

Hamlin Planning Board *Minutes*  
Monday, December 6, 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, Highway Superintendent Steve Baase, Building Inspector Lee Nettin, Conservation Board members Jeanine Klopp and Ed Evans and residents Thomas and Scott McNulty, Ron Soule, Bruce Butcher, Don Teringo, Todd, Rebecca and Ashleigh Albone and Chris Young.

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

*The Clerk read the Proof of Publication*

**PUBLIC HEARING  
PRELIMINARY SUB/SITE PLAN APPROVAL  
CALA SUBDIVISION**

**7874 NEWCO DRIVE**

Kris Schultz from Schultz Associates was present representing Helmut and Sharon Weber seeking Preliminary Subdivision/Site Plan approval for a Simple Lot Combination called the Cala Subdivision, an addition and pole barn. Mr. Schultz explained that the new owners want to combine the two separate lots into one lot, construct an addition on the south side of the existing structure and build a pole barn on the property. They have added a new leach system for a 4 bedroom house. They received variances from the Zoning Board for lot size and setback for the pole barn. A Conservation Overlay Permit is needed also.

At this time Chairperson Linda Morey opened the Public Hearing and asked if there was anyone 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 capacity of the septic system has been addressed. The current water service needs to be relocated due to the addition. The easement for power lines has been addressed and variances were granted for the lot. There are no other engineering concerns.

A motion was made by Peter Tonery, seconded by Judy Hazen to grant Preliminary Subdivision/Site Plan approval to Mr. and Mrs. Weber for the Cala Subdivision, addition and pole barn located at 7874 Newco Drive. This is a Type II SEQR determination. Comments were received from the County and there were no issues. 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 Dave Martin to grant Conservation Development Permit approval for the Cala Subdivision/Site Plan located at 7874 Newco Drive. Permit to expire 1 year from date 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 Peter Tonery, seconded by Tom Jensen to grant Final Subdivision/Site Plan approval to Mr. and Mrs. Weber for the Cala Subdivision, addition and pole barn located at 7874 Newco Drive. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

### **SIMPLE SUBDIVISION**

#### **DANZIG/JIACOBBE SUBDIVISION 1366 & 1372 WALKER LAKE ONT. RD.**

Kris Schultz from Schultz Associates was present seeking Simple Subdivision approval for the Danzig/Jiacobbe Subdivision located at 1366 and 1372 Walker Lake Ontario Road. Mr. Schultz explained that this property was divided by deed only. It was re-zoned by the Town Board from Industrial to Residential because there is an existing house on Lot 1. It received lot size variances from the Zoning Board for Lot 1.

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

Building Inspector Lee Nettin explained that Lot 2 requires approval of setbacks from the Town Board for the existing structure because that lot is still zoned Industrial and due to the subdivision the lot lines have moved so the structure is closer to the lot line now. Per the code the Town Board approves the setbacks for Industrial zoning. Some discussion took place.

Attorney Ken Licht stated that the Town Board approved the re-zoning of Lot 1 and the setbacks for the building on Lot 1. They should have approved the setbacks for the building on Lot 2 also. He stated that the Board could make their motion contingent on the Town Board approving the setbacks for Lot 2 of the subdivision for the existing building.

A motion was made Ron Breslawski, seconded by Peter Tonery to grant Simple Subdivision approval for the Danzig/Jiacobbe Subdivision located at 1366 and 1372 Walker Lake Ontario Road contingent on the Town Board approving the setbacks for Lot 2. County comments have been received and there were no issues. 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**

Thad Maxwell is seeking a Conservation Development Permit to raise the roof on his existing garage located at 7570 Sandy Harbor Drive to add storage for his instruments. The Zoning Board granted variances. There were no engineering concerns. Jeanine Klopp from the Conservation Board stated that a DEC permit was required per the DRC comments and the process has been started. Building Inspector Lee Nettnin will follow up on the DEC permit prior to issuing the building permit. Tom Jensen stated that it is for storage only. No plumbing or living space was being added.

A motion was made by Mark Reeves, seconded by Ron Breslawski to grant Conservation Development Permit approval to Thad Maxwell to raise the roof on his existing detached garage for storage located at 7570 Sandy Harbor Drive. This is a Type II SEQR determination. County comments have been received. Permit to expire 1 year from date Building Permit is issued. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

### **CONCEPTUAL SITE PLAN APPROVAL**

**SANDY CREEK MARINA**

**8 LAKE RD. EAST FORK**

Kris Schultz from Schultz Associates was present representing Nancy Butcher seeking Conceptual Site Plan approval for revisions to the Sandy Creek Marina located at 8 Lake Road East Fork. Mr. Schultz explained that the owner would like to update the marina. The DEC and Army Corp. will need to review the plans and issue permits also. They need concept approval from the town to get the process started. They will be dredging out the dirt, removing the existing docks and putting in new docks to facilitate larger boats. They will be removing the existing railroad ties from the basin which is better for the environment.

Town Engineer J.P. Schepp stated that elevations, flood plain and the wetlands need to be shown on the map. Existing vegetation and buffer needs to be shown. Utilities need to be added to the map. Site distances at the entrance need to be shown and paving of the driveway should be considered. Proposed lighting and signage should be shown. Fish cleaning area and dumpster location should be added to the plans. Safety bumpers and curbing along the basin should be added and erosion controls should be noted on the

plans. Drainage plan should be shown. Where the dredging products are being taken should be noted. Permits should be noted when received. Access for emergency vehicles should be noted.

Building Inspector Lee Nettin questioned if they would be sleeping on the boats. The slips should be numbered for the Emergency responders. The Fire Dept. should be given a map. Electric to the slips was questioned. The pumping station location was questioned if it was 50' from the lot line. Egress for the north docks was questioned. Fire fighting access around the basin is needed. Fire fighting access to the long dock was discussed. A hydrant added to the dock was suggested.

The Conservation Board had no issues at this time. They will review the proposal.

Owner Bruce Butcher stated that this is a multiyear project. He will try to work on the revisions while he is still trying to run a business there. 122 slips are being proposed which is less than what is there now.

Peter Tonery stated that this will be a huge environmental impact and that needs to be addressed. Tom Jensen questioned the fuel capacity. Mr. Butcher stated that there is a 2000 gal. tank there now and if it is replaced he would get a 3000 gal. tank. With these revisions the fuel delivery truck would come into the parking lot and not be near the residents.

A motion was made by Peter Tonery, seconded by Ron Breslawski to grant Conceptual Site Plan approval to Nancy Butcher for the revisions to the Sandy Creek Marina located at 8 Lake Road East Fork. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SPECIAL USE PERMIT  
TODD ALBONE**

**IN LAW APARTMENT  
28 HUNTINGTON PARKWAY**

Mr. and Mrs. Albone were present seeking Special Use Permit approval to have an In law Apartment in their house located at 28 Huntington Parkway. Mrs. Albone stated that in June of 2010 they talked with Lee Nettin about remodeling their garage and extending the family room so they could move their mother in with them due to health reasons. They would be adding a bedroom and bathroom for her. They received a permit from Lee For the renovations. They had about 9 inspections done by Lee. When they came in for the permit they discussed adding a kitchenette with Lee. They purchased a refrigerator and microwave for their mother. They asked Lee if it was okay and he said as long as they didn't add a range or stove it was allowed. They didn't want it to be an In Law apartment because it is still part of their house. When it was completed they were denied a Certificate of Occupancy because there was a whole kitchen so it needed approval as an In Law apartment. They had already moved their mother in because her

place was rented. Lee then granted them a Temporary Certificate of Occupancy until the Special Use Permit was approved.

Chairperson Linda Morey stated that the original sketch given to the Building Department when the permit was issued didn't include the kitchen.

Mrs. Albone stated that they talked to Lee at that time and just added it to their copy.

Town Engineer J.P. Schepp stated that there were no engineering concerns.

Building Inspector Lee Nettin stated that he would like to make some corrections. No kitchen was discussed with him when the permit was issued. A Certificate of Occupancy was never denied. They moved their mother in without a Certificate of Occupancy being issued. When he found out he advised them to call for an inspection for the Certificate of Occupancy.

Attorney Licht stated that they have a copy of the sketch that was submitted when the permit was applied for and there was no kitchen on the plans at that time. The sketch has very little detail. Mrs. Albone stated that they discussed it with Lee.

Peter Tonery stated that this seems to be a communication problem and now it is an In Law apartment due to the kitchen being added.

Chairperson Linda Morey questioned the patio doors. Mrs. Albone stated that it is just a front door now. They replaced a window and added an egress window to their mother's bedroom.

A motion was made by Judy Hazen, seconded by Mark Reeves to schedule a Public Hearing for Mr. and Mrs. Albone for January 3, 2011 at 7:30pm for a Special Use Permit for an In Law apartment located at 28 Huntington Parkway. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

Mr. and Mrs. Albone were reminded to have their fee into the Clerk by December 20, 2010 at noon. Attorney Ken Licht stated that an In Law affidavit will have to be completed and signed by the owners annually also.

**CONSERVATION DEVELOPMENT PERMIT  
RONALD SOULE**

**7542 SANDY HARBOR DRIVE**

Ronald Soule was present seeking Conservation Development Permit approval to raise his existing cottage located at 7542 Sandy Harbor to add a crawl space. Mr. Soule explained that his foundation needs repair so he is proposing to raise the cottage and add a crawl space.

Town Engineer J.P. Schepp stated that there are no site changes so there are no engineering concerns.

Building Inspector Lee Nettin stated that he had no concerns. The elevation will have to be at 252' per code and ventilation will have to be added. DRC comments have not been received from the County yet.

A motion was made by Peter Tonery, seconded by Mark Reeves to table the decision for 7542 Sandy Harbor Drive until next month due to County comments not being received. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONCEPTUAL COMMERCIAL SITE PLAN APPROVAL  
PRECISION CHEMICAL SYSTEMS 3 RAILROAD AVE.**

Kris Schultz from Schultz Associates was present representing Tom and Scott McNulty owners of Precision Chemical Systems seeking Conceptual Commercial Site Plan approval for a building located at 3 Railroad Ave. Mr. Schultz explained that the property is zoned Industrial. The owners want to construct a building for their business. They receive Soap and cleaning materials by truck. Split the pallets and redistribute the product. The trucks would be coming into a loading dock. The materials would be stored in the building. Then the pallets would be split and the product would be redistributed by truck. The building needs to be moved slightly to meet the setbacks that were previously approved by the Town Board.

Chairperson Linda Morey stated that she would like to see the "future steel building" removed from the plans at this time.

Town Engineer J.P. Schepp stated that he would like to see the clearing of the woods shown on the plans. They would have to maintain a buffer to the south due to it being zoned residential. Lighting and parking concerns need to be addressed. It was suggested that the driveway be paved to reduce dust and stones. The utility easement needs to be shown on the plans. Signage should be shown. Drainage concerns and additional run off needs to be addressed. Erosion controls should be added to the plan. Dumpster location needs to be shown. Product and quantity to be stored needs to be noted. Spill concerns need to be addressed. Sewer hookup, hydrant location and fire lane need to be added to the plans.

Highway Superintendent Steve Baase had no traffic concerns.

Building Inspector Lee Nettin questioned the setbacks. Mr. Schultz stated that they will meet the setbacks granted by the Town Board. He stated that a 50' buffer is also required along the south property line.

Attorney Licht stated that the setbacks need to be added to the plans.

The Conservation Board had no issues.

Peter Tonery questioned the setbacks and the buffer requirements.

A motion was made by Peter Tonery, seconded by Ron Breslawski to grant Conceptual Commercial Site Plan approval to Precision Chemical Systems located at 3 Railroad Ave and to schedule a Public Hearing for January 3, 2011 at 7:30pm for Preliminary approval. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

### **DISCUSSION**

Chairperson stated that they received a thank you from Building Inspector Lee Nettin for letting him use funds to purchase fire proof file cabinets.

Peter Tonery questioned something that was discussed at the training he attended regarding Use variances and dimensional requirements being included in the motions. Attorney Licht stated that he would like to review the material.

Chairperson Linda Morey discussed the DRC Handout for applicants explaining the 30 day requirement. There was just one change to the document.

Town Board Liaison Dave Rose stated that the Zoning Workshops will start again January 13, 2011 at 7:00pm. The Public Hearing for the new Dog Law is scheduled for next Monday.

Jeanine Klopp from the Conservation Board discussed 7920 Newco Drive. She passed out pictures of the lot. She stated that at the Zoning Board meeting it was explained that the location of the house couldn't be moved because the owner wanted to save as many of the trees as possible. The photos show that all of trees have been removed from the lot now. It was suggested being more specific in the motions regarding saving the trees on the lot when possible. The trees to be saved and removed can be identified on the Site Plan then they can't be removed per the motion. Trees larger than 4" in diameter can be identified on the plans. Chairperson Linda Morey questioned the Board's recourse if the trees were then removed. It was determined that a Certificate of Occupancy could be held until the trees were replaced. Eventually it could be court enforced. Attorney Licht stated that all of the trees can't be saved during construction. Building Inspector Lee Nettin stated that there needs to be something to enforce. It has to be included in the motion and on the plans. The trees need to be identified on the Site Plan. A Stop Work Order can be issued until the trees are replaced.

Chairperson Linda Morey stated that they will try to be more specific in the motions and ask to have the trees added to the plans. She stated that everyone needs to make an effort for improvements.

The Board wished everyone a Merry Christmas.

**ADJOURNMENT**

A motion was made by Mark Reeves, 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, January 3, 2011 at 7:30pm. Deadline for all fees is December 20, 2010 at 12:00 noon.**