

Hamlin Planning Board *Minutes*
Monday, July 2, 2012
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, Town Attorney Ken Licht, Town Board Liaison Dave Rose, Building Inspector Chad Fabry, Conservation Board members Jeanine Klopp, Ed Evans and Nick Kramer and residents Rick and Felicia Westurn.

A motion was made by Tom Jensen, seconded by Mark Reeves to approve the minutes from the June 4, 2012 meeting as recorded. Members polled Breslawski aye, Hazen aye, Martin aye, Jensen aye, Morey aye, Reeves aye, Tonery aye. Motion carried, minutes approved.

The Clerk read the Proof of Publication

**PUBLIC HEARING
COMMERCIAL SITE PLAN
LAKESHORE LUXURIES**

1675 LAKE ROAD

Rich Maier from DDS Engineers was present representing Philip Wegman seeking Commercial Site Plan approval for a retail business called Lakeshore Luxuries located at 1675 Lake Road. Mr. Maier explained that the owner is proposing a high end, specialty hardware store. He will also be selling docks, outdoor ovens and decks in the showroom. He is remodeling the existing building.

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

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp stated that some issues needed to be addressed. The Fire Lane, lighting and egress and ingress improvements. Rich Maier stated that the existing sign in front is lit.

Building Inspector Chad Fabry questioned the hours of operation. Hours will be Monday through Friday 7:30am-8:00pm and Saturday and Sunday 8:00am-5:00pm. Chad questioned parking lot lighting. Rich Maier stated that the sign is lit and there are lights on the building. Parking was questioned. Mr. Maier stated that there are 17 spaces including handicap parking. Mr. Maier stated that the entrance will be handicap accessible and the existing bathroom will be handicap accessible. Chad questioned if there was enough room to make the bathroom handicap accessible. Chad agreed to meet with the owner to review the bathroom plans and space. Chad questioned if the rear of the building has lighting. Mr. Wegman stated that it does.

Conservation Board had no issues.

Attorney Ken Light stated that a revised complete Sire Plan is needed.

Tom Jensen questioned the buffering issues to the north and west.

Chairperson Linda Morey stated that a revised complete Site Plan with lighting, buffering, parking and egress shown is needed.

A motion was made by Tom Jensen, seconded by Peter Tonery to table the application for Philip Wegman seeking Commercial Site Plan approval for a retail business called Lakeshore Luxuries located at 1675 Lake Road so a complete revised Site Plan per discussion can be submitted and reviewed. Members polled Breslawski aye, Hazen aye, Martin aye, Jensen aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

PUBLIC HEARING

IN LAW APARTMENT

RICKY AND FELICIA WESTURN

717 DRAKE ROAD

Ricky Westurn was present seeking Special Use Permit approval for an In-Law apartment located at 717 Drake Road. Mr. Westurn explained that they have a ranch house. They would like to put a second story addition on for an In-Law apartment.

At this time Chairperson Linda Morey opened the Public Hearing and asked if there was anyone present for this application. There were no replies.

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp recommended again that they check the septic system capacity since they are adding a bath, kitchen and bedroom. The Health Department report shows the septic is adequate for a 2 bedroom house. The current house is 2 bedroom and they are adding an addition bedroom.

Building Inspector Chad Fabry stated that the plans show that they are proposing to build a 2 family house. The electric and heat for the addition will be separate. The entrance is completely separate. In order to be an In-Law apartment the space needs to be accessible from the current house. The plan that has been submitted is proposing a completely separate house. Therefore they are creating a duplex.

Tom Jensen suggested putting the stairway inside the existing structure. Mr. Westurn stated that they are connected. Chad stated that is not shown on the plan that was submitted. After review it was determined that the doorway does not access the main house. Therefore it is totally separate.

Duplexes are not allowed in the R-L zoning. Therefore they would need a variance to build a duplex.

Attorney Ken Licht stated that they would need to go for a Use variance which is harder to receive.

Peter Tonery stated that the design that was submitted is not an In-Law apartment and that is what the owner was requesting.

J.P. Schepp stated that the owner can make the design changes and continue with the Special Use Permit application for the In-Law apartment. Mr. Westurn stated that there isn't enough room to have the stairs inside. The Board suggested enclosing them in an addition.

Peter Tonery stated that there was a reason the code was written the way it is. It is not the Board's job to design the changes. He should call his design professional and have him come up with acceptable changes.

Attorney Licht stated that in the future the house could be sold and used as a double and that isn't allowed per the code.

Town Engineer J.P. Schepp explained that the two spaces need to be connected.

Mark Reeves explained that they need to move the stairs inside or build an addition for the stairs. They have to be connected.

Peter Toney stated that they need to create a space that is a single family house. He needs to talk to his design professional.

A motion was made by Tom Jensen, seconded by Peter Tonery to refer the application for Mr. and Mrs. Westurn seeking Special Use Permit approval for an In-Law apartment located at 717 Drake Road to the Zoning Board of Appeals for a Use variance. Members polled Breslawski aye, Hazen aye, Martin aye, Jensen aye, Morey aye, Reeves no, Tonery aye. Motion carried.

A motion was made by Mark Reeves, seconded by Judy Hazen to table the decision for the Mr. and Mrs. Westurn until next month so that the Site Plan can be revised for a single-family house with an In-Law apartment located at 717 Drake Road. Members polled Breslawski aye, Hazen aye, Martin aye, Jensen aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONSERVATION DEVELOPMENT PERMIT
LEON SAWYKO**

7678 NEWCO DRIVE

Leon Sawyko was present seeking Conservation Development Permit for an 18' x 40' garage and porch addition located at 7678 Newco Drive. Mr. Sawyko apologized for not attending last month's meeting. He stated they received DEC permit approval. He will get a copy of the permit to the Town. He was advised by the DEC that approval from the Army Corp of Engineers was not required. He stated that there are no changes to the septic system. The existing public water line will have to be moved for the garage addition. Mr. Sawyko questioned what else needed to be shown on the Site Plan.

The Board explained that the septic location, wetlands, buffer zone, trees and utilities needed to be added to the Site Plan.

Conservation Board member Jeanine Klopp stated that it is consistent with the LWRP. She asked for the tree locations. Mr. Sawyko stated that no trees are being removed just some shrubbery. He stated that a side setback would be needed for the garage addition.

Attorney Licht stated that it is required that existing tree locations and vegetation areas be added to the Site Plan.

A motion was made by Ron Breslawski, seconded by Tom Jensen to refer the application for Mr. and Mrs. Sawyko to the Zoning Board for a setback variance for a garage and porch addition located at 7678 Newco Drive. Members polled Breslawski aye, Hazen aye, Martin aye, Jensen aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

DISCUSSION

Town Board Liaison Dave Rose stated that they would look at the In-Law apartment code when the Zoning Workshops resume in September.

Conservation Board member Jeanine Klopp stated that there will be an Emerald Ash Borer training session on August 20th at 6:00pm.

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, Martin aye, Jensen 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, August 6, 2012 at 7:30pm. Deadline for all fees is July 16, 2012 at 12:00 noon.