

Hamlin Planning Board *Minutes*  
**Monday, January 4, 2016**  
7:30 p.m.

The regular scheduled meeting of the Hamlin Planning Board was called to order by the Chairperson David Wolfe 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, Dave Wolfe, Judith Hazen, and Linda Morey.

Also present: Attorney Keith O'Toole, Town Engineer J.P. Schepp, Town Councilperson Dave Rose, and Conservation Advisory Board Member Jeanine Klopp.

Resident representatives present: Rich Maier of Maier Land Surveying and Rich Truesdell.

Residents present: Reid Foertsch, Mark Crane, Jim Nesbitt, John DeRue, Megan Sheelar, Courtney Juergens, Hannah Malta (sp?), Madi (sp?)Pickett.

A motion was made by Peter Tonery, seconded by Linda DeRue to approve the December 7, 2015 meeting minutes as submitted with two corrections; page 2; Carlton motion; the word NEG was inserted and also on page 2 for the 2865 subdivision the address to be changed to read 1752.

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

A motion was made by Linda Morey, seconded by Steve Lauth to appoint Dave Martin as the Vice Chairman of the Planning Board for 2016.

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

**NOTICE OF PUBLICATION**

The clerk read the notice of publication to those present.

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

**WALTER R. FOERTSCH**  
**6528 SHORE ACRES DRIVE**

Application of Walter R. Foertsch; owner; Walter R. Foertsch; seeking "Preliminary & Final" Single Lot Subdivision Approval for property located at 1026 Walker Lake Ontario Road in an R-VL zone. Tax account #014.04-2-7.1.

Mr. Foertsch represented himself before the board. He gave an overview of his application. He is subdividing off a 5 acre parcel of his property to sell it to his neighbor. There were no additional questions from the board.

Chairperson Dave Wolfe opened the Public Hearing.

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

There were no comments or concerns from those present.

Chairperson Dave Wolfe closed the Public Hearing.

A motion was made by Dave Martin, seconded by Steve Lauth, to grant the application of Walter R. Foertsch; owner; Walter R. Foertsch; seeking "Preliminary" Single Lot Subdivision Approval for property located at 1026 Walker Lake Ontario Road in an R-VL zone. Tax account #014.04-2-7.1. This is a Type II unlisted SEQR. Lot B shall be listed on the plan as not approved for building. All applications and forms have been submitted. Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Peter Toner aye, Dave Wolfe aye, Judith Hazen aye, and Linda Morey aye. All in favor. Motion carried

A motion was made by Dave Martin, seconded by Steve Lauth, to grant the application of Walter R. Foertsch; owner; Walter R. Foertsch; seeking "Final" Single Lot Subdivision Approval for property located at 1026 Walker Lake Ontario Road in an R-VL zone. Tax account #014.04-2-7.1. This is a Type II unlisted SEQR. Lot B shall be listed on the plan as not approved for building. All applications and forms have been submitted. Members polled: Linda DeRue aye, Steve Lauth aye, Dave Martin aye, Dave Wolfe aye, Peter Toner aye, Judith Hazen aye, and Linda Morey aye. All in favor. Motion carried.

**PUBLIC HEARING**  
**SINGLE LOT SUBDIVISION**  
**2865 SUBDIVISION**

**VIRGINIA TRUELSON**  
**7898 NEWCO DRIVE**

Application of Virginia Truelson; owner; Virginia Truelson; seeking "Preliminary & Final" Single Lot Subdivision for property located at 1752 Lake Road in a C-GB zone. Tax account # 021.03-3-2.1.

This application for Public Hearing is re-scheduled for February 1, 2016 at 7:30 p.m. as a result of an error on the legal notice.

A motion was made by Peter Toner, seconded by Linda DeRue to schedule the application of Virginia Truelson; owner; Virginia Truelson; seeking "Preliminary & Final" Single Lot Subdivision for property located at 1752 Lake Road in a C-GB zone. Tax account # 021.03-3-2.1. for a Public Hearing on February 1, 2016 at 7:30 p.m.

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

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

**PETER TONERY**  
**937 MOSCOW ROAD**

Application of Peter Toner; owner; Peter Toner; seeking Special Use Permit for a Farm Market for property located at 937 Moscow Road in an R-VL zone. Tax account# 005.02-1-4.

Mr. Toner recused himself and represented himself before the board. He gave an overview of the proposed project from last month's meeting. He supplied an expanded map where it shows the location of the temporary shed. He is seeking a special use permit under 520-11A(3)(a). Principal uses permitted subject to special use permit approval by the planning board. Commercial greenhouses or plant nurseries or similar commercial agricultural uses involving retail sales. My wife and I have about 20,000 square feet in a garden and we have plenty of extra. We would like to use some of it for niche marketing for heritage and organic plants, trees, and so on. Poultry sales if he could do it. This is just the nature of a group of ideas that revolve around permission to have retail sales.

Chairperson Dave Wolfe opened the Public Hearing.

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

There were no comments or concerns from those present.

Chairperson Dave Wolfe closed the Public Hearing.

Conservation Advisory Board has no issues.

Town Engineer stated that there is very little in site improvements, no significant parking or traffic. No site engineering issues.

Attorney O'Toole stated that his take on this application is that it would be a better fit under Town Code §520-11A(3)(c) use of an accessory building for a purpose not specifically listed above but deemed by the planning board to be similar in nature and compatible with the R-VL zoning. The question from the last meeting was could you have two principal uses on the same land. Also, per the discussion at the last meeting on whether the applicant needed a bathroom. As a result of the farming operation aspect the state building code exempts bathrooms.

Mr. Tonery responded that is not really what he is seeking. He is concerned about the retail sales component. Attorney O'Toole responded I think it is actually one could argue that it is similar to the section you are seeking except that in as much as the code says an accessory use is approved you thereby avoid the difficult argument of whether you have two principal uses.

Peter Tonery asked if that was in our code anywhere; two principal uses.

Attorney O'Toole responded that the argument is made that you can have principal uses permitted by right and how can you have more than one principal use. If you have two things one has to be principal.

Peter Tonery is concerned about sales. That is not covered in the other code.

Attorney O'Toole said that issue could be addressed in the motion; to say includes retail agricultural sales.

Linda DeRue asked that it would be restricted to agricultural sales.

Peter Tonery made the statement that it is a principal use and it is a special use.

Dave Wolfe added that when you first came in you mentioned the following: heritage apples, potatoes, poultry sales. Peter Tonery interjected yes and no; what it would be is that I would like to be able to if I establish business relationships I would like to be able to take orders from people for chicks and poultry. That is if I can establish a relationship for that. Dave Wolfe asked if the applicant is in a state certified agricultural district. Peter Tonery responded yes. Linda DeRue asked that he would then be allowed to sell the chicks. Dave Wolfe added there is an application from Ag & Markets to be a chicken dealer. Attorney O'Toole stated that the applicant is entitled to ask for what he wants and you can certainly rule on that. Linda DeRue asked what he would do about signs and advertising. Peter Tonery said that would certainly have a sign and he will see the building inspector when it is time to do that. Cheryl Pacelli asked where the chicks would be kept. Peter Tonery responded that the chicks will be in the existing barn as well as if I get into making feed available that will be stored there also. Linda DeRue asked that she thought that the barn wasn't going to be used for anything. Peter Tonery responded that the barn is the barn so it is used for storage and it will be used for that. People will not be going in the barn. Dave Wolfe if he had a percentage of locally grown items vs. bringing in from somebody else. Is 50% reasonable? Peter Tonery stated that he will obey the terms that Ag & Markets sets.

A motion was made by Linda Morey, seconded by Dave Martin to grant the Special Use Permit under section 520-11A(3)(a) for the application of Peter Tonery; owner; Peter Tonery; seeking Special Use Permit for a Farm Market for property located at 937 Moscow Road in an R-VL zone. Tax account# 005.02-1-4 with following conditions: Open from 8:00 a.m. to dusk; Monday thru Sunday; it would include retail egg sales. It is a similar use to other similar things. This is a Type II unlisted SEQR. This also requires a yearly inspection by the code enforcement officer.

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

**AGENDA**

**CONSERVATION CORRIDOR PERMIT SCOTT HEPLER ULTIMATE DOCK SYSTEMS  
5783 W. WAUTOMA BEACH ROAD**

Application of Scott Hepler Ultimate Dock Systems; owner; Gary Wahl; seeking Conservation Corridor Permit for an Open Pile Dock System for property located at 5783 W. Wautoma Beach Road, Hilton in an S/R zone. Tax account #008.15-2-27.

There were no representatives for this application present. This application will be on the Agenda for the February 1, 2016 meeting.

**AGENDA**

**CONSERVATION CORRIDOR PERMIT**

**RICHARD TRUESDELL  
7748 NEWCO DRIVE**

Application of Richard Truesdell; owner; Thomas Iuppa; seeking Conservation Corridor Permit for a repair/replacement of existing rock revetment for property located at 7748 Newco Drive in an S/R zone. Tax account # 006.07-2-8.

Mr. Truesdell represented the applicant before the board. He gave an overview of the project which will consist of repairing and replacing the existing breakwall with larger rocks. Dave Martin asked about soil retention. Peter Tonery asked about the under tow of water under the rocks. Mr. Truesdell will also use a Geotech fabric under the rocks that helps to retain the soil and help with the under tow.

Conservation Advisory Board had no concerns.

Town Engineer had no engineering concerns.

Attorney O'Toole asked about the life expectancy of the Geotech fabric. Mr. Truesdell stated in his experience it is about 25 years. There is usually no sunlight on the north so the fabric lasts longer.

Building Department had no issues.

A motion was made by Dave Martin, seconded by Peter Tonery to grant the application of Richard Truesdell; owner; Thomas Iuppa; seeking Conservation Corridor Permit for a repair/replacement of existing rock revetment for property located at 7748 Newco Drive in an S/R zone. Tax account # 006.07-2-8. This is a Type II NEG SEQR. All applications and forms have been submitted. Permit is valid for year.

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

**COMMERCIAL SITE PLAN**

**MARK CRANE**

**MARKS PIZZERIA 406-432 HAMLIN CLARKSON TL ROAD**

Application of Mark Crane; owner; Lee Larkin; seeking Commercial Site Plan Approval for a Pizza Restaurant for property located at 406-432 Hamlin Clarkson Town Line Road in an C-GB zone. Tax account# 029.06-2-1.1.

Mark Crane; owner of Mark's Pizzeria; represented himself before the board. He has bought the plaza at 406-432 Hamlin Clarkson T.L. Road. He plans to move his pizza shop to another location in the plaza that will include the pizza shop and a 60 seat restaurant. It will have 67 feet of frontage. It usually takes him 90 days to prepare a site. The sidewalk from the tract of homes behind the plaza will be finished. There will be a new roof. An updated site plan is requested showing all expected improvements.

A motion was made by Steve Lauth, seconded by Linda DeRue to schedule a Public Hearing on February 1, 2016 at 7:30 P.M. for the application of Mark Crane; owner; Lee Larkin; seeking Commercial Site Plan Approval for a Pizza Restaurant for property located at 406-432 Hamlin Clarkson Town Line Road in an C-GB zone. Tax account# 029.06-2-1.1. The site plan, site plan checklist and application have been submitted.

**DISCUSSION**

Town councilperson Dave Rose had no new no items for discussion at this time.

**ADJOURNMENT**

A motion was made by Dave Martin, seconded by Steve Lauth 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 Monday, February 1, 2016 at 7:30 p.m. The deadline for all applications is January 19, 2016 at 12 noon.