously separated by deed only. They are here tonight to get approval for the Subdivision and make it a legal Subdivision. Mr. Matt explained that the owners came before the Town Board requesting the property be re-zoned from Industrial to Residential. A Public Hearing has been scheduled. There is an existing residential house which is not allowed in Industrial Zoning per the code. Attorney Ken Licht explained that there are currently 3 separate deeds that were never legally subdivided through the town. One lot has an existing residential home. The re-zoning should precede the subdivision approval. The lot is being re-zoned to R-L or R-VL. Therefore a variance is required from the Zoning Board due to the lot size. There were no Engineering concerns. County DRC was submitted but no comments have been received yet.

A motion was made by Peter Tonery, seconded by Mark Reeves to table this decision until next month after the re-zoning and County comments have been received. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

A motion was made by Peter Tonery, seconded by Tom Jensen to refer the Danzig/Jiacobbe Subdivision to the Zoning Board for required variances based on the re-zoning. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONCEPTUAL SUBDIVISION/SITE PLAN APPROVAL
CALA SUBDIVISION**

7874 NEWCO DRIVE

Dave Matt from Schultz Associates was present representing the owners of 7874 Newco Drive seeking Subdivision/Site Plan approval to combine lots creating the Cala Subdivision and to construct an addition and detached barn. Mr. Matt explained that Mr. Cala is purchasing both lots and is proposing to combine the two lots into one. They are removing the existing garage on the property and constructing an addition on the rear of the existing house. They are proposing a pole barn on the rear of the property across the private drive. Town Engineer J.P. Schepp questioned the easement for the private drive labeled on the map. Mr. Matt showed where the easement was labeled on the map. Mr. Schepp questioned if bedrooms were being added. Mr. Matt explained that the current owners are repairing the septic system for the additional bedroom that is being added.

Mr. Schepp stated that the water line curb box shown on the map needs to be relocated due to the addition.

Building Inspector Lee Nettnin questioned the height of the proposed barn. Mr. Matt stated 15' per code. Mr. Nettnin stated that a Conservation Development Permit is also required for this proposal.

Attorney Ken Licht stated that the current owner has given consent for the approvals. Chairperson Linda Morey stated that variances are needed from the Zoning Board.

A motion was made by Tom Jensen, seconded by Ron Breslawski to grant Conceptual Subdivision/Site Plan approval to the Cala Subdivision located at 7874 Newco Drive and to refer the proposal to the Zoning Board for variances needed. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

DISCUSSION

Timely County comments were discussed. The Board decided that applications would not be put on the agenda until the comments have been received back from the County if they are required unless a Public Hearing or variances are required. Attorney Ken Licht will write a letter explaining the procedure to be given to applicants.

Town Board Liaison Dave Rose stated that the next Zoning Workshop will be Oct. 14 at 7:00pm.

Building Inspector Lee Nettnin stated that he attended a recent Fire Department meeting and they thanked the Board for their attention to emergency vehicle access on proposals that have been submitted.

ADJOURNMENT

A motion was made by Peter Tonery, seconded by Tom Jensen to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, 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, November 1, 2010 at 7:30pm. Deadline for all fees is October 18, 2010 at 12:00 noon.