

Hamlin Planning Board *Minutes*  
Monday, April 1, 2013  
7:30 pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by the Chairperson Linda Morey at 7:30 pm 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: Judith Hazen, Dave Martin, Linda Morey, Mark Reeves, Peter Tonery and Dave Wolfe.  
Also present: Town Engineer J.P. Schepp, Town Attorney Ken Licht, Town Board member Dave Rose, Library Director Kay Hughes-Dennett, Conservation Board members Jeanine Klopp and Ed Evans.  
Residents: Ray and Carole Mack, Nick Kramer, Richard Giraulo, Wally Hamilton, Eric Peters, Douglas Heath, Rod Zulkosky, Carol McFarlane, David Matt and Douglas Gloff.

Mark Reeves requested amending the minutes from the March 4, 2013 meeting, adding that based on a request from the Conservation Board, a bridge over the creek on the property at 832 Moscow Road is recommended. Motion made by Mark Reeves, seconded by Judith Hazen to approve the minutes as amended.  
Members polled: Judith Hazen aye, Mark Reeves aye, Linda Morey aye, Dave Martin aye, Peter Tonery aye, and Dave Wolfe aye. Motion carried, minutes approved with the correction made to page 8.

Linda wanted to make an addition to the Agenda. It is a request from the attorney for the Library to remove itself from tonight's meeting. She read the correspondence from James J. Bonsignore to Daniel Schum at 43 Nichols Street as follows: *"Dear Dan: Thank you for your correspondence dated March 28, 2013. On behalf of the applicant, and with the consent of the Town and its attorney Richard Horwitz, I respectfully request that this matter be tabled until the next regular meeting of the Planning Board. On that basis, we will not attend the meeting on April 1<sup>st</sup>, and fully expect that no action whatsoever will be taken on this application other than to table the matter over to the next meeting. Should you require anything further, please do not hesitate to contact me. Kind Regards, James Bonsignore."*

## **PUBLIC HEARING**

### **SIMPLE SUBDIVISION**

#### **GEORGE AND JUDY FRIDD**

#### **1259 HAMLIN-PARMA TOWN LINE ROAD, HILTON**

Application for George and Judy Fridd Simple Subdivision and site plan to construct a single family home located at 1259 Hamlin-Parma Town Line Road, Hilton, NY.

Tim Harris, from DDS engineers, represented the Fridds. They have received the necessary variances from the Zoning Board. He gave an overview of the project. They have received and addressed comments from the Town Engineer and all necessary approval agencies. Tonight they are seeking Preliminary and Final approval.

The Town Engineer had nothing new.

Chad Fabry, the Town Fire Marshall, indicated that the driveway is not long enough to require widening. However, if possible, he suggested they may want to put areas in for pulling off.  
Nothing from the Attorney or Conservation Board.

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.

The motion was made by Judith Hazen, seconded by Dave Wolfe to approve the application for George and Judy Fridd for a Simple Subdivision and construction of a single family home located at 1259 Hamlin-Parma Town Line Road, Hilton, NY. County comments are in. This is a Negative SEQR. Approval will expire one year from today.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. Motion carried.

## **AGENDA**

### **PRELIMINARY AND FINAL APPROVAL**

#### **HAMLIN MEADOWS SUBDIVISION SECTION 2 BEEHLER LANE, HAMLIN**

Application for Final Section Plan Approval for Hamlin Meadows Subdivision Section 2 (21 Units), Beehler Lane, Hamlin.

Judith Hazen stated she lives in the project and would like to be a part of the decision-making if there are no objections. There were no objections.

Richard Giraulo from LaDieu Associates was present representing Hamlin Meadows. This property is zoned Senior Citizen Residential. The intent of this zoning is to encourage a variety of housing options for Seniors throughout the Town of Hamlin. The permitted uses in this zoning are single family dwellings, single family townhomes as well as two-family dwellings. We are here now for Section 2. He brought the preliminary Plat. March 3, 2008 the Planning Board granted preliminary Plat approval for this subdivision with 134 condo-patio homes on 54 acres. In June of 2008, the Planning Board granted final approval for Sections 1 and 2. With the market crash in 2008, Section 2 plans were not completed. We are back for Section 2 approval. In October, 2010 and July of 2011 the Board separately approved two-family use to the units located in Section 1 that back up to Roosevelt Highway. The last application before this Board was back in November, 2012 for the re-subdivision of Section 1 to move all the lots lines. The re-subdivision was approved.

Tonight's request again is for Senior Citizen Residential Zoning for Section 2, Hamlin Meadows.

The plans show the units labeled by address as issued by the Assessor. The intent is to build 21 to 27 units in the same locations as previously approved in the preliminary Plat. They may have shifted a few feet one way or the other. The adjustments were made based on having 10 feet between the units, including the eaves. There is 12' between the boxes. The HVAC will be behind the units.

There are six sites that have possible duplex or two-family unit sites. The intent is not necessarily to build two-family dwellings, but to have the option. There seems to be an interest in these units. If we do build any, there would only be six and that's where they would be. This would avoid having to come back to the Board at a later date requesting them specifically. Density comes out at four units per acre. The code allows for six units per acre. Lot coverage is 44%. If we build duplex' on all the units and two driveways, it will only be 44%. The code allows for 50%.

Comments were received from the Town Engineer. Most have been addressed and corrected.

The intent is to provide a street tree per lot. That was done with Section 1.

Comments have been received from the Water Authority and Monroe County Health Department. We are resolving those minor issues.

This section is in compliance with the approved preliminary Plat. We request final Plat for section 2 of Hamlin Meadows.

Town Engineer had no further issues.

Building Inspector stated all was in compliance.

Conservation Board had nothing to add.

The Attorney did not know if any changes were made since approval in 2008. He did not have the old map. If there were changes, this would need to be handled like a preliminary.

The Chairman asked the Town Engineer if he had seen the old map. He believed the duplexes were not shown on the previous Section 2. Rick Giraulo confirmed they were not. That would be a modification.

Chad Fabry asked Rick if adding the six additional units was not adding any more buildings, but changing the one family to two family units. Rick confirmed that to be true. They are not adding any buildings to the plan. Rick stated that there was a possibility of changing the one family into two family buildings. They just wanted approval to be able to do either.

The Chairman, Linda Morey, stated she had gone over all the previous minutes from when the plan had been presented previously. She found substantial differences. Originally, they were going to be only single family homes. There was supposed to be a proposal on the pond at the end of each phase. Rick stated there was a portion of the pond completed. As they continue developing, the pond will get bigger. She also understood there would be a street light district at the second phase. Rick believed the street light districts had already been formed. There would be no modifications for that. She said there was concern from the community about a turning lane. As she understood it, when Section 2 began, Route 18 would be widened. Rick said a permit had been obtained from New York State DOT to add a turning lane. They will follow up with that. It may have expired. Chad asked if traffic studies proved a need for a turning lane. Rick clarified that it would actually be a widening of the road, not an actual turning lane.

Linda asked for confirmation that the roadway in the subdivision was going to be 22' with all front setbacks being 25'. Rick confirmed this. Linda feels the biggest concern is that all earlier paperwork indicates single-family homes, not duplexes. When the single family homes on the first section were changed, the plan had to be presented to the Board again. She prefers this be handled the same. Rick states that is what they are requesting today. They are looking for approval, though they may still be single family. They will build according to the demand. This would just give them the option of either single- or two-family homes. Linda states if that were the case, they will need to have a Public Hearing. Rick's asking if the use is still compliant with code, what would the need be for a Public Hearing. Linda explains that the change would require Public Hearing.

There is further discussion amongst the board members.

A motion was made by Peter Tonery, seconded by Dave Martin, to grant preliminary approval for the Hamlin Meadows Subdivision Section 2, Beehler Lane, Hamlin, NY. It will need a Public Hearing. This is a new application due to the revisions. Previous SEQR was granted.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. Motion carried.

The Attorney, Ken Licht, then added that the Planning Board will need to determine the amount of the Bonding and also the term of the Bond once the Town Board approves the Bond.

**PRELIMINARY SIMPLE SUBDIVISION  
MIKE-MATT LANDS PARTNERSHIP**

**1147 MOSCOW ROAD, HAMLIN**

Application for Preliminary Simple Subdivision located at 1147 Moscow Road, Hamlin. Mike-Matt Lands Partnership seeking re-subdivision of the clubhouse and pole barn on 5 acres on the Northwest corner (originally Lot 10-Jensen Subdivision).

Douglas Heath, Attorney, was present representing Mike-Matt Lands (commonly referred to as Kludt Farms). In December, 2012 Mike-Matt Lands purchased property that we all know to be Ozzie's Corners Golf Course on the South Side of Moscow Road and the North Side of Jacobs Road. Prior to that purchase, the Planning Board approved the Yanty Creek Subdivision where the sellers Gregory and Kathleen Speer subdivided the eastern portion of the parcel containing a house and barn. It was sold subsequent to the sale of the golf course, which left a balance of approximately 36 acres, which essentially was the golf course; the Clubhouse and a Pole Barn to the south of the Clubhouse were added later.

Mike-Matt Lands is seeking to re-subdivide the northwestern corner of the parcel which was at one point in time considered to be Lot 10 of the Jensen Subdivision. When Mr. Speer purchased that property, he purchased multiple properties in that area and combined four parcels into one; the Ozzie's Corners Subdivision consisting of approximately 47 acres. It has now been named the "Clubhouse Subdivision". The intent is to sell this parcel separately. The remaining lands will be turned into agricultural production. There will be no change of use of the clubhouse. If there were to be a change of use, the buyer would have to get any necessary approvals to do so.

The Building Inspector, Chad Fabry, explained to Doug that the Clubhouse/restaurant is not allowed in the zoning. It was allowed as a component of the Golf Course, however, not as a stand-alone business. The second issue is if the business was discontinued as a Clubhouse/restaurant and abandoned, that leaves no primary structure. There are businesses that could use the facility allowed in the zoning such as clubs, lodges, private schools, hospitals, etc. These would be subject to Planning Board approving Special Use Permit. Mr. Heath's intention is solely to create the subdivision, not determine the use. Mr. Heath understands that the Board may want to know what the intended subdivision would be and accepts that. The Buyer's attorney would be approving any required permits.

Mr. Heath brings up the point that the Board approved the subdivision of the main structure off the property in December, 2012. When this was permitted, it left the Clubhouse and Pole Barn sitting there itself. Mr. Tonery is pointing out that the Board was just taking action on the one parcel, which was not necessarily giving permission for the remaining parcel. Mr. Heath is saying that you can't violate the current owner of the

property because there is a building out there without a primary use, because the Board permitted the action that separated the primary use. Someone commented that the Primary Use is the Golf Course.

Mr. Heath is offering to provide additional information to the Planning Board and the Building Inspector as to what the purchasers intended use may be.

The Town Engineer had no further comments without knowing what the intended use would be.

The Conservation Board had nothing.

The Town Attorney then asked the applicant's attorney if he would like to table this for now. Mr. Heath then asked Chad Fabry about the referral to the County (Monroe County DRC). Chad responded that he does not do that. He would be willing to sign the referral form. Mr. Heath will request the referral. Mr. Heath agreed to table the matter until next month.

The Chairman states the most important issue would be the intended use and County Comments.

Mr. Tonery explains to Mr. Heath that the history of the property might show that the use of these facilities evolved under the auspices of a Golf Course.

A motion was made by Mark Reeves, seconded by Judy Hazen to table the application until the next meeting, May 6.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. Motion carried.

## **PRELIMINARY SITE PLAN GLOFF SUBDIVISION**

## **480-542 WALKER ROAD, HILTON**

Application for Gloff Subdivision and Site Plan Preliminary Approval for a single lot subdivision with a single family home located at 480-542 Walker Road, Hilton.

David Matt, Project Engineer, is present representing Douglas Gloff. He pointed out the uniqueness of the parcel as it has an old railroad bed on it. Currently the main parcel is split on either side of the railroad bed. The current owner actually owns that portion of the railroad bed. As part of this subdivision, they would like to combine all three pieces; actually combining two parcels into one, totaling 17.5 acres. They are proposing to build a single family residence approximately 725' off Walker Road. It will have public water, gas and electric. It will have a leach field to be approved by the County Health Department. We will be doing no work near Moorman Creek. There will be a pond approximately 40' from the property line as per Town Code. The applicant would like to put up a pole barn. We understand that will require a variance.

Town Engineer would like to see the dimensions of the pond. There are Conservation Overlay districts not shown associated with the flood plan and Moorman Creek.

Conservation had nothing further.

Chad Fabry states that the pole barn should not affect the approval of the site plan. He will ensure proper variances are obtained before any permits are issued.

The Town Attorney asked about a stockpile that crosses the property line. Mr. Matt states that is actually a gravel pile of the neighbors.

David Matt has already applied to the Zoning Board for a variance. Knowing that process will take two months, he is looking to schedule to come back to the Planning Board in June for a Public Hearing.

A motion was made by Dave Martin, seconded by Mark Reeves for the Gloff Subdivision located at 480-542 Walker Road, Hilton to schedule a Public Hearing in June. County comments should be in by then.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. Motion carried.

## **DISCUSSION**

The Chairperson announced today's resignation of Ron Breslawski. She would like to request that the Town Board allow them to be a part of the interviewing and hiring process. She also asked Dave Rose about the process for replacing the Support Board Clerk. Dave Rose stated this selection will probably be made from the previous list and not advertised again.

Linda addresses circumstances where they have had a conflict of interest in using the same attorney as the Town. She is requesting that the Planning Board have a separate attorney from the Town's attorney, which was the process in the past. They would like to retain Daniel Schum. If he is not available, they would like to be involved in the recruitment and hiring of that attorney.

## **ADJOURNMENT**

A motion was made by Mark Reeves, seconded by Dave Wolfe to adjourn tonight's meeting.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. Motion carried, meeting adjourned.

Minutes respectfully submitted by:

Deborah Rath  
Clerk to the Support Boards

**The next scheduled meeting of the Hamlin Planning Board will be held on Monday, May 6, 2013 at 7:30pm. Deadline for all fees is April 16, 2013 at 12:00 noon.**