

Hamlin Planning Board Meeting *Minutes*  
Monday, February 2<sup>nd</sup>, 2004  
7:00pm

The regularly scheduled meeting of the Hamlin Planning Board was called to order by Vice Chairman James Breslawski at 7:00pm with the location of the fire exits explained for those present.

Present: James Breslawski, Ralph Della Rocco, Judith Hazen, David Martin, James Nesbitt.

Excused: Chairman Dane Emens, Chris Schlieter

Also present: Building Inspector Dick Bauman, Support Board Attorney Charlie Welch, Town Engineer J.P. Schepp, and several interested citizens.

A motion was made by Ralph Della Rocco, seconded by James Nesbitt to approve the minutes from the January 5<sup>th</sup>, 2004 meeting. Members polled, Breslawski aye, Della Rocco aye, Martin aye, Nesbitt aye. Motion carried, minutes approved.

A motion was made by James Nesbitt, seconded by Dave Martin to approve the Planning Board workshop minutes of January 21<sup>st</sup>, 2004.

The Clerk read the Proof of Publication

**PUBLIC HEARING**

**Randall/Preston Subdivision  
6440 Shore Acres**

Chris Karelus of Schultz Associates was present to seek Preliminary Approval for the Randall/Preston Subdivision located at 6440 Shore Acres. Mr. Karelus explained that the proposal had visited the Zoning Board and has received the necessary variances. There are three existing lots that will be combined to reconstruct the new home on the property. Relief has been granted from the wetlands across the street, an overall lot width and acreage variance has been granted. A front setback variance was granted since the new house will be 9' short of the required 35' setback. A variance was also obtained for building in a coastal erosion hazard zone. The current septic system will be checked by Monroe County Dept.of Health, the tank will be excavated, the leach lines will be checked for compatibility with a new 3 bedroom house, then a determination on whether to use the existing septic system will be evaluated when weather permits. Mr. Karelus stated that the owners are not going to propose a garage or shed for a vehicle. There is enough room for car storage off the road and across the street without having a garage.

At that time Vice Chairman Breslawski opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Tom Jensen of Roadside Drive in Hamlin asked if a NYDEC septic system would be installed? Mr. Karelus replied that the home site would be adjusted if the current septic system cannot be used. They will make

**RANDALL/PRESTON-PUBLIC HEARING**

sure that direct discharge into the Lake won't occur. Vice Chairman Breslawski then closed the Public Hearing since there were no further comments. Town Engineer J.P. Schepp stated that he would like the plans to show underground utilities, provide the zoning limit on impervious surface, and the conservation overlay buffer needs to be shown on the plans. Other than that all engineering concerns have been addressed. Mr. Karelus stated that the owners of the property would like the name of the subdivision to be changed to the Collamer Cottage Subdivision.

A motion was made by James Nesbitt, seconded by Judith Hazen to grant Preliminary Approval to the Randall/Preston Subdivision (Collamer Cottage) located at 6440 Shore Acres. The \$250.00 Recreation Fee has already been paid to the Town. This is a TYPE 1 Negative Declaration under SEQR. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Preliminary Approval granted.

**PUBLIC HEARING**

**Carl Bauer**  
**99 Hamlin Parma Townline Rd.**  
**Red Fox Run**

Mr. Arnold Carmichael was present to represent Carl Bauer who is the owner of Red Fox Run located at 99 Hamlin Parma Townline Road. This is a continuation of the Public Hearing of October 6<sup>th</sup>, 2003 that was left open pending more complete plans being presented to the Planning Board and necessary variances being granted. Mr. Carmichael displayed plans for all to view. He explained that the necessary variances had been granted.

At that time Vice Chairman James 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 declared the Public Hearing closed. Town Engineer J.P. Schepp stated that the Town of Hamlin recreation fee should read \$250.00 on the plan, not \$150.00. Also show the Conservation Overlay to be 200' not 150'. Mr. Schepp explained that the Town's Conservation Overlay distance requirement is 200' from the federal wetlands. Also he asked that some contours be placed on the plans where the wet spots are located. There were no further comments from the Board.

A motion was made by Dave Martin, seconded by Ralph Della Rocco to grant Preliminary Approval to Carl Bauer of 99 Hamlin Parma Townline Road owner of Red Fox Run. A \$250.00 Recreation Fee will be needed at the Final Approval meeting, and prior to signing of the mylar. This is a TYPE 1 Negative Declaration under SEQR. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Preliminary Approval granted.

February 6<sup>th</sup>, 2004

**Joseph Ariola**  
**9552 Beachwood Park**

Mr. Chris Karelus of Schultz Associates was present to seek Final Approval for Joseph Ariola who seeks to construct a single family residential dwelling to replace the house the burned down last year located at 9552 Beachwood Park.. Mr. Karelus stated that additional variances were obtained. A variance had been obtained from Town Code 125-31 C (2) (a) to move the house forward, closer to the road. He explained that the new house closely matches the former house that burned down. AAA septic verified the system's proponents. The leachfield is across the street and there is an easement for the property across the street also. Also the shoreline has been stabilized with approval from the DEC. Town Engineer J.P.Schepp said all engineering concerns have been addressed.

A motion was made by James Nesbitt, seconded by Dave Martin to grant Final Approval to Joseph Ariola of 9552 Beachwood Park Road who seeks to construct a single family residential dwelling. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Final Approval granted.

**FINAL APPROVAL**

**Spellan Subdivision**  
**386 Morton Road**

Mr. Jim Glogowski was present to represent the Spellan Subdivision located at 386 Morton Road. Vice Chairman James Breslawski stated that according to our Public Hearing of October 6<sup>th</sup>, 2003, the Board requested structural loading of the bridge, load capacity and hydraulic capacity of the bridge. Town Engineer J.P. Schepp stated that structural capacity of the bridge needs to be shown on the plans. Also input from the fire company regarding access for emergency vehicles, the status of utilities showing electric and telephone lines also need to be shown on the plans. In addition a Recreation Fee of \$250.00 needs to be paid. He also asked about the water pressure capacity and if a 1.5inch line would have the capacity for a sprinkler? Mr. Glogowski stated that he couldn't find the specs for a water system. Building Inspector Dick Bauman suggested that he obtain a copy from the industrial section in the downtown public library of NFPA 13 for a residential sprinkler system. Board Member James Nesbitt suggested that this motion be tabled until concerns over load capacity of the bridge, width of the bridge and elevation be verified and addressed. Board Member Ralph Della Rocco said the Board needs verification that the bridge can handle the load. Town Engineer J.P. Schepp said he would send a list of concerns that need to be addressed to Mr. Glogowski.

A motion was made by James Nesbitt, seconded by Judith Hazen to table this application for Final Approval for the Spellan Subdivision located at 386 Morton Road until load capacity for the bridge can be verified. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Final Approval, not granted, but *tabled to a later date.*

**LOT COMBINATION APPROVAL**

**Grimm Subdivision  
Redman Road**

Mr. Daryl Mosher of Schultz Associates was present to seek Lot Combination Approval to combine 4 parcels into 2 parcels that are owned by the Grimm family on Redman Road. Mr. Mosher explained that when they sold the bulk of the farm they retained these parcels, for some reason they didn't combine a 3.8 acre parcel for Marvin Grimm and a 1.4 acre parcel for the Arthur Grimm subdivision. These lots are being combined at the requests of their attorneys. This lot combination was never completed or recorded before. Attorney Welch stated that he saw no problem with this action. Board Member Judith Hazen noticed that the grain bin is over the property line slightly and wanted to know if it would be moved? Mr. Mosher explained that the grain bin is used for short term storage by the Grimm family. Town Engineer J. P. Schepp stated that by approving this lot combination we are creating an encroachment. Attorney Welch stated that as long as the two property owners draw up some kind of agreement to leave the grain bin there, that will be satisfactory.

A motion was made by James Nesbitt, seconded by Dave Martin to grant Lot Combination Approval to the Marvin Grimm Subdivision of 580 Jacobs Road. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Lot Combination Approval granted.

A motion was made by James Nesbitt, seconded by Ralph Della Rocco to grant Lot Combination Approval for the Arthur Grimm Subdivision of 526 Redman Road with a contingency of an agreement between the parties, (Mr. Grimm and Mr. Speer) regarding the southeast corner encroachment that contains a grain bin. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Lot Combination Approval granted with the contingency that the two property owners (Speer/Grimm) draw up an agreement stating that there is no problem with the placing of the new lot line where the grain bin is located.

**SUBDIVISION APPROVAL**

**Marial Ophardt  
Subdivision  
854 Walker Lk. Ontario Rd**

Mr. Daryl Mosher of Schultz Associates was present to seek Subdivision Approval for the Marial Ophardt Subdivision located at 854 Walker Lake Ontario Road. Mr. Mosher explained that a portion of this property will be connected to the North Star Historical Society. The larger parcel is 18 acres and the other parcel is 8.8 acres. The Ophardt's seek to subdivide the whole Marial Ophardt Subdivision.

A motion was made by Ralph Della Rocco, seconded by Dave Martin to schedule a Public Hearing for Monday, March 1<sup>st</sup>, 2004 at 7:00pm to grant Subdivision Approval for the Marial Ophardt Subdivision located at 854 Walker Lake Ontario Road.

**MARIAL OPHARDT SUBDIVISION**

Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye.  
Motion carried, Public Hearing scheduled.

**LOT COMBINATION APPROVAL**

**Mr. and Mrs. D'Angelo  
8068 Newco Drive**

Mr. D'Angelo of 8068 Newco Drive was present and explained that he would be purchasing an additional 20 feet of land to add to his existing property because there is an encroachment present now. He explained that he wished to purchase the additional land to add to their existing lot thereby bringing their lot into conformance. The lot was originally purchased in 1942 by his grandparents so the lot has had 62 years of encroachment.

A motion was made by Ralph Della Rocco, seconded by James Nesbitt to grant Lot Combination Approval to Mr. and Mrs. D'Angelo of 8068 Newco Drive to add 20' of additional land to their existing property. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Lot Combination Approval granted.

**SPECIAL USE PERMIT**

**Jason Humbert  
1649 Walker Lake Ontario Road**

Mr. and Mrs. Humbert of 1649 Walker Lake Ontario Road were present to seek a Special Use Permit to operate a dog/cat kennel at their residence. Mrs. Humbert explained that she would like to obtain approval to build a kennel to harbor 40 dogs minimum with the capacity to kennel 50 dogs. She explained that there would be no breeding. The kennel will be built according to New York State guidelines and built so that future expansion could take place. She distributed a list of her neighbors that have stated that they are favor of this proposal. She already has 4 kennels on the site that she is using. Vice Chairman James Breslawski questioned the south side of the kennel's location in proximity to their neighbors and stated that the New York State guidelines are quite stringent. Mrs. Humbert replied that Animal Control Officer Rob Farina has been out and stated that there would be annual inspections. He endorsed the facility and informed the Humbert's that there is a need for a state of the art facility. Mrs. Humbert stated that their goal is to obtain approval in March, begin building and open the beginning of summer. Attorney Welch stated that noise would be the obvious concern and that there is a distinctive difference in what you have now and what your plans for the future kennel show. She replied that a soundboard would be used along with natural landscaping. The hours that the dogs would actually be outside would be from 8am – 6pm. Mrs. Humbert supplied a 23 page proposal explaining every aspect of the business, including a copy of the survey map. Town Engineer J.P. Schepp stated that Moorman Creek runs through the property and that the Town requires a 200' buffer zone in the Conservation Overlay district, so the building must be built at least 200' from Moorman Creek. He also asked

**HUMBERT-SPECIAL USE PERMIT**

that the distance off the lot line be shown, a driveway of at least 20' in width, parking area, and location of the dumpster for waste removal be shown on the plans also.

A motion was made by James Nesbitt, seconded by Dave Martin to schedule a Public Hearing for Mr. and Mrs. Humbert of 1649 Walker Lake Ontario Road (Pheasant Creek Farm Kennels) to operate a kennel business at their residence, which will eventually house a full 50 kennels. The Public Hearing has been scheduled Monday, March 1<sup>st</sup>, 2004 at 7:00pm.

Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried, Public Hearing scheduled.

**DISCUSSION**

A motion was made at 8:35pm by James Breslawski, seconded by James Nesbitt to go into Executive Session on a legal matter. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried to go into Executive Session

A motion was made at 9:15pm by James Breslawski, seconded by Judith Hazen to come out of Executive Session. Members polled Breslawski aye, Della Rocco aye, Hazen aye, Martin aye, Nesbitt aye. Motion carried to come out of Executive Session.

**ADJOURNMENT**

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

Respectfully submitted,

Cindy Olds  
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will take place at 7:00pm on Monday, March 1<sup>st</sup>, 2004. Deadline for fees is Monday, February 16<sup>th</sup>, 2004.