

Hamlin Planning Board *Minutes*  
Monday, November 7, 2011  
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 Toney.

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Ken Licht, Town Board Member Craig Goodrich, Building Inspector Lee Nettin, Conservation Board members Nick Kramer and Ed Evans, Engineers Bob Winans, Robert Fitzgerald Adam Freeman and residents Robert Lipani, Nancy Jennejohn, Kristen Peters, Cheryl Cubiotti and Tim DeRycke.

A motion was made by Mark Reeves, seconded by Tom Jensen to approve the minutes from the October 3, 2011 meeting as recorded. Members polled Breslawski aye, Hazen abstain, Jensen aye, Martin aye, Morey aye, Reeves aye, Toney aye. Motion carried, minutes approved.

*The Clerk read the Proof of Publication*

**PUBLIC HEARING**

**PRELIMINARY SITE PLAN/SUBDIVISION APPROVAL**

**1243 WALKER LAKE ONTARIO ROAD          JONES-WALKER SUBDIVISION**

Rob Fitzgerald from Razak Engineers was present representing Mr. and Mrs. Wilfeard seeking Subdivision/Site Plan approval for the Jones-Walker Subdivision located at 1243 Walker Lake Ontario Rd. Mr. Fitzgerald explained that this is a 1 lot subdivision consisting of 26 acres. They are proposing to build a single family house. Due to the setback a turn out for emergency vehicles has been added to the plans. The sewer details have been worked out with Monroe County Health Dept. Site distances have been added to the plans. The easement was addressed. Since this involves another subdivision to the south they have made minor changes to the lot line to be consistent with the West Creek Subdivision to the south. A sewer clean out has been added to the plans and will be maintained by the town. A fill site was discovered and has been added to the plans. He has called Monroe County Health Dept. regarding Fill Site #18 and is waiting to get comments back. The site appears to be to the north of this lot. Nothing has been found in this location on previous construction sites. This plan is on public water which is a plus. He would suggest to his clients that test holes be dug to ensure nothing is buried.

Town Engineer J.P. Schepp stated that the junk yard site is a concern. It is only identified on the maps with a dot. He checked on aerial maps from 1966 and nothing on the site

was shown. The plotted location of the fill site is to the north of this lot. He requested that it be shown on the map.

Building Inspector Lee Nettin stated that the emergency vehicle bump out needs to be 50' deep and 20' wide. Mr. Fitzgerald agreed to change it.

At this time Chairperson Linda Morey opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

At this time Chairperson Linda Morey closed the Public Hearing.

Tom Jensen stated that he was concerned about the location of the junk yard. He agreed that digging test holes would be a good idea.

Peter Tonery questioned the liability if there is current leakage at the site. Attorney Ken Licht stated that the current owners are not the creators of the junk site. The initial owners of the property could be held liable if they could be found. There could be future liability if contamination of the site is found. Public water eliminates some concerns. Chairperson Linda Morey questioned if the DEC should be involved. Attorney Licht stated that it is not imperative but they could ask for a referral. It was sent to the County for review. They are waiting for the Health Dept. to get back to the engineer.

A motion was made by Peter Tonery, seconded by Tom Jensen to grant Preliminary Site Plan/Subdivision approval for the Jones-Walker Subdivision located at 1243 Walker Lake Ontario Road contingent on the turnaround being revised and Health Dept. comments being received. This is a Type II Negative SEQR Declaration. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

## **FINAL SITE PLAN APPROVAL 101 WILER ROAD**

Bob Winans from LaDieu Associates was present representing Mr. and Mrs. Leturneau seeking Final Site Plan approval to construct a single family house located at 101 Wiler Road. Mr. Winans stated that they were before the Board last month. A Conservation Development Permit application has been submitted for the property. However it has not been signed by the owners yet.

Ed Evans from the Conservation Board stated that there were no issues.

Attorney Licht stated that he has reviewed the easement. A motion could be made contingent on the easement being signed and filed with the County Clerk.

A motion was made by Mark, seconded by Peter Tonery to grant Final Site Plan approval and Conservation Development Permit approval to construct a single family house located at 101 Wiler Road contingent on the easement being signed, reviewed and filed with the County Clerk's Office. County comments have been received. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

## **SIMPLE SUBDIVISION**

### **WEST CREEK SUBDIVISION**

(former Bush Creek)

### **1289 WALKER LAKE ONTARIO RD.**

Adam Freeman from Land Tech was present representing Mr. and Mrs. Wilfeard seeking Simple Subdivision approval for the West Creek Subdivision located at 1289 Walker Lake Ontario Road. Mr. Freeman explained that they were here last month and received additional comments from the Engineer. The location of the Land Fill has been added to the map. No building is being proposed. The property line for the Jones-Walker Subdivision is being adjusted to be the same as their property line location.

Town Engineer J.P. Schepp stated that his concerns have been addressed. There is no development being proposed. The location of the Land Fill was added to the plans. A motion was made by Peter Tonery, seconded by Mark Reeves to grant Simple Subdivision approval for the West Creek Subdivision (former Bush Creek Sub.) located at 1289 Walker Lake Ontario Rd. County comments have been received. The Land Fill location has been shown on the map. 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.

## **CONSERVATION DEVELOPMENT PERMIT 1 COUNTRY CREEK**

Bob Lapani was present representing Mary Lou Catracchia seeking Conservation Development Permit approval to construct a 20' x 15' 3 season room on an existing deck located at 1 Country Creek. Mr. Lapani explained that one corner of the deck protrudes 2' into the Conservation Overlay District. It would actually be a 20' x 17' 3 season room on an existing deck.

Town Engineer J.P. Schepp stated that he had no concerns. The construction has already occurred for the deck.

Building Inspector Lee Nettin agreed. The deck will need additional support for the 3 season room.

Attorney Ken Licht questioned the 3 season room size. The application stated 20' x 15' and tonight he stated 20' x 17'. Mr. Lapani stated that the size is 20' x 17' for the 3 season room. The deck size is 20' x 20'.

A motion was made by Tom Jensen, seconded by Judy Hazen to grant Conservation Development Permit approval to Mari Lou Catracchia to construct a 20' x 17' 3 season room on an existing deck located at 1 Country Creek contingent on the application being amended for the correct size. Approval to expire 1 year from date the Building Permit is issued. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

### **CONSERVATION DEVELOPMENT PERMIT 6341 SHORE ACRES DR.**

Cheryl Cubiotti was present seeking Conservation Development Permit approval for a 16' x 20' barn and 6' stockade fence. Mrs. Cubiotti stated that they would like to put a 6' fence along the property lines.

Chairperson Linda Morey questioned if they were going to move the barn per the code or ask for a variance. Mrs. Cubiotti stated that they would like a variance. She stated that a DEC permit would also be required for the barn.

Town Engineer J.P. Schepp stated that a setback variance for the barn is needed and possibly an impervious surface variance.

Building Inspector Lee Nettin agreed. He stated that he did some calculations and it is close.

Town Engineer J.P. Schepp stated that it is located in State and Federal wetlands so a DEC permit is required. Plus it is in the Conservation Overlay District. Mark Reeves stated that due to the location of the barn they can restrict what can be stored in the barn.

Tom Jensen suggested having the gutters on the barn directed towards the pond.

Ed Evans from the Conservation Board stated that there were no issues.

Peter Tonery questioned the purpose of the fence. Mrs. Cubiotti stated to keep the kids and dog in the yard.

A motion was made by Mark Reeves, seconded by Ron Breslawski to refer this application to the Zoning Board of Appeals for appropriate variances for the barn. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**COMMERCIAL SITE PLAN APPROVAL  
LUCKY JACKS**

**1486 LAKE ROAD**

Kristen Peters was present seeking Commercial Site Plan approval to have a Candle and Incense Shop located at 1486 Lake Road. They would like to sell candles, incense, soaps, body oils, etc. Their products are 100% natural and environmentally friendly.

Town Engineer J.P. Schepp stated that the location is retail now so he has no engineering concerns.

Building Inspector Lee Nettnin stated that outdoor lighting needs to be addressed and he has concerns if they are selling flammable oils. Kristen stated that there is a street light now on a pole in the parking lot.

No Conservation Board concerns.

Attorney Ken Licht questioned if they were occupying the entire store. Kristen stated yes they would be.

Judy Hazen questioned the hours of operation. Kristen stated Monday thru Saturday 4-9pm. Peter Tonery stated that was different from the application. They stated they had to change it due to conflicts with her other job.

A motion was made by Judith Hazen, seconded by Peter Tonery to schedule a Public Hearing for Kristen Peters seeking Commercial Site Plan Approval to open a candle and incense shop located at 1486 Lake Rd. for December 5, 2011 at 7:30pm. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**COMMERCIAL SITE PLAN APPROVAL  
1800 LAKE ROAD**

Tim DeRycke was present seeking Commercial Site Plan Approval to open a Bottle and Can Redemption Center located at 1800 Lake Rd. in the Tops Plaza. They will occupy two spaces, one immediately to the south of Tops and one next to the Hair Salon. The space next to the Hair Salon would be just to store the empties. They have two other locations and they are doing very well. They would like to open this center in Hamlin. There is no storage outside other than a dumpster for empty bags and a recycling dumpster.

Chairperson Linda Morey questioned the odor. Mr. DeRycke stated that they use a blower system and the cans go into a hopper and are sorted into bags. The bags are tied off and the odor is eliminated. The fire wall between the spaces eliminates the odor

filtering through. The bags are kept there for 3-5 days then a truck comes and picks them up. She also noted that the address on the Site Plan needs to be changed to Hamlin.

Town Engineer J.P. Schepp stated that since there are no site changes he has no issues. There are no traffic issues.

Building Inspector Lee Nettin stated that the sign regulations need to be followed. He is also concerned that the Fire Lane in front of the building would be abused.

Mr. DeRycke stated that they would provide carts for this location to eliminate people from pulling up in front of the store.

The Board questioned the noise issue. Mr. DeRycke stated that the cans going through the hopper make noise but it is not an issue in the other locations. The trucks are loaded in the rear of the building.

A motion was made by Dave Martin, seconded by Tom Jensen to schedule a Public Hearing for Laura DeRycke seeking Commercial Site Plan approval for a Bottle and Can Redemption Center located at 1800 Lake Rd. for December 5, 2011 at 7:30pm. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

### **DISCUSSION**

Chairperson Linda Morey discussed 2180 Brick Schoolhouse. She stated that the Site Plan was approved last month. The building plans came for a significantly larger house footprint than what was approved. She asked the Board if they wanted the plans to come back before the Board for changes to the Mylar to allow for the larger footprint. The Board agreed that they would have to come back with a revised plan showing the increased house size.

Town Board Member Craig Goodrich stated that Dave Rose was sorry that he couldn't attend the meeting. He is home and doing well. Craig stated that the Town Board feels that the Planning Board is doing a great job.

Chairperson Linda Morey stated that the Fire Dept. Consolidation meeting is Wednesday Nov. 9, 2011.

**ADJOURNMENT**

A motion was made by Mark Reeves, seconded by Peter Toney to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Toney 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, December 5, 2011 at 7:30pm. Deadline for all fees is November 21, 2011 at 12:00 noon.**