

Hamlin Planning Board Meeting *Minutes*
Monday, June 7th, 2004
7:30pm

The regularly scheduled meeting of the Hamlin Planning Board was called to order by Chairman Dane Emens at 7:30pm with the location of the fire exits explained for those present.

Present: James Breslawski, Dane Emens, Ralph Della Rocco, Judith Hazen, Dave Martin, James Nesbitt and Chris Schlieter.

Also present: Building Inspector Dick Bauman, Support Board Attorney Charlie Welch, Town Engineer J.P. Schepp, Conservation Board liaison Craig Goodrich and Glenn Quetschenbach, Planning Board liaison Dave Rose, Supervisor Austin Warner, Town Attorney Ken Licht and several interested citizens.

A motion was made by Ralph Della Rocco, seconded by Dave Martin to approve the minutes of the May 3rd, 2004 meeting. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION

PUBLIC HEARING

**BEEHLER/BOWER SUB.
Preliminary Approval**

**HAMLIN PARMA TOWNLINE RD.
TAX ACCT# 023.01-01-007.1**

Mr. Frank Spiotti of Freel Engineering together with Attorney Keith O'Toole was present to represent the Beehler/Bower Subdivision located on Hamlin Parma Townline Road. Mr. O'Toole explained that he is looking for a negative declaration SEQR and Preliminary overall on the whole subdivision and Final Approval for Phase I. This is a 30 lot single family home subdivision. Mr. O'Toole stated that there would be a new dedicated road, public sewers and public water. The houses will be traditional 2000 sq. ft at a cost of \$200,000.00 per house and some property owners will have creek access. There will be drainage improvements made. Mr. Spiotti stated that he had seen the engineering checklist and some improvements had already been made. Town Engineer J.P. Schepp read the 32 count checklist of changes and improvements that need to be met on the site plan before Final Approval can be granted. Some of the improvements (refer to CE# 04-600 from Chatfield Engineers) call for location of sidewalks, utilities and show location of finished floor elevations. Also drainage detail and traffic impact need to be studied further. Mr. Schepp said they are moving forward, but these above items and others need to be addressed. The Board looked at Sheet # 2. Mr. Schepp stated that looking at lots # 3 and 11 and 12 there will be a curve made further to the south that will create more room for a buffer area.

BEEHLER/BOWER SUB-HAMLIN PARMA TL RD.

At that time Chairman Emens opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Bob Kaiser of 1095 Hamlin Parma Townline Road and owner of Bob Kaiser Repair Shop spoke. Mr. Kaiser expressed his concern over new residents moving into this subdivision and complaining of noise that is generated from his automobile repair shop. He stated that approximately 18 years ago the Town requested him to put fences up. The Town rezoned the property to accommodate the repair shop, now it has been rezoned again to become residential and he was never notified of the change in rezoning. He said that theft is going to occur also. There were several other complaints and concerns from area residents concerning noise, theft and vandalism that might occur and the fact that this subdivision will be affecting the rural atmosphere of their neighborhood. Several residents stated that the Comprehensive Plan Survey that was sent to area residents was returned acknowledging that many residents in the Town want it to remain largely rural. Chairman Emens explained that the surveys were sent out by another committee, and it doesn't directly affect this board until it becomes Town Code. Some residents voiced their concern over possible drainage problems that might arise that could affect their property if the subdivision is built. Mr. O'Toole explained that significant drainage facilities will be installed and designed by a civil engineer, so drainage will improve. As far as traffic study is concerned Mr. O'Toole stated that it is a county highway and traffic impact will be minimal. He said the capacity is there, the lots are over sized, it complies with your Comprehensive Plan and it will not change the character of the community. Bob Kaiser said that the street sign (speed limit) has been reduced, however the speed zone is not enforced. Board Member Chris Schlieter said this is not final approval tonight. All concerns need to be addressed before receiving final approval. Chairman Emens said that Bob's Repair is a pre-existing situation. Attorney Welch stated that if he is in compliance with Town Code there is nothing the neighbors will have to complain about. Bob stated that he wants a buffer installed between his property and the new houses. Attorney O'Toole said that by moving the road further south in the area near his business this would enable the tree buffer to stay in place. Chairman Emens further stated that there is no connection between the DeMarco development and the Beehler/Bower developments. At that time Chairman Emens closed the Public Hearing. Attorney Welch stated that the SEQR determination should be held off until further information is obtained. Mr. Schepp stated that until all the items on the checklist are changed and improved, only a conditional Preliminary Approval should be granted.

A motion was made by Chris Schlieter, seconded by James Breslawski to grant conditional Preliminary Approval to the Beehler/Bower Subdivision located on Hamlin Parma Townline Road, tax acct#023.01-01-007.1 to construct 30 single family residential homes. There will be no SEQR determination given tonight. This conditional Preliminary Approval will be for Phase I only based on the testimony provided tonight and all engineering concerns being addressed. There should be a level of public comfort. Drainage and traffic concerns need to be addressed and buffering of adjacent properties

BEEHLER/BOWER SUB-HAMLIN PARMA TL RD.

shown. Some kind of deed restrictions should be brought forth. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, conditional Preliminary Approval granted.

**PUBLIC HEARING
Special Use Permit**

**Mr. and Mrs. Harry Bower
1520 Church Road**

Attorney Thomas DeSimone was present to represent Mr. and Mrs. Bower of 1520 Church Road who seek to upgrade their Special Use Permit. Chairman Emens stated that currently the Bower's are one dog over their original Special Use Permit limit. Mr. DeSimone stated that they have recently provided the Town with proof of an insurance contract and a waste disposal contract. They seek to add additional Cane Corso dogs to harbor a maximum of 25 adult Cane Corso dogs.

Town of Hamlin Animal Control Officer Lisa Carpenter stated that it is difficult to breed and harbor that many dogs effectively when there is only one caregiver. Mr. DeSimone stated that the Bower's do have a New York State Pet Dealers license. The State has inspected the Bower residence and granted them a New York State Pet Dealers license. Mr. DeSimone read the legal definition from Ridge Animal Hospital that states that this particular breed is not considered an adult until 2 years of age. He stated that most litters have 12 pups at once. A female dog will usually have three litters before retirement. The Accessory Permit that was issued on 7-1-03 allowed for the harboring of 14 dogs after an inspection took place. He stated that based on the present facilities, the fact that this business will not increase traffic, existing town surfaces are not affected, and it will not change the general character of the neighborhood an upgrade should be granted.

At that time Chairman Emens opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? There were several concerned residents in attendance at the meeting. Their main concern was what would happen if one or some of the dogs escaped. Would they revert to a pack mentality? Several neighbors felt that Mrs. Bower will not be able to control and handle 25 dogs by herself. Mrs. Bower explained that she would only harbor as many dogs as she can handle. If she can't handle them herself, she will enlist the help of friends and family. Chairman Emens read the letter from Evelyn Kriekic of 1172 Walker Lake Ontario Road who voiced her concerns. Kate Almeter of 1382 Church Road stated that the Swat Team made their headquarters in her driveway last December while Mr. Bower held the police at bay. She stated that part of the reason this drama went on for so long is because of the number of dogs at the residence. This was a huge inconvenience for her and her family. Mr. and Mrs. Jenson of 1 Roadside Drive asked if the State was going to issue the license in her name only since Mr. Bower no longer lives at 1520 Church Road. He asked for some kind of guarantee that Mrs. Bower would get help if she couldn't handle all the dogs herself. Mike Marchetti asked if the Monroe County sheriffs department have been contacted? He asked if this is safe for our community to have this many Cane Corso dogs at one residence? Monroe County Sheriff Mike Neon stated that regarding public safety issues,

BOWER-SUP-1520 CHURCH RD.

the dogs at this location have been a strain on this community especially due to the incident in December. The dogs have pack mentality. They exhausted the resources of Hamlin and the Monroe County Sheriffs department. When the incident occurred in December, the Sheriff's Department had part of Church Road closed, phones were disconnected, gun fire occurred, the dogs were a threat, and our officers were in danger as a result of this incident. Deputy Neon asked Mrs. Bower if any changes had been made? Does Mrs. Bower have a plan if one of these dogs escaped? Could one of these dogs get through a window? Mrs. Bower explained that if they escaped she would call them and yes any size dog could get through a window. But basically she has no plan to catch them if they did escape. Mike Marchetti who is a volunteer fireman asked how a fireman could save a dog if he feared the dogs? How does the Fire Department pull the dogs out in the event of a fire? Mrs. Bower stated that she has been caring for these dogs for 6 years and have had no problems. Attorney Welch asked if Mr. Bower would be returning to the residence? Mrs. Bower replied yes he would be eventually be coming back to reside at 1520 Church Road. Attorney Welch asked how can the public be assured that this incident won't happen again? He stated that the Bower's are taking a quantum leap to go from 9 to 25dogs.

Chairman Emens closed the Public Hearing at that time. Attorney Charlie Welch stated that the Special Use Permit section of the Code states that the Board has 62 days to make a decision. We don't have to make a decision tonight.

A motion was made by Ralph Della Rocco, seconded by James Nesbitt to deny the upgrade of the special use permit based on the fact that Mrs. Bower has no plan in place if her dogs escaped, her inability to control that many number dogs by herself and the applicant (Harry Bower) does not live on the property. *No to the 25 adult dog upgrade.* Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Special Use Permit upgrade **denied**.

CONCEPTUAL APPROVAL

**Mr. and Mrs. Stevens
6512 Shore Acres**

Mr. Chris Karelus of Schultz Associates was present to represent Mr. and Mrs. Stevens who seek Conceptual Approval to construct a new single family residential dwelling to be located at 6512 Shore Acres. Mr. Karelus explained that a number of variances have been requested for this property. This will be the Stevens permanent year round residence. There will be improvements made to the breakwall. Variances will be sought for the overall lot size, the lot width, and overall lot impervious surface which is just shy of 25%. This house will be in the Coastal Erosion hazard zone. The plans will show the utility location, and location of the sewage disposal. There will be a waste treatment plant, with proper waste disposal. He would like to ask for Conceptual Approval tonight. Mr. Karelus stated that this item is on the agenda for the Zoning Board of Appeals meeting on Monday, June 21st, 2004. He would like to call for a Public Hearing for

STEVENS-6512 SHORE ACRES

Monday, July 5th, 2004, in continuing to move this project forward. Town Engineer J.P. Schepp stated that Mr. Karelus should plot where the Conservation Overlay District is on the plans. Mr. Karelus said the major engineering issue is that this is a small lot any way you slice it. They will work with the Health Department to find the best possible site for the septic system. Building Inspector Dick Bauman inquired about the drainage. Mr. Karelus replied that they were three minute perks which is good perking material.

A motion was made by James Breslawski, seconded by James Nesbitt to grant Conceptual Approval to Mr. and Mrs. Stevens of 6512 Shore Acres to construct a single family residential house based on the necessary variances being obtained at the June 21st, 2004 Public Hearing with the Zoning Board of Appeals. A Public Hearing will be scheduled with **the Planning Board** for Preliminary Approval for Monday, July 5th, 2004 at 7:30pm.

Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Conceptual Approval granted with a Public Hearing scheduled for Preliminary Approval.

FINAL APPROVAL

**Spellan Subdivision
386 Morton Road**

Mr. and Mrs. Spellan of 386 Morton Road were present to seek Final Approval to construct a single family residential dwelling. Town Engineer J.P. Schepp stated that structural capacity of the bridge have been addressed, and approved. Hydraulic capacity of the bridge has been addressed and approved. Mr. Schepp stated that the potential for this bridge to flood on occasion is the only outstanding issue. Mr. Borkholder showed a picture of the bridge that was taken during the Town's recent heavy flooding and the picture showed that the water did not get over the bridge. The picture was admitted to the applicant's file. Town Engineer J.P. Schepp said all other engineering concerns have been addressed.

A motion was made by James Nesbitt, seconded by Dave Martin to grant Final Approval to the Spellan Subdivision located at 386 Morton Road to construct a single family residential dwelling. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Final Approval granted.

SPECIAL USE PERMIT

**Mr. James Jackson
1671 Hamlin Parma Townline Road**

Mr. James Jackson was present to discuss obtaining a Special Use Permit to operate an automotive repair shop at 1671 Hamlin Parma Townline Road at his residence. Mr.

JACKSON-1671 HAMLIN PARMA TL. RD.

Jackson explained that this would be a part time endeavor. He still works at Kodak. There will be no other employees. He stated that he works on his own cars, and inspects them. This business will be located in the R-VL zoning. The building is already built, and has been there for 8 years. He will not be selling cars. Board Member Chris Schlieter asked about outside storage of vehicles, signage, waste disposal oils, gasoline and other chemicals. Mr. Schlieter stated that Mr. Jackson should have these questions ready to be answered at his Public Hearing next month. Building Inspector Dick Bauman said he would inspect the premises before the next Public Hearing.

A motion was made by Chris Schlieter, seconded by Dave Martin to schedule a Public Hearing for Mr. James Jackson of 1671 Hamlin Parma Townline Road to apply for a Special Use Permit to operate an automotive repair shop at his residence. The Public Hearing will be scheduled for Monday, July 5th, 2004 at 7:30pm. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Public Hearing scheduled.

**HIDDEN CREEK SECTION 6
RE-SIGNING OF MYLAR**

There was a discussion of re-signing of the mylar for Hidden Creek Section 6. Building Inspector Dick Bauman said existing signatures should be taken off. There are new persons here. Board Member Chris Schlieter said the signature block is generic.

A motion was made by Chris Schlieter, seconded by Judith Hazen to re-sign the existing mylar as long as nothing has changed in the plans. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, mylars will be re-signed.

**LYNN OLIVER
COMMERCIAL SITE PLAN APPROVAL**

**BZER's STATION
52 RAILROAD AVE.**

Lynn Oliver was present and stated that the parking spaces will be 10' x 20' in size. There is a row of pine trees that will block any noise, there will be enough parking along the side of the building for employees. Ms. Oliver stated that a ramp for handicapped accessible is already installed. The dumpster will be on the west side of the building, it will be enclosed. There will be 25' of open space between the building and parking for access for emergency vehicles, it isn't paved yet, but eventually it will be. She said that no enlargements will be made to the building. She is also trying to find out who owns the railroad tracks behind the building. She stated that she would like to buy the property. A small deck will be erected in the rear southeast corner of the building. Attorney Welch stated that a variance might be needed for the deck. Lynn said that volleyball games won't be held until she finds out who owns the railroad because there is not enough room. Building Inspector Dick Bauman said all required exits have to be handicapped

June 7th, 2004

BZER'S STATION-52 RAILROAD AVE.

Accessible. Bathrooms are already handicapped accessible. Board Member James Nesbitt said the parking spaces should be kept on a straight angle, not a 45-degree angle. A straight angle will make exiting the parking lot easier. Chris Schlieter said there are certain issues here that have not been addressed on your site plan. Some are fire lane access, parking spaces are too long, moving the dumpster to another location.

A motion was made by Chris Schlieter, seconded by James Nesbitt to grant Commercial Site Plan Approval to Lynn Oliver who seeks to open Bzer's Station at 52 Railroad Ave. with the caveat that parking spaces will be shown to be adequate, dumpsters will be relocated, fire lanes will be adequate in size. Parking area to show handicapped parking with signs. There would be signs in front of the building stating no parking. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, Commercial Site Plan approval granted with the above site plan changes made.

ADJOURNMENT

A motion was made by Judith Hazen, seconded by Dave Martin to adjourn the meeting barring no further business. Members polled, Breslawski aye, Della Rocco aye, Emens aye, Hazen aye, Martin aye, Nesbitt aye and Schlieter aye. Motion carried, meeting adjourned.

Respectfully submitted,

Cindy Olds
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Monday, July 5th, 2004 at 7:30pm. Deadline for fees is Monday, June 21st, 2004.