

Hamlin Planning Board *Minutes*
Monday, February 3, 2014
7:30 p.m.

The regular scheduled meeting of the Town of Hamlin Planning Board was called to order by the Chairperson, Linda Morey at 7:30 p.m. at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The location of the fire exits and AED were explained for those present. It was asked that all cell phones and pagers be turned off.

Members present: Judith Hazen, Steve Lauth, Dave Martin, Linda Morey, Mark Reeves, Peter Tonery, and Dave Wolfe.

Also present: Ken Licht Town Attorney, J.P. Schepp Town Engineer, Chad Fabry Building Inspector, Jeanine Klopp Conservation Advisory Board member, and Dave Rose Town Board Liaison.

Resident representative: John Sciarabba, Jim Glogowski.

Residents present: Dennis Howe, John and Linda DeRue, Richard Duffy, Ed Evans, Clayton Champion, and Nick Kramer.

A motion was made by Judith Hazen, seconded by Mark Reeves to approve the January 6, 2014 meeting minutes as presented with a correction.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye and Dave Wolfe aye. All in favor. Motion carried.

Proof of Publication

There were no applications this month for ***Public Hearings***.

AGENDA

The discussion and approval of the Planning Board meeting and deadline dates for 2014. Please note the addition of ***12 noon*** as the time frame for deadlines. All agreed.

AGENDA

**COMMERCIAL SITE PLAN APPROVAL
BINGO HALL**

**CLAYTON CHAMPION – HAMLIN HORNETS
412 HAMLIN CLARKSON TOWN LINE ROAD, HAMLIN**

Application for Clayton Champion representing the Hamlin Hornets for Commercial Site Plan Approval pursuant to Town Code§520-65(a) & Town Code§201-1 for a Games of Chance Business to be named Hamlin Bingo located at 412 Hamlin Clarkson Town Line Road, Hamlin” in a C-GB (Commercial/General Business) zoning district”.

Mr. Champion represented himself and the Hamlin Hornets before the Board.

He was before the Board last month for a Sketch Conference. All concerns were addressed at that time. Town Attorney Ken Licht did ask for a larger view of the Site Plan which was provided.

Ken Licht no questions.
J.P. Schepp had no engineering issues.
Chad Fabry had no concerns for site plan approval
Jeanine Klopp had no **Conservation Board** concerns.

Linda Morey asked for any comments or concerns from the Board.

Steve Lauth asked how many persons are expected at one time. They are expecting 60 – 100 at one time. What is the physical size of the space? It is 4200 sq. ft. Chad Fabry remarked that the building capacity is around 245 – 250.

A motion was made by Peter Tonery, seconded by Steve Lauth to hold a **Public Hearing** for Clayton Champion representing the Hamlin Hornets for Commercial Site Plan Approval next month on March 3, 2014.
Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

AGENDA

LOT COMBINATION/MYLAR RE-SIGNING

**JOHN ROONEY
4091 & 4109 ROOSEVELT HIGHWAY, HAMLIN**

Application for John Rooney for a Lot Combination of existing parcels pursuant to Town Code§520-66(J)1 for premises located at 4091 & 4109 Roosevelt Highway, Hamlin “in an R-VL zoning district”.

James Glogowski represented Mr. Rooney before the Board.

He stated that this is a project from a few years ago. The County Clerk could not file as a result of the signatures having expired.

Ken Licht stated that this application was fully approved over 2 years ago in October 2011 and was not filed due to time lapse. This is a lot combination only, combining the 2 tax account numbers. This Board can certainly waive the **Public Hearing** as nothing has really changed since October 2011. It would be appropriate to re-approve and sign the Mylar.

J.P. had no engineering issues.
Jeanine Klopp had no Conservation concerns.
Chad Fabry had no building department comments

Linda Morey asked for any comments or concerns from the Board. There were no comments or concerns.

A motion was made by Dave Martin, seconded by Peter Tonery for John Rooney for the re-subdivision of existing parcels pursuant to Town Code§520-66(J)1 for lot combination at premises located at 4091 & 4109 Roosevelt Highway, Hamlin. The **Public Hearing** is waived, new maps will be issued.
Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

AGENDA

PRELIMINARY SITE PLAN & SUBDIVISION APPROVAL

**JOHN & LINDA DERUE
317-325 REDMAN ROAD, HAMLIN**

Application for John and Linda DeRue for “Preliminary Site Plan and Subdivision Approval pursuant to Town Code §520-65C(1) for premises located at 317-325 Redman Road, Hamlin “in an R-VL zoning district”.

Mr. DeRue represented himself before the Board.

John and Linda DeRue would like to build their retirement home. They have subdivided their property from 7 ½ acres to 2 acres. The acreage takes in the driveway, it is not an easement it is an actual right of way. The proposed home is approximately 1700 sq. ft. with a 1000 ft. garage.

J.P. Schepp had a few engineering concerns that he sent over to Randy. A variance was granted for lot size for the new lot. The information that the variance was granted should be shown on the plan. There are 2 drawings, one is a plat for the actual subdivision and the other is a site plan and the building shape and setback shown on the drawings differ a bit. They should be revised so they are in agreement. The grading proposed for the driveway construction for the ditching on what is your existing property and some on the Burch Farms property. Mr. DeRue talked to Steve Baase and Mr. Burch on that subject to help drain Burch’s property. Our culvert pipe is about 2 foot lower than his worse spot. I have no problem going in and getting done what he needs done at no cost to him. I will grade up whatever he needs. For long term maintenance an access easement will need to show on the plan. The plans need erosion and sediment controls to be shown. The leach field location needs to be verified on the plan for the driveway construction. Concerning the Conservation Overlay district, Alicia Pond needs to be shown on the plan. Also a final plan that is stamped and signed is needed.

Ken Licht said that he had no legal issues. He already received his lot size variance from the **Zoning Board**. Jeanine Klopp stated that the only issue she had J.P. already covered but just to clarify for Mr. DeRue the conservation overlay that is being discussed is north of the original plan where the overlay comes in from the pond from the property to the north. Other than that I have no issues. Chad Fabry had no concerns.

Linda Morey brought up an issue on the short form assessment; question #15 concerning threatened wildlife. The answer provided is yes. We need clarity on that. By checking yes, it has been identified the potential for environmental concern. J.P. shed some light on the new SEQR form. There is an auto-fill completing feature that is based on the NYS DEC website. It could be for wildlife habitat for migrating birds. Double check the map before the **Planning Board** makes their negative declaration. Mr. DeRue is going to check with his engineer on the auto-fill option that created a red flag concerning threatened wildlife /habitat.

A motion was made by Dave Wolfe, seconded by Judith Hazen to hold a **Public Hearing** for John and Linda DeRue for Preliminary Site Plan pursuant to Town Code §520-65C(1) for premises located at 317-325 Redman Road, Hamlin “in a R-VL zoning district”.
Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

AGENDA

PRELIMINARY SINGLE LOT SUBDIVISION

DENNIS AND KAREN HOWE
2728 CHURCH ROAD, HAMLIN

The application for Dennis and Karen Howe for “Preliminary Single Lot Subdivision Approval” for Moon Dance Subdivision pursuant to Town Code §520-66J(2) for premises located at 2728 Church Road, Hamlin in a R-VL zoning district.

John Sciarabba represented Mr. and Mrs. Howe before the Board.

This subdivision is on the North side of Church Road, Hamlin. It contains +/- 59 acres. They want to subdivide 6 acres to east side with the house and structures. The new maps showing the structures have been provided. There are no encroachments. They just want to create a new lot. They will need variances for the side setbacks for at least 2 buildings and possibly for the front setback of the existing house to the road.

J.P. Schepp has no new concerns; the issues at hand are all pre-existing conditions.

Linda Morey stated that the property file had no record of granted variances.

Ken Licht stated that back in 2012 legislation was passed to try to eliminate the need for some of the variances for pre-existing structures. It was done with subdivision that involved the alteration of lot lines/lot combinations by essentially not considering them as subdivisions. Under state law the subdivision needs a variance. So this still falls within the necessity of going to the **Zoning Board** for the setback variances.

Chad Fabry had no concerns.

Conservation Board had no comments.

Steve Lauth asked about the setback for the pond. It is at 42' and the code is 40'. J.P. Schepp responded that 40' is the setback.

Dennis Howe stated that the shed can be taken down. It is not used.

Chad Fabry responded that the other setbacks require variances, so that shed could stay.

Peter Tonerly asked if it is acceptable to say various variances and that the applicant meets with the building inspector in the motion.

Ken Licht responded that the motion for various variances would be applicable as the application for the variances is with the **Zoning Board**.

A motion was made by Peter Tonerly, seconded by Dave Wolfe and Judith Hazen to send Dennis and Karen Howe to the **Zoning Board** for various variances for Lot# AR282 for their Subdivision Application for Moon Dance Subdivision located at 2728 Church Road, Hamlin “in an R-VL zoning district”.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonerly aye, and Dave Wolfe aye. All in favor. Motion carried.

DISCUSSION

Lot line adjustment and Sketch Conference application forms. These are 2 forms that we do not currently have. The clerk and Building Inspector will work on the suggested changes and present the forms to the Board in March.

Dave Rose was present to report on the **Town Board** meeting. The interviews for the **Planning Board** attorney position will be held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin on February 12, 2014 at 7:00 p.m. in the Town Board Room. There are 5 applications for the vacancy on the **Conservation Board**. The Town Board would like to know the **Planning Board's** list of priorities that could be discussed/changed at the **Zoning Workshop**. Linda Morey mentioned a structure on a vacant piece of property, also the zoning within the Town for future business growth. The Town needs to look at the 5 acre parcel requirement. Zoning in general is on the docket for discussion. Peter Tonery asked if the Town could re-visit the comprehensive plan of the Town. **Conservation Board** had nothing to add. Peter Tonery brought up the DeRue application and the new environmental form, this would be a situation where the engineer is going to come back with some language for us right? J.P. Schepp stated that we first need clarity that there was an auto-fill filled out, and is there really an environmentally sensitive area at the site. First is it truly there, and if it is give us something for the Board to assess whether it is a small or potentially large impact. Peter mentioned the Board should consider ways to get some standard satisfactory language anytime something abuts in wetlands or whatever conditions might be common. J.P. responded that with the new auto-filling **SEQR** form it usually also includes the map that shows all of the concerns from the DEC website. If part one of the form is being completed it should also provide the map that shows the wetlands, flood plains, etc. An illustration of the concern would be helpful then it is the Boards responsibility to make the decision on whether it is a small impact or potentially large impact. J.P. stated that while the **SEQR** form is longer than it used to be the bar is the same.

Peter Tonery had a comment about the last **Zoning Board** Meeting and the creation of a sub-standard parcel. The applicants were concerned because I wrote a letter to the **Zoning Board** prior to their application. They went to the Town Board and asked that I recuse myself. I don't know if I shared that letter with everyone, the letter that I sent to the **Zoning Board**. I will share it by email because I want you to be aware of what I said. Basically I indicated for the position that while the Law is in place they shouldn't usurp it. Even if they disagree with the Law they should uphold the Law. That was my position. There was a vote on that subdivision which was a split vote 3 to 2. I'm going to read the DRAFT meeting minutes from the **Zoning Board**. **"Rocky Ellsworth added that he does not feel that it is the job of the Zoning Board to create sub-standard lots, to work with pre-existing ones yes, but to create them no. There is a logical reason to have smaller lots than is required in areas that I think with sewers and water more than in the past with septic and wells at all. I hope that sooner rather later the Town Board looks at this and changes it"**.

I think that we are all aware that is was a complicated subject and we all struggle to do the right thing all the time and I think we did the right thing today. It is tough. Linda Morey agreed. I think we all have differences with the codes and would like a little something different. It is not our prerogative to vote our way our prerogative is to vote on what is before us.

ADJOURNMENT

A motion was made to adjourn tonight's meeting by Mark Reeves, seconded by Judith Hazen barring no further business.

Members polled: Judith Hazen aye, Steve Lauth aye, Dave Martin aye, Linda Morey aye, Mark Reeves aye, Peter Tonery aye, and Dave Wolfe aye. All in favor. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Boards

The next scheduled meeting of the Town of Hamlin Planning Board will be held on Monday, March 3, 2014 at 7:30 p.m. The deadline for all applications and fees is Wednesday, February 19, 2014.

DRAFT