

Hamlin Planning Board *Minutes*  
Monday, June 1, 2009  
7:30pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by Chairperson Linda Morey at 7:30pm 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: Ron Breslawski, Judith Hazen, Tom Jensen, Dave Martin, Linda Morey and Lee Nettin.

Excused: Mark Reeves

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Charles Welch, Town Board Liaison Dave Rose, Conservation Board members Jeanine Klopp, Ed Evans and Nick Kramer, Engineer Dave Matt and residents Ken Schlecht, Adam Nowak, Dwight Diltz and Honey and Frank DeLapa.

A motion was made by Dave Martin, seconded by Judy Hazen to approve the minutes from the May 4, 2009 meeting as recorded. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettin aye. Motion carried, minutes approved.

*The Clerk read the Proof of Publication*

**PUBLIC HEARING**

**PRELIMINARY SITE PLAN APPROVAL  
MR. AND MRS SCHLECHT**

**7146 TUCKER LANE**

Dave Matt from Schultz Associates was present to represent Mr. and Mrs. Schlecht seeking Preliminary Site Plan approval for a single-family house located at 7146 Tucker Lane. Mr. Matt explained that the owners are proposing a single-family house on the last lot on private road Tucker Lane. It will have public water. The deed shows a right-of-way for the driveway. Perk tests have been completed. They received variances from the Zoning Board. Erosion control was added to the plans. They met with the Fire Chief and he requested that the trees be trimmed and that the house have a sprinkler system. He stated that the width of the driveway was not an issue.

At this time Chairperson Linda Morey opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

Tom Jensen questioned the length of Tucker Lane. Mr. Matt stated about 500'. Tom Jensen stated that this would be the 6<sup>th</sup> or 7<sup>th</sup> house on Tucker Lane. Mr. Matt stated that it would be the 6<sup>th</sup> house. Tom Jensen explained that the Development Regulations for the Town only allows for 5 houses on a private road.

Chairperson Linda Morey stated that there were some concerns with the width of the drive. Emergency vehicles being able to turn around is an issue also.

Tom Jensen stated that firemen have told him that they can't get down there with a fire truck. He had concerns about an ambulance that may have to leave quickly rather than backing out slowly.

Lee Nettin questioned if there was an adequate water supply for a sprinkler system. Mr. Matt stated yes they have increased it to a 4" main.

Ron Breslawski stated that he had concerns about needing to get more than one fire truck down there. If a fire truck responds first then there would not be enough room for a fire rescue truck or an ambulance to get back there too. Lee Nettin questioned what would happen if the ambulance got there first. Ron Breslawski stated that the fire truck would then need a lot of hose to get to the house.

Town Engineer J.P. Schepp stated that the increase in the water service would need to be shown on the plans. Mr. Schepp stated that the right-of-way for the driveway is shown on the Site Map. The main concerns for this proposal are the access and driveway width.

Attorney Welch stated that a 10' drive exists already. The easement is 10' also. He asked if was currently stoned or paved. Mr. Matt stated that it is currently stone up to this lot. Attorney Welch questioned where the existing driveway goes now. Mr. Matt stated that it just ends then they drive on the lawn or just park at the end. Attorney Welch explained that this wouldn't be able to continue once there is another house there. There would need to be access to the other house. He mentioned that there was no room for a turn around at the end due to the wetlands.

Attorney Welch stated that the gabion wall ends at the property line on the plans. He questioned what exists on the other property now. Mr. Matt stated there is nothing on the existing lot now. It is a rock beach. Attorney Welch had concerns that the gabion wall would cause erosion problems for the neighboring property.

Attorney Welch explained that the Development Regulations are guidelines. The Board could approve a 6<sup>th</sup> house on a private road if they wanted to. It is not a Town Code so it would be a Board decision. This is a pre-existing situation. Precedence depends on the facts of each individual proposal.

Conservation Board member Jeanine Klopp questioned if the maintenance agreement that was mentioned at the Zoning Board meeting for the treatment system is with the property or the owner and what happens if the property is sold. Mr. Matt stated that the agreement goes with the property. The company checks to see that the bugs are still there and living after the winter so the system can function. Jeanine Klopp questioned how many trees would be removed. Mr. Matt stated that they were not removing any trees just trimming them back for Emergency vehicle access. Jeanine also had concerns that the gabion wall might affect the neighboring property.

Judy Hazen questioned the comment on the LWRP that the structure must be moveable. Attorney Welch explained that the Zoning Code states that the structure has to be moveable in the Structural Hazard Area. He stated that a variance was granted from that requirement for this proposal.

Judy Hazen questioned if the bottom floor had to be open so water could flow through it. Town Engineer J.P. Schepp stated that it is only required when the structure has a basement. This proposal does not have a basement.

Chairperson Linda Morey had some concerns with the leach field and the wetlands. Mr. Matt explained that the bed is 3-4' above the existing ground so there shouldn't be any issues. Chairperson Linda Morey questioned if the system would have an alarm on it. Mr. Matt stated that no alarm is being proposed.

Tom Jensen agreed that the wetlands are a concern. The lakeshore is a concern. It is a tough situation also because it is landlocked.

Ron Breslawski stated that right now the current owner owns both of the end lots but that could change in the future and access to the last house could be an issue.

At this time Chairperson Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp suggested creating a parking and turn around triangle area with an easement on the property. The location was suggested about 40' North of Tucker Lane. This would allow enough room for a fire truck and parking. Some discussion took place. The owner asked if adding a gravel area would be acceptable vs. a paved area. Mr. Schepp stated that the area would have to be obvious that it was made for an Emergency vehicle. Lee Nettin questioned if that area would be kept plowed in the winter for access.

Tom Jensen questioned if the trees would be trimmed back enough and maintained in the future. Mr. Matt stated yes that is what the Fire Chief wants. Tom Jensen also had some concerns if the road and parking area could support the weight of a fire truck.

Ron Breslawski added that the area would need to be kept clear in the winter. He also stated that a fire truck wouldn't get that close to the house if there was a fire.

A motion was made by Tom Jensen, seconded by Lee Nettnin to grant Preliminary Site Plan approval to Mr. and Mrs. Schlecht for a single family house located at 7146 Tucker Lane with the stipulation that the water supply increase, tree trimming, snow removal, parking addition be added to the plans as discussed at the meeting. The location of the nearest hydrant needs to be shown on the plans also. Members polled Breslawski aye, Hazen no, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

**COMMERCIAL SITE PLAN APPROVAL  
DWIGHT DILTZ**

**53 KING STREET**

Drigh Diltz owner of 53 King Street and Adam Nowak were present seeking Commercial Site Plan approval for a wrestling school located at 53 King Street. Mr. Diltz stated that they were back and have added some additional parking to the front of the building and parking to the west that can be used if needed. There is plenty of parking for what is being planned for this location.

Chairperson Linda Morey stated that she talked with the Highway Superintendent and he was satisfied with the parking. However snow removal was an issue.

Town Engineer J.P. Schepp confirmed that building number 53 on the map was the location for the school. He stated that there was enough room for the additional parking there. He added that the parking needs to be paved and striped. Lee Nettnin questioned the handicap parking and the access isle in between. Mr. Schepp stated that he has 4' on each side, which is allowed.

Judy Hazen stated that the parking hasn't been paved or stripped yet. She stated that at the last meeting the owner said he would have it paved. Mr. Diltz stated that he is getting bids for the paving.

A motion was made by Judy Hazen, seconded by Ron Breslawski to grant Commercial Site Plan approval to Mr. Diltz for a wrestling school located at 53 King Street with the stipulation that the parking be completed by July 31, 2009. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

**SIMPLE LOT COMBINATION APPROVAL  
TOWN OF HAMLIN**

**1658 LAKE ROAD**

Dave Matt from Schultz Associates was present representing the Town of Hamlin seeking a Simple Lot Combination located at 1658 Lake Road. Mr. Matt explained that the access lot on Roosevelt Highway needed to be added to the main parcel for the purpose of getting the utilities to the new building.

There were no issues.

A motion was made by Tom Jensen, seconded by Dave Martin to grant Simple Lot Combination approval to the Town of Hamlin located at 1658 Lake Road per town Code 125-74B(10) waiving the need for a Public Hearing. This is a Type II Negative Declaration SEQR determination. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

### **7146 TUCKER LANE**

A motion was made by Tom Jensen, seconded by Ron Breslawski to amend the previous motion for 7146 Tucker Lane to add the Unlisted Negative Declaration SEQR determination for 7146 Tucker Lane. Members polled Breslawski aye, Hazen no, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

A motion was made by Tom Jensen, seconded by Dave Martin to accept the LWRP for 7146 Tucker Lane for a single-family house with the modification that no DEC permit is required. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

### **LWRP APPROVAL**

#### **7493 SANDY HARBOR DRIVE**

The LWRP for 7493 Sandy Harbor Drive for a pavilion was reviewed and discussed. A DEC permit has already been obtained.

A motion was made by Dave Martin, seconded by Tom Jensen to approve the LWRP for 7493 Sandy Harbor Drive for a pavilion. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

### **LWRP APPROVAL**

#### **5800 WAUTOMA BEACH**

The LWRP for 5800 Wautoma Beach for a porch was reviewed and discussed. It was noted that the porch would require an impervious surface variance from the Zoning Board.

A motion was made by Tom Jensen, seconded by Judy Hazen to refer this proposal to the Zoning Board for an Impervious Surface variance. More detail needs to be added to the map and the leach field location needs to be added to the map. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettnin aye. Motion carried.

## **LWRP APPROVAL 43 COOK ROAD**

The LWRP for 43 Cook Road for a fence was reviewed and discussed. It was noted that the fence would be used as a dog run. Lee Nettin noted that the fence posts are higher and covers a larger area than the map shows. It was noted that the Conservation Board found the fence to be consistent with the LWRP.

A motion was made by Tom Jensen, seconded by Ron Breslawski to approve the LWRP for 43 Cook Road for a fence as presented. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettin aye. Motion carried.

## **DISCUSSION**

**PROCEEDURE SHEETS-** Chairperson Linda Morey stated that she asked the Building Inspector to review the current procedure sheets and make suggested changes. The Board reviewed the sheets. It was agreed that for Subdivisions it should state that 12 copies of maps are needed for a Short EAF and that 24 copies of the maps are needed for a Full EAF. The Recreation Fee paragraph should be removed. The deadline should be changed to noon. For the Site Plan and Commercial Site Plan sheets 2 copies of Engineering Studies and Reports should be added at Preliminary approval. The changes will be made and the Board can review them at next month's meeting.

**LWRP PROTOCOL-** Chairperson Linda Morey asked Attorney Welch to review the LWRP protocol for the Waterfront Consistency Review under 121-5 (in the Blue Book). Attorney Welch explained that the code states that prior to any action the Planning Board is to grant approval prior to any Building Permit being issued in this area. The Code states that Actions that require an LWRP are Type I and Unlisted actions. Type II actions are garages, sheds, fences, pools, etc. so they don't require an LWRP Consistency. So no LWRP would be needed for Type II actions such as sheds, fences, porches, etc. but it would be required for houses. Conservation Board member Ed Evans stated that he understood that an LWRP would be required for everything. Attorney Welch stated that is not how the code reads. Chairperson Linda Morey stated that the Conservation Board is not meeting the PB agenda deadline so that the PB is not having time to review the LWRP prior to the meetings. Attorney Welch requested more time to research this. Chairperson Linda Morey asked Attorney Welch to type up a protocol for next month's meeting for the Board to review. Attorney Welch agreed.

Chairperson Linda Morey stated that the SEQR training has been changed to Thursday, June 18 from 6:00-8:30pm.

Town Board Liaison Dave Rose stated that Building Inspector Charlie Hungerford is resigning at the end of the month. The Town Board will discuss this matter at their next meeting. Chairperson Linda Morey requested that the Building Inspector attends the Planning Board meetings. Town Board Liaison Dave Rose agreed. He also stated that at the Zoning Workshop they are discussing preserving farmland and lakefront zoning. They will discuss when the next workshop will be at the Town Board meeting.

Conservation Board member Ed Evans stated that the Conservation Board would have two members doing the LWRP inspections now.

**ADJOURNMENT**

A motion was made by Tom Jensen, seconded by Ron Breslawski to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Nettin aye. Motion carried, meeting adjourned.

Minutes respectively submitted by:

Heather Norman  
Clerk to the Support Boards

**The next scheduled meeting of the Hamlin Planning Board will be held on Monday, July 6, 2009 at 7:30pm. Deadline for all fees is June 22, 2009 at 12:00pm.**