

Hamlin Planning Board *Minutes*  
Monday, August 5, 2013  
7:30 pm

The regular meeting of the Hamlin Planning Board was called to order by 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, Steve Lauth, Dave Martin, Linda Morey, Mark Reeves, Peter Tonery, and Dave Wolfe.

Also Present: Chad Fabry, Building Inspector, Jeanine Klopp and Ed Evans, Conservation Board Members, Ken Licht, Support Board Attorney, J.P. Schepp, Town Engineer,

Residents: Francine Fantuzo (sp), Beth Engelbert, Andy Engelbert, Barbara Speed, Troy Nesbitt, Tricia Nesbitt, Ben Frasch, Tyler Cochran, Brendan Maher, Steve N.(sp), R Zufe (sp), Christopher Messmer, Jacob Mosele, Jeremy Muller, Sabine Frederick, Patricq Dumbs (sp), Andre Dumbs (sp), Susan Carlson, Mike Carlson, R. Z. (sp), Eric Peters and Craig Goodrich.

Applicant representatives: Douglas Heath, Attorney for Mike-Matt Lands Partnership, David Strabel, Schultz Engineering for Sabine Frederick, River City Air Soft.

A motion to approve the July 1, 2013 minutes as submitted was made by Judith Hazen, seconded by Mark Reeves.

Members polled: Judith Hazen aye, Steve Lauth Abstain, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye.

The clerk read the proof of publication.

Chairperson Linda Morey opened the Public Hearing.

**PUBLIC HEARING**

**PRELIMINARY SITE PLAN APPROVAL**

**MIKE –MATT LANDS PARTNERSHIP  
1147 MOSCOW ROAD, HAMLIN**

Application of Mike-Matt Lands Partnership pursuant to *section* §520-66 of the Town of Hamlin Zoning Law for “Preliminary and Final” Subdivision Approval to subdivide premises at 1147 Moscow Road, Hamlin containing 36.89 acres into two lots containing 5 acres and 31.89 acres.

Douglas Heath attorney was present, representing the Mike-Matt Lands Partnership. Mr. Heath provided a recap of the history of this application for those present. The intent is to revert the 5 acre parcel back to the original Lot#10 of the Jensen Subdivision status and retain the rest for agricultural purposes.

Chairperson Linda Morey asked for comments from the Board.

J.P. Schepp had no engineering concerns.

Ken Licht had no legal concerns.

Chad Fabry had no comments.

Jeanine Klopp of the Conservation Board had no concerns.

Chairperson Linda Morey opened the Public Hearing.

Resident Troy Nesbitt of 52 Cook Road, Hamlin spoke in favor of the project.

Chairperson Linda Morey closed the Public Hearing.

Linda Morey asked for comments from the Board.

Douglas Heath read the following to be added into the minutes.

**APPLICANT'S POINTS OF CLARIFICATION – SUBDIVISION APPROVAL 8/5/2013**

*“The December 2012 re-subdivision (Yanty Creek Subdivision) remains in full force and effect. Prior use of the Clubhouse by Greg Speer (Ozzie’s Corner Golf Course) which may or may not have been “permitted” as a lawful purpose within the R-VL zoning district, including any “pre-existing/non-conforming (grandfather) status” is determined to be null and void. It is agreed that the former “clubhouse” may not be used in the future for bar/restaurant purposes without the appropriate permits or approvals issued by the Town.*

*That the buildings now existing on the premises may continue to be used for agricultural purposes and/or for any lawful “permitted by right” purpose within the meaning of §520-11(A)(1). Any other Permitted uses within the R-VL zoning district will be subject to site plan approval, special use permit, and/or variances as required by the Zoning Ordinance.*

*At the present time there is no delineation between “primary” and “accessory structure” with respect to the clubhouse or outbuilding. The subdivided lot does meet the minimum lot size requirements within the R-VL zoning district and does constitute an approved building lot for “permitted uses” under §520-11(A) (1).*

*Change of Use – does not require further action by HPB to use structures for “permitted use” within §520-11(A) (1).*

*Present buildings meet all set back requirements and are not subject to any outstanding or unresolved zoning violations or building code violations. Structures may be immediately occupied as permitted under the Zoning Ordinance.*

*Limitations/removal of pre-existing/non-conforming (grandfather) status applies only to the 5 acre parcel in question, being that shown on the subdivision map entitled “Clubhouse Subdivision”.*

*The existing structures on the premises may be used and occupied in the future for any lawfully permitted purpose within the meaning of §520-11(A)(1), including but not limited to a single family dwelling with detached outbuilding without obtaining any permits or approvals from the Hamlin Planning Board.*

*Site plan approval, special use permits and/or area/use variances, as the case may be, would be required for any other uses of the premises as set forth in the Zoning Ordinance §520-11(A)(1).”*

Ken Licht added that the clarifying language be placed on the plan itself. Prior commercial use has been terminated.

Judith Hazen asked if the clubhouse is large enough to become a single family home. Chad Fabry replied that the clubhouse is 1800 sq. ft. It could easily be converted to a single family home as the facilities are there.

A motion was made by Peter Tonery, seconded by Mark Reeves to grant Preliminary Subdivision approval for the Mike-Matt Lands Partnership pursuant to *section* §520-66 of the Town of Hamlin Zoning Law to subdivide premises at 1147 Moscow Road, Hamlin containing 36.89 acres into two lots containing 5 acres and 31.89 acres. Incorporating this language: the existing structures of the premises in the future for a lawfully permitted purpose within the meaning of §520-11(A) (1) including but not limited to a single family dwelling with a detached outbuilding without obtaining any permits or approvals. Change of use from the clubhouse to a single family dwelling will not require Hamlin Planning Board approval although the same may require a building permit and/or certificate of occupancy from the Hamlin Planning Board. Site plan approval, special use permits and/or area use variances as the case may be would be required for any other uses of the premises as set forth in the Zoning Board Ordinance 520-11 (A) (1). The language will be on the final plans.

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

A motion was made by Mark Reeves to grant Final Subdivision approval using all the prior language and no changes, for the Mike-Matt Lands Partnership pursuant to section §520-66 of the Town of Hamlin Zoning Law to subdivide premises at 1147 Moscow Road, Hamlin containing 36.89 acres into two lots containing 5 acres and 31.89 acres. This is a Type II Negative SEQR. The above motion made by Mark Reeves was seconded by Dave Wolfe.

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

**PUBLIC HEARING**

**PRELIMINARY SITE PLAN APPROVAL**

**SABINE FREDERICK  
832 MOSCOW ROAD, HAMLIN**

Application of Sabine Frederick pursuant to *section* §520-65 of the Town of Hamlin Zoning Law for Commercial Site Plan Approval for an Air Soft Business at premises located at 832 Moscow Road, Hamlin.

Dave Strabel of Schultz Associates was present, representing Sabine Frederick and River City Air Soft. He explained that Air Soft is very similar to paint ball. They use pellets that are environmentally safe with corn starch as a main ingredient. There are 24 parking spaces. The game is played by roughly 20 participants at a time. The game playing field is 700 feet back on a 1400 foot parcel. A variance was

granted for the paving of the parking lot near the road. Games will be held on weekends, only weather permitting. The business will have a limited seasonal use.

Linda Morey asked what the time period is between games. Sabine's son responded there will be approximately ½ hour between games.

Chairperson Linda Morey asked the Board for any comments.

J.P.Schepp had no engineering concerns. Linda asked if he thought that the parking will be sufficient. J.P. responded that it is such an unusual use. If there is a parking issue raised the code enforcement officer will make sure that there is enough parking. It is a residential area there. Dave Strabel commented that there is room for additional parking if necessary. It may take one year of operation to figure that out.

Peter Tonery wanted to make sure that there would be no parking on the street as there is a lot of activity on that street.

Ken Licht had no legal concerns.

Chad Fabry had no comments

Jeanine Klopp of the Conservation Board asked about the netting that will be installed around the perimeter of the property. Sabine stated that it will be 6' in height, black in color with 80% opacity. It is more like screening material. Jeanine has talked to someone familiar with catching birds and they use fine black netting. If an animal can see through the netting they will want to try to go through it. So the more visible the color the less likely any animal would want to try to enter the area.

Mark Reeves stated it is like a fish net, a small square fish net. The bird netting they place on trees for protection has only about a 20% opacity. The netting they are talking about is darker.

Chairperson Linda Morey opened the Public Hearing.

Resident Francine Fantuzo(sp) asked what the noise level would be. Andre stated it to be between 70-80 decibels which is compared to a normal conversation. A test was run at a distance of 3 '. Dave Strabel stated that there is a 50' buffer from the property lines around the property. Fran asked who the neighbors are. Dave Strabel responded that one side is the Park, to the back is the Parkway, and the other side is a single private property owner. She asked if it was necessary to knock down any of the buildings in the front for parking. Dave Strabel responded no. Fran asked how the buildings fit into the scheme of the use. Dave Strabel responded that they are only using a part of the building for the collecting of fees and supplies. Fran asked who is allowed to use this facility. Dave replied it is a club, you have to be a member and there is a wide range of ages that will be attending.

Resident Troy Nesbitt of 52 Cook Road, Hamlin stated that he was employed for many years by Speer Equipment and that he felt that Peter Tonery should recues himself due to legal issues he was involved in with the previous owner years ago. He also added that he feels it would be a real positive thing for the Town, a great thing for kids to do. He is familiar with Air Soft replica guns; they are very quiet and safe. It is a lot of fun. He thinks it would be a great use for the property.

Resident Barb Speed of 874 Moscow Road, Hamlin had a couple of questions. Her property borders on the west. Are there any plans in the future to make this business go into the evening where there would be lighting? No lighting or evening hours for the club. The netting around the course would also prevent trespassers on the other properties. Dave Strabel responded yes, that is part of the use of the netting and keeps the game from straying.

Resident Tricia Nesbitt of 52 Cook Road, Hamlin stated that she also is in favor of this business. She thinks it is good that a business is looking to come into our community. It seems more often than not that we are losing businesses and it is a good thing for the kids and she is 100% in favor of it.

Resident of 165 Moul Road, Hilton also thinks it would be good for the game to come in and keep kids off the streets and have a safe place to learn how to use Air Soft replicas. I am all for it.

Resident Francine Fantuzo(sp) had one more comment, in going back and forth from the property the buildings look neglected. She would hope that the new owners would take care of the buildings and that it would be part of the improvements. Sabine responded absolutely.

Resident Jerry Muller of 20 Walker Lake Ontario Road. He is 100% in favor of this project. He has known the applicants for about 10 years. They are great people and are very passionate about what they do. It would be great for the community and bring business into Hamlin. Air Soft is a very big and up and coming sport, so instead of people playing in non-designated areas why not have a place designated where they can play safely and learn how to play.

Linda Morey asked if there was anyone else.

Resident Jake Mosele of 14 Hamlin Center Road, Hamlin. He would like to be able to go somewhere and play safely with friends.

Resident Ben Nesbitt of 52 Cook Road, Hamlin. I have used Air Soft Replicas for at least a year or two and I am in favor of this project.

Resident Tyler Cochrane stated I think it is very good idea. It is a good way for people to come together, play a sport, meet new people and have fun. I am in favor of this project.

Resident Susan Carlson of 2398 Church Road, Hamlin. I am a mom and I haven't heard much about this but I did take my kids to paintball in Bergen. It would be a lot nicer to have something closer here.

Resident Chris Messmer of 277 North Hamlin Road, Hamlin. I think it would be a good idea because it is a good way to bring the kids of just about any age to have a community to go to and play rather than just sitting at home.

At this time Chairperson Linda Morey closed the Public Hearing.

Linda asked the Board if they had any questions or concerns.

Dave Wolfe asked what the present membership is. Is there any membership? Andre responded that they have 102 members presently that have signed up on the website. They are all actively awaiting.

His next question is will there be any annual tournaments? Andre responded no, it is pretty much just a get together. Will there be any alcohol on premises and what is your plan if that happens? We have a station set up in the front of the building. We check extra bags and gun bags to make sure anything illegal, such as alcohol, drugs or sharp objects are not on premises and if anything is found it will be taken away.

Steve Lauth commented I have been working in Sodus and noticed the same style netting has been put up and they have flagged it at locations so it is more visible. A fluorescent tag would make the netting more visible to people and animals.

Dave Martin asked how long a game lasts. Andre responded that a game lasts approximately ½ hour to 1 hour depending on the kind of game played. Do you charge by game? They charge a day fee.

Dave Wolfe asked if a red flag could be put up to alert that persons are on the field. Andre said no problem.

A motion was made by Dave Wolfe to grant the application of Sabine Frederick pursuant to section 520-65 of the Town of Hamlin Zoning Law for a commercial site plan for “Preliminary” approval for an Air Soft Business premises located at 832 Moscow Road, Hamlin with the following conditions: The netting around the perimeter with 80% opacity, includes the bridge that is already on the site plan, and no building use for any lavatory functions, and the use of a red flag when participants are on the field. This is a Type II Negative SEQR. The above mentioned motion including specified conditions was seconded by Mark Reeves.

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

A motion was made by Dave Wolfe, seconded by Peter Tonery to grant “Final” approval of the application of Sabine Frederick pursuant to section 520-65 of the Town of Hamlin Zoning Law for commercial site plan approval for an Air Soft Business located at 832 Moscow Road, Hamlin with the same conditions that were stated in the “Preliminary” approval.

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

## **DISCUSSION**

Craig Goodrich reported from the Town Board. He is filling in for Dave. The Volunteer Ambulance is looking for money from the Town but have not received it as of yet. They are selling tickets for the Hamlin Ambulance. They are collecting money to buy a new ambulance.

The Chamber of Commerce has been quiet. They wondered if we were going to have a parade and if we had a King and Queen because they give the King and Queen little gifts every year. That is something to look into for next year. Mark Reeves had a suggestion regarding the Air Soft Business. There will be many parents dropping off their children to play and it would be good if the Chamber of Commerce supplied the parents with pamphlets on area businesses where parents could go get something to eat or what is available while they are waiting to pick up their children. It is a great way to promote business in Hamlin.

Linda Morey commented on the vegetable stand across the street from the Town Hall. She read the zoning for road side stands. Chad Fabry responded that as he understands it Lakeshore Luxuries owns

and operates the stand now.

Peter Tonery had a comment concerning the lawsuit that was brought up by a resident earlier in the evening. The lawsuit was about 15 years ago; it was with regard to re-zoning a parcel from residential R-VL to commercial. I was not a principal although I signed my name to the complaint and it did not go through.

Dave Martin said that he is reading a lot about the Library again. They are planning on moving it back east from the road. Chad Fabry responded the reason is that the rubble from the previous foundation and topsoil fill would create compaction issues and with the leased parcel it is large enough to push it back on the other side of the easement now. The leased parcel size has been changed. It goes back another 60 ft from what was originally discussed. It includes part of the horseshoe pit which has been moved to Hamlin Beach State Park. Craig Goodrich commented that it would be nice to hear from the library directly or from the Town Supervisor directly rather than hearing about it and reading about it from the Hamlin Clarkson Herald. Linda mentioned that it was a better site and it was the site the Planning Board originally wanted for the Library.

### **ADJOURNMENT**

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

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

Minutes respectfully submitted by:

Cheryl J. Pacelli  
Clerk to the Support Boards

**The next scheduled meeting of the Hamlin Planning Board will be held on Monday, September 3, 2013 at 7:30 pm. Deadline for fees is August 20, 2013 at 12 noon.**