

Hamlin Planning Board *Minutes*
Monday, August 3, 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 (excused), Peter Tonery, Dave Martin, Linda Morey, Judith Hazen, and Dave Wolfe.

Also present: J.P. Schepp Town Engineer, Attorney O'Toole, Conservation Board Member Steve Rutherford, and Town Councilperson Jason Baxter.

Resident representatives present: Rich Maier of Maier Land Surveying, Andrew Leja of Barclay Damon LLP., Richard Truesdell.

Residents present: Chip White, Glenn Jackling, James & Joan Jackling, Patricia Young, Shannon Young, Sara Lefaro, Linda Collini, Andrew Collini, Carmen Collini Jr., Wendy Meagher, Eric Adams, Josh Kent, Colleen Alton, Dan Courtney, Ogugwa Uzorka (sp), Dean & Betsy Brightly.

Approval of the July 6, 2015 meeting minutes. Additions, deletions, or corrections to tonight's meeting.

A motion was made by Dave Martin, seconded by Peter Tonery to approve the July 6, 2015 meeting minutes as submitted.

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

The deletion of the Truelson Application for a Conservation Corridor Development Permit as there was no representation present.

Proof of Publication

The clerk read the proof of publication to those present.

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. He gave an overview of the project and the issue of the water service. They had planned on extending the width of the lot from 190 feet to 250 feet. And re- open the use of the existing well on the property. It was discussed on whether the water authority would allow the water line to remain the same but with a separate water meter installed for the house. Rich Maier planned on contacting the Water Authority to see if this would be an acceptable solution.

A motion was made by Peter Tonery, seconded by Judith Hazen to leave the Public Hearing open until the September 8, 2015 meeting for the submittal of further information of the water line and the County comments

for the 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. The following items have been received: Application, Site Plan, Site Plan Checklist, All variances needed, and Ag Data statement. Members polled: Linda DeRue aye, Peter Toney aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

PUBLIC HEARING

COMMERCIAL SITE PLAN MODIFICATION

NIAGARA MOHAWK POWER CORP. 3627 ROOSEVELT HIGHWAY

Application of Niagara Mohawk Power Corp; owner; Niagara Mohawk Corp; seeking a Commercial Site Plan Modification for property located at 3627 Roosevelt Highway in an R-L zone. Tax account# 020.04-2-25./KEND.

Andrew Leja of Barclay Damon LLP represented the applicant before the board. He gave an overview presentation for those present.

The proposal is to add a transformer to the existing transformer. This is needed as a result of increased electricity demand which will be a form of reliability for the town. It will also help avoid blackout situations. They plan to extend the existing 7 ½ foot fence and remove the line of scrub brush and trees and expand the driveway. The target start date is September 15, 2105.

Chairperson Linda Morey opened the Public Hearing.

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

Resident Colleen Alton residing at 3585 Roosevelt Highway had concerns about being told about 4 months ago by “persons representing Nation Grid” that new poles were going to be placed on her side of the road and that existing trees would be cut down. It was determined by the representative present that it was not a part of this plan before the board and that it might be a distribution issue. (After the meeting, Andrew Leja took the name and phone number of Colleen Alton so that he may look into the matter and put her in touch with the proper department).

There were no other comments or concerns from those present.

Chairperson Linda Morey closed the Public Hearing.

Dave Wolfe asked if there would be any impact on the wetlands at that location. Mr. Leja responded that they are well within the limits of what is allowed.

Judith Hazen asked about the farmer and if the crops would still be able to be harvested. Mr. Leja responded that a letter was sent out to the farmer; (Woodwise Land Co.); so they are aware of the proposed development and that the start date appears to be after the farming season is over so that they would be able to harvest their existing crops.

Town Engineer J. P. Schepp had no engineering concerns.

Attorney O’Toole had no legal comments.

Conservation Board member Steve Rutherford had no concerns.

A motion was made by Judith Hazen, seconded by Dave Wolfe to grant application of Niagara Mohawk Power Corp; owner; Niagara Mohawk Corp; seeking a Commercial Site Plan Modification for property located at 3627 Roosevelt Highway in an R-L zone. Tax account# 020.04-2-25./KEND. This is a Type II Neg SEQR. The following items have been received: Application, Site Plan Checklist, Letter of Intent, and Site Plans.

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

PUBLIC HEARING

PRELIMINARY & FINAL SITE PLAN APPROVAL

**CARMEN & LINDA COLLINI
3 SWEDEN LANE UNIT 34, BROCKPORT**

Application of Carmen & Linda Collini; owners; Carmen & Linda Collini; seeking Preliminary & Final Site Plan Approval for property located at 7956 Newco Drive in an S/R zone. Tax account# 006.06-1-31.

Andrew & Carmen Collini presented the application to the board. They gave an overview of the proposed development of a residential home. All requested improvements are on the plan.

Town Engineer J.P. Schepp stated that all engineering concerns have been addressed.

Conservation Board member Steve Rutherford added that the application is consistent with the policies of the LWRP.

Building Inspector Cheryl Pacelli had no concerns at this time.

Attorney O'Toole had no legal 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.

Patricia Young residing at 7964 had a concern of the water run-off onto her property. Andrew Collini explained that there will be swale that will run North and South on center that will run any run-off to the road and to the lake.

There were no other comments or concerns from those present.

Chairperson Linda Morey closed the Public Hearing.

A motion was made by Dave Wolfe, seconded by Linda DeRue to grant Preliminary Approval for the application of Carmen & Linda Collini; owners; Carmen & Linda Collini; seeking Preliminary & Final Site Plan Approval for property located at 7956 Newco Drive in an S/R zone. Tax account# 006.06-1-31. This is a Type II Exempt. The following items have been received: New site Plan Map, Application, Site plan, Site Plan Checklist, LWRP, Letter of Intent, and all variances required have been granted by the Zoning Board of Appeals. Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

A motion was made by Dave Wolfe, seconded by Linda DeRue to grant Final Approval for the application of Carmen & Linda Collini; owners; Carmen & Linda Collini; seeking Preliminary & Final Site Plan Approval for property located at 7956 Newco Drive in an S/R zone. Tax account# 006.06-1-31. This is a Type II Exempt. The following items have been received: New site Plan Map, Application, Site plan, Site Plan Checklist, LWRP, Letter of Intent, and all variances required have been granted by the Zoning Board of Appeals. . Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

AGENDA

CONSERVATION CORRIDOR DEVELOPMENT PERMIT

**CARMEN & LINDA COLLINI
3 SWEDEN LANE UNIT 34, BROCKPORT**

Application of Carmen & Linda Collini; owners; Carmen & Linda Collini; Seeking Conservation Corridor Development Permit for property located at 7956 Newco Drive in an S/R zone. Tax account# 006.6-1-31.

Town Engineer J.P Schepp had no additional engineering concerns.
Conservation Board member Steve Rutherford had no issues.
Attorney O’Toole had no legal concerns.

A motion was made by Dave Wolfe, seconded by Peter Tonery to grant the Application of Carmen & Linda Collini; owners; Carmen & Linda Collini; Seeking Conservation Corridor Development Permit for property located at 7956 Newco Drive in an S/R zone. Tax account# 006.6-1-31. The following items have been received: New site Plan Map, Application, Site Plan, Site Plan Checklist, LWRP, Letter of Intent, and all variances required have been granted by the Zoning Board of Appeals. . Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

AGENDA

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 proposed plan is to build a 1600 sq. ft. house with an attached 2 car garage on the site. County comments have not yet been received. No Public Hearing is required as Martin Road is a Town Road.

Town Engineer J.P. Schepp stated that all issues had been addressed.
Attorney O’Toole had no legal comments.
Conservation Board Member Steve Rutherford had no comment.
County comments have not yet been received. No Public Hearing is required as Martin Road is a Town Road.

A motion was made by Peter Tonery, seconded by Linda DeRue to table 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; until the county comments have been received. The applicant will be on the agenda for the September 8, 2015 meeting.

AGENDA CONTINUATION

COMMERCIAL SITE PLAN

**JEFFREY WHITE
SWEDEN WALKER ROAD**

Application of Jeffrey white; owner; John Prince; seeking Commercial Site Plan Approval for an automobile repair business named Chips Auto located at 1712 Lake Road in a C/GB zone. Tax account# 021.03-3-1.

Jeffrey (Chip) White represented himself before the board. This application was tabled from the June 1, 2015 meeting. The applicant was unable to provide the requested items for the board. He needed a modified site plan that shows parking, lighting, handicap bathroom, etc.

A motion was made by Judith Hazen, seconded by Peter Tonery to deny without prejudice ; (application incomplete for reasons discussed); the application of Jeffrey White; owner; John Prince; seeking Commercial Site Plan Approval for an automobile repair business named Chips Auto located at 1712 Lake Road in a C/GB zone. Tax account# 021.03-3-1. . Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried

AGENDA

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 & Betsy Brightly represented the owner; Joseph Brightly; before the board. They are before the board regarding a swingset/firetruck/playground structure that was installed without application to the Planning Board for a site plan modification. Dean Brightly stated that he feels that what is there is a seasonal use display that is already on our site plan. Linda Morey responded that you had seasonal displays but you didn't have a playground on there. Dean asked that it is not a seasonal display, that is what you are saying. Attorney O'Toole responded no, the planning board doesn't make zoning interpretations. The code enforcement officer has made the determination that the change is a change to the site that requires an amendment to the site plan. They don't get to make those decisions. Dean responded ok continue on. Linda responded I guess I am wondering because of safety issues it would be better to not have a playground near the main highways and go to the west of the building. Dean responded no. Linda added to the southwest. Dean stated that it is too low; the drainage is too low over there. Dean added Cheryl you can tell them how far it is from the road. The Building Inspector stated that in the spot it is now it is 89 feet from the road. Dean added that there are trees and wagons on the side of where the playground is now. The building Inspector agreed with that statement. Linda Morey said that it is just her opinion; She would prefer it to be to the west. She believes the code enforcement officer was following the code which indicates that it needs to be away from the main highways on a corner lot. She thinks that she is following the codes in this instance. The code enforcement officer stated that they (The Zoning Board) said it was ok based on the Planning Boards decision to leave it in that spot. So the Planning Board decides if it needs to be in a different spot to follow the code. then that's basically null and void. Dave Wolfe stated that he is going to try to stay as neutral as possible because I was over there the past couple of weekends and my first thought when I first saw this thing is that I had pictured the driveway coming in from the opposite direction than what I visually found once I had gotten over there. Dave added that they have concrete barriers out there. Kids would have to run out in front of a moving car which you can never control. The way it is located now I don't see, and this is only me, I don't see any problem with the Zoning Board granting what they got being that it is just a matter of them plopping that thing on the map where it is located. We just have to go by the code, because the code states that on a corner lot it has to be behind the rear main foundation line. That is what the code says. Linda stated that it needs a Public Hearing so they will have to come back in one month. Betsy Brightly commented that they already had a Public Hearing at the Zoning Board. Peter Tonery stated that he is confused by the variance. The Code Enforcement Officer responded that they received a variance at their Public Hearing, to leave it in the spot if they get Planning Board Approval to leave it in the existing location.

A motion was made by Peter Tonery, seconded by Linda DeRue to schedule a Public Hearing on September 8, 2015 for the 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. Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried

AGENDA

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 wants to have a lawn business at his home. No materials other than maybe a 5 gallon gas container just like anyone would have at their home. All equipment will be stored in the existing barn on the property.

A motion was made by Peter Tonery, seconded by Judith Hazen to schedule a Public Hearing on September 8, 2015 at 7:30 p.m. for the 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. The following items were received: Letter of Intent, SUP application, and plans drawn to scale. Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

AGENDA

CONSERVATION CORRIDOR DEVELOPMENT PERMIT

**MARCELINA COURTNEY
5702 W. WAUTOMA BEACH ROAD, HILTON**

Application of Marcelina Courtney; owner; Marcelina Courtney seeking a Conservation Corridor Development Permit to install a fence within 100 feet of the lake on property located at 5702 W. Wautoma Beach in an S/R zone. Tax account# 008.16-1-8.

Dan Courtney represented his wife before the board. They propose to install fences along their side lot lines. Parts of these fences are existing. They also plan on installing gates. This request is to keep their dogs safe.

Town Engineer J.P.Schepp had no engineering concerns.

Attorney O'Toole had no legal comments.

Conservation Advisory Board Member Steve Rutherford commented that the proposal is consistent with the policies of the LWRP.

A motion was made by Dave Martin, seconded by Peter Tonery to grant the application of Marcelina Courtney; owner; Marcelina Courtney; seeking a Conservation Corridor Development Permit to install a fence within 100 feet of the lake on property located at 5702 W. Wautoma Beach in an S/R zone. Tax account# 008.16-1-8. The

following items have been received: Letter of Intent, CCD Permit Application, Site Plan Location Map, Coastal Assessment Form, and LWRP. This is a Type II Neg SEQR. Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried.

AGENDA

CONSERVATION CORRIDOR DEVELOPMENT PERMIT

**KENNETH D. SCHLECHT
7138 TUCKER LANE, HAMLIN**

Application of Kenneth D. Schlecht; Owner; Kenneth D. Schlecht; seeking Conservation Corridor Development Permit to repair/replace an existing breakwall for property located at 7138 Tucker Lane in an S/R zone. Tax account# 007.01-1-1.11.

Mr. Truesdell represented the applicant before the board. They are proposing to repair and replace the existing breakwall on the property. The existing materials are too small to handle the lake.

A motion was made by Peter Tonery, seconded by Judith Hazen to grant the Application of Kenneth D. Schlecht; Owner; Kenneth D. Schlecht; seeking Conservation Corridor Development Permit to repair/replace an existing breakwall for property located at 7138 Tucker Lane in an S/R zone. Tax account# 007.01-1-1.11. This is a Type II Neg SEQR and the permit is valid for one year. The following items have been received: CCD Permit Application, DEC Permit, Letter of Intent, Short EAF Form, Maps & Pictures, Federal Consistency Assessment Form, and LWRP. Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried

AGENDA

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.

Glenn Jackling, son of the applicants, represented them before the board. The applicants have moved into smaller home and are placing their home and land up for auction. The land has been split into separate lots with varying acreage. The parcel with the house may be sold as one unit or may be sold with either lot 2 or lot 3. Lot 2 will only be sold as a part of Lot 1 or Lot 3. They have already been on the agenda before the Zoning Board of Appeals for variances needed for Lot1. They are scheduled for a Public Hearing for Zoning on August 17, 2015.

Town Engineer J.P. Schepp stated that it should be noted on the plan that the other lots are not approved for building.

Attorney O'Toole had no legal concerns.

Conservation Board Member Steve Rutherford had no issues.

A motion was made by Judith Hazen, seconded by Dave Martin to schedule a Public Hearing on September 8, 2015 for the 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. The sale will be contingent on board approval. Members polled: Linda DeRue aye, Peter Tonery aye, Dave Martin aye, Linda Morey aye, Judith Hazen aye, and Dave Wolfe aye. Motion carried

DISCUSSION

There were no items for discussion.

ADJOURNMENT

A motion was made by Dave Wolfe, seconded by Linda DeRue to adjourn tonight’s meeting barring no further business.

Members polled: Linda DeRue aye, Dave Martin aye, Linda Morey aye, Peter Tonery aye, Judith Hazen aye, and Dave Wolfe aye. 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, September 8, 2015 at 7:30 p.m. The deadline for all applications is Tuesday, August 18, 2015 at 12 noon.

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