

Hamlin Planning Board Meeting *Minutes*  
Monday, April 5<sup>th</sup>, 2004  
7:00pm

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

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

Also present: Building Inspector Dick Bauman, Support Board Attorney Charlie Welch, Town Engineer J.P. Schepp, Conservation Board liaison Craig Goodrich, Planning Board liaison Dave Rose and several interested citizens.

Excused: Dave Martin

A motion was made by James Nesbitt, seconded by Ralph Della Roco to approve the minutes of the March 1<sup>st</sup>, 2004 meeting. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, minutes approved.

**THE CLERK READ THE PROOF OF PUBLICATION**

**PUBLIC HEARING**

**SPECIAL USE PERMIT**

**James Reitter**  
**711 Hamlin Center Road**

Mr. James Reitter was present to request a Special Use Permit to open a HVAC (Heating, Ventilation, Air Conditioning) business. He presented a tape map showing exactly where the business (located in the garage) would be placed on his property. Mr. Reitter stated that there would be a 20' plus side setback. Chairman Dane Emens opened the Public Hearing and asked if anyone was present to speak for or against this proposal? There were no replies. Chairman Emens then read a letter from neighbor Mr. Enos of 759 Hamlin Center Road, who had concerns regarding having a commercial business in his neighborhood. Several of his concerns were regarding noise, parking, increase in traffic, signage and large delivery trucks leaving the business. Chairman Emens then closed the Public Hearing. Mr. Reitter replied that he expected deliveries to be not more than once a month, and tractor trailer deliveries not more than once or twice a year. He said he did not expect any extra noise since his work would be done on customer's property. In addition his hours of business would be 8:00am-5:00pm, no weekends. Also there would be only one service vehicle, with no other employees and no future plan for expansion. There would be no signage. Board Member Judith Hazen inquired about disposal of old furnaces. Mr. Reitter replied that they would be taken away immediately.

**SPECIAL USE PERMIT-REITTER**

A motion was made by Chris Schlieter, seconded by James Breslawski to grant a Special Use Permit to James Reitter of 711 Hamlin Center Road to operate a HVAC business at his residence. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Special Use Permit granted.

**CONCEPTUAL APPROVAL**

**Jeffrey Hand  
1758 Brick Schoolhouse Road**

Mr. Jeffrey Hand was present to request Conceptual Approval to construct a single family residential dwelling to be located at 1758 Brick Schoolhouse Road. Mr. Hand explained that the right of way was expanded on the current plans and the plans now show the culvert over the creek. The Board took some time to review the new plans. Town Engineer J.P. Schepp stated his concern regarding the culvert size. He said that the culvert in the creek was significantly larger than the driveway culvert. He asked Mr. Hand to check to verify that the culvert is large enough to hold extra water runoff. Mr. Schepp also stated that the \$250.00 Recreation Fee is due upon receiving Final Approval. All other engineering concerns have been addressed. Jeffrey Hand's father inquired as to why the culvert should be made larger? He felt that by doing so, this would create more drainage problems. Mr. Schepp said he would look at the plan closer with Mr. Hand's engineer. Mr. Schepp also verified that the driveway would be wide enough for emergency vehicles according to State regulations.

A motion was made by Judith Hazen, seconded by James Nesbitt to grant Conceptual Approval to Jeffrey Hand construct a single family residential dwelling located at 1758 Brick Schoolhouse Road. A Public Hearing was scheduled for Monday, May 3<sup>rd</sup>, 2004 at 7:30pm. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted.

**FINAL APPROVAL**

**Randall/Preston Subdivision  
Collamer Cottage  
6440 Shore Acres**

Mr. Chris Karelus of Schultz Associates was present to represent the Randall/Preston (Collamer Cottage) Subdivision located at 6440 Shore Acres. Mr. Karelus explained that approvals had been granted from the Monroe County Department of Health regarding the septic system. The house has been shifted slightly and there would be a standard septic system. All Monroe County approvals have been granted. Town Engineer J.P. Schepp stated that all engineering concerns have been addressed. Board Member Chris Schlieter stated that since the leach field has been expanded, how would that affect the drainage? He asked that once the contours were removed, where is that water going to go? Mr. Karelus replied that the entire house was cantilevered over beach sand. Mr. Schlieter

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**COLLAMER COTTAGE SUB.**

asked if there were any erosion structures on lot 28? Mr. Karelus replied that there are erosion controls on top of the break wall. Drainage will go directly to that area.

A motion was made by Ralph Della Rocco, seconded by Chris Schlieter to grant Final Approval to the Randall/Preston (also known as the Collamer Cottage) Subdivision, located at 6440 Shore Acres to construct a single family residence. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Final Approval granted.

**SPECIAL USE PERMIT**

**Christine DiMuro  
169 Church Road**

Christine DiMuro was present to seek a Special Use Permit to construct an in-law apartment (for her father) at her residence located at 169 Church Road. Mrs. Dimuro explained that it would consist of a bedroom, bathroom and kitchen area and it would attach to the main house. They are looking into a new, enlarged septic system at the present time. She said they are unsure of the exact size septic system that would be installed. Attorney Charlie Welch stated that a Special Use Permit is needed when adding an in-law apartment into a residential zoning district. The only time a Special Use Permit would not be needed is when an in-law apartment is constructed at the same time as the main residence.

A motion was made by James Breslawski, seconded by James Nesbitt to schedule a Public Hearing for Christine Dimuro of 169 Church Road who seeks to obtain a Special Use Permit to construct an in-law apartment at her residence. The Public Hearing is scheduled for Monday, May 3<sup>rd</sup>, 2004 at 7:30pm. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, with Public Hearing scheduled, to seek a Special Use Permit.

**COMMERCIAL SITE PLAN APPROVAL  
BZER's STATION**

**Lynn Oliver  
52 Railroad Avenue**

Lynn Oliver was present to seek Commercial Site Plan Approval to open B'Zer's Station Leisure Hall at 52 Railroad Ave. At that time Attorney Welch left the Board siting conflict of interest. Ms. Oliver stated that her floor plan had been given out to all board members. Town Engineer J.P. Schepp stated that a surveyor or engineer will need to be hired to get a better look at the site. Ms. Oliver explained that there is 830' frontage. There is a parking lot along the front which is handicapped accessible. The dumpster will be located on the east front side of the parking lot. There will be lighting on the outside of the building and in the parking lot. Mr. Schepp stated that based on sq. footage; 60 off street parking spaces would be required. Ms. Oliver said she would actually have 100

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parking spaces. Mr. Schepp said there is a discrepancy between the accessor's map and her map regarding lot size. Her map says she has 2.648 acres. Mr. Schepp said his figures came up with less than one acre. So a site plan will be needed. Ms. Oliver stated that Charlie Welch is her attorney and is researching this. Board Member James Nesbitt inquired about outside activities such as volleyball playing and horseshoes. He was concerned about increased traffic and noise. Ms. Oliver replied that she would get advice from the Fire Marshall as to the legal limit of customers allowed at one time. Board Member Chris Schlieter stated that as part of her site plan she should show trees, natural buffers, where a fence would be installed and anything else that would contain noise if an outdoor activity took place. Its important to see the whole picture, show everything on the site plan. You need to consult an engineer and obtain a site plan. She thanked the Board for their time, and stated she would contact the Building Department when a site plan is completed. Attorney Welch took his seat back on the Board.

**COMMERCIAL SITE PLAN APPROVAL      K and K Food Mart**  
**1449 Lake Road**

Tom Willett was present representing K and K Food Mart of 1449 Lake Road. He explained that he planned on extending the existing canopies and that he would be installing three additional pumps. His hope is that by adding the extra pumps he will be getting the customers in and out faster instead of waiting in line for gas. Board Member Chris Schlieter stated that getting around in there is pretty tight to begin with, and without seeing the placement of pumps, its hard to tell how easy it will be for more cars to maneuver around. Mr. Willett replied that he would like to construct these before Memorial Day, when traffic will become heavier. He stated that he would move employee parking towards the back to mitigate traffic flow. Board Member James Nesbitt inquired about safety issues, with the extra storage of gasoline being placed underground? Mr. Willett replied that an EPA permit would be required. Since an EPA permit will be required it must meet all federal guidelines. Building Inspector, Dick Bauman stated that they would need to have a separate system. It has to meet the Fire Code. It must be a complete discharge. He suggested that one of the conditions of approval is to have the Fire Marshall be present when the system is tested.

A motion was made by Chris Schlieter, seconded by James Breslawski, to grant (based on testimony provided,) Commercial Site Plan Approval to K and K Food Mart at 1449 Lake Road, to extend the existing canopies and add 3 additional gas pumps. With the caveat that upon final acceptance of the canopy that employee parking be moved to a different part of the site, traffic flow and/or direction will be addressed. All construction will be in accordance with State and Federal regulations, as well as Fire Underwriter witnessing testing of expansion of the system and in accordance with the New York State Fire Code. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye,

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Nesbitt aye, Schlieter aye. Motion carried, Commerical Site Plan Approval granted with the above conditions.

**COMMERCIAL SITE PLAN APPROVAL**

**Mark Schroeder**  
**1722 Lake Road**

Mark Schroeder was present to seek Commerical Site Plan Approval to open Allstar Sub Shop in Bob's Plaza located at 1722 Lake Road. Mr. Schroeder explained that he would be opening a barbeque and sub shop. All equipment is in place in Bob's grocery as it stands, only a special oven will need to be brought in. The sketch that he provided is accurate. Mr. Schroeder explained that there would be a sit down area for 10 customers with 5 tables. Most scenarios will be order ahead and take out meals. There will be no grilling or frying. The existing space already has a spot for the oven. The range hood is already in place.

A motion was made by James Nesbitt, seconded by Ralph Della Rocco to grant Commercial Site Plan Approval to Mark Schroeder to open Allstar Sub Shop at 1722 Lake Road. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Commerical Site Plan Approval granted.

**BOUNDRY MAP APPROVAL**

**Phillip Grant**  
**500 Cook Road**

Mr. Rich Maier was present to represent Phillip Grant of 500 Cook Road who wishes to seek Boundry Map approval. Mr. Maier explained that a new well had been added to the site plan, however the Monroe County Health Department sees no reason why he needs an additional well. Town Engineer J.P. Schepp stated that the Health Department sees no problem as long as the property is not subdivided. The water supply and septic system are under the Monroe County Department of Health jurisdiction. There were no other engineering concerns. Mr. Maier explained that if the property were to be sold then another well would have to be installed. Nothing in the State Code says that he has to have his own well as long as he owns the property. There are no problems with the existing well. Board Member Chris Schlieter stated that this lot could be developed further in the future. Building Inspector Dick Bauman asked if the Health Department had put any stipulations on the plan. Mr. Maier replied that the only stipulation would be to add another well, however they cannot force Mr. Grant to do that.

A motion was made by Chris Schlieter, seconded by Judith Hazen to grant Boundry Map Approval, as well as making a barn into a summer living residence to Phillip Grant of 500 Cook Road, with the following caveats. That if the lot shown on the boundry map is to be sold or subdivided off, to someone other than a familiar relation, they would need to show a site plan that would incorporate a new well or hook up of a wet system. The

**GRANT-500 COOK ROAD**

issuing of a building permit would be contingent upon all signatures being shown on the site plan including the Health Department acknowledging the testimony that has been provided tonight. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Boundry Map Approval granted with the above conditions.

**RE-SUBDIVISION**

**Donald Ophardt Subdivision  
816 Church Road**

Mr. Chris Karelus of Schutz Associates was present to represent the Donald Ophardt Subdivision. He explained that this parcel had been re-subdivided to become three lots from one original lot. The total acreage is 15 acres. Board Member James Breslawski stated that at last month's meeting, Daryl Mosher said that there were no changes to the site, when in fact there were changes. This lot is now split into three parcels. It was just a single lot before. Chris said it appears that everything is now in conformance. It was just presented and approved wrong at the last meeting. Now it is being presented correctly.

A motion was made by James Breslawski, seconded by Chris Schlieter to grant Re-Subdivision Approval to the subdivision formerly known as the Donald Ophardt Subdivision, now known as the Mariel Ophardt Subdivision of 816 Church Road. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Re-Subdivision Approval granted.

**RE-ZONING OF LAKE BREEZE ESTATES**

Victor Tifone was present to seek Planning Board input to re-zone the land south of Lake Breeze estates. Mr. Tifone displayed a map and explained that he is in the process of purchasing 52 acres for building 76 single family homes and would like to have the area re-zoned. It is currently zoned Industrial. Board Member Chris Schlieter explained that an access point would be needed. An easement needs to be created to put the road in where the one lot subdivision is located. The one lot subdivision could still be developed. He explained that the range of houses \$175,000.00. They will be 1800 square foot approximately. Board Member James Nesbitt suggested that if re-zoning is granted, waste water issues might be considered. It would be prudent on his part to try to obtain a clean bill of health on that property, since it used to be a waste water area. Federal wetlands constraints might be placed on the property. Since it is a vacant parcel, several things need to be looked at. Traffic should be considered, the DOT would need to be involved as to how it pertains to the roadway coming out onto Lake Road. He stated that he is looking for R-M zoning. Board Member James Nesbitt stated that if variances are required he would need to appear before the Zoning Board of Appeals. Board Member Ralph Della Rocco stated that new homes would blend well with the existing character of the neighborhood. Mr. Tifone thanked the Board for their time and direction.

**CONSERVATION CORRIDOR PERMIT  
BRUSH CREEK**

Board Member James Breslawski stated the bridge is just off the Hamlin Beach State Parkway at Hamlin Parma Townline Road. Chris Schlieter stated that it is a bottle neck now and very deteriorated. James Breslawski said the County is making arrangements to replace the bridge, so as to least interfere with school buses and traffic.

A motion was made by Chris Schlieter, seconded by Ralph Della Rocco to grant a Conservation Corridor Permit for replacing the existing bridge over Brush Creek. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Conservation Corridor permit granted.

**Mr. Kerry Kemcke  
5833 Wautoma Beach Road-addition**

Mr. Lemcke was present and stated that he planned to construct an addition onto his residence at 5833 Wautoma Beach Road. Conservation Board Member Craig Goodrich stated that he had looked at the site and the septic system is located in the back yard. It is a deep lot, the house is 100' from the road. This addition will have no affect on drainage, and no neighboring parcels would be affected. Chairman Emens stated that you must be a minimum of 6' from the side lot lines when constructing the addition.

After much discussion it was decided that he must obtain a variance from the Zoning Board of Appeals for construction. Craig Goodrich (Conservation Board liasion) stated that he had inspected the property for the purpose of obtaining a LWRP permit and that he had no issues with his construction.

Chris Schlieter said in the meantime an instrument survey could be obtained and the Planning Board could look it over. He was directed to speak with Clerk Cindy Olds about being placed on the Zoning Board of Appeals April 19<sup>th</sup>, 2004 agenda.

**SEQR determination on the Millstream Subdivision.** Mr. Breslawski stated that last week he met with Mr. Goldman and Mr. LaRue. James Breslawski stated that the Planning Board and the DeMarco representatives were in mutual agreement of the continuance of the Public Hearing. There are no time constraints at this point. Chris Schlieter said the Board needs more clarification as to what their intentions are. Dick Bauman stated that when we are ready, then a public hearing would be scheduled. If changes were significant enough he would be comfortable with closing the Public Hearing and requesting a new application.

A motion was made by James Breslawski, seconded by Chris Schlieter stating that the Board is in mutual agreement of the continuance of the Public Hearing and will not make a SEQR determination at this time.

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**EXECUTIVE SESSION**

A motion was made by James Breslawski, seconded by Judith Hazen to go into Executive Session on a legal matter at 9:05pm.

A motion was made by Ralph Della Rocco, seconded by James Nesbitt to come out of Executive Session at 9:30 pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and Schlieter aye. Motion carried, Executive session ended.

**ADJOURNMENT**

A motion was made by Chris Schlieter, seconded by Judith Hazen to adjourn the meeting barring no further business. Members polled Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Nesbitt aye and 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, May 3<sup>rd</sup>, 2004 at 7:30pm. Deadline for fees is Monday, April 19<sup>th</sup>, 2004.