

Building Inspector Lee Nettin stated that a fire lane along the front of the building had been added to the plans and parking was addressed. He has no other concerns.

Judy Hazen questioned the confidentiality for the residents. Mr. Ballerstein stated that it really hasn't been an issue.

Mr. Ballerstein requested a 3 year extension to complete the paving of the parking lot due to the expense. The Board discussed the length of time for the extension. Mr. Nettin suggested porous paving. He stated that paving the parking lot is best for safety reasons.

Highway Superintendant Steve Baase agreed that the lot should be paved and added that salt can't be used on crusher run. He stated that the area between the road and the sidewalk should be paved right away.

Town Engineer J.P. Schepp stated that the cost is similar for asphalt and porous paving. The issue with the porous paving is you still have to get rid of the water under the pavement. There are still engineering concerns that need to be worked out with the porous paving.

Mr. Ballerstein stated that they would pave the area between the road and sidewalk now. They could pave half of the parking lot within 18 months and complete the paving in 3 years.

A motion was made by Tom Jensen, seconded by Ron Breslawski to grant Preliminary Commercial Site Plan approval to Life Solutions of Hamlin for a food pantry located at 1696 Lake Road with the condition that the area between the road and sidewalk be paved at the entrance now, the north half paved within 18 months and the entire parking lot be paved at their earliest convenience not to exceed 3 years from date of approval. 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 Tom Jensen, seconded by Ron Breslawski to grant Final Commercial Site Plan approval to Life Solutions of Hamlin for a food pantry located at 1696 Lake Road with the condition that the area between the road and sidewalk be paved at the entrance now, the north half paved within 18 months and the entire parking lot be paved at their earliest convenience not to exceed 3 years from date of approval. Members polled Breslawski aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE LOT COMBINATION
DUFFY SUBDIVISION****3511 ROOSEVELT HIGHWAY**

Rich Maier from DDS Engineers was present representing Richard Duffy seeking Simple Lot Combination approval for the Duffy Subdivision located at 3511 Roosevelt Highway. Mr. Maier handed out new maps with the variance added. Mr. Maier explained that the owner Mr. Duffy wanted to combine his lots for tax reasons.

Town Engineer J.P. Schepp had no issues. Building Inspector Lee Nettin had no issues.

A motion was made by Dave Martin, seconded by Tom Jensen to grant Simple Subdivision approval to Mr. Duffy for the Duffy Subdivision located at 3511 Roosevelt Highway. The Board waives the need for a Public Hearing per Town Code 125-74B(10). County Comments have been received. This is a Type II Negative Declaration SEQR determination. Members polled Breslawski aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE SUBDIVISION APPROVAL
COOK ROAD SUBDIVISION****COOK ROAD**

Rich Maier from DDS Engineers was present representing Joseph Heberle seeking Simple Subdivision for the Cook Road Subdivision located on Cook Road. Mr. Maier explained that the family is dividing up the farm land into equal parts. They are dividing 2 existing lots and part of another lot to create this subdivision. It is all farmland and will remain farmland. No building is being proposed. Chairperson Linda Morey questioned if they would include the other lot and make it conforming. Mr. Maier stated that Mr. Heberle doesn't own that lot and has no interest in including it with this subdivision. Attorney Ken Licht stated that they are just altering boundary lines and creating 1 new lot. This proposal is exempt from the County DRC.

A motion was made by Dave Martin, seconded by Mark Reeves to grant Simple Subdivision approval to Joseph Heberle for the Cook Road Subdivision located on Cook Road. The Board waives the need for a Public Hearing per Town Code 125-74B(10). This proposal is exempt from County review. Members polled Breslawski aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

KURTIS GOLTERMANN DISCUSSION

Kurtis Goltermann was present to discuss the possibility of abandoning the second phase of the Traciann Drive subdivision. He explained that he would like to purchase the remaining 11 acres from the developer and build one single family house on the lot. Chairperson Linda Morey questioned the dead end roads for the subdivision. An easement for the Town to connect the two dead end roads was discussed.

Highway Superintendent Steve Baase stated that there were no funds at this time to complete the dead end roads there but he could put the cost in the budget to complete the roads in the future.

Town Engineer J.P. Schepp stated that the Subdivision was approved in 1994. The property is on public water and sewer. It is zoned for high density housing. It is up to the Planning Board to decide whether this 11 acre lot should continue as a high density subdivision or if it hasn't moved forward could it be a one lot single family house. He suggested including an easement to the Town for completing the road and sewer main. Chairperson Linda Morey stated that the lot is very wet. Mr. Schepp stated that the subdivision was designed to drain towards the detention pond. Building Inspector Lee Nettnin stated that there are wetlands on the west of the lot. Peter Tonery questioned where the detention pond was planned. Mr. Schepp stated that the existing pond is behind the houses on the right. It has had to be cleared out a couple times. Mr. Nettnin stated that he can't comment at this time without an actual plan proposed. Chairperson Linda Morey stated that this is actually a request to change the use of the land. Attorney Ken Licht stated that the area to be conveyed to the Town would need to meet the needs of the Town. It could be a condition of the approval to abandon the subdivision and approve a one lot subdivision instead. The cost for the Town needs to be defined.

Tom Jensen questioned if Mr. Goltermann's purchase of the property was contingent on the single family one lot approval. Mr. Goltermann agreed. Tom Jensen questioned if he would agree to convey an easement to the Town to complete the road. Mr. Goltermann agreed. Peter Tonery questioned who would pay to complete the road. Mr. Goltermann stated that he would give the land to the Town and the Town would pay to complete the loop for the road. The developer's commitment was discussed. Peter Tonery questioned if the developer is on the hook to complete the road and pond. Attorney Licht stated yes, the developer has commitment at this time. Peter Tonery questioned if the pond was planned for this 11 acre lot. Mr. Schepp stated that the pond would be dedicated when the subdivision was completed. Drainage concerns were discussed. Mr. Schepp stated that there are low areas to the south of the subdivision. They would be taken care of at future developments. This is just discussion tonight but if this moves forward maps and a drainage plan would be needed. There could be a future development to the south of this subdivision that might want to tie into this subdivision also. Peter Tonery questioned if this 11 acre lot should be re-zoned. Re-zoning was discussed. If the lot was re-zoned it would determine the use of the lot. Judy Hazen questioned if Mr. Goltermann planned on subdividing the lot in the future. Mr. Goltermann stated that he is not planning on dividing the lot at this time. Attorney Licht suggested putting a condition in the motion. Chairperson Linda Morey stated that the Board would need a proposal before they could make an actual decision.

**COMMERCIAL SITE PLAN APPROVAL
KELLER INTERNATIONAL****1431 LAKE ROAD**

Paul Keller was present seeking a referral to the Zoning Board to seek relief from paving of the parking lot due to the expense. Moving the parking to the south was discussed. Mr. Keller stated that he changed the parking plan since the last meeting. He doesn't feel that he needs 25 parking spaces. Town Engineer J.P. Schepp stated that per the code calculations 11 customer parking spaces plus 15 employee parking spaces are required. Mr. Keller stated that he feels that 15 total spaces would be enough. He questioned the need for a variance. Chairperson Linda Morey explained that they were bound by the code and the number of parking spaces required has been calculated. Mr. Keller stated that he wanted to have some of the parking gravel then.

A motion was made by Peter Tonery, seconded by Mark Reeves to refer Paul Keller to the Zoning Board of Appeals to seek relief from Town Code 125-53G(7) the paving of his Commercial parking lot located at 1431 Lake Road. Members polled Breslawski aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE RE-SUBDIVISION APPROVAL
RABJOHN SUBDIVISION****740 HAMLIN CENTER ROAD**

Dave Matt from Schultz Associates was present representing Walter Knight seeking Simple Re-Subdivision approval for the Rabjohn Subdivision located at 740 Hamlin Center Road. Mr. Matt explained that the owner is looking to sell a piece of land to his neighbor. He will maintain two acres and give the rest to his neighbor. The lots meet all of the codes. County comments have not been received back yet.

A motion was made by Peter Tonery, seconded by Judy Hazen to table the decision until next month so County comments can be received. Members polled Breslawski aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONCEPTUAL SUBDIVISION/SITE PLAN APPROVAL
STEPHEN DEVAY SUBDIVISION****480 WALKER ROAD**

Dave Matt from Schultz Associates was present representing Stephen DeVay seeking Conceptual Subdivision/Site Plan approval to construct a single family house located at 480 Walker Road. Mr. Matt explained that this proposal was originally approved in 2003. The plan is the same. No changes have been made. Variances were received in 2003 for the septic also. Chairperson Linda Morey questioned the garage on the plans. Mr. Matt stated that is actually a barn for storage only. Chairperson Linda Morey stated that there is a lot of stuff on the lot and it is currently in violation with Town Codes. Mr. Matt stated that he would put the stuff in the barn once it is built. She questioned if the

barn would be used for a business. Mr. Matt stated no for storage only. Mr. Matt stated that a turnaround needed to be added per the fire code. They would like to propose a bump out in the driveway. A fire hydrant is located at the road and the driveway is 1040' long. Building Inspector Lee Nettin stated that the distance is just over the NYS Fire Code limit so it doesn't require a sprinkler system or additional hydrant.

Town Engineer J.P. Schepp stated that a Conservation Overlay District Permit is required. The limits of vegetation being removed needs to be shown on the plans. The driveway is required to be paved. He suggested monitored discharge at the surface rather than at the creek. Due to the steep slope that is being created at the culvert he suggested adding guide rails. It was noted that the septic is located in the Conservation Overlay District.

Building Inspector Lee Nettin stated that all the fire codes have been met. He questioned the status of the existing buildings on the lot. He stated that there is one illegal shed on the lot currently. He suggested moving the location of the septic out of the Conservation Overlay District. Mr. Matt stated that they can only move it back 25' due to the existing perk holes but they would still require a variance.

Conservation Board member Jeanine Klopp questioned if new perk tests are required. Mr. Matt stated that perk tests last forever. She suggested that the septic be moved out of the Conservation Overlay District also.

Tom Jensen questioned the size house being proposed. Mr. Matt stated a 3 bedroom house is being proposed. That is what was approved in 2003.

Chairperson Linda Morey questioned the status of the open violations. Mr. Nettin explained that they have been suspended pending approval of this proposal. Mr. Nettin stated he needs to know what the plan is for the existing structure.

Peter Tonery questioned if previous perk tests were done in other locations. Mr. Matt stated that he wasn't sure. Peter Tonery requested that research be done to see if the property perked in other locations. Chairperson Linda Morey questioned if the owner was willing to move the structure. Mr. Matt stated that the owner wanted the structure in this location.

A motion was made by Tom Jensen, seconded by Peter Tonery to table a decision until next month so that County comments can be received and research can be done on the perk tests. Members polled Breslawski aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

DISCUSSION

Town Engineer J.P. Schepp gave a SEQR Overview. The SEQR flow chart was explained. The Planning Board is the lead agency for SEQR and makes the decision.

Building Inspector Lee Nettin gave an update on the Hamlin Meadows Subdivision. Lee explained that they received condominium status approval from the State. In the past when a house was completed the footprint would come back to the Planning Board for Re-Subdivision approval. This step is no longer required. The lots are already assigned tax account numbers through the condo approval. Mark Reeves questioned how the owner was able to over step the Town's jurisdiction. Attorney Licht explained that the condo status is a form of ownership not a building type. Therefore it doesn't require approval from the Town. Town Engineer J. P. Schepp questioned if this changes the taxable status of the homes. Attorney Licht stated yes it does. Mr. Schepp questioned why the Town would take dedication of the road and pond then since it would be an entirely private road. He believes that the Town is not obligated to take dedication due to the tax status changing. The houses are not generating the same tax as what was approved in the Subdivision. Now it is similar to an apartment complex or mobile home park. The road should not be maintained by the Town. It would be all private now.

Peter Tonery stated that condo is not included in the Town Code. Attorney Licht stated that the condo status is just a form of ownership and the structures are still controlled as single family dwellings. The status change just affects the taxes. Mark Reeves stated that the owner sold the Board on one thing while he was getting another for himself. He explained that the Town didn't approve the condos originally. Now the Town is not getting the same tax revenue from those lots as what was approved. Mr. Schepp stated that it is all private and the Town should not maintain and plow the roads. Attorney Licht stated that the Town can't control how property is marketed. They are still single family residences and the code applies to the structures. Peter Tonery questioned if they could have changed the approval if they had known it was going to be changed to condos. Attorney Licht stated that he would check if the Planning Board could record restricted use of property. Peter Tonery agreed that since it was converted to condos that the Town shouldn't take dedication of the road. Mr. Schepp doesn't believe that the Town is obligated to take dedication of the road.

Craig Goodrich stated that in other Towns that have condos there is no Town maintenance of the roads, sewers or ponds.

Tom Jensen suggested referring this to the Town Board and having them review taking dedication of the road and pond since it has been converted to condos.

ADJOURNMENT

A motion was made by Mark Reeves, 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, 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 4, 2011 at 7:30pm. Deadline for all fees is March 21, 2011 at 12:00 noon.