

Planning Board Meeting *Minutes*
Monday, October 4th, 2004
7:30pm

The regularly scheduled meeting of the Hamlin Planning Board was called to order by Chairman James Breslawski at 7:30pm with the location of the fire exits explained for those present.

Present: James Breslawski, Ralph Della Rocco, Dane Emens, Judith Hazen, Dave Martin, James Nesbitt and Chris Schlieter.

Also present: Building Inspector Dick Bauman, Support Board attorney Charlie Welch, Highway Superintendent Tom Ingraham, Town Engineer J.P. Schepp, Conservation Board liaison Craig Goodrich, Town Councilman Dave Rose, and several interested citizens.

A motion was made by Judith Hazen, seconded by Dane Emens to approve the minutes of the September 7th, 2004 meeting. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, September 7th, 2004 minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION

PUBLIC HEARING

SPECIAL USE PERMIT

**MS. AMY MCCULLOUGH
1320 REDMAN ROAD**

Ms. Amy McCullough of 1320 Redman Road was present to seek a Special Use Permit to open a florist shop at her residence. Ms. McCullough explained that she is making plans to move items into her shop. Her hours of business will be Monday through Saturday 9:00am –5:00pm, with no Sunday hours. There will be no chemicals used and the shop will be open for customers to walk in and buy fresh flowers. She stated that her driveway fits 9 cars. There will be a smaller residential cooler used. The flower arrangements will be picked up the same day as they are delivered and finished. Board Member Ralph Della Rocco inquired about signage and delivery trucks. Ms. McCullough replied that there would be only one employee, a small portable free standing sign and no dumpster on site. She will display a small flag saying OPEN on her house. She will be making deliveries in a SUV type vehicle.

At that time Chairman Breslawski opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? There were no replies. He then closed the Public Hearing. Attorney Charlie Welch stated that there are other businesses that are of the same general character that fall into the Special Use Permit category.

A motion was made by Dane Emens, seconded by James Nesbitt to grant a Special Use Permit to Amy McCullough of 1320 Redman Road to open a florist shop at her residence.

Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Special Use Permit granted.

**RE-VISED SITE PLAN
PRESENTATION**

**MR. AND MRS. RIZZO
4023 BRICK SCHOOLHOUSE**

Mr. Rich Maier of Maier Land Surveying, was present to represent Mr. and Mrs. Rizzo of 4023 Brick Schoolhouse Road who are seeking to alter their house plan on an approved building lot. Mr. Maier explained that they would like to move their house back further away from the road. Town Engineer J.P. Schepp stated that new regulations have come along since this lot was originally approved in the 1980's regarding storm drainage and the Town has to abide by these new regulations. Attorney Charlie Welch stated that all *approved* building lots without a building permit expire after 12 months. He stated that owners of these lots must go through the entire approval process all over again according to the law of the Town of Hamlin. Mr. Schepp explained that the size of the pond is an issue, it needs to be at least 40' from the lot line. The width of the driveway needs to be examined if the house is moved back. Board Member Chris Schlieter stated that drainage, storm water regulations and setback issues need to be re-examined on this lot. This lot is on sewer and water. Chairman James Breslawski said that if the plans are in order, then possibly Preliminary and Final approval could be granted at next month's meeting. Mr. Rizzo replied that Building Inspector Dick Bauman told him that this was already an approved building lot and he would only have to attend one meeting to revise the site plan.

A motion was made by Chris Schlieter, seconded by Ralph Della Rocco to grant Conceptual Approval to Mr. and Mrs. Rizzo of 4023 Brick Schoolhouse Road based on the mapping presented. Their Public Hearing for Preliminary Approval will be scheduled for Monday, November 1st, 2004 at 7:30pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted with a Public Hearing scheduled.

LOT COMBINATION PRESENTATION

**MR. MICHAEL SAETTA
7846 NEWCO DRIVE**

Mr. Rich Maier, of Maier Land Surveying was present to seek Lot Combination Approval to combine two lots into one lot located at 7846 Newco Drive for Mr. and Mrs. Saetta. Mr. Maier explained that his client has two tax account numbers, two water bills. Mr. Saetta wants one tax account number, and to save money on water bills.

A motion was made by Dane Emens, seconded by James Nesbitt to grant Lot Combination Approval to Mr. and Mrs. Saetta of 7846 Newco Drive to combine two lots into one lot. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Lot Combination Approval granted.

**CONCEPTUAL SITE PLAN
PRESENTATION**

**MR. AND MRS. JOSEPH
200 WALKER LK. ONTARIO RD**

Mr. Chris Karelus of Schultz Associates was present to represent the Joseph Subdivision of 200 Walker Lake Ontario Road who are seeking conceptual consideration, also for a referral to the Zoning Board for the variances that will be needed for both the subdivision to occur and for the new proposed building lot to be subdivided. The Joseph's would like to subdivide the two pieces of property into a one new build property to construct a single family dwelling on just over half an acre. They plan to subdivide the existing house that sits on 3/10's of an acre. Mr. Karelus passed out new copies of the site plan. He said he also would like a referral to the Zoning Board since a variance might possibly be needed. The lots are separated by a gravel driveway and a portion of the property fronts Walker Lake Ontario Rd. The existing non-conforming situation with both homes is that they do not meet the lot width. The new proposed home site will meet all the setbacks for the district. Mr. Karelus stated that a survey crew will be brought out to field verify a lot of the inverts regarding drainage. Drainage concerns will be addressed per the Town Engineer's satisfaction. An existing pond is noted on the map, there will be a 200' offset. All of the existing home site, leach and water service exist within that district. The lots are serviced by public water.

A motion was made by Chris Schlieter, seconded by Dane Emens to grant Conceptual Approval to Mr. and Mrs. Joseph of 200 Walker Lake Ontario Road to construct a single family residential dwelling and also to refer them to the Zoning Board of Appeals to seek possibly more than one variance and to bring the lot into conformance. A Public Hearing for Preliminary Approval has been scheduled for Monday, November 1st, 2004 at 7:30pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted with a Public Hearing scheduled.

**FINAL SITE PLAN
PRESENTATION**

**MR. AND MRS LAMPARELLA
7016 BENEDICT BEACH**

Mr. Rich Maier of Maier Land Surveying was present to request Final Approval for Mr. and Mrs. Lamparella of 7016 Benedict Beach Drive who are proposing to build a new single family residential dwelling to replace their prior home that was condemned due to a mold issue. Mr. Maier explained that everything is going as planned. The plans are at the Monroe County Health Department for approval. Town Engineer J.P. Schepp said all engineering plans have been addressed.

A motion was made by Dane Emens, seconded by James Nesbitt to grant Final Approval to Mr. and Mrs. James Lamparella of 7016 Benedict Beach to build a new single family residential dwelling. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Final Approval granted.

**CONCEPTUAL SITE PLAN
PRESENTATION**

**WALKER BIBLE BAPTIST
1425 WALKER LK ONTARIO**

Mr. Chris Karelus of Schultz Associates was present to seek Conceptual Site Plan Approval, along with Lot Combination Approval and possible re-zoning to construct a school, meeting hall, additional parking lot and a new septic system to the site. Mr. Karelus explained that they are proposing to add to the church a fellowship hall and a schooling hall, also extra storage space. Currently there are 3 tax accounts and three lot addresses. All three lots are owned by the same family. There will be new parking facilities and a new access drive. A storm water management facility has been set aside. A full grading plan will be done. This is an existing non-conforming lot. They will try to provide a gravity drain to the system. Mr. Karelus asked that if this expansion is going to be approved, would a setback variance be required from the Zoning Board? Attorney Charlie Welch replied that as long as the church is not going forward closer to the road a setback variance probably wouldn't be required. Town Engineer J.P. Schepp stated his concerns: That by subdividing this lot, there is a small 10' wide narrow access, with a very sharp turn on the southern portion of the lot. He stated that subdividing the lot this way is not real practical. The plans should show some buffering on the residential properties, to cut down on noise, site distances need to be detailed, show the County highway designation, also sprinklers might need to be added, check the water service size. The grading plan should address the drainage concerns on the property. Also detail the septic system. In addition look into adding some pedestrian access that is separate from the parking areas. Also regarding DEC requirements, look into the storm water retention plan, also provide drainage analysis for the pond. Mr. Karelus said there is pretty well established buffering on the north side of the property. The site plan will also include a landscaping plan. Mr. Schepp said that this property should be re-zoned to R-L. Mr. Karelus said he should petition the Town Board to seek possible re-zoning.

A motion was made by James Nesbitt, seconded by Dane Emens to grant Conceptual Site Plan Approval to Walker Bible Baptist Church of 1425 Walker Lake Ontario Road to construct a new school, meeting hall, additional parking lot and new septic system. A referral has been made to the Town Board to discuss possible re-zoning of this parcel. A Public Hearing for Preliminary Approval has been scheduled for Monday, November 1st, 2004 at 7:30pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted, with Public Hearing scheduled.

**COMMERCIAL SITE PLAN
PRESENTATION**

**TOP'S SUPERMARKET
1800 LAKE ROAD**

Mr. Adam Walters an Attorney for Phillips Lytle was present to represent Tops and to seek Commerical Site Plan Approval and a Special Use Permit for the Top's Supermarket fueling station to be located at 1800 Lake Road in the existing plaza. Mr. Walters

explained that the fueling station will be located behind the existing front paved parking lot. There will be two underground storage tanks. There will be an attendant on site to accept payment for fuel. He passed out the details of the signage. The fuel prices will be displayed and digital. This fueling facility will only create 13% extra traffic. The safety features were explained by John Campbell, President of Okarr. He explained that there will be double wall fiberglass tanks, dispenser units. Any leaks are sent to an underground location. There will be a canopy to protect the perimeter of the dispenser. The tanks can't be physically overfilled. Fueling lines are redundancy, if they sense a loss of pressure-there are devices that will shut off the tanks. These are State of the Art safety plans detailing the safety issues. Town Engineer J.P. Schepp said that a detailed review has been done, however a parking shift of the site might be needed to provide parking, which is 11 spaces shy. A variance could be asked for with the Zoning Board of Appeals. Mr. Walters said that it would not be hard to add 11 spaces, some green space could be used at the edge of the parking lot. Mr. Schepp said that two access easements were granted initially when the Plaza was built. Because of the commercial nature of this we are looking to keep traffic off the State Highway. Mr. Walters said he would look into this issue further. Town Councilman Dave Rose stated that parking couldn't be moved to the west because of the sewer main. Mr. Walters said that he would add more trees to extend the buffering. This is a new program, Tops is adding fueling facilities to all of its existing stores. There will be no diesel or kerosene sold on the site. No items will be sold at the kiosk other than gasoline. There will be a large sign added to the existing plaza sign. Attorney Charlie Welch stated that variances would be needed for signage and parking. Chairman James Breslawski inquired about truck routing for deliveries. Mr. Walters said that scheduling would be done in coordination with the Tops store. Attorney Welch added that a Special Use Permit for the fueling station will be required. DRC comments are also required.

A motion was made by Chris Schlieter, seconded by Judith Hazen to grant Conceptual Approval for the construction of the Tops fueling facility located at 1800 Lake Road in the Tops plaza and to refer them to the Zoning Board of Appeals meeting for discussion for Monday, October 18th, 2004. The Planning Board is also declaring itself the lead agency. They will be scheduled for a Public Hearing for the December 4th, 2004 Planning Board meeting. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted with Public Hearing scheduled for the December 6th, 2004 Planning Board meeting.

**FINAL SITE PLAN
PRESENTATION**

**BEEHLER/BOWER SUB.
HAMLIN PARMA TL. ROAD**

Mr. Frank Spiotti was present to seek Final Approval to construct 30 single family residential homes on Hamlin Parma Townline Road, south of Brick Schoolhouse Road. Attorney Welch stated that Mr. Bower's attorney has prepared a deed restriction in regards to the Conservation Overlay area on the site plan. The reading of this document will make it easier for the Town to accomplish the buffer limits. Mr. Spiotti stated that some changes have been made regarding lots 10, 11 and 12, to pick up some additional

drainage area and bring the drainage to the pond. There was some discussion on the size of the water main. Mr. Spiotti agreed that whatever size is necessary will be used. Chairman James Breslawski inquired about adding additional buffering. Rick Bower (owner of the land) said he would be willing to plant more trees for buffering as necessary. Bob Kaier of 1095 Hamlin Parma Townline Road stated that he wants to see additional trees planted, mixed in with the existing trees, to create a natural buffer, along the property that borders his automobile shop. Mr. Bower agreed to plant more trees to his and Mr. Kaiser's satisfaction. Highway Superintendent Tom Ingraham said he would like to know the name of the new street. Mr. Spiotti said he would provide that to the Highway Department in the very near future. Town Engineer J.P. Schepp stated that all engineering concerns have been addressed.

A motion was made by Dane Emens, seconded by James Nesbitt to grant Final Approval of phase 1 of the Beehler/Bower Subdivision also known as Country Creek Estates on Hamlin Parma Townline Road. Additional trees will be planted as per the satisfaction of the engineers, Mr. Kaiser and Mr. Bower. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Final Approval granted.

DISCUSSION

Chairman Breslawski asked if the Board Members had a chance to look over the Bower emergency/escape plans. Board Member Judith Hazen reported that one of the dogs owned by Kelly Bower has gotten out and chased a car down the road. Chairman Breslawski suggested that if the Planning Board accepts this plan, it would be a good idea to bring in the nearby neighbors and show them the Bower's escape plan and bring them up to date as to what is expected of the Bower's. Board Member Chris Schlieter stated that the other agencies that have been involved (fire dept, Monroe County Sheriff and the Hamlin Animal Control Officer should be notified of this new evacuation plan. Judith Hazen mentioned that it appears that the Bower's do not have an actual Evergreen Waste Management contract. She also asked the Board if the Town Board could review the Accessory Permit? Board Member Ralph Della Rocco said the Master Comprehensive Plan committee is looking into this further. Chris Schlieter said that certain breeds of dogs don't adapt well in certain demographics. The Town Board can address these issues along with studying the ability to revoke Special Use Permits.

ADJOURNMENT

A motion was made by Dane Emens, seconded by James Nesbitt to adjourn the meeting barring no further business. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye, Schlieter aye. Motion carried, meeting adjourned.

Respectfully submitted,

Cindy Olds
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, November 1st, 2004 at 7:30pm. Deadline for fees is Monday, October 18th, 2004.