

Hamlin Planning Board *Minutes*
Monday, April 7, 2014
 7:30 p.m.

The regular scheduled meeting of the *Hamlin Planning Board* was called to order by the Chairperson, Linda Morey at 7:30 p.m. at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The location of the fire exits and AED was explained for those present. It was asked that all cell phones and pagers be turned off.

Members Present: Judith Hazen, Steve Lauth, Dave Martin, Linda Morey, Mark Reeves, Peter Toney, and Dave Wolfe. All present.

Also present: Keith O'Toole Planning Board Attorney, JP Schepp Town Engineer, Chad Fabry Building Inspector, Jeanine Klopp Conservation Advisory Board Member, Dave Rose Town Councilperson, Jason Baxter Town Councilperson, and Steve Baase Highway Department Superintendent.

Resident representatives present: Rich Maier from DDS, and John Sciarabba from LandTech.

Residents present: Philip Wegman and Robert Black.

A motion was made by Judith Hazen, seconded by Dave Martin to approve the March 3, 2014 minutes as presented.

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

Proof of Publication

The clerk read the **Proof of Publication** to those present.

PUBLIC HEARING

PRELIMINARY COMMERCIAL SITE PLAN APPROVAL

PHILIP WEGMAN

1675 LAKE ROAD, HAMLIN

The application for Philip Wegman seeking "Preliminary Commercial Site Plan Approval" pursuant to Town Code §520-65 for a Small Engine Repair Business located in the rear building of Lake Shore Luxuries Hardware Store located at 1675 Lake Road, Hamlin "in a C-GB (Commercial /General Business) zoning district".

Mr. Wegman represented himself before the Board.

Mr. Wegman gave a quick overview of the proposal. He will be using a partial section of the existing rear building. All traffic will be through the front door of Lake Shore Luxuries Hardware Store. An employee will transport anything needed to the back area. All deliveries will be made at the rear building.

J.P. Schepp had no site improvements or drainage or traffic changes as it is a low intensity use. The parking seems sufficient for that type of use.

Chad Fabry stated that it is ancillary and complementary to selling small equipment.

Attorney O'Toole had no concerns.

Jeanine Klopp, Conservation Advisory Board Member had no comments.

Linda Morey asked the Board for any questions or concerns.

Dave Martin asked what the plan is for scrap disposal. Mr. Wegman stated that he has a spring clean-up plan. In a couple of weeks he is going to apply for a fence permit to be used as a visual block for machinery waiting

for repair. The fence would come out from the corner of the building to the property line. It would be similar to the existing fence as possible.

Chad Fabry commented that it is an out of sight commercial area, which is sufficient to him.

Mr. Wegman added that he is continually trying to improve the property. He is planning on offering lumber for sale soon. He plans to be back in within the month for a permit.

Steve Lauth asked how many employees will be working in the repair area. Mr. Wegman responded that there would be 2 FT employees. There will be a small engine repair mechanic and a runner which will transport the parts from the main bldg. to the repair shop. The parts will be located at the repair shop and in the main store.

Chairperson Linda Morey opened the **Public Hearing**.

She asked if there were any questions or comments from anyone present and to please state their name and address. There were no questions or comments presented.

Chairperson Linda Morey closed the **Public Hearing**.

She asked the Board if there was anything else.

A motion was made by Peter Tonery, seconded by Steve Lauth to grant Philip Wegman "Preliminary Commercial Site Plan Approval" pursuant to Town Code §520-65 for a small engine repair business located in the rear building of Lake Shore Luxuries Hardware Store located at 1675 Lake Road, Hamlin "in a C-GB (Commercial/General Business) zoning district". This also conforms to Town Code §520-19A2(ee) other uses not specifically listed above but deemed by the **Planning Board** to be similar in nature and compatible with the purposes of the C-GB district. We would also condition the approval upon the restriction that no other businesses or business activities can operate or be placed in any area previously approved for parking or traffic flow. This is a Type II Negative SEQR Declaration.

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

A motion was made by Mark Reeves, seconded by Dave Wolfe to grant Philip Wegman "Final Commercial Site Plan Approval" pursuant to Town Code §520-65 for a small engine repair business located in the rear building of Lake Shore Luxuries Hardware Store located at 1675 Lake Road, Hamlin "in a C-GB (Commercial/General Business) zoning district".

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

AGENDA

LOT LINE ADJUSTMENT

**MARK J., JAMES AND NICHOLAS BRESLAWSKI
101 JACOBS ROAD, HAMLIN**

Application for Mark J., James, & Nicholas Breslawski for a Lot Line Adjustment pursuant to Town Code §520-66(J)(1) to alter the lot line for premises located at 101 Jacobs Road, Hamlin "in an R-VL (Residential/Very Low Density) zoning district". No new lot is being created. There is no increase in non-conformity of any dimensional area or setback requirement.

Richard Maier of DDS represented the Breslawskis before the Board.

This is in regards to the farmhouse which is on the south side of Jacobs Road, Hamlin. The buildings that are shown on the map have since been removed. It is on a town road. We are basically pushing the west line and making the line straight to the west.

J.P. Schepp stated that it is a horseshoe driveway. He asked if any cross section easements are needed. Rich stated that the school buses use it for a turnaround.

Chad Fabry had no comments.

Attorney O'Toole has no driveway issues and from a legal point of view there is no need for an easement.

Jeanine Klopp, *Conservation Advisory Board* Member had no concerns.

Chairperson Linda Morey asked the Board for any comments.

Dave Martin mentioned that the driveway goes into the other property where the barns used to be.

A motion was made by Dave Martin, seconded by Judith Hazen to grant approval to Mark J., James, & Nicholas Breslawski for a Lot Line Adjustment pursuant to Town Code§520-66(J)(1) to alter the lot line for premises located at 101 Jacobs Road, Hamlin “in a R-VL (Residential Very Low Density) zoning district”. No new lot is being created. There is no increase in non-conformity of any dimensional area or setback requirement. The *Public Hearing* is waived.

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.

AGENDA

**MULTIPLE LOT SITE PLAN & SUBDIVISION APPROVAL
COUNTRY CREEK PHASE III**

**ROBERT BLACK
1407 HAMLIN PARMA TOWN LINE ROAD, HAMLIN**

Application for Robert J. Black for “Preliminary and Final” Multiple Lot Site Plan & Subdivision Approval pursuant to Town Code§520-65(C)(1) for premises located at 1407 Hamlin Parma Town Line Road, Hamlin to be named Country Creek Estates Phase III “in a R-M (Residential/Medium Density) zoning district.

John Sciarabba of LandTech represented Mr. Black before the Board.

This application was before the Board in December of 2013 as a conceptual plan. This is a 56 acre parcel of land. It is the last section of Country Creek Estates. It is a 9 lot subdivision with 8 new lots along the frontage of Country Creek Estates and 1 large lot in the back for Mr. Black’s future home for which he has no plans to build at this time. It is a 630’ extension road. We are extending the sanitary sewer, the water main and all utilities. It is very consistent with the development that was done before. These new lots are larger than the previously proposed lots. They are 150’ wide and continue to the front and back of the parcel. The road will have a hammerhead turnaround of permanent asphalt at the end of the cul-de-sac. This hammerhead will be used by the town snowplows and for school buses. The comments from the Town engineer have been received. Street lights will be discussed as to how many are needed for that length of road. The turnaround will be permanent and it will be paved with asphalt binder and top. The sanitary sewer cleanout for Lot 305 should be located at the end of the right-of- away. A vertical curve should be provided for the change in the grade of the road. An estimate for the letter of credit should be provided for review. The Stormwater Pollution Prevention Plan should be provided, including the storm water sizing calculations for the proposed infiltration basin. J.P. Schepp has just received the design of the infiltration basin which will be discussed. Also, at the end of the road the turnaround T is included in an easement. This is the permanent dead-end so he wonders if it is more

appropriate if that is a right of way rather than an easement. It was meant for snow storage. Everything else is fine.

Steve Baase was pleased with the hammerhead plan rather than the cul-de-sac.

Chad Fabry had no issues.

Keith O'Toole mentioned that he agrees with J. P. Schepp to dedicate the entire hammerhead along with the snow storage area. It eliminates the cost of an easement for the client.

Jeanine Klopp Conservation Advisory Board member had no comments.

Linda Morey asked the Board for any other comments or concerns.

Dave Wolfe had a question about the 100 year floodplain and flood insurance. Keith O'Toole responded that he thought it meant building outside of the 100 year flood plain area. The land is not in the 100 year old floodplain. John Sciarabba stated that if you build a home on a lot in a flood plain that the 1st floor of the home is at least 2 feet above the flood plain. We are well above that mark. Dave Martin also asked if the street will be paved right away or in parts as the lots are sold. John responded that there may be a 3a & 3b on this project. Mr. Black may want to develop a small section first and put a dedicated road in as we know dedicated utilities are the most costly item, so he may want to put the first section in and then do the second, in 2 phases. It is for cost savings. We can include a temporary turnaround for construction vehicles in the letter of credit. Peter Tonerly asked J.P. Schepp about the street light number. J.P. Schepp responded we can work that out when we see what the spacing is on the others. Actually the electric utility comes up with the design. The utility plan will be submitted to all utility companies. Dave Wolfe asked how many fire hydrants are required for this area. Chad Fabry stated that one hydrant would be sufficient for him. Mr. Black would like to break ground this year. If all goes well to have the road in by the end of the year.

Keith O'Toole asked about the phasing. John Sciarabba stated that all of the drainage improvements in, in phase 1 as required by the SWPP. Any phase line would be placed between lots 302 & 303 and 307 & 308. Mr. O'Toole asked that the Phasing as described be in the motion.

A motion was made by Dave Wolfe, seconded by Mark Reeves to grant the application for Robert Black for "Preliminary Site Plan and Subdivision Approval" pursuant to Town Code§520-65(C)(1) for premises located at 1407 Hamlin Parma Town Line Road, Hamlin to be named Country Creek Estates Phase III "in an R-M (Residential/Medium Density) zoning district" with the conditions that it is going to be done in sections 3A & 3B. Section 3A will include all SWPP improvements and a temporary turnaround. These conditions may be optional. This is a Negative Type II SEQR.

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

A motion was made by Dave Wolfe, seconded by Mark Reeves to grant the application for Robert Black for "Final Site Plan and Subdivision Approval" pursuant to Town Code§520-65(C)(1) for premises located at 1407 Hamlin Parma Town Line Road, Hamlin to be named Country Creek Estates Phase III "in an R-M (Residential/Medium Density) zoning district" with the conditions that it is going to be done in sections 3A & 3B. Section 3A will include all SWPP improvements and a temporary turnaround. These conditions may be optional. This is a Negative Type II SEQR.

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

AGENDA
SINGLE LOT SUBDIVISION APPROVAL

DENNIS AND KAREN HOWE
2728 CHURCH ROAD, HAMLIN

The application for Dennis and Karen Howe for “Preliminary and Final” Single Lot Subdivision Approval pursuant to Town Code§520-66J(2) for premises located at 2827 Church Road, Hamlin “in an R-VL (Residential/Very Low Density) zoning district. They have already received Zoning Board Approval for various variances.

John Sciarabba of LandTech represented the Howe’s before the Board.

The owners want to sell their property and relocate out west. They want to sell the property which is approx. 52 acres. They want to sell the tillable property to a local farmer and sell the remaining land and the house which is just under 7 acres as a residential home. They have been before the Zoning Board and have been granted the variances for the pond, shed, and house.

Linda Morey asked about the status of a small piece of land off by itself. John Sciarabba responded that it is not a part of this application.

J.P. Schepp had no engineering concerns.

Chad Fabry had no concerns.

Keith O’Toole had no comments.

Jeanine Klopp Conservation Advisory Board Member had no issues.

Linda Morey asked the Board for any comments or concerns. There were none.

A motion was made by Mark Reeves, seconded by Peter Toney to hold a Public Hearing on May 5, 2104 for the application for Dennis and Karen Howe for Single Lot Subdivision Approval for premises located at 2728 Church Road, Hamlin.

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

AGENDA

SINGLE LOT SUBDIVISION APPROVAL

**ROBERT MANVILLE
162 WALKER LAKE ONTARIO ROAD, HAMLIN**

Application for Robert Manville seeking “Preliminary and Final” Single Lot Subdivision Approval pursuant to Town Code§520-66 for premises located at 162 Walker Lake Ontario Road, Hamlin “in an R-VL (Residential/Very Low Density) zoning district. The Zoning Board has already granted the various variances.

John Sciarabba from LandTech represented Mr. Manville.

A recap of the application was provided. The owner wants to subdivide the pond from his residential property. The issue has been forced on him. He is involved in litigation concerning his access road and persons using the pond. He did receive the necessary variances from the Zoning Board for the pond, dock, and shed. A neighbor attending the Zoning Board meeting brought up concerns about the upkeep of the road, which in his deed is Mr. Manville’s responsibility.

J.P. Schepp had no engineering issues.

Chad Fabry had no issues.

Attorney O’Toole commented on why the owner of Lot #2 would continue to pay property taxes on Lot #2 since essentially it is non buildable and the client would retain an access easement and yet have no responsibility one way or another. What would his motivation be to keep paying those property taxes? John

Sciarabba responded that he thinks Mr. Manville's taxes will go down quite a bit because the new taxes will be on the bigger lot.

John Sciarabba stated you have a point. Attorney O'Toole commented that you create a second lot; you create a second set of tax bills. For the sake of argument, let's say that Lot#1 has \$200,000 worth of improvements so that is 2 taxes bills for that lot. Lot#2 will get a far more modest bill but it will still be a bill. If I am the owner of both lots 1 & 2 why should I continue to pay taxes on Lot#2 when I can just say let the county take it? John Sciarabba stated that he doesn't think Mr. Manville would let that happen but he could. Generally speaking carving off abandoned lots to be orphaned off is a bad idea.

Peter Tonery stated that Mr. Manville bought the property, he bought the pond, now the pond is a headache and he wants to subdivide it off so he can get rid of the headache. He would like the Town to take it but the Town is not interested in taking it. John Sciarabba stated that he wants help with the driveway issues and try to come up with a mechanism for that.

Dave Rose stated that the pond was dug for fill for the parkway.

Linda Morey stated that the Planning Board is at an impasse. We could table it if you want to come back and talk about other options. She stated that it looks to her that if it came up for a vote that it would likely fail. So at this point what would you like to do? John Sciarabba stated that he would like to continue down the path to approvals. It would give the public an opportunity to speak to this issue. Linda responded that if we send you for a Public Hearing that means you are taking on an additional expense to do a Public Hearing. John Sciarabba responded that is nominal to where we are now. Attorney O'Toole had another idea. Your clients remaining parcel is still 21 acres. If you could add enough land to Lot #2 such that it could be developed as a single family building lot then even if the place was foreclosed on eventually somebody would pick it up. John Sciarabba responded that is a great point. Attorney O'Toole responded that would solve the problem and the client would still retain a lot of land. So long as he is inclined he can continue to own both lots. John Sciarabba likes Attorney O'Toole's idea. The lot configuration might look unique like this one already does. There might be some cross access easements needed but that goal can be accomplished. Linda Morey and Dave Wolfe stated that it would have to be presented so we could look at it. Speaking for herself, she said it would look better than the pond by itself. Peter Tonery said that this is something that can be improved upon.. it makes a lot of sense rather just create a horrible orphan. John Sciarabba stated that they want to keep it on the timeline. Linda Morey asked that you would like to have a new plan submitted to us and still have the Public Hearing. Mr. Sciarabba stated yes, on May 5, 2014. Linda Morey stated that she is not sure they could automatically do that because they have to look at the new plan and then decide if it meets all of the qualifications before we submit it for a Public Hearing. Peter Tonery said that if it is a new plan not sure if it has to go to the county but it does have to go to J.P. Linda said that they hope that it wouldn't need any variances but we don't know that at this time. Dave Martin stated that someone has to be liable for the pond and the issues that come, whether it is divided into a different lot. Whoever buys that lot may unsuspectedly find out the other neighbors are out there and something happens. John Sciarabba said that he can make this property meet code without any problem. Attorney O'Toole asked that if the lots are going to be re-designed in any way that you call out the easement areas that are proposed, box them out, show me exactly what you are doing. Also, call out any existing easements on the map too. Chad Fabry stated I don't think you have to show/create a building lot just a lot that could be a building lot. You don't have to show a proposed house site or perk test or something similar. John Sciarabba states that he thinks it is important for the public to hear that and he has talked to the gentleman that has an issue with this and have him be able to speak to this. That is how I operate. I like to have more information rather than less. At this point I would like to continue on for the Public Hearing on May 5, 2014

per the current plan. Steve Lauth disagreed with the current plan. Not as it sits now. I don't see any sense of you coming forward with this plan the way we all feel. It seems like a waste of time to other notes.

Attorney O'Toole had a comment that a motion containing some findings that states the reason for denial would not be a bad idea in the future. There was a lot of discussion about it but certainly my comments don't count, it is the Board's comments that the Board acting as a whole should add to that motion. Peter Tonery commented that Attorney O'Toole articulated it precisely. Steve Lauth also commented that in our litigious society you are very smart that we just can't say no we have to say why and then no. Attorney O'Toole said essentially yes, the courts say that.

Linda Morey asked if someone would like to make a motion.

A motion was made by Dave Wolfe for the application for Robert Manville seeking "Preliminary and Final" Single Lot Subdivision Approval pursuant to Town Code §520-66 for premises located at 162 Walker Lake Ontario Road, Hamlin "in an R-VL (Residential/Very Low Density) zoning district" be denied based on the following 3 points: being that it will create an orphan lot, it is not in conformance with the Master Plan, and the potential maintenance problems. It will also be a non-buildable lot. Steve Lauth seconded the motion. 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

The Planning Board had a change in the Lot Line Adjustment form. All agreed and the form will be used.

Dave Rose stated that the Town bought the old Duffy Mott property where the Homestead Hotel used to be all the way to the back of the property. We bought all of the acreage and it's in the process of closing now so we have more land available for the Highway Department. It consists of 33 acres that includes the road frontage on Lake Road. There are 5 lagoons on the property which can be filled in. It was a fair cost of \$59,000. There was a meeting with Senator Robach last Thursday night. He promised another \$100,000 in State funds for the Town Library.

The contractor has told the Town that they will be turning the completed Library over to the Town around the 1st week in August. That extra money will add a few more amenities to the Library itself. Quite a few things were cut out and these funds will go towards those items. It will be named for Margaret McGrath. The High Schools are drawing up a design for the Library. It is a program for the arts class to compete with one another as to what the design will be. The design to be approved by the Library trustees.

The Zoning Workshop will be held on April 24, 2014 at 7:00 p.m. in the Town Hall Building.

Peter Tonery has an item to bring up for Attorney O'Toole. It has to do with Wegman across the street. When I was doing a little homework thinking about the motion I turned up Town Code §520-19(C)2. It says that one permitted principal building shall be allowed per lot with the exception of neighborhood shopping centers and malls. It occurred to me that the repair business if it is going to be in another principal building that it probably needed a variance. But it was so far along in the process that I didn't see much value in raising it as an issue prior to what we were doing here tonight. But I wonder if you can comment on that. Keith responded that he has not reviewed the code to see if it defines permitted principal building. There is a store front out front and a metal skin sheathed building out back. If I was just a stranger walking along I would say that the retail

storefront was the principal building and everything else on the site was an accessory. Chad Fabry commented so would NYS Code. There is only one principal business and the repair business would be accessory to the sale of equipment that is allowed at the Hardware Store. So that would make it an accessory building. Attorney O'Toole asked how has the bathroom issue been resolved? Are they using the bathroom in the main building? Chad responded correct. Steve Lauth commented that everything goes into the main building and they are just physically doing the repair out back. The whole business is run out of the front building. Peter Tonery stated that he has visited the back area 15 times himself going back for parts and inner tubes. Linda commented that if you have a mower that is not running you have to bring it in on a trailer to the back area.

Dave Wolfe asked that even though the Manville application was denied would they have to re start all over again with new fees? Chad Fabry responded that this application is finished and any other application would be a new application.

Peter Tonery asked Attorney O'Toole if it is preferable to have a positive motion rather than a negative. Attorney O'Toole responded yes, it is. It makes things easier to understand after the fact. Linda Morey said that it is better to make a positive motion and let it fail then to make a negative motion.

Jeanine Klopp mentioned that the *Conservation Advisory Board* will have three new members. The Board is now restored to a 7 member Board. The new members are John DeRue, Justine Jensen, and Carrie Whipple. The *Conservation Advisory Board* will hold their *Free Tree give away* on April 19, 2014 in the Hamlin Town Hall parking lot from 9:00 am to 12 noon. They have several varieties of evergreen trees.

ADJOURNMENT

A motion was made by Mark Reeves, seconded by Dave Wolfe to adjourn tonight's meeting barring no further business.

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 Town of Hamlin Planning Board will be held at the Hamlin Town Hall on Monday, May 5, 2014 at 7:30 p.m. The deadline for all applications and fees is Wednesday, April 23, 2014 at 12 noon.

DRAFT