

Hamlin Planning Board *Minutes*
 Monday, March 4, 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. The location of the fire exits and AED was explained for those present.

Present: Ron Breslawski, Judith Hazen, Mark Reeves, Linda Morey, Dave Martin and Peter Tonery.

Also present: Town Supervisor Tom Breslawski, Town Engineer J.P. Schepp, Town Attorney Ken Licht, Town Board members Craig Goodrich and Marty Maier, Highway Superintendent Steve Baase, Building Inspector Chad Fabry, Conservation Board members Jeanine Klopp and Ed Evans. Also, Betty J. Erdmann, Sue Evans, Kevin Truelson, Rod Zulkosky, Maria Mazurek, James Bonsignore, Michelle Johnson, Mark Johnson, Susan Carlson, Don Rabjohn, Bonnie Beardsley, Carol McFarlane, Art McFarlane, Carolyn Hungerford, Charlie Hungerford, D. and K. Wolfe, Nick Kramer, Steve Klafehn, Robert Jones, Sabina Frederick, Patrick Dunfs, David Strabel, Eric Peters, Linda DeLaura, L. Schuler, Cheryl Ingham, Don Rickert, and Josie Rickert.

A motion was made by Mark Reeves, seconded by Dave Martin to approve the minutes from the February 4, 2013 meeting as recorded.

Members polled: Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye.

Motion carried, minutes approved.

**PRELIMINARY SITE PLAN APPROVAL
 HAMLIN TOWN LIBRARY**

1658 LAKE ROAD, HAMLIN

Linda Morey amends the Preliminary Site Plan Approval to a Sketch Conference.

Jim Bonsignore, Counsel representing the Library Board seeking the Sketch Conference for a 60' x 99' proposed new Library building located at 1658 Lake Road.

Jim states the library received a variance from the Zoning Board of Appeals for a smaller front setback. This facility is a just under 6000 sq. ft. public library to be located on the Town Campus. The location of the library on the parcel is due to physical constraints and the desire to avoid having to eliminate one town service or amenity in order to replace it with another, which is what would have occurred had the building been proposed anywhere else on the Town Campus site. The Planning Board should have a memorandum from the Town Board dated Feb 14th which discusses one of the issues with the sanitary sewer easement and whether or not it's permissible to pave over the top of the sanitary sewer easement. That is not going to pose any issue whatsoever for the development of the site. We are here tonight seeking the scheduling of Public Hearing next month so that we can move this project forward.

Maria Mazurek, an engineer from Clark, Patterson, Lee who addressed specific engineering concerns. She referenced comments from Chatfield Engineering, the Town Engineer:

Comment #1: The Town of Hamlin sanitary sewer lateral details should be used. We have used Monroe County standard details on our drawings, though if the Town of Hamlin prefers we use theirs as provided, we will replace the Monroe County details with the Town of Hamlin.

Comment #2: The plans should include the Hamlin Standard Plan notes. Later in an e-mail exchange we agreed with the Town Engineer that these notes are present on other plans. Comment #2 is void.

Comment #3: Engineering calculations should be provided to verify that storm runoff will not exceed pre-development conditions. We have done preliminary calculations and we certainly would provide the final calculations.

Comment #4: Buffers should be considered to reduce headlight glare and visual impacts to the residential lots to the south of the parking lot. This comment has appeared before and we did not explicitly address this before. We have shown minor landscaping, a few trees in the area to serve as a buffer. In this project which has a limited budget we tried not to do elaborate landscaping, but we certainly are willing to discuss with the town engineer whatever suggestions he has for the buffer. We will provide the buffer.

Comment #5: Steve Baase expressed concerns relating to the pavement construction of the sanitary sewer. The developer's engineer should address this concern. We believe that this comment has been addressed in a letter.

Building Inspector, Chad Fabry had no concerns with the building detail issues.

Town Engineer, J.P. Schepp stated he didn't think there were any significant engineering issues regarding buffers; this is just something the Planning Board should consider.

Town Attorney, Ken Licht had no comments.

Linda Morey, Chairman of the Board, had a concern about the dead end parking. A lot of people who use the Library are older and children. Backing up is a big issue. Some people park specifically so they don't have to back up.

Maria Mazurek responded that they have not done extensive studies on that fact. She assured the Board that the parking, as designed, takes into account the property and utilizes it to the maximum. This configuration is not unusual. Previously, there was another lane on the parcel that would provide the book drop off to the building. At that time, there was concern that this was unsafe and that it would be difficult to provide two cuts to the driveway to provide access to the parking lot. In this situation, this is the most practical solution.

Linda asked Maria if they had looked at any other options.

Maria explained that on this property there are a limited number of options. We did not analyze any other options because this is our design. There was no reason for producing theoretical numerous options.

Linda asked if they could go back and look at it again. Maria said they could. She also offered to take suggestions as to what the Board visualized would make the parking safer.

Peter Tonery stated they didn't want to make a comparison to something like Tops. This is all recreation back here. You have kids from all ages, from 4 and 5 years old up to their teens. You have a variety of sports all summer long. This is a very different circumstance from a commercial lot. He also felt that was a very small number of parking spots. He was unsure if it might be possible to intrude some more on town land.

Maria responded to the number of parking spaces stating that it is the number prescribed by the Town of Hamlin Zoning Board for a facility of this size and for the function of the facility.

The Seymour Library was brought up by a board member as an example of ample parking.

Maria stated she could not respond to whether we can inflict on some other land.

As for the interaction with parents bringing children for the sports activities, they should not be parking in this parking lot. She once again stated she would be open to any suggestions.

Jim Bonsignore responded to the concern about safety. He explained that the parking lot design is fully compliant with the town code. There is ample room for backing up. Again, open to suggestions from the Planning Board.

Peter Toney re-iterated that this is not a retail parking lot. It is important to put yourself outside that back door and imagine a summer day. There are hundreds and hundreds and hundreds and hundreds of kids playing. It isn't a question of parents parking in the lot. It is a question of kids riding their bikes through, going from a game into the library. It is that kind of activity, coupled with perhaps people who are not from the community who might be here for an event or older people who might not be the greatest driver's in the world backing up. So, I would like to ask you guys to think about it. How can we feel better and safer? He then went on to ask Jim (the attorney for the library) if he had any children. Jim said yes. Peter asked if he takes them to the Rec Center in the summer. Jim said yes. Peter responded by saying, then you know what I'm talking about. There are hundreds of them and they're flying all around. If they're using the library, they're going to go running right through the middle of that parking lot.

Another board member asked if the parking lot could be extended another 10 or 15 feet.

Counsel responded they would have to discuss this issue with the town as far as further encroachment on the town property. His concern was that if the drive aisle was widened, that would be even more room for kids to run through and ride their bikes. The parking code and the requirements for the parking lot is what it is and is designed to ensure a safe parking environment. That's what has been designed. Again, open to suggestions. The engineers have come up with the best configuration available for this site and meet the requirements of the code.

Linda stated she thought at this point they need to take another look at this. We've got two building entrances that you're going to have people going in and out of, one at each end. She believes it is problematic. We get a lot of snow, we don't have a place for snow, lose spaces and visibility. Even though it complies, it doesn't mean that it fits the safety issues. She requested looking into this further.

Maria stated that they cannot guarantee safety.

Peter Toney stated that it had come to his attention across the road they want to sell ice cream this summer. With the close proximity, there would be the possibility kids going from the library and the ball diamonds. He asked what would be done about safety getting across the street.

Linda stated we don't have any crosswalk even from the four corners. Peter stated kids won't go up to the corner. They would take the short cut. Linda went on to state that the library has moved closer to the road because they wanted to have pedestrian traffic. Her concern was about having a discussion with the DOT to see if we can get a crosswalk in there.

Maria states there is about three points here. Whether the children will want to go for ice cream from the library, she could certainly see that happening. As an architect, specifically this is not for her to say how other people's children will behave. As far as moving the building closer to the road because of a desire to have pedestrian traffic, that would not be accurate. The library wanted to have the connection from the library sidewalk to the public sidewalk which is on the east side of the road. The building was not moved closer to the road for that purpose. The building site is where it is because it cannot be placed any further away from the road because it cannot be built over the sewer. The parking lot can go over the sewer. This is the *maximum* setback that we could achieve with this building.

She also advised that as far as providing a pedestrian crossing over Lake Road, certainly somebody can initiate discussion with DOT. That really would be beyond the project Clark, Patterson, Lee has taken. This is a state road and we are less than 500' from the major intersection with Route 18. Creating a pedestrian crosswalk on this State road is not going to be a casual task. Possibly a traffic study would have to be done. If the town feels this should be approved, certainly it is up for discussion.

Bonsignore stated in regard to whatever business is going to be coming in across the street; a crosswalk across Lake Road is not required for the operation of the library. The design of site ties into the existing sidewalk on that side of the road. If the applicant across the street wants to do ice cream, and wants to draw people from across the road, that is really part of that application. It is wholly separate from the discussion of the library and whether or not this project meets the requirements of the code. Emphasizing that with the granting of the Area Variance, this plan is fully code compliant. A crosswalk simply is not required. Nor can the board require off-site improvements. Also, the jurisdiction for this off-site improvement lies with another governmental entity.

Linda stated again, she felt that it behooves us to realize that there isn't a crosswalk. She would like to see some sort of tie-in for safety to that building.

Peter Toney felt that when it comes to questions of safety, everybody in the room ought to become involved in it. This is a new entity on this property. With the different kinds of activity it will be attracting, it's a significant change to this property. He felt everybody should take this seriously.

Judith Hazen asked if only two handicap spaces were required for the size of the property. Maria responded that actually only one is required, 5%. The second was added since you raised that concern at a previous meeting.

Linda asked if there were other concerns.

Dave Martin then asked about the refuse pick up in the southeast corner. Trucks come in and they're not that small. Also, he wanted to know what time of the day they are going to be coming in to pick it up. Would it be garbage can type or one of those big dumpsters where they have to come in and lift it up?

Maria stated this would have to be addressed with the library when they sign a contract for the refuse disposal. Right now, this information is not available.

Dave continued by explaining that a truck comes in there and there are a couple of cars in there, he didn't know how that would be done. The driver better be good at backing up. Maria responded that this has to be coordinated with the time of pick up. However, this is not for the engineers to determine.

Linda then asked about a wall being built up at the south end of the building along the bank to the neighboring property. Maria explained that is planned to be graded. Linda was concerned this might pose a problem with the walkway. She explained that it was quite a drop off. If it's raining hard, there's going to be a lot of flow. She inquired again that there wouldn't be anything there. Maria responded again, no. The drop-off from the sidewalk is not that sharp. However, she stated they could re-address the issue. Linda believes there is quite a difference. Maria stated there is a significant difference between the neighboring property and this site. Since the location was moved, that really helped with grading the area between the library site and the neighbors. However, we will look at what is immediately adjacent to the sidewalk to make sure that there is no immediate drop-off there.

Linda was appreciative and asked if they would be ready next month with the revisions for another sketch conference.

Jim Bonsignore implored the Board to move forward with the Public Hearing. Explaining that this was already the third Sketch Conference and the project is under time restraints due to the leasing of the current facility.

Linda stated she didn't think she was ready to take that leap for a Public Hearing next month. She wanted to see the revisions for the parking lot and possible crosswalk. She believes there is plenty of time.

Maria re-iterated the crosswalk is a separate project. To apply for a crosswalk over a state road is not part of this project. As far as redesigning the parking lot, it is not up for us to just sit down and draw a different parking lot. This has to be a wider discussion with the owners, the town, and users of the other parking lot from which they would be willing to sacrifice. She stated, "We are venturing into re-designing a different venue piggy-backing on our project." So, let me know what you want to do, but this is really not part of this project.

Linda said she understood.

Bonsignore once again stated those plans will be provided prior to the hearing. This is their third sketching on a 6,000 square foot building. There is really not much more that can be done to warrant another sketch conference and possibly jeopardize the entire project. He urged scheduling a Public Hearing. There is plenty of time to address the board's concerns and to submit plans. In regards to the suggestion that everyone in this room should be a part of this process, the longer we keep dragging this out, the longer that everyone who comes to these meetings has to take time away from their nights, their families, their jobs to come to these meetings. And, they are not able to have that say and that input. This is a public amenity and one that is desperately needed and that is going to be in jeopardy the longer this process goes on. Again, urging the board to schedule a Public Hearing and asking Ken for any legal input as far as the scheduling. It's time to move forward. There is little else that we can accomplish with another sketch meeting that we can't do at a public Hearing.

Ken Licht (the Town Attorney) had no comment.

Peter Tonery made a motion to schedule a sketch conference.

Jim interjects that if the Board operates under Robert's Rules, he would have to raise a point of order and ask Mr. Tonery to recuse himself. Mr. Tonery has published on the social media websites accusations that the library board (as the applicant) has lied, mischaracterized the issue and presented

one false issue after another. Given Mr. Toner's actions in accusing the applicant of actually lying, I believe he should be recusing himself and should not be permitted to make any motions.

Dave Martin then made a motion, seconded by Judith Hazen to schedule a Sketch Conference next month. Members polled: Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Toner abstain. Motion carried.

COMMERCIAL SITE PLAN APPROVAL AIR SOFT FIELD

832 MOSCOW ROAD, HAMLIN

Dave Strabel representing Sabine Frederick who is seeking application for Commercial Site Plan approval for an Air Soft Field business located at 832 Moscow Road.

Dave explained this is an existing 11 acre parcel on Moscow Road. The applicant is proposing an Air Soft gaming field. It is an outdoor playing game similar to paintball. The site is allowable per the Zoning ordinance as it is a "member only" club. There really isn't any modification to the site. The playing area has a 50' buffer around the site that the games will be played inside that buffer. They would have to include some additional parking to accommodate the gamers. The games would typically be played during the summer, from April to October, essentially on weekends, Saturday and Sunday. That is only while it is light out. It is a low-budget, outdoor game. There is limited, to no, use for the building on the property. The applicant is really just looking to use the property.

JP Schepp went over his comments. There is a requirement for landscaping and buffering between principal uses and commercial or residential which border each other.

Dave Strabel responded that as for the buffer, the site right now is over-grown brush. The hedge rows are right on the property line. He believes there is an ordinance about butting up to the private property having a 50' buffer. That is why they used a 50' buffer in the drawings. The intent is to leave the brush as part of the game. There maybe a couple of spots exposed; we would propose to put a few trees in those spots.

JP then comments that the town code states no offensive odor, noise, vibration, smoke, dust, heat or glare, should impact neighboring property. Dave stated that rowdiness rather defeats the purpose of the game.

The engineer commented about the Code requirement for handicap accessible parking spaces and access aisles. Being that it is a commercial endeavor, there has to be a bathroom facility and appropriate septic system. Dave responded that he will get with Chad about the interior issues after purchase of the property. As far as the parking, one is indicated on the map but not the aisle.

JP referenced the number of parking spaces. The board can use *similar uses* to determine the number of parking spaces.

Next, regarding fire lanes/emergency vehicle access. Dave indicates the drives shown are 24' wide. The last item mentions impervious surfaces. We would like to propose consideration leniency for the requirement for blacktop due to the fact that it will primarily be used in the summer. There will be no need for snow plowing. If we need to get a variance, we will have to do that and get back.

Linda Morey asked if the ammo is biodegradable and requested any studies done on soil. She asked about the camping area. She wanted an explanation of grenades. And, she also wanted to know if the "mesh" fence is going to be up all year round and what it would be made of.

An Air Soft representative indicated that grenades would be prohibited.

He also indicated that the bb's are biodegradable. They are safe to the deer. They are vegetable based. The Building Inspector suggested that an MSDS sheet be supplied to the board.

There is no camping area.

The fencing goes all the way around the area to keep outsiders coming in without the proper protection. The fencing will be from 6' to 8' tall. We would like to keep up the fencing.

Ron Breslawski suggests the use of a flag, similar to gun clubs, to indicate when people are out on the playing field.

Mark Reeves asked for soil studies to be emailed to members.

It is suggested that a privacy fence be put up along the residential home to the east.

Peter Tonery thought the gap behind the property needs to be closed to prevent people from the state-owned pond coming onto the property. He also indicated a concern for wild life in regards to the mesh fence.

Jeanine Klopp spoke on behalf of the Conservation Board. She stated that when approaching the property from the south behind the barn, there is a creek. It is the Yanty Marsh Tributary about 50' wide that leads to the marsh downstream. She suggested that a bridge should be erected to cross this. From the NNW corner of the property, there is a lot of vegetation and bush that needs to be maintained.

Peter Tonery felt this project needed a long EAF. Traffic, pollution to the soil, impact on the environment and noise all need to be addressed.

Mark Reeves did not agree. He believes the buffer will be sufficient. The impact will be no worse than farming or a gun club. There will not be that much noise. Deer will be able to pass the fence.

Linda stated the fencing may need a variance if it exceeds the height limit.

Ken Licht suggests getting the request for variance for the pavement to be in before noon on Wednesday to schedule for the next Zoning Board meeting this month.

Dave requested an extension from the Planning Board for another 30days.

Mark Reeves made a motion, seconded by Ron Breslawski for a 60 day extension and to allow for rectifying impervious surface issues.

Members polled Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

CONSERVATION DEVELOPMENT PERMIT APPROVAL

ROBERT JONES

7560/7561 SANDY HARBOR DRIVE, HAMLIN

Robert Jones is seeking Conservation Development Permit final approval to construct an 8'x20' front porch at 7560 Sandy Harbor Drive and to relocate a 12'X16' shed from 7560 Sandy Harbor Drive to 7561 Sandy Harbor Drive.

Chad Fabry raised a concern with the shed. During the zoning process, the applicant was granted a variance to place his shed within 18" (eighteen inches) of the property line. NYS Residential Code has setback requirements of 5 feet. Chad said he would check to see if the requirements applied to sheds. If the requirements do apply to sheds, the shed will have to be moved closer to the house away from the lot line. He was granted a variance for the distance from the lot line. It has to be moved about 5'. Granting of the variance requested of the zoning board does not preclude the NYS Code.

Linda Morey asked Ken Licht the attorney if they should go forward with this or hold off for now due to this new information. Ken stated the board could proceed as long as the concern was referenced in the motion.

Motion by Peter Tonery, seconded by Mark Reeves, granting approval for the Conservation Development Permit for 7560/7561 Sandy Harbor Drive providing Mr. Jones works with the Building Inspector to ensure that the structure meets New York State Code, contingent upon satisfying NY Residential Code Requirements, approval for the application is granted.

Members polled Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye.
Motion carried.

SIMPLE SUBDIVISION APPROVAL

VIRGINIA'S PLACE

6496 SHORE ACRES, HILTON

Rich Maier representing Virginia Speciale seeking final approval for Virginia's Place subdivision located at 6496 Shore Acres. She would like to combine two lots into one.

This is a town road; therefore, it does not require County comments.

No Concerns.

Motion by Peter Tonery, seconded by Dave Martin to approve a Simple Subdivision located at 6496 Shore Acres to combine two lots into one.

Members polled: Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye.
Motion carried.

SIMPLE SUBDIVISION APPROVAL

MICHAEL AND MARILYN MITCHELL

971 REDMAN ROAD, HAMLIN

Rich Maier representing the Mitchell's seeking approval for a Simple Subdivision at 971 Redman Road. The property consists of two contiguous lots, one parcel of 119.974 acres and one parcel of .383 acres. The small parcel will be expanded to a size of 10.662 acres and the larger parcel will be reduced to a size of 109.695 acres. No Variance exists.

County Comments are in.

Motion was made by Dave Martin, seconded by Peter Tonery to approve a Simple Subdivision at 971 Redman Road to expanded the small parcel to a size of 10.662 acres and reduce the larger parcel to a size of 109.695 acres.

Members polled: Breslawski abstain, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye.
Motion carried.

**SIMPLE SUBDIVISION APPROVAL
DEAN AND JEANNE BRIGHTLY**

1769 REDMAN ROAD, HAMLIN

Rich Maier represented the Brightly’s seeking approval for the Brightly Farmette Subdivision located at 1769 Redman Road to incorporate two lots into one.

Motion was made by Mark Reeves, seconded by Ron Breslawski to approve Simple Subdivision for the Brightly Farmette Subdivision combining two lots into one, county comments received; it is a Type II Negative SEQR.

Members polled: Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye.
Motion carried.

DISCUSSION

Linda Morey requests discussion on the breakwall issue. Chad Fabry believes it is unnecessary to wait for Army Corps of Engineer approval; DEC comments should be sufficient. It is the applicant’s responsibility to get all approvals. Jeanine Klopp stated that Merritt Ackles (Conservation Board members) felt it was unnecessary to delay the last two breakwall applications by waiting on the Army Corps of Engineers’ letter; DEC is sufficient.

Linda Morey wants to make a resolution that the applicant is responsible for all required documents.

Tom Breslawski mentioned that the Zoning Board Workshop will be held next Thursday.

Jeanine Klopp explained that the Conservation Board has been tasked with delivering Emergency Contact Magnets to shoreline residents.

ADJOURNMENT

A motion was made by Mark Reeves, seconded by Judith Hazen to adjourn tonight’s meeting.
Members polled: Breslawski aye, Hazen aye, Martin aye, Morey aye, Reeves aye, Tonery aye.
Motion carried, meeting adjourned.

Minutes respectfully submitted by:

Deborah Rath
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, April 1, 2013 at 7:30pm. Deadline for all fees is March 19, 2013 at 12:00 noon.