

Hamlin Planning Board *Minutes*  
**Monday, June 2, 2014**  
7:30 p.m.

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

Members present: Steve Lauth, Peter Tonery excused, Dave Martin, Linda Morey, Mark Reeves, Judith Hazen, and Dave Wolf.

Also present: Keith O'Toole Planning Board Attorney, J.P. Schepp Town Engineer, Dave Rose Town Councilperson, and Jeanine Klopp Conservation Advisory Board Member.

Resident representatives present: Dave Matt Schultz Associates, John Sciarabba LandTech, and Scott Hepler Ultimate Dock Systems.

Residents present: Thomas Maier, Robert Dickerson, Thomas Voelkl, Cindy Lutwiller, Dean Brightly and Betsy Heberle.

A motion was made by Dave Martin, seconded by Steve Lauth to approve the May 5, 2014 meeting minutes as presented.

Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye. Motion carried.

**AGENDA**

**CONSERVATION DEVELOPMENT PERMIT**

**CARMEN & LINDA COLLINI  
7956 NEWCO DRIVE, HAMLIN**

Application for Carmen & Linda Collini seeking Conservation Development Permit Approval pursuant to Town Code§520-24 to install a rock breakwall along the shoreline of Lake Ontario, located at 7956 Newco Drive, Hamlin in a "SR(Shoreline/Residential) zoning district".

Scott Hepler of Ultimate Dock Systems represented the property owners before the Board.

This project consists of creating a rock breakwall along the shoreline for erosion protection. The Army Corp of Engineers has no jurisdiction as the project is above the mean high water line.

J.P. Schepp had no engineering concerns.

Conservation had no issues.

Attorney O'Toole had no comments.

A motion was made by Steve Lauth, seconded by Dave Wolf to approval a Conservation Development Permit for Carmen & Linda Collini pursuant to Town Code§520-24 to install a rock breakwall along the shoreline of Lake Ontario located at 7956 Newco Drive, Hamlin in a "SR(Shoreline/Residential) zoning district". This approval is subject to DEC approval.

Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye. Motion carried.

**AGENDA**

**CONSERVATION DEVELOPMENT PERMIT**

**ROBERT DICKERSON  
7804 NEWCO DRIVE, HAMLIN**

Application for Robert Dickerson seeking Conservation Development Permit Approval pursuant to Town Code§520-24C(1) to install a free floating deck (225 sq. ft.) to be placed on top of rock breakwall located at 7804 Newco Drive, Hamlin in a “SR(Shoreline/Residential) zoning district’.

Robert Dickerson represented himself before the Board.

The proposed project will be a free floating platform on a concrete pad along the beach that is uneven. Linda Morey asked how it would be attached. The platform will sit on the concrete pad supported by brick piers.

J.P. Schepp had no engineering concerns.

Conservation stated that it was consistent with the policies of the L.W.R.P.

Attorney O’Toole had no comments.

Mark Reeves asked about tying the platform down in some fashion to brace the platform against wind and waves. Mr. Dickerson agreed.

A motion was made by Dave Wolf, seconded by Judith Hazen to approve the application for Robert Dickerson seeking Conservation Development Permit Approval pursuant to Town Code§520-24C(1) to install a free floating deck (225 sq. ft.) to be placed on top of rock breakwall and secured to the land located at 7804 Newco Drive, Hamlin in a “SR(Shoreline /Residential) zoning district”. It is consistent with the policies of the L.W.R.P. and the applicant has one year to complete the project with an inspection by the Building Inspector. Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye. Motion carried.

**AGENDA**

**CONSERVATION DEVELOPMENT PERMIT**

**THOMAS VOELKL  
6322 SHORE ACRES DRIVE, HILTON**

Application for Thomas Voelkl seeking Conservation Development Permit Approval pursuant to Town Code§520-24C(1) to install a 12’ x 12’ platform deck to be situated over large rocks that are a part of the breakwall located at 6322 Shore Acres Drive, Hilton in a “SR(Shoreline/Residential) zoning district”.

Thomas Voelkl represented himself before the Board.

The proposed project will be a reinforced 12’ x 12’ platform to be placed on a flat area of large rocks for mainly wildlife photography use. It will be 10” high and 12 ft. sq. and 1000 lbs made from composite decking and pressure treated framed joist. It will be 8 ½’ above the lake level and 8 ½’ behind the lake line. There is a slope drop to the water.

J.P. Schepp had no engineering concerns.

Conservation added that it is consistent with the policies of the L.W.R.P.

Attorney O'Toole had no comments.

As in the previous agenda item, a fastening system to the land will be installed.

A motion was made by Dave Wolf, seconded by Mark Reeves to approve the application for Thomas Voelkl seeking a Conservation Development Permit Approval pursuant to Town Code§520-24C(1) to install a 12' x 12' platform deck to be situated over large rocks that are a part of the breakwall located at 6322 Shore Acres Drive, Hilton in a "SR(Shoreline /Residential) zoning district". With a fastening system installed anchoring the platform to the land. The applicant has one year to complete the project with an inspection by the Building Inspector. It is consistent with the policies of the L.W.R.P.

Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye. Motion carried.

## **AGENDA**

### **LOT LINE ADJUSTMENT**

**MICHAEL LASZEWSKI  
40 & 60 KETCHUM ROAD, HAMLIN**

Application for Michael Laszewski seeking "Preliminary & Final" Lot Line Adjustment pursuant to Town Code§520-66J(1) for Lot#4 and a portion of Lot# R-3B of the Laszewski Subdivision located at 40 & 60 Ketchum Road, Hamlin in an "R-VL(Residential/Very Low Density) zoning district".

Dave Matt of Schultz Associates represented the owner before the Board.

The lots are up for sale and one interested party wants 10 acres not 5 so that is the reason for the lot line adjustment on Lot #4. Lot AR-3B is a smaller lot and the owner is keeping it for himself. Dave Matt commented that Lot#4 was approved earlier.

J.P. Schepp had no engineering concerns.

Conservation had no issues.

Attorney O'Toole had a comment on the drainage easement in the northern area of the subdivision. It should be recorded in liber & page and deeds called out to verify that the easements were recorded. If they weren't recorded we would require your clients to provide the easements.

A motion was made by Dave Martin, seconded by Dave Wolf to grant "Preliminary" Lot Line Adjustment Approval to Michael Laszewski for a lot line adjustment pursuant to Town Code§520-66J(1) for Lot #4 and a portion of Lot #R-3B of the Laszewski Subdivision located at 40 & 60 Ketchum Road, Hamlin in an "R-VL (Residential/Very Low Density) zoning district" subject to easement approval by Town Attorney. This is a Negative Type II SEQR.

Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye. Motion carried.

A motion was made by Dave Martin, seconded by Steve Lauth to grant "Final" Lot Line Adjustment Approval to Michael Laszewski for a lot line adjustment pursuant to Town Code§520-66J(1) for Lot #4 and a portion of Lot #R-3B of the Laszewski Subdivision located at 40 & 60 Ketchum Road, Hamlin in an "R-VL(Residential/Very Low Density) zoning district" subject to easement approval by the Town Attorney. This is a Negative Type II SEQR .

Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye. Motion carried.

**AGENDA**  
**SITE PLAN APPROVAL**

**JOSEPH BRIGHTLY**  
**525 DRAKE ROAD, HAMLIN**

Application for Joseph Brightly seeking “Preliminary & Final” Site Plan Approval pursuant to Town Code§520-65 and Special Use Permit pursuant to Town Code§520-11 for a proposed Farm Market to be located at 525 Drake Road, Hamlin in an “R-VL(Residential/Very Low Density) zoning district”.

John Sciarabba represented Joseph Brightly before the Board.

He gave an overview of the proposed Farm Market construction project. It is a continuation of the Brightly Farm Stand that has been there for the past 2-3 years. It is planned to have a 40 x 40 building, 10 parking spots, outside sales, new entrance per Monroe County DOT standards. In the future we will be proposing a leach field, sanitary water service for the gardens and rest rooms. Monroe County DOT completed a traffic count study and found no impact on the traffic in the area. There will be 10 parking spots for patrons and will add 1 spot for an employee which brings the total parking spots to 11. The surface of the parking lot needs to be an impervious material and provide durable and dust free surface. They are hoping to use millings for the lot with a black top apron. The fire lanes will be painted on the surface of the lot. Portable parking bumper detail will be added to the general notes on the plan. Not much has changes since our last meeting before the Board.

It was brought to the attention of the Planning Board by the Conservation Advisory Board that there is a Federal wetland on the property. It looks like it is where the parking lot and septic are planned to be. J.P. Schepp stated that a wetland doesn't show on the Town's Conservation Overlay District Map which shows all wetlands in the Town. But it does show up on the Federal Wetland Inventory and it does encompass a portion of that corner. Dean Brightly asked to speak. When we bought the property we had the NRCS come out and do a wetland evaluation of the property. The NRCS cleared it completely of wetlands. There are no wetlands on the property. That is a Federal Department which also works with the DEC. Betsy Heberle stated that The Soil and Water Department designed the tiling system that was placed on the property. NRCS and Soil & Water did the project. If you are not compliant with NRCS you cannot be involved with any of the government programs for farming. J.P.Schepp said that it doesn't look like one but it is still popping up on the Federal map. Linda Morey stated that the proper documentation should be shown.

John Sciarabba commented that in order to be a Federal wetland there are 3 elements, hydric soils, water source, and vegetation. There is no vegetation as there have been row crops on the property for 3 years. Dave Martin commented that the property had been row copped just this year and cleaned it last year. Right Dean?

Dean Brightly responded that it was cropped 20 years ago.

Dave Martin stated that he also has land down here too in different spots where it was cropped and then they came out with new rules.

Dean Brightly responded that the NRCS said it was ok.

Dave Martin responded that he knows what is being said.

Dean Brightly responded that the new rules that came out a year ago are more stringent than they used to be. We should be clear of this.

J.P.Schepp stated that a lot of background information is present but it is still showing up on these maps so we'll get past it.

Betsy Heberle feels that the whole project is being fought and it is not a real good feeling. We are working with the USDA on a grant for this program too, a value added producer grant. We have an opportunity to receive \$50,000.00 in working capital because USDA and AG & Markets think that this is a fantastic idea to bring economic development into our community. This community does not have good economic development anymore. Look at our intersections here. We are planning on bringing local jobs, local food to local people. And we are being fought every step of the way. We are going to lose almost a whole season this year. We work hard and we feel our community should be supporting us like we support our community.

Steve Lauth commented that we have to be careful that everyone is treated exactly the same. So whatever lines have to be followed are followed so nobody else can come back and that nothing else has been done different. This is so the town is not held liable or responsible.

The applicants remarked that we have pretty much said that we would do almost everything you asked for but it just keeps going on and on. As for the value added producer grant if this phase goes through it is a 3 year plan like we did with the farm market, if it goes through then we are eligible for \$250,000 for the next phase.

Steve Lauth asked if there was any issue on adding more parking spaces for more employees. They responded no problem. There actually is room for expansion on the plan.

John Sciarabba reopened the wetland issue. There are 2 ways to handle this. They can go to the Army Corp and get a letter of jurisdiction which will take 6-8 weeks to get someone out here to look at the land. Or they can get a biologist to walk the site and they will pay for the Biologist to go out there and provide a document to say that there are no wetlands. Would you accept that? Dave Wolf asked if there was another way, do you have that documentation. The applicants have the NRCS document. Linda Morey stated that it will get straightened out. Attorney O'Toole stated that he is not familiar with the jurisdiction of the NRCS over wetlands and he asked John Sciarabba is he is. He stated that he is not. Dave Martin is familiar with the process of them coming out to and determining if the site can be developed. They would not put their stamp of approval on something unless it was acceptable.

Linda Morey asked for them to come back with a plan for everything they want to do now and in the future so that we can approve the whole plan. You can work on it in phases but you would have the whole plan approved. Otherwise, every time you want to add something on then you have to come back to us for an SUP. An SUP is very specific. If you want to start out selling produce that's fine but then if you decide that you want to put a grill in to serve lunch you can't do that until you come back to us. It is a tedious process for you to come back to us all the time for an SUP. The current plans before us are marked proposed, change that so everything is not proposed but exactly where it is going to be. John went over the proposed plan again. Phase one we will have outdoor sales of local produce, greenhouse for plants and nursery, outdoor display to include produce, corn, landscaping plants, and mulch. Phase two will be upgrades to mechanicals and the building to include water, gas and electric for public use. John wants it all for 1 and 2 approved right now and pull the building permit for phase 1, then come back and pull building permit for phase 2. We are not hiding anything we want a bakery in there, and a kitchen, local sales of products to be expanded, seasonal displays (Christmas trees, pumpkins) to be included. J.P. Schepp had no other comments on the issue.

Dave Wolf had one question about moving the driveway. The last time you were here you had a DOT from the county to put that roadway in where it exists now. Is it going to be necessary to get a permit because you are going to move it 18' or so down the road? John Sciarabba responded is what they had is an agricultural permit. This is a typical Monroe County DOT permit for access; this is the one you would use. We are shrinking the size from 80' to 30', which meets the requirements. There is a comment on the paperwork given to the chairperson that Monroe County DOT has looked at this and they only require 24'. We wanted it bigger in the anticipation of delivery trucks.

Conservation had no concerns.

Keith O'Toole commented on a detail item in Phase 1 item 2 you should strike that etc....it leaves this open ended. If you want to expand what you are getting permits for, but etc. is very vague. This is just trying to eliminate arguments going forward. John Sciarabba said he would remove that item. I did note also in the Town Engineers letter from about a month ago there was some concern expressed with reference to the lighting plan and landscaping. I do not see any of that called out here. John responded that lighting is shown on the building. As for landscaping we are proposing to leave the trees up, there is a hedgerow and the Brightly's have just planted a big patch of blueberries. There should be plenty of trees and shrubs here for sale to block light spill. Once the driveway is moved to the south it will be right away from the driveway next door and right in front of the pine trees so the light spill from this property will be totally blocked by the pine trees. Dave Wolfe asked if there are easements marked on the map or is there a requirement for easements. Attorney O'Toole responded that he didn't think there are any. The hours of operation will be 7:00 a.m. to 7:00 p.m. Mark Reeves asked that more detail to be shown on the plan. Attorney O'Toole mentioned that his experience with leach fields isn't just a dotted box, you lay out a design. This plan is pretty light in that regard. I understand they are gung-ho to get the building started. I would have no problem perhaps leaving the leach field subject to Town Approval or Town Engineers Approval of Phase 2 within x number of months. John stated that we are dealing with a time of year issue. I can have the perk test done tomorrow and you can have it in a week. We are all familiar with the soils out here and it is dry now. I think that within the month we will have the perk test done and ready to go.

Linda Morey asked if he could update this plan for next month because it has to be a Public Hearing. Then we would have a plan that is detailed. John said that he would hopefully have a plan that the soil perks in the next few weeks, sure. The Health Department looks at that and they require what the details are. I don't know how that will change the public perception of the project. Linda stated that the county comments will also be needed. John responded that it was submitted 2 weeks ago.

Linda asked if the board wants to schedule a Public Hearing without the county comments.

Attorney O'Toole commented that he had no problem with that as it is only one septic design. Then assuming we have the Public Hearing and assuming they are not going to have County Approval at that point then they can make the septic design subject to Town Engineers approval in some fashion would be acceptable I would think. J.P. has no problem with that. John stated that they cannot get approved without SEQR. Keith O'Toole also stated that the septic design is approved by the Planning Board in concept only then it gets kicked back to the County. I guess part of my concern is I hate to have a plan that gets stale with Phasing. I guess I am good with that if you can just tie it up in terms of a time frame, six months or a year out, whatever folks are comfortable with. John Sciarabba responded that he can take the phasing out and show what we want to do. The phasing was a reaction to what transpired when the building permit was given in error and rescinded, building was ordered, and it is on site and ready to build. We phased it so the Board could find a way to let them build the building while the other process is going on. Attorney O'Toole responded from a site plan point of view we are not approving the interior, that is building permit. We are approving the worst case impacts on the site overall. So whether or not your client sets up a bakery and installs a bathroom inside so long as we build it to the scale that can accommodate that with the parking and so on, that works. I would prefer that you get rid of the phasing. John Sciarabba would like to come back to a Public Hearing, the perk test will be done, and hopefully it will perk and move forward with final plans per all requirements. Attorney O'Toole had another comment on a different topic is the sign. I want to make it clear that the Board approves the site plan; they are not approving the sign but approving the location of the sign so your client would still have to apply for a sign permit.

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

A motion was made by Dave Wolfe, seconded by Steve Lauth for application for Joseph Brightly seeking Site Plan Approval pursuant to Town Code §520-65 and Special Use Permit pursuant to Town Code§520-11 for a proposed Farm Market to be located at 525 Drake Road, Hamlin in an “R-VL (Residential/ Very Low Density) zoning district” to be sent for a Public Hearing to be held on Monday, July 7, 2014 at 7:30 p.m. Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

Linda Morey commented that we will see you next month with everything tied up.

**AGENDA**

**SINGLE LOT SUBDIVISION**

**BUD HENDERSHOT, LLC  
1250 & 3000 ROOSEVELT HIGHWAY SUBDIVISION**

Application for Bud Hendershot, LLC seeking “Preliminary & Final” Single Lot Subdivision Approval pursuant to Town Code§520-66(J)1 for the 1250 Roosevelt Highway Subdivision located at 1250 &1300 Roosevelt Highway in an “R-VL (Residential/ Very Low Density) zoning district”. It is a subdivision of 2 agricultural parcels with no development proposed.

Dave Matt of Schultz Associates represented Bud Hendershot, LLC before the Board.

The proposed project consists of 100 acres on Roosevelt Highway. They are looking to transfer all of the farmable land to the farmer and the farmer doesn’t want the existing barn. So they are breaking off a parcel to keep the barn as a storage barn. That is the overall intention. The Town Engineers comments have been received and labels have been added showing Lot#1 & Lot#2 on this plan are not approved for any additional building. There are 2 random rectangles on the plan that were drafting lines that were removed. We understand that Lot#2 will require some variances and application will be sent to Zoning Board. There is also a small issue with the existing driveway crossing a corner of the neighbor’s property. My experience in these cases out in Hamlin are to place an easement over the top of it between the 2 neighbors or remove the driveway from across the property line. He hopes to come back to the Planning Board on August 4, 2014 with approved variances in place for final approval.

J.P. Schepp had no comments.  
Conservation had no concerns.  
Attorney O’Toole had no issues.

The easement will be up to the owner if he wants to go the easement route or just remove the driveway, which will mean flipping it to the other side to be the appropriate width.

A motion was made by Steve Lauth, seconded by Dave Wolfe to send the application for Bud Hendershot, LLC seeking “Preliminary and Final” Single Lot Subdivision Approval pursuant to Town Code§520-66(J)1 for the 1250 & 1300 Roosevelt Highway Subdivision located at 1250 & 1300 Roosevelt Highway, Hamlin in an “R-VL (Residential/Very Low Density) zoning district”. It is a subdivision of 2 agricultural parcels with no development sent to the Zoning Board for various variances on June 16, 2014 at 7:30 p.m. and upon the approval of the variances from the Zoning Board to be scheduled for a Public Hearing by the Planning Board for August 4, 2014 at 7:30 p.m.

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

## **DISCUSSION**

Linda Morey wanted to let everyone know that there is a proposal to grant the North Star Historical Center a Historical Designation.

Attorney O'Toole mentioned that there should be a narrative included along with applications and cover letters that explains what they are trying to do, what are the pre-existing conditions and how they will be changed. It was agreed to place this on all future application forms. The clerk will add this to the application forms.

Supervisor Eric Peters spoke before the Board concerning a checklist for developers and businesses. It was his intent from when he got elected to make this process friendlier for everyone involved. We need to scan and look through this checklist and see what can be added and make sure that no technicalities are missing. This would help keep missteps at bay, to be pro-active to market the town and have well planned development. He had a few examples from other towns in NYS that may help us come up with a checklist that fits Hamlin.

Linda Morey stated that it is a good idea.

J.P. Schepp mentioned that we used to have an informal development review committee meeting. It usually is on an off night and doesn't involve the entire board, just key members such as the highway superintendent, supervisor, and a representative from the planning board. It is good for items that are a little out of the ordinary. To give the developer a sense that this is a big hurdle to get over or these are things we would like to see as things move forward. It is more like a sketch conference.

Linda Morey asked Attorney O'Toole that we made a change with the lot line adjustment where we could waive the Public Hearing. Are there others for example, putting lots together, where we could also waive the Public Hearing because we are just taking the lots that are there and just combining them. Attorney responded that he would take a fresh look at the statute. When you say waive the Public Hearing are you talking about waiving Planning Board review or just the Public Hearing. Linda responded just the Public Hearing component. He said he would take a look at that.

A discussion ensued concerning aspects of a check list and items that might help determine the correct steps that apply to the town. A plan came before the Board but it was not complete. The Board Chairperson is uncomfortable with that because the Board would prefer to see the complete plan before they are schedule an applicant to move on in the process.

## **ADJOURNMENT**

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

Members polled: Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Judith Hazen aye, and Dave Wolf aye, 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, July 7, 2014 at 7:30 p.m. at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is June 18, 2014 at 12 noon.**

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