

Hamlin Planning Board Minutes  
Monday, August 4, 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 edits and AED explained for those present.

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

Also present: Keith O’Toole Planning Board Attorney, J.P. Schepp Town Engineer, Steven Baase Highway Superintendent, Cheryl Pacelli Building Inspector/CEO, John DeRue and Jeanine Klopp Conservation Advisory Board Members and Jason Baxter and Jennifer Goodrich Town Councilpersons.

Residents present: Linda DeRue, Lynn & Ernie Mellas, Sherry Dobson, Art & Carol McFarlane, Bernice Brightly, Darlene Stratton, Mary Hueser, Tamara T. Hoyt, Grace Cordaro, Ian Whitcroft, Laura Whitcroft, Donna Laundry, Donna Scott, Ange Whit (sp), Tom Whit (sp), Joe Heberle, Paula Reis, Pam Chape, Richard Chape, Vicky A. Fredlund-Feathers, Gary Sweeney, Linda Sweeney, Jerry Wilson, Shirley Wilson, Wayne Shue, Brenda J. (sp), Liz Skaky, John Skaky, Jeromy Spencer, David Ritchie, Jennifer G (sp), Peggy Gilbert, Chuck Lawson, Diane M. Campbell, Elizabeth Brightly, Dean C. Brightly, and Gregg Halsler,

A motion was made by Judith Hazen, seconded by Steve Lauth to approve the July 7, 2014 meeting minutes as presented.

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

**AGENDA**

**STOLTZ SUBDIVISION  
SINGLE LOT SUBDIVISION**

**MARK & ANDREW GREENWELL  
418 CHASE ROAD, HAMLIN**

Application for Mark & Andrew Greenwell seeking “Preliminary & Final” Single Lot Subdivision Approval pursuant to Town Code§520-66J(1) to subdivide 2.50 acres off a parcel that includes an existing house located at 418 Chase Road, Hamlin in an “R-VL (Residential/Very Low Density) zoning district”. This is in the L.W.R.P. and will require a site visit. This application has received all required variances from the Zoning Board.

Rich Maier from D.D.S. represented the applicants before the board.

This project is located on the north side of Chase Road, Hamlin. The applicants want to subdivide the house off the existing acreage and still maintain the tillable acreage.

J.P.Schepp had no engineering concerns.  
Conservation Advisory Board had no environmental issues.  
Attorney O’Toole had no comments.

The County Comments are back and the L.W.R.P. report was completed. The variances are shown on the plan as requested. Peter Tonery commented that the Board is seeing more of these types of subdivisions.

A motion was made by Steve Lauth, seconded by Peter Tonery to grant "Preliminary" Single Lot Subdivision Approval for the application of Mark & Andrew Greenwell pursuant to Town Code§520-66J(1) to subdivide 2.50 acres off a parcel that includes an existing house located at 418 Chase Road, Hamlin in an "R-VL (Residential/Very Low Density) zoning district". It has been inspected by the Conservation Board and has been deemed consistent with the policies of the L.W.R.P. This is a Type II Negative SEQR.

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

A motion was made by Steve Lauth, seconded by Peter Tonery to grant "Final" Single Lot Subdivision Approval for the application of Mark & Andrew Greenwell pursuant to Town Code§520-66J(1) to subdivide 2.50 acres off a parcel that includes an existing house located at 418 Chase Road, Hamlin in an "R-VL (Residential/Very Low Density) zoning district".

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

#### **AGENDA**

#### **MURPHY SUBDIVISION SINGLE LOT SUBDIVISION**

**CRAIG MURPHY  
505 COOK ROAD, HAMLIN**

Application for Craig Murphy seeking "Preliminary & Final" Single Lot Subdivision Approval pursuant to Town Code§520-66J (1) to subdivide a 10 acre parcel off a 68.850 acre parcel that includes an existing house located at 505 Cook Road, Hamlin in an "R-VL(Residential/Very Low Density) zoning district". This is in the L.W.R.P. and will require a site visit.

Rich Maier represented Craig Murphy before the board.

This property is located at 505 Cook Road, Hamlin and is approx. 1300' east of Monroe Orleans County Line Road. The applicant wants to subdivide 10 acres off an approx. 65 acre parcel that is on a Town road and the application meets or exceeds all of the zoning requirements. The LWRP has been completed. The County Comments have not been received.

J.P. Schepp had no comments.

Attorney O'Toole had no concerns.

Conservation Advisory Board had no environmental concerns.

A motion was made by Peter Tonery, seconded by Dave Wolfe to table the application for Subdivision Approval until the County comments are in. The application will be on the Agenda for Monday, September 2, 2014 at 7:30 p.m.

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

Peter Tonery commented that in a memo from a few years ago that Ken Licht re-sent to the board members on June 13, 2013 stated that all subdivision plats need to be referred to the county.

**Proof of Publication**

The clerk read the proof of publication.

**PUBLIC HEARING**  
**SINGLE LOT SUBDIVISION**

**NICHOLAS & JAMES BRESLAWSKI**  
**1534 NORTH HAMLIN ROAD, HAMLIN**

Application for Nicholas & James Breslawski seeking “Preliminary & Final” Single Lot Subdivision Approval pursuant to Town Code§520-66J(1) to subdivide 1.194 acres off a 250.96 acre parcel that includes an existing house located at 1534 North Hamlin Road, Hamlin in an “R-VL (Residential/ Very Low Density) zoning district”. The applicants have appeared before the Zoning Board of Appeals and have been granted the variances required for the property.

Rich Maier of D.D.S. represented the applicants before the board.

The property is located on North Hamlin Road, Hamlin and it is a family owned farm. Their intent is to sell the house and maintain the land to farm. The County comments are in.

J.P. Schepp stated that the comments that he had back in May 2014 have been addressed.

Attorney O’Toole had no concerns.

Conservation Advisory Board had no environmental issues.

Chairperson Linda Morey asked if there were any other questions or concerns.

A motion was made by Dave Martin, seconded by Judith Hazen to grant “Preliminary” Approval for the application for Nicholas & James Breslawski seeking “Preliminary & Final” Single Lot Subdivision Approval pursuant to Town Code§520-66J(1) to subdivide 1.194 acres off a 250.96 acre parcel that includes an existing house located at 1534 North Hamlin Road, Hamlin in an “R-VL (Residential/Very Low Density) zoning district”. All variances required have been granted. This is a Type II Negative SEQR. The County Comments are in.

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

A motion was made by Dave Martin, seconded by Judith Hazen to grant “Final” Approval for the application for Nicholas & James Breslawski seeking “Preliminary & Final” Single Lot Subdivision Approval pursuant to Town Code§520-66J(1) to subdivide 1.194 acres off a 250.96 acre parcel that includes an existing house located at 1534 North Hamlin Road, Hamlin in an “R-VL (Residential/Very Low density) zoning district”.

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

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

It was asked that anyone wishing to speak to stand and state their name and address.

There were no comments or concerns from those present.

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

**PUBLIC HEARING**  
**SITE PLAN APPROVAL**  
**FARM MARKET**

**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-L (Residential/ Low Density) zoning district”.

John Sciarabba represented the applicant before the board. The applicant’s attorney Frank Maggio was also present to represent the applicant.

Mr. Sciarabba overviewed the proposed project: The property consists of 39 acres near the SW corner of Rte. 18 and Drake Road, Hamlin. The proposed pole barn is 40’ x 40’ in size. The setbacks are 102’ from both Rte. 18 & Drake Road, Hamlin. There is power and gas on Drake Road. On the map are the following: new curb cuts, a parking lot associated with operation, outside sales of produce, leach field, public rest rooms in building, and a kitchen for pies and such. The plan is to also sell pumpkins, xmas trees, etc. There is now a sign at the intersection and the owners have already planted some trees on the property. The building will be 1’ higher than Drake Road for proper drainage. We attended meetings in May & June to view the plan conceptually. A new checklist was filled out; a traffic study with engineering comments was provided.

J.P. Schepp commented that all engineering concerns have been addressed but the Conservation Overlay Map shows that there is a Federal Wetland in the vicinity of the farm market. A Conservation Overlay permit and /or an Army Corps of Engineers report may be required.

Jeanine Klopp of the Conservation Advisory Board who completed a site visit to the property commented that based on the Monroe County Soil & Water Map where the wetlands show, the leach field needs a variance. The Conservation Advisory Board also recommends that a variance be sought to not pave the parking lot from an environmental and character of the neighborhood perspective.

Attorney O’Toole had no legal concerns at this point.

Chairperson Linda Morey asked for any questions or concerns from the Board.

Dave Wolfe asked where the rest rooms were to be located on the plan.

John Sciarabba replied that the barn is to have an open floor plan so the rest rooms site is to be determined but plans to be toward the rear of the building.

Dean Brightly clarified that the greenhouse would be 16’ x 20’ in size.

The Conservation Board went out to the site and based on the map, there is a wetland on the property.

John Sciarabba stated that the owner went to the NRCS for approval and it was determined that there are no hydric or erodible soils. In his opinion there are no wetland species on the property. They hired a Standtech biologist and that person stated that there were no wetlands on the property. John Sciarabba said that tonight there are no wetlands and we have asked for a permit from the Army Corps of Engineers. Attorney Frank Maggio stated that the Army Corps uses the data from NCRS for their studies for their determination.

Linda Morey stated that the Army Corps needs to be contacted. Also, What about the traffic study we asked for? We were given a traffic assessment which doesn’t meet the requirements of a traffic study.

A conversation ensued about whether or not there is a wetland on the property and whether the map is accurate.

At this point, Chairperson Linda Morey opened up the **Public Hearing**. She asked that each person stand and state their name and address. There are also a number of emails received from residents that were unable to

attend. These will be added into the minutes. It is also asked that each comment be limited to 3 minutes so that all who wish to speak may have the opportunity to do so.

**Dave Ritchie** of 591 Drake Road, Hamlin spoke that he has lived there since 1977 and there has been no farming on the property. They have lived with a flooding issue for years and the farm stand pump seems to help. Has anyone asked for a zoning permit to change the zoning from residential to commercial?

**Vicki Feathers** of 8 Fencewood Lane, Hamlin commented about the added traffic in the area. There has been a lot of water this year and she is on well water and does not want any pesticides in her water supply.

Frank Maggio commented that the DOT has standards and the conclusion was that there would be no impact on the roadway. Zoning commented that there will be more people traveling on Drake Road, Hamlin, and the farm market will draw them in.

John Sciarabba stated that the trip estimator calculated was 40 trips per day, 20 in and 20 out. There will be plants planted to keep patrons on the property and not on the neighbor's parcels.

**Donna Scott** has lived at 578 Drake Road, Hamlin for 35 years and is very opposed to the project. She went to the stand to view the picture of the building and saw the petition and the flyer stating that there is a café proposed that will serve breakfast, lunch, and ice cream. Why not change the entrance to Rte. 18? This is a residential area with many children. There are many accidents in the summertime and there has also been a fatality at that corner. Motorists go through the stop sign all of the time. She is also concerned that the addition of the farm market will drop the value of her home. She gave an example of a driver on a cell phone that was not paying attention to the intersection.

**Penny Gilbert** of 206 Hamlin Terrace stated that she is for the project. It is a family owned operation and there is already a business there (farm stand) with an entrance on Drake Road.

**Art McFarlane** owns the Hamlin Saw Mill located at 1873 Redman Road stated that there is nothing more appreciated than a farm market to a community.

Attorney Frank Maggio stated that this is a united response to a farm community.

**Greg Heisted** who just moved into 594 Drake Road, Hamlin 9 months ago liked the small produce stand but this is a much bigger operation.

John Sciarabba responded that they want to sell ice cream with an SUP for a kitchen for pies, canning and such. They are here because of the success of the wagons. Route 18 is a state road and it is designed to move people at a high rate of speed. The proposed driveway is 260' from the intersection.

**Wayne Shue** has lived at 10 Fencewood Lane, Hamlin since 1988. He states that the wooded back corner of the Drake Road, Hamlin property has flooding issues that continue most of the year. How is the farm stand to expand? What is the plan past this plan? There is a concern on how big it is and if it expands to a similar operation such as "Browns Berry Patch". There have been 3 accidents alone this year at the intersection. Is it really residential and should have limited growth.

John Sciarabba responded that they are not sure they want to have an operation that big, they are busy people and want to focus on the operation as shown.

**Ernie Mellas**, who has lived at 575 Drake Road, Hamlin for 30 years. He is the closest to the proposed project and in principal not opposed to the project or of produce that is grown in this area. Hamlin has a comprehensive master plan that is available for all to look at that states the vision to guide the community. Land use, environmental protection, and traffic must meet as many objectives as possible. Again, I am not opposed to the project. Safety is the most critical issue at hand. It is going to be more than what it is. There will be large vehicles, owners, employees, delivery trucks, and patrons entering and exiting the entrance. There are children and grandchildren in the area. The idea, set on its proposal, Lynn proposed to just rotate the project 90 degrees, slide it to the west. Then you have missed the wetlands. There are other farm stands that enter and exit from state roads. I am very adamant about that.

**Lynn Mellas**, who has lived on Drake road, Hamlin for 30 years states that they want the Brightly's to be successful. A 90 degree CAD turn could make a big difference. The address on Drake Road, Hamlin may not be recognized as well as an address on Route 18. The right of way should be moved for the children getting on/off of the school bus. Waste Management also travels down Drake Road, Hamlin. The parking lot is not near the run-off. The building could stay on that ground just turned and the leach fields could go into another spot.

**Chairperson Linda Morey** interjected and asked that speakers please keep their comments to 3 minutes so that all who want to may have the chance to speak.

**John Skakuj** of 3471 Roosevelt Highway stated that he works for the Brightlys and this is not going to be like a Wal-Mart on Black Friday. He likes ice cream.

**Cynthia Lopez**, a Brightly employee, states that she is at the farm stand by 7:00 a.m. and has not seen any buses at that site. The Brightly's are creating jobs in the area.

**Diane Campbell** of 65 Hillcrest Drive stated that Brightly Farms has made a huge impact on her home. They are close by and vested in this community.

**Brenda Ritchie** of 591 Drake Road, Hamlin stated that she is not opposed to a small farm market. The area is zoned residential and feels that the homeowners in the surrounding area are owed an explanation of what will happen in the future.

**David Ritchie** of 591 Drake Road, Hamlin stated that the Brightly's are great neighbors. He would like to see a better location and structure of the building.

**Steve Baase, Hamlin Highway Superintendent**, wishes the Brightly's all the luck and that he likes the building. He is not against the farm market, but not at that intersection. They own 1000 feet on the road or down on Route 18. It will be a glamorous farm market, it will distract people driving. Just move it a bit to a different location.

**Charlie Lawson** of 639 Drake Road, Hamlin likes the building but feels it should be turned 90 degrees and the speed limit dropped to 40 mph like at Waye Motors. It will impact the traffic. It is now a runway for pizza delivery and the trailer parks.

**Richard Chape** of 448 Moscow Road, Hamlin stated that he knows Brightly. It is a good idea to have a traffic study. As an example, there was a major project on the parkway and the traffic was rerouted onto Moscow Road, Hamlin. There was an accident and a death. As a licensed professional engineer, the project should be moved off to the side so persons can enter and exit safely.

**Ernie Mellas** of 575 Drake Road, Hamlin wishes Brightly farms good luck and success. He has a major concern on the traffic. The vast majority of farm markets enter from state hwys. Another issue from the minutes asked Brightly to remove the term etc. from the plans. What are the livestock and seasonal attractions?

**John Sciarabba of Landtech** responded that he took the etc. out of the plan. They do not plan to go anywhere near the scale of Browns Berry Patch. They are asking for an SUP. They may have a goat in the fall and sell xmas trees.

**Betsy Brightly of Brightly Farms** stated that we will have a small café. Ag is allowed to have a café with breakfast sandwiches, pies, jams and jellies. Ag & markets says you can make sandwiches.

**Chairperson Linda Morey** stated that is correct but in that zoning district you can't.

**Ernie Mellas** asked what will the seasonal attractions be. A swing set, a goat, a sled, xmas trees, hayrides, or corn maze? Is the SUP specific for each item or for the entire acreage and possibly limit the size of proposed project to be affected.

**Attorney O'Toole** responded to look at the plans submitted. There is no grant for each activity only one on the plan. All that is related to that it is AG land and sell at farm market don't need an SUP.

**Attorney Maggio** responded then there would be a Stop and Desist for any other activities.

**Gary Sweeney** of 630 Drake Road, Hamlin said he was very happy about the proposed farm market. He is concerned about the residential traffic and 53' tractor trailers going into the driveway for mulch, etc, deliveries. Better to swing the project onto Route 18.

**Attorney Maggio** stated that Gary Sweeney's concerns are well noted but look closely...does anyone think the Brightly's would hurt the community.

**Linda Sweeney** has lived on 630 Drake Road, Hamlin for 36 years. She supports farming and is glad there is a farm market. She suggests moving it elsewhere because of the drainage issues. The drainage is an eyesore with the pipes pumping into the culvert down the road. That would better suit your plans to have a farm market. Just pick a better site because of the drainage issue this could be more than it is now. We could handle the drainage with other options.

**Jim Carrol** (sp) stated that we are all focusing on the intersection of route 18 and Drake Road, Hamlin as a result of all of the accidents.

**Sherry Dobson** stated that the reference to Browns Berry Patch is a poor source. Partyka's have exit and entrance on main road. They have an SUP permit and they did add catering. All farms donate to Lifetime Assistance. It just needs to be scaled back. The traffic at Browns Berry Patch is horrible. She agrees with Mr.

Mellas. Not to have the farm market on the corner of Rte. 18 and Drake Road, Hamlin. She can only speak for her neighborhood but when they have an event where will the patrons park...on the side of the road?

**Mr. Ritchie** added that Kirby's and Hurds are on Rte 104 and so are a couple of golf courses. There are more houses around this farm market, more activity happens, more opportunity for accidents. Bigger businesses are more prone to accidents. Do not want to see it at Rte. 18 and Drake Road, Hamlin.

**Chairperson Linda Morey** stated that the Public Hearing will be left open.

She asked for comments from the Board to help Mr. Sciarabba prepare for the next meeting.

**Peter Tonery** appreciated all of the comments which are common when a new enterprise comes to town.

**Linda Morey** stated that the serving of meals was a surprise.

John Sciarabba responded with pie and coffee. It is wetland contingent and then we can move forward.

**Peter Tonery** brought up the memo from the DOT.

John Sciarabba stated that we need the DOT permit from the County.

**Peter Tonery** read the memo from the DOT.

John Sciarabba responded that all the comments have been addressed on the map.

**Steve Lauth** asked where has the address been referenced. The 35 acres referenced in regards to the traffic, can a red flashing light be placed at the intersection and would it help all parties involved.

Frank Maggio responded that they won't with a study that says no impact.

**Steve Lauth** responded that he cares more about the residents and to look at all options.

Frank Maggio stated a letter would be sent, with parameters and statistic – no adverse effect on this project. We gotta look at science formulas and protocols.

**Linda Morey** responded that we need to be able to follow the maps, conservation overlay maps and what else is on the plan.

**Peter Tonery** suggested to affirm with the Conservation Advisory Board concerning not paving the driveway.

**Judith Hazen** stated that all say move to Rte. 18. Dot says where an entrance can be. How good will it do to go back to the DOT?

John Sciarabba asked the town engineer about the DOT and if it was moved to a less traveled corner.

**Linda Morey** and **Dave Martin** both conferred that it still needs to be determined if there is a wetland. Would that deter from placing leach system?

**Peter Tonery** commented on the plan, a question about tiling relative to the septic system. He also had an issue about the restaurant.

**Steve Lauth** commented on the flyer about the breakfast and lunch. Come in with an exact plan and need of the exact use. Plan to grow biggest possible one you can.

**Dave Wolfe** asked Betsy Brightly if she planned to mirror Partyka.

Betsy Brightly responded no, not mirror.

**Jeanine Klopp** stated that it is a possible wetland according to the map and the septic system needs to be 150' from the wetland or it will have to go for a variance.

**Steve Lauth** stated to get with the county and submit a new map.

**Peter Tonery** stated that DOT is like an iron bar. This is that type of business. The measured activity of this type of business. This is the type of traffic that goes in and out of a farm market. They decide all of the specifics based on tables.

**Attorney O'Toole** stated that the landscaping should be depicted on the plans with the specific species noted. The code also requires impervious paving. A variance would be needed for anything other than impervious paving for the parking lot site. Paving is required from the road to 30' to 40' back towards the building to keep any loose stone off the road itself.

John Sciarabba stated that code was met with the asphalt.

**Steve Lauth** asked if there was ever a talk about moving the entrance to Rte. 18.

Dean Brightly responded that Drake Road, Hamlin was picked because of the least amount of accessibility. John Sciarabba asked if he was being required to submit a proposal for a Rte. 18 entrance.

A motion was made by Peter Tonery and seconded by Dave Wolfe to leave the Public Hearing open and table the site plan approval until next month.

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

Dean Brightly spoke to all those present and stated that all thoughts and concerns, I appreciate them all. You are all good neighbors and let's keep it that way.

## **DISCUSSION**

**Town councilpersons Jason Baxter and Jennifer Goodrich** were present and reported on the Town Board meeting.

**Cheryl Pacelli** was appointed by the Town Board as the Building Inspector.

**Anke Applebaum** was appointed by the Town Board as the Recreation Director.

The town is putting forth a resolution not in favor of the IJC 2014 lake Ontario plan to fluctuate lake levels.

The Conservation Advisory Board has questions concerning the wetlands at 525 Drake Road, Hamlin and would like a consult by the Army Corps of Engineers.

**Linda Morey** stated in corresponding with Steve Miller that the map still shows wetlands.

Attorney O'Toole had no comments.

J.P. Schepp Town Engineer stated that there is still a wetland issue that is on the Town of Hamlin Conservation Overlay map and now on the NWI map.

## **ADJOURNMENT**

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

Members polled: Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe 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 Tuesday, September 2, 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 August 20, 2014 at 12 noon.**

DRAFT