

**Hamlin Planning Board *Minutes***  
**Tuesday, September 8, 2015**  
 7:30 p.m.

The regular scheduled meeting of the 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 the AED were explained for those present. It was asked that all cell phones and pagers be turned off for the duration of the meeting.

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

Also present: Jeanine Klopp Conservation Advisory Board Member, Town Councilpersons Dave Rose and Jason Baxter.

Resident representatives present: Rich Maier of Maier Land Surveying, Richard Truesdell, Wendy Meagher of Meagher Engineering.

Residents present: Richard Iuppa, Patrick Pullinzi, Tom & Denise Hiebler, Eric Adams, Glenn Jackling, Brian Simpson, Elizabeth & Dean Brightly, Krystal Solis, Peg Leverenz.

A motion was made by Judith Hazen, seconded by Dave Wolfe to approve the August 3, 2015 meeting minutes as submitted.

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

**AGENDA CONTINUATION**  
**SINGLE LOT SUBDIVISION**

**MELISSA STEWART**  
**603 MARTIN ROAD, HAMLIN**

Application of Melissa Stewart; owners: Kathy & Dave Soper; seeking "Preliminary & Final" Single Lot Subdivision Approval for property located at 603 Martin Road; in an R-VL zone. Tax account #014.01-1-9.

Wendy Meagher of Meagher Engineering represented the applicants before the Board. The county comments along with all other approvals have been received and presented to the Board. The Town Engineer, Conservation Advisory Board Representative, Planning Board Attorney, and the Building Inspector had no concerns or comments.

A motion was made by Dave Martin, seconded by Peter Tonery to grant Preliminary Approval for the application of Melissa Stewart; owners: Kathy & Dave Soper; seeking "Preliminary & Final" Single Lot Subdivision Approval for property located at 603 Martin Road; in an R-VL zone. Tax account #014.01-1-9. This is a Type II Neg SEQR and valid one year from date of issue.

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

A motion was made by Dave Martin, seconded by Peter Tonery to grant Final Approval for the application of Melissa Stewart; owners: Kathy & Dave Soper; seeking "Preliminary & Final" Single Lot Subdivision Approval for property located at 603 Martin Road; in an R-VL zone. Tax account #014.01-1-9. This is a Type II Neg SEQR and valid one year from date of issue.

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

A motion was made by Dave Martin, seconded by Peter Tonery to amend the motion for Final Approval based on a change of the house number. The house number shall be on record as 625 Martin Road, Hamlin in an R-VL zone. Tax account #014.01-1-9. Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. All in favor. Motion carried.

**AGENDA**

**CONSERVATION CORRIDOR DEVELOPMENT PERMIT      JOHN & MARY LOU NITSCHÉ  
7130 TUCKER LANE**

Application of John & Mary Lou Nitsche; owners; John & Mary Lou Nitsche; seeking Conservation Corridor Development Permit for property located at 7130 Tucker Lane in an S/R zone. Tax account# 007.01-1-3.

Richard Truesdell represented the home owners before the Board. The proposed project includes a new breakwall. The existing smaller stone will be replaced with 4 ton rock using 1 & 3 ton rock for support per the DEC.

Town Engineer had no concerns.

Conservation Advisory Board had no concerns.

Planning Board Attorney stated that it is consistent.

Building Inspector had no concerns.

A motion was made by Peter Tonery, seconded by Steve Lauth to grant the application of John & Mary Lou Nitsche; owners; John & Mary Lou Nitsche; seeking Conservation Corridor Development Permit for property located at 7130 Tucker Lane in an S/R zone. Tax account# 007.01-1-3. This a Type II Neg SEQR and valid one year from date of issue. Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. All in favor. Motion carried.

**AGENDA**

**CONSERVATION CORRIDOR DEVELOPMENT PERMIT      RICHARD IUPPA  
18 LAKE ROAD EAST FORK**

Application for Richard Iuppa; owner; Richard Iuppa; seeking Conservation Corridor Development Permit for property located at 18 Lake Road west Fork in an R-CW zone. Tax account# 006.12-1-5.

Richard Iuppa represented himself before the board. He is proposing to renovate/alter an existing cottage. It was determined that variances are needed. He will make application for the Zoning Board of Appeals.

A motion was made by Steve Lauth, seconded by Linda DeRue to table the application for Richard Iuppa; owner; Richard Iuppa; seeking Conservation Corridor Development Permit for property located at 18 Lake Road west Fork in an R-CW zone; Tax account# 006.12-1-5; until the variances have been applied for and granted. Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Linda Morey aye, Dave Martin aye, Judith Hazen aye, and Dave Wolfe aye. All in favor. Motion carried

**AGENDA**

**CONSERVATION CORRIDOR DEVELOPMENT PERMIT      THOMAS HIEBLER  
5796 WEST WAUTOMA BEACH ROAD**

Application for Thomas Hiebler; owner; Thomas Hiebler; seeking Conservation Corridor Development Permit for property located at 5796 West Wautoma Beach Road in an S/R zone. Tax account# 008.15-1-38.

Mr. Hiebler represented himself before the board. He is proposing to cap the existing gabions on his property with cement. A few gabions were already capped prior to his ownership. He submitted paperwork from the DEC noting that a DEC permit is not required.

Town Engineer had no concerns.  
Conservation Advisory Board had no concerns.  
Planning Board Attorney had no concerns.  
Building Inspector had no concerns.

A motion was made by Dave Martin, seconded by Judith Hazen to grant the Permit for Thomas Hiebler; owner; Thomas Hiebler; seeking Conservation Corridor Development Permit for property located at 5796 West Wautoma Beach Road in an S/R zone. Tax account# 008.15-1-38. This is a Type II Neg SEQR and valid for one year from date of issue. Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. All in favor. Motion carried

**CONSERVATION CORRIDOR DEVELOPMENT PERMIT** **THOMAS HIEBLER**  
**5796 WEST WAUTOMA BEACH ROAD**

Application for Thomas Hiebler; owner; Thomas Hiebler; seeking Conservation Corridor Development Permit for property located at 5796 West Wautoma Beach Road in an S/R zone. Tax account# 008.15-1-38.

Mr. Hiebler represented himself before the board. He is proposing to demolish the existing garage on the property and build a new 2 story garage with an extension to the east. There are no variances needed. There will be no living space in the garage.

Town Engineer had no concerns.  
Conservation Advisory Board had no concerns.  
Planning Board Attorney had no concerns.  
Building Inspector had no concerns.

A motion was made by Peter Tonery, seconded by Dave Wolfe to grant the Permit for the Application for Thomas Hiebler; owner; Thomas Hiebler; seeking Conservation Corridor Development Permit for property located at 5796 West Wautoma Beach Road in an S/R zone. Tax account# 008.15-1-38. This is a Type II Neg SEQR and valid for one year from date of issue. Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. All in favor. Motion carried

**Proof of Publication**

The clerk read the proof of publication

**PUBLIC HEARING CONTINUATION**  
**SINGLE LOT SUBDIVISION**

**ANDREW & MARK GREENWELL**  
**336 CHURCH ROAD**

Application of Mark & Andrew Greenwell; owner; Mark D. Greenwell; for "Preliminary & Final" Single Lot Subdivision located at 336 Church Road in an R-VL zone. Tax account#015.03-1-3.

Rich Maier of Maier Land Surveying represented the applicants before the board.

This is a continuation of the discussion of the water supply to the home in question. The Monroe County Health Department does not require a well test. Per the correspondence submitted Monroe County Water Authority also requires no testing of this well.

Town Engineer had no concerns.

Conservation Advisory Board had no concerns.

Planning Board Attorney stated his concerns in the prior month.

Building Inspector had no concerns.

Chairperson, Linda Morey continued the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

There were no comments or concerns from those present.

Chairperson, Linda Morey closed the Public Hearing.

A motion was made by Steve Lauth, seconded by Dave Wolfe to grant the Application of Mark & Andrew Greenwell; owner; Mark D. Greenwell; for "Preliminary" Single Lot Subdivision located at 336 Church Road in an R-VL zone. Tax account#015.03-1-3. The following conditions to apply: That the Water Authority will verify the disconnect of the Public Water and verify that the line is separate and the well be tested prior to reactivation and final approval. The subdivision map also to be filed with the water line to the barn shown.

This is a Type II Neg SEQR

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

A motion was made by Steve Lauth, seconded by Dave Wolfe to grant the Application of Mark & Andrew Greenwell; owner; Mark D. Greenwell; for "Final" Single Lot Subdivision located at 336 Church Road in an R-VL zone. Tax account#015.03-1-3. The following conditions to apply: That the Water Authority will verify the disconnect of the Public Water and verify that the line is separate and the well be tested prior to final approval. The subdivision map to be filed with the water line to the barn shown. This is a Type II Neg SEQR

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

**PUBLIC HEARING**  
**SPECIAL USE PERMIT**

**ERIC ADAMS**  
**466 REDMAN ROAD, HAMLIN**

Application of Eric Adams; owner; Eric Adams; seeking Special Use Permit for a Lawn Care Business to be located at 466 Redman Road in an R-VL zone. Tax account #005.01-2-4.121.

Eric Adams represented himself before the board. He gave an overview of the proposed lawn care business to be run out of the barn.

Town Engineer had no concerns.

Conservation Advisory Board had no concerns.

Planning Board Attorney had no concerns.

Building Inspector had no concerns.

Chairperson, Linda Morey opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

There were no comments or concerns from those present.

Chairperson, Linda Morey closed the Public Hearing.

A motion was made by Judith Hazen, seconded by Peter Tonery to grant the Special Use Permit for Eric Adams; owner; Eric Adams; seeking Special Use Permit for a Lawn Care Business to be located at 466 Redman Road in an R-VL zone. Tax account #005.01-2-4.121. Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. All in favor. Motion carried

**PUBLIC HEARING**  
**SINGLE LOT SUBDIVISION**

**JAMES F. & JOAN G. JACKLING**  
**2374 BRICK SCHOOLHOUSE ROAD**

Application of James F. & Joan G. Jackling; owners; James F. & Joan G. Jackling for "Preliminary & Final" Single Lot Subdivision to be known as "Jackling Subdivision" located at 2374 Brick Schoolhouse Road in an R-VL zone. Tax account# 014.04-2-6.

Mr. Glenn Jackling represented the applicants before the board. Mr. Jackling withdrew the application for a Single Lot Subdivision. This is due to the result of the land auction where one (1) buyer purchased all 4 parcels. If the new owner wishes to subdivide; a new application will need to be submitted.

**PUBLIC HEARING**  
**SITE PLAN MODIFICATION**

**JOSEPH BRIGHTLY**  
**525 DRAKE ROAD, HAMLIN**

Application for Joseph Brightly; owner; Joseph Brightly; seeking Site Plan Modification for property located at 525 Drake Road in and R-L zone. Tax account# 020.04-2-19.21.

Dean and Elizabeth Brightly represented themselves before the board. There have been no changes since the last meeting.

Town Engineer had no concerns.  
Conservation Advisory Board had no concerns.  
Planning Board Attorney had no concerns.  
Building Inspector had no concerns.

Linda Morey asked about installing a fence around the perimeter of the playground. Mr. Brightly said No. Dean Brightly responded that no fence is required per the Zoning Board of Appeals as it was not in the motion. Steve Lauth asked about the corrugated black tubes in the parking lot. They would not keep a car out of the area. It was asked about adding additional car bumpers to the area in question to help keep the cars out of the area. The Brightly's said that can be done. They also added that the playground is not anchored and is moveable. They consider it a seasonal display; which is on the site plan. It is not going to be used year round. Mr. brightly stated I just want to make it clear how I feel and my wife feels and other people in this town feel. Peter Tonery stated that he would like to make it clear that he feels exactly the opposite way. This is clearly not a seasonal display. A seasonal display is for a holiday. Elizabeth Brightly responded that we had seasonal attractions on the site plan as well. Peter Tonery stated that you are shaping the reality to fit your definition. Elizabeth responded that you are shaping it to meet your definition. Peter Tonery responded that he is not going to quarrel like that. It is not a seasonal display. I think every rational person knows what a seasonal display is and this is a playground. It is not a seasonal display. Steve Lauth asked if the business is open year round. Dean Brightly answered as of right now we feel we are going to close after Christmas. Not sure, not going to guarantee anything. Elizabeth responded I don't know of too many people going to a playground in the winter. Steve Lauth responded that if the business is open and kids were there they would want to be on it. That's truth. You've got to admit that. If the business is open and people bring their kids there and there is a playground the kids are going to want to be in it. Dean responded but not in the winter time. Steve Lauth responded that I take

my kids and my grandkids to the Hamlin playground in the winter. Elizabeth said why don't we move on and make your decision. Linda Morey asked the board for any other questions.

Chairperson, Linda Morey opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

Krystal Sodis(sp) of Sandybrook Drive stated that she is an employee of the Brightly's and Secretary of the Key Club and Student Council and she sees parents at the playground with their kids. She doesn't see how that is a problem at all.

There were no other comments or concerns from those present.

Chairperson, Linda Morey closed the Public Hearing.

A motion was made by Linda Morey, seconded by Peter Tonery that the playground be moved to the west side of the property for safety issues per the code and that the exact spot to be decided by the Building Inspector. A new site plan be signed showing the changes that are made to the property.

Linda Morey asked if she could continue with her motion.

We have the signed application, the Zoning notes, Site Plan Checklist, and the Site Plan that was provided to us. This is for a Site Plan Modification for the property at 525 Drake Road in an R-L zone district. Tax Account# 020.04-2-19-21.

\*Dean Brightly interjected doesn't anyone get the chance to change that motion.

Attorney O'Toole asked if he may clarify on the motion before we proceed. I just want to make it clear that if you want to move the playground you can certainly do it for planning purposes such as a safety issue for example. In the code in essence you have frontage where you are not allowed to put these things. And, as I understand it they have obtained a variance, it is a conditional variance but it is still a variance. I *just* want to make sure we are not trying to enforce the Zoning Code when in fact it is the planning that we are addressing. Linda Morey responded that it has nothing to do with Zoning. Attorney O'Toole then suggests that as a part of your motion if there is a planning issue that you state what the planning issue is. Linda Morey stated that for safety issues. Steve Lauth asked that instead of forcing them to move it is there a way to address our safety concerns without forcing them to move it from that spot. Dean commented...very good. Linda Morey responded that we already talked about items they don't want to do and it is part of the regulated codes that we have. Elizabeth added that Cheryl has been over there herself and said that there is too much of a drop-off and it is too close to the field. She is the Building Inspector; she said it is in the safest spot. Attorney O'Toole added that there are a couple of things that you can do, you can follow through with the motion and ask that it be moved wherever. Another thing you could do is identify a fix, a condition of approval that addresses the safety concern. It may not be a fix that the applicants necessarily want but it is one way you can proceed. So, if a fence will get the job done then impose a fence as a condition and be done with it. And then perhaps the applicants can meet with NYS fence or whoever and find something a bit more aesthetically pleasing. That will blend in with their design. Your conditions do not have to be approved by the applicant. Steve Lauth asked why would it have to be a fence...if there is another way as in more trees. Linda Morey stated that you don't want kids climbing trees and there are trees now. Steve Lauth responded that you can't stop kids from climbing trees no matter what. Attorney O'Toole stated that it is the chair's pleasure to discuss or move on the motion. Linda Morey said move on the motion.

Members polled: Linda DeRue aye, Steve Lauth nay, Dave Martin, aye, Linda Morey aye, Peter Tonery aye, Judith Hazen nay, and Dave Wolfe nay. Motion carried.

Attorney O'Toole asked the board to do a motion adopting a finding that the reason was child safety. I just want to make that crystal clear. Dean added that you would not allow other options; I want to make that crystal clear. Linda responded that we did talk about other options. Dean added that we agreed to some. Attorney

O'Toole stated that at this point the decision has already been made, what we are doing are the findings. Dean responded I'm just telling you...we agreed to them and you wouldn't do them.

A motion was made by Linda Morey, seconded by Peter Tonery that the reason for moving the proposed playground was to protect and enhance child safety. Members polled: Linda DeRue aye, Steve Lauth nay, Dave Martin, aye, Linda Morey aye, Peter Tonery aye, Judith Hazen nay, and Dave Wolfe nay. Motion carried. There was further discussion on the topic.

\*Linda DeRue commented that Lora Partyka has come in with the restaurant and has come in for different things such as signs, parking and all of the different things and she just did. When she had to come in she did...when she had to come in and see Cheryl she did. There has never been a ruffle with her.

\*Cheryl Pacelli responded that in the case of The Farmers Table if there is a problem; she comes in the same day.

The Public Hearing requirement for roads in Hamlin was discussed. It was decided that all roads in the Town of Hamlin; State, County, and Town roads will all require a Public Hearing.

### **DISCUSSION**

Town Councilperson Dave Rose reported that the budget process has started and it is going to be a tight budget. The budget is only allowed to be increased by .67%.

### **ADJOURNMENT**

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

Members polled: Linda DeRue aye, Steve Lauth aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen 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 Hamlin Planning Board will be held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin on Tuesday, October 5, 2015 at 7:30 p.m. The deadline for all applications is Tuesday, September 22, 2015 at 12 noon.