

Hamlin Planning Board *Minutes*
Monday, May 6, 2013
7:30 pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by the Chairperson, Linda Morey at 7:30 pm at the Hamlin Town Hall located at 1658 Lake Road, Hamlin, NY. The location of the fire exits and the AED was explained for those present.

Present: Judith Hazen, Dave Martin, Linda Morey, Mark Reeves, and Peter Toney. Dave Wolfe was excused.

Also present: Town Engineer J.P. Schepp, Town Attorney Ken Licht, Highway Superintendent Steve Baase, Conservation Board member Ed Evans, Town Councilperson Jason Baxter, Building Inspector Chad Fabry, Engineer Rick Giraulo.

Residents: Eric Peters, Mark Rader, John and Linda DeRue, Fran Hulsizer, Deborah Hartmann, Ronald Fey, Shelly and Stan Slater, Darryl Mosher, Steve Lauth, Ronald Birch.

Motion to approve the April 1, 2013 minutes was made by Peter Toney and seconded by Judith Hazen. Motion carried.

Proof of Affidavit was presented and newspaper notice read by support board clerk.

Linda wanted to make an addition to the Agenda. It is a notification from the attorney for the Library withdrawing the Libraries application. She read the correspondence from James J. Bonsignore to the Town of Hamlin Planning Board as follows: *“Dear Board Members: While we appreciate your time and consideration on the above mentioned project, we respectfully withdraw the application and will not be moving forward with the Planning Board at this time. Thank you for your courtesy. Very truly yours, James J. Bonsignore.”*

PUBLIC HEARING

FINAL SITE PLAN APPROVAL

HAMLIN MEADOWS SUBDIVISION, SECTION 2 (21 -27 units)

Application for Final Site Plan Approval for Hamlin Meadows Subdivision *Section 2* (21-27 units), Beehler Lane, Hamlin.

Judith Hazen excused herself from the proceedings as she is a resident of this subdivision.

Richard Giraulo represented James Beehler and Hamlin Meadows Subdivision. He is seeking final approval for 6 lots that may become optional 2 family units if there is interest. These units are allowed in the zoning. A community association will be formed as in section 1. There is a

concern about the entrance of the development. The shoulder will be widened so traffic may bypass in a safer manner. There is a permit in process with NYSDOT and is awaiting review.

The pond on premises is at ½ completion. It will have a berm at the center and will be enlarged in stages as fill is needed for the development.

Ken Licht cannot sign mylar until easements are addressed.

Town Engineer stated that all engineering concerns are satisfied.

Building Inspector had no concerns.

Conservation Board had no comments.

At this time, Chairperson Linda Morey opened the Public Hearing and asked if there was anyone to speak for or against this application.

Bill Richmond of 11 Beehler Lane is concerned with the number of cars per duplex unit. He feels there will be more traffic in the subdivision itself. He also stated that he brought these issues to the attention of the builder. He also stated that in support of the project the location of the duplexes have served as a sound barrier from Rte.18.

Mark Reeves responded that the Planning Board can only vote on what is on print which clearly states doubles.

Peter Tonery stated that DOT governs the traffic pattern and the capacity of roads.

Fran Hulsizer of 2 Beehler Lane and Shelly Slater of 126 Beehler Lane are concerned about the future property value of their homes due to the possible addition of duplexes to the area. They are worried that the area will lose it's sense of community if rental units are in place.

Mr. Beehler's response to Fran Hulsizer's concerns were " Fran has a problem with everything".

Peter Tonery stated that the property is zoned as senior housing and would need rezoning to accept any other conditions. As it is now, one (1) resident needs to be 55 yrs of age per unit or home.

Chairperson Linda Morey asked if there were any other comments.

Ed Evans of 979 Hamlin Center Road is 100% in support for the subdivision and likes what he sees.

Steve Baase of the Highway dept. observed that there is a need for speed limit signs. He also stated that there is not a stop sign on Rte. 18. NYS is in charge of stop signs. J.P. will check on that issue.

Rick Giraulo of LaDieu Associates p.c. commented that the zoning code is set up for this type of flexibility. It makes the project more attractive. To not allow renters 55 and older would be discriminatory.

At this time, Chairperson Linda Morey closed the Public Hearing.

A motion was made by Peter Tonery, seconded by Dave Martin to grant final site plan approval for the Hamlin Meadows Subdivision Section 2, Beehler Lane, Hamlin, NY. It was recommended that the Town Board approve the letter of credit in the amount of \$266,192.00 for 3 years or cash.

Members polled; Judith Hazen abstained, Dave Martin aye, Linda Morey aye, Mark Reeves nay, Peter Tonery aye, Dave Wolfe excused. Motion has failed.

Rick Giraulo of LaDieu Associates may apply for the next public hearing which will be held on June 3, 2013, per Ken Licht's advice.

AGENDA

PRELIMINARY SITE PLAN APPROVAL

WHEELEHAN SUBDIVISION

2222 BRICK SCHOOLHOUSE ROAD

Application for Preliminary Subdivision Site Plan Approval located at 2222 Brick Schoolhouse Road. Property in question has been sold from Mr. Wheelehan to the Culhanes.

Darryl Mosher of Schultz Associates is representing Greg Wheelehan and Margaret and Patrick Culhane.

Homesite is 13 acres and is on the north side of Brick Schoolhouse Road and the east side of Sweden Walker road.

Need to check with the Assesors office to see if the deed has been transferred and reported. County comments are not back.

Ken added if there was a letter of consent to application.

Town Engineer had no engineering concerns.

Building Inspector had no concerns.

Ken Licht had no concerns.

Conservation Board had nothing to add.

A motion was made by Mark Reeves, seconded by Judith Hazen to table the Wheelehan Subdivision, 2222 Brick Schoolhouse Road, Hamlin, NY. Until county comments are back and a Public Hearing can be scheduled.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Toney aye. Dave Wolfe excused. Motion carried.

**PRELIMINARY AND FINAL SINGLE LOT SUBDIVISION
MARK RADER 1468 LAKE ROAD WEST FORK**

Application for Mark Rader for a Single Lot Subdivision at 1468 Lake Road West Fork, Hamlin, seeking a change of use for an existing accessory structure.

Mark Rader and Eric Peters are representing themselves. Mark has sold the main business off due to health reasons and has sold all the property. Mark is seeking to rent building for the restorations of antique/classic cars. He needs a permit and a commercial site plan. The new owner would need to apply for those.

Town attorney Ken Licht stated that the 2nd building is not approved for use as an independent building as it is an accessory structure. It is a building code issue to change the use of the building. There has been a rest room added to the structure. Linda Morey will look at previous minutes for the rest room.

Mark states there will be no traffic pattern change. Cars will be stored inside the building. Question asked, how many parking lots per building.

Linda states that a site plan is required. Peter added that a site plan is mandated by law.

This will be tabled until next month and will be scheduled as a Public Hearing for a Commercial Site Plan. Code requirements to be put on site plan.

A motion for a Public Hearing for a Commercial Site Plan was made by Mark Reeves and seconded by Judith Hazen.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Toney aye. Dave Wolfe excused. Motion carried.

**SPECIAL USE PERMIT
DEBORAH HARTMANN 762 HAMLIN CENTER ROAD
BEAUTY SALON FOR DOG GROOMING**

Application for Deborah Hartmann for a Special use permit at 762 Hamlin Center Road for a Beauty Salon and Dog Grooming business.

Deborah wants a permit to run a dog grooming salon part time out of her home. It will be run out of her existing laundry room, which has an exit door to her garage.

J.P. asked about client parking. Deborah stated that there would be no more than 2 client cars on the premises at one time. If there were ever 2 clients there at one time, one would be picking up and the other would be dropping off.

The issue of a sign was brought up. Deborah thought that she may eventually want to place a placard on her home or a campaign style sign in her yard. Her business does qualify as a minor home occupation. She could have a sign that did not identify the business just her name and address. She has decided to apply for a sign at a later date.

The motion was made by Mark Reeves, seconded by Peter Tonery to approve Deborah Hartmann's Special Use Permit for a Beauty Salon for Dog Grooming for 1 year from date of issue as a Minor Home Occupation.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, Dave Wolfe excused. Motion carried.

PRELIMINARY SITE PLAN SPOHR SUBDIVISION

1928 MOSCOW ROAD

Application for Ken and Katie Spohr for preliminary site plan approval at 1928 Moscow Road, Hamlin for a single family residence.

Tim Harris, from DDS engineers, represented the Spohrs. He presented new plans with a revised leach field design. It will be placed over existing leach field. They are considering it a repair situation. It will be a complete new system properly sized for the home. No raised bed. Health department has approved.

J.P. had no comments as they had been addressed by the revised drawing. He did state that the well and septic are close together. Grading needs to be shown and a north point added.

Building department had no comments.

Ken Licht had no comments.

Conservation Board had no comments.

No county comments as of yet. Expected this week.

A motion as made by Peter Tonery, seconded by Judith Hazen to schedule a Public Hearing for June 3, 2013, and we are waiting on county comments. This is a Type II negative declaration.

Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, Dave Wolfe excused. Motion carried.

DISCUSSION

Planning Board application deadlines have been clarified. They are as follows:

May 21, June 18, July 16, August 20, September 17, October 22, November 19, December 17.
All deadlines are at 12 noon.

Dave Rose stated that interviews will held on May 30, 2013 for the open position on the Planning Board. There are 5 applicants. The Planning Board is invited to participate.

There will be a Zoning Workshop on May 9, 2013 at 7:00 pm in the Town Board Room.

Brush pickup starts on May 13, 2013

Ken Licht also stated that the meeting and the filing dates don't match on the forms and the website. They need to be consistent. The application deadline is the 3rd Monday of the month at 12 noon. Chad Fabry will fix the forms and the website. In December the Planning Board will set up the new dates for 2014.

Linda wanted to make an addition to the Agenda. It is a notification from the attorney for the Library withdrawing the Libraries application. She read the correspondence from James J. Bonsignore to the Town of Hamlin Planning Board as follows: *"Dear Board Members: While we appreciate your time and consideration on the above mentioned project, we respectfully withdraw the application and will not be moving forward with the Planning Board at this time. Thank you for your courtesy. Very truly yours, James J. Bonsignore."*

Mark Reeves wanted to make an addition to the discussion. It is as follows:

As a history buff I am aware that at some point in the future a Historian or interested citizen will review our Town's documents and meeting minutes to get a feel for what was going on for a period of the past. Perhaps in 50 years they'll be researching the how the New Library came to pass. This is the reason I am entering this into the PB Minutes for 6th of May 2013.

Much has been in the news over the past few months regarding the Library and there was much held against the Hamlin Support Boards and other officials for supposedly being against building a library.

Let's be clear. The Planning Board was not against building a Library, rather the Board as a whole wanted to make sure the plan for the facility was safe and the focus was mainly on the parking area and the driveways as the project plans were presented.

Nothing more than that. The problem with all the plans was the lack of the lot size the Library was to be built on.

At the beginning of this process, I e-mailed Ed Evans wondering why the Planning Board wasn't all on board after the presentation by the Library folks at the January 2013 meeting. What followed was a series of E-mails between myself, and Mrs. Evans which included assurances by the Town of Hamlin Supervisor, Tom Breslawski on behalf of the Town Board to provide more land to the library project.

It never happened and was never offered publicly.

It was an opportunity however to split up our Town, folks that had another opinion were identified, called the enemy, bullied and humiliated in the media, long time friends now don't speak to one another. Why? I'll leave the reasons up to you.

I will read some of the quotes in the e-mails.

But first, I want to state that these quotes are as received, and have not been tampered with. If there is any question as to their authenticity I will offer the following: By written request by the Supervisor, on Town Stationary, at a time agreed upon, I will allow the Town's Ethics chair, accompanied by the Town attorney, Ken Licht and a paid computer expert I will contract for a period of no less than 2 hours, to review the E-mails on my home computer that I will be quoting from now and only those, to attest to their authenticity. The Ethics chair will then make public his report to the Town Board within 30 days or before 30 September 2013.

On Jan 13, 2013, at 7:57 AM, Thomas Breslawski wrote:

Sue,

"As for the site, I think that the Town Board was willing to dedicate more land than just the original site of the Jacobs house. I hope that Clark Patterson understands that they are not limited to just that area."

Tom" Thomas Breslawski
Hamlin Town Supervisor
Sent from Samsung tablet

Sue Evans <readyeddy@earthlink.net> wrote: Tom, "I don't know how CPL" (Clark Patterson)" would know they are not limited to only that area. That is all we have talked about, all that has been offered, and the survey done and the reason for the variance. Perhaps we need to establish the possible flexibility that the Town is willing to offer and the possibilities that might facilitate this project with the least amount of struggle"

Begin forwarded message:

From: Thomas Breslawski <supervisor@hamlinny.org>

Date: January 13, 2013 3:44:05 PM EST

To: <readyeddy@earthlink.net>

Subject: RE: Re: Library Presentation 7Jan13

Reply-To: Thomas Breslawski <supervisor@hamlinny.org>

Sue,

The Town Board offered additional property to CPL and the library at our meeting in late November. It was Indy meeting preparation and also Indy post meeting notes. It actually came up at the meeting when discussing parking and layout. The Town Board said that they would be willing to offered more property if needed. That is one of the reasons why Ken Licht is waiting to draft the legal description. He is waiting to find out how much additional property the Library needs.

Anyway, clearly that information was missed somewhere along the line. What is important now is that CPL be told this and then they can be aware of all their options.

Subject: Fwd: Library Presentation 7Jan13

Date: Sun, 13 Jan 2013 16:32:09 -500

From: Sue Evans <readyeddy@earthlink.net>

To: Mark Reeves <markreeves01@rochester.rr.com> **CC:** Tom Breslawski <supervisor@hamlinny.org>, "Howard W. Waltz (HWaltz@ClarkPatterson.com)" <HWaltz@clarkpatterson.com>, Maria Mazurek <MMazurek@clarkpatterson.com>, Kay Hughes-Dennett <khughes@libraryweb.org>, Bunnie Beardsley <bunbeardsley@yahoo.com>, Dave Rose <m72dv@aol.com>

"Hi again Mark,

This is the Supervisor's response to my request for clarification. I had interpreted the offer of the Town's land east of the swale to be used as part of the parking lot but apparently use for the structure was at least implied if not specifically stated at the meeting Tom is referring to."

What I wanted folks to get out of this information was none of the hard feelings, publicity and hate that was generated was necessary. Nor was a variance needed. What was needed was merely a property line adjustment from one lot to an adjoining one by the same owner – all to allow a larger parking lot and proper setback. Lot line adjustments are done all the time.

It is not a sign of weakness to compromise with folks that you work and live with.

Thank you for your attention. Mark Reeves, Planning Board member, May 6, 2013

ADJOURNMENT

A motion was made by Mark Reeves, seconded by Judith Hazen to adjourn tonight's meeting. Members polled: Judith Hazen aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye and Peter Toney aye. Dave Wolfe excused. 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 Monday, June 3, 2013 at 7:30 pm. Deadline for fees is May 21, 2013.

