

Hamlin Planning Board *Minutes*
Monday, August 2, 2010
7:30pm

The regular scheduled meeting of the Hamlin Planning Board was called to order by the Chairperson Linda Morey at 7:30pm 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, Tom Jensen, Dave Martin, Linda Morey, Mark Reeves and Peter Tonery.

Also present: Town Engineer J.P. Schepp, Support Boards Attorney Ken Licht, Town Board Liaison Dave Rose, Building Inspector Lee Nettnin, Highway Superintendent Steve Baase, Conservation Board members Jeanine Klopp, Nick Kramer, Jason Baxter, Ed Evans, Engineers Dave Matt and John Clarke and residents Tim Holt, Jessica and Shawn Baxter, Attorney Douglas Heath, Wayne Healey, Patrick and Sally Littlefield.

A motion was made by Peter Tonery, seconded by Tom Jensen to approve the minutes from the July 6, 2010 meeting as recorded. Members polled Breslawski abstain, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried, minutes approved.

The Clerk read the Proof of Publication

**PUBLIC HEARING
PRELIMINARY SITE PLAN APPROVAL
ANTHONY BARBARITA**

5711 WAUTOMA BEACH

Dave Matt from Schultz Associates was present representing Anthony Barbarita seeking Preliminary Site Plan approval for a single family house located at 5711 Wautoma Beach. Mr. Matt explained that this proposal received Conceptual approval from the Board in December and then received variances in January from the Zoning Board. They have been working with the Monroe County Health Department on the leach field. The present leach is in poor condition. A multi flow treatment plant was approved. The old tank will be removed per Monroe County Health Department codes. Utilities have been shown on the map. The existing house has been boarded up with plywood to protect it against the weather. The new owner would like to get approvals so he can complete the house and live there.

At this time Chairperson Linda Morey opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

Tim Holt of 5713 Wautoma Beach stated that he owns the property to the west and south of 5711 Wautoma Beach. In the past he has been vocally against this proposal but the current owner has been making an effort to maintain the property and keep it safe during

digging. He has shown him respect and he would like to welcome the new owner to the neighborhood and hopes he is given the necessary approvals.

At this time Chairman Linda Morey closed the Public Hearing.

Town Engineer J.P. Schepp stated that all of the Engineering concerns have been addressed.

Building Inspector Lee Nettin had no issues other than DRC comments have not been received from the County.

Jeanine Klopp from the Conservation Board stated that the December 2009 LWRP found the project inconsistent but since then variances have been granted and the septic system concerns have been addressed. The Conservation Board requests that the gutters drain into the culvert to maintain drainage on the property.

Dave Martin questioned if the structure is 2 stories and asked the square footage. Mr. Matt stated that yes it is a 2 story house and the total square footage is 2200. A variance for impervious surface was granted.

Tom Jensen questioned if the footers had been inspected. Mr. Matt stated that the footers had been dug out and the owner is taking quotes to bring them up to code.

Peter Tonery questioned if a variance was granted for the wraparound porch. Mr. Matt stated no, the variance was denied so the wraparound porch was removed from the plans.

Tom Jensen questioned the existing power lines to the house. Mr. Matt stated that they would be buried underground per the code.

Attorney Ken Licht stated that because comments have not been received from the County yet a Conditional Approval would not be appropriate.

Mr. Matt questioned if the owner could work on the property. Building Inspector Lee Nettin stated that no work could be done without a Building Permit and he wouldn't issue a permit until the proposal received approval from the Planning Board.

A motion was made by Tom Jensen, seconded by Peter Tonery to table the decision for 5711 Wautoma Beach until the September 7, 2010 meeting to allow for DRC comments to be received from the County. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONCEPTUAL SITE PLAN APPROVAL
MYRON AND MARY ANN GREEN**

7920 NEWCO DRIVE

Dave Matt from Schultz Associates was present representing Mike Viva the developer that has a contingent offer in on the lot. He is seeking Conceptual Site Plan approval to construct a single family house located at 7920 Newco Drive. Mr. Matt explained that he was here last month and he has addressed all of the comments from that meeting. He has provided a revised map. They are proposing a single family house that will be 31 1/3' from floor to roof. The maximum height allowed in that zone is 35'. A sketch of the proposed house and elevations has been provided. The first floor elevation (garage and entry floor level) has been dropped and the leach has been pushed as far south as allowed per Monroe County Health Department. Pictures of the neighbor's current view were provided. Currently the view is obstructed by trees. Per the previous approval in 1990 this proposed house is 10' in front of the neighboring house to the east. Repairing the existing break wall was suggested to the owner.

Town Engineer J.P. Schepp stated that Dave Matt has addressed all of the Engineering issues. A Conservation Development Permit and Flood Hazard Permit are required from the Town. Drainage issues have been addressed. The drawing of the proposed house was helpful.

Building Inspector Lee Nettnin stated that he has all of the same concerns as J.P. Schepp. He questioned the roof leaders being tied into the perimeter drain and suggested having the gutters tie into drainage away from the house.

Jeanine Klopp from the Conservation Board questioned if the break wall was going to be repaired. Mr. Matt stated that he suggested to the owner that he make repairs to the break wall but there is no law that can make him repair it. The recommendation has been made but the lot is not in the structural hazard area.

Attorney Ken Licht stated that this proposal has some environmental issues and does require a Conservation Overlay District permit approval from the Planning Board. He suggested that the Board review Chapter 125-34 of the code. The proposal requires several variances.

Peter Tonery stated that the neighbor's view needed to be shown on the map. The pictures were not adequate.

Chairperson Linda Morey questioned the lot width. Mr. Matt stated that it was only 100' wide so a variance was needed. He stated that an impervious surface variance, lot width, lot size, septic within 100' of Lake Ontario and a variance for the 12' front deck were needed from the Zoning Board.

DRC Comments from the County were received today for this proposal.

A motion was made by Peter Tonery, seconded by Tom Jensen to grant Conceptual Site Plan approval to Mr. and Mrs. Green for a single family house located at 7920 Newco Drive and to refer them to the Zoning Board of Appeals for variances. A Public Hearing for Preliminary Site Plan approval will be scheduled for October 4, 2010. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE LOT COMBINATION
PATRICK AND MARGARET CULHANE SONGBIRD SUBDIVISION
2222 BRICK SCHOOLHOUSE ROAD**

John Clarke from DDS Engineers was present representing Patrick and Margaret Culhane seeking a Simple Lot Combination approval for the Songbird Subdivision located at 2222 Brick Schoolhouse Road. Mr. Clarke explained that Mr. and Mrs. Culhane currently own two 5 acre lots on Brick Schoolhouse Road and they would like to combine them and create 1 approximately 10 acre lot.

Town Engineer J. P. Schepp had no concerns. "This is not an approved lot" was noted on the map.

Building Inspector Lee Nettnin stated that he didn't have any issues either however DRC comments have not been received from the County yet.

Attorney Ken Licht stated that this proposal does eliminate a current flag lot.

The Board discussed marking the lot so it would be easier to locate for review. Using Monroe County parcel viewer was suggested.

A motion was made by Tom Jensen, seconded by Peter Tonery to table the decision for the Songbird Subdivision until the September 7, 2010 meeting to allow for DRC comments to be received from the County. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**SIMPLE SUBDIVISION APPROVAL
SHIRLEY PAUL SHIRLEY E. PAUL SUBDIVISION
449 MORTON ROAD**

Attorney Heath was present representing Shirley Heath seeking Simple Subdivision approval for the Shirley E. Paul Subdivision located at 449 Morton Road. Mr. Heath explained that Ms. Paul currently owns a 32 acre parcel with house. The land is currently

being farmed. The farmer would like to purchase the property and continue to farm it. They would be dividing off 2 acres with the house. The farmer owns the adjoining parcel to the south so a land locked parcel wouldn't be created.

Town Engineer J.P. Schepp explained that if the 30 acre parcel isn't joined with the parcel to the south than a land locked parcel is being created. He suggested joining it to the other lot so a land locked parcel is not created.

Building Inspector Lee Nettin stated that the lot size is also due to the location of the new leach field that was recently installed.

Judy Hazen questioned why the lot size was only 2 acres and not 5 acres. Town Engineer J.P. Schepp explained that the parcel was zoned R-L so 2 acres is the minimum lot size required.

Peter Tonery questioned the lot size being measured to the center of the road. Mr. Heath stated that it was how he was taught so it was just his personal practice to use the measurement to the center of the road. The entire description is on the map and nothing could be built in the right-of-way.

Attorney Licht noted that the measurement to the right-of-way is noted on the map also. The lot is over 2 acres either way.

Combining the lot was discussed. Mr. Heath explained that the 30 acre lot will be owned by a land partnership for Estate purposes. The combination of this lot to the existing lot to the south would combine the ownership of two separate land partnerships. Town Engineer J.P. Schepp suggested adding an easement so a land locked parcel wouldn't be created. Mr. Heath stated that he could discuss conveying the lands to the other partnership with the owners. Attorney Ken Licht agreed that an easement should be added to the property and recorded.

Town Engineer J.P. Schepp stated that "not approved for building" needed to be added to the map and a 30' easement.

A motion was made by Peter Tonery, seconded by Ron Breslawski to table the decision for the Shirley E. Paul Subdivision until the September 7, 2010 meeting to allow for DRC comments to be received from the County and revised maps with note and easement added. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Tonery aye. Motion carried.

**CONCEPTUAL SITE PLAN/SUBDIVISION APPROVAL
COUNTRY CREEK SUBDIVISION PHASES 3 & 4**

John Clarke from DDS Engineers was present representing Rick Bower and Jim Beehler seeking Conceptual Site Plan/Subdivision approval for Phases 3 & 4 of the Country Creek Subdivision located off of Hamlin Parma Town Line Road. Mr. Clarke explained that owners are looking to develop the 53 acre lot at the end of Country Creek Lane off of Hamlin Parma Town Line Road. They are proposing to extend the road and utilities. Storm water facilities will be proposed. A secondary access is an issue. The owners currently have no means of providing a second access to this Subdivision. This is an opportunity to advance a successful development in the town and the owners are looking for comments and suggestions with this proposal.

Town Engineer J.P. Schepp stated that there were no Engineering concerns. Public utilities are available. The proposed lots are further away from the creek. However the Development Regulations limit the length of a dead end road to 800'. At the approval for Phase 2 they were allowed to go to 1200' with the understanding that a future second access would be proposed. The Town doesn't like creating long dead end roads due to Emergency vehicle access and turn around access for school buses and plow trucks. Mr. Schepp suggested that they contact the Fire Marshal and Highway Superintendent.

Building Inspector Lee Nettin stated as the Fire Marshal any dead end road is a problem. If there is an emergency and the one access is blocked then people are trapped. He also stated that the south lots are dual zoned. They are in Phases 1 & 2 also. The lot numbers should be in the 300 series for Phase 3 and 400 series for Phase 4. The turnaround is an issue. It may cause complaints from the future home owner.

Highway Superintendent Steve Baase stated that his trucks need room to turn around and plowing is an issue. He suggested adding a cul-de-sac instead of just a turnaround at the end of the road.

Town Engineer J.P. Schepp stated the new Development Regulations require a 50' radius for cul-de-sacs. Previous cul-de-sacs were smaller.

Jeanine Klopp from the Conservation Board stated that the first lots are in the Conservation Overlay District so they would like to review the proposal as it progresses.

Attorney Licht stated that he has no issues at Concept but a complete plan is needed for Preliminary. He stated that Phase 3 & 4 need to be delineated on the map also.

Chairperson Linda Morey suggested clustering. Mr. Clarke stated that this Subdivision works. People are happy with the lot sizes and they are buying them. The owners feel that the larger lots are appealing to the buyer and would like to keep them this same size. They would like to stay away from smaller lots and cheaper homes.

Town Engineer J.P. Schepp suggested having the road curve down towards the creek at the end creating smaller lots on the south side and larger lots on the north side of the road. Building Inspector Lee Nettin stated that the Department gets complaints now from homeowners along the south due to the Conservation Overlay District. It is hard for them to do anything on their lots now. He suggested keeping that in mind if they make those lots any smaller.

Mr. Schepp asked if they were going to extend the sanitary line. Mr. Clarke stated yes.

Dave Martin questioned if this proposal was for Phase 3 and 4 or just 3. The owner Rick Bower stated it would be Phases 3 & 4. Phase 3 would consist of 12 lots and would be completed first. Dave questioned if Mr. Bower owned the lot outlined in orange on the map. Mr. Bower stated no, that lot to the west is owned by the LaDue Farm.

Chairperson Linda Morey questioned if there was access to the vacant lot to the north. Mr. Clarke stated yes they have allowed for potential future development by adding a right-of-way access to that lot on the map.

Mark Reeves questioned the current gutters for Phase 2 being above the road surface. Mr. Schepp explained they require the top to be completed later after the Phase is completed due to the heavy equipment traffic. The Town also requires that the road goes through one winter in case there are any problems they can be fixed.

Tom Jensen questioned the dual zoning on the lots. Mr. Nettin explained that the lots on the south along the creek are dually zoned R-M and R-VL. Mr. Schepp stated that the road frontage zoning dictates the allowable use for the lot so in this case it is R-M.

Chairperson Linda Morey stated that she isn't comfortable with approvals for Phase 3 & 4 when the map indicates Phase 3 only. Mr. Clarke stated that they can request Preliminary approval for Phases 3 & 4 and then get Final on Phase 3 only and then after that phase is completed get Final approval for Phase 4.

Peter Toney questioned if there are other dead end roads in Hamlin. Mr. Nettin stated yes Apple Hollow, Hillcrest and Lake Breeze Estates. The Hillcrest Subdivision has provisions for a second access. Apple Hollow did but now the end lots are privately owned. Mr. Schepp stated that they try to avoid them but if the Subdivision is never completed then this is what happens. Ron Breslawski asked if Steve Baase has any issues with Fencewood Lane. Mr. Baase stated they use a smaller truck in there. Ron Breslawski stated that it is very hard for a Fire Truck to get in there. Mr. Schepp stated that the plan proposed would have to satisfy the Fire Department and Highway Department. Tom Jensen questioned if the road would be extended to Phase 3 only. Mr. Clarke stated yes and a temporary turnaround would be added for trucks and a cul-de-sac would be added at the end of Phase 4. Mr. Jensen stated that could be 2 years from now.

Tom Jensen stated that if the original plan was to not go any further than Phase 2 until a second access was available then that should happen. The road is currently twice the length that is allowed in the Development Regulations now. The road for Phase 1 has been dedicated to the town already but Phase 2 has not been dedicated yet.

Town Engineer J.P. Schepp stated that the current zoning needs to be reviewed. After some discussion and review it was determined that the lot needs to go to the Town Board to be re-zoned.

Mark reeves stated that the second access was discussed at Phase 2 and the owner was aware of it then so he would like to see a second access for the safety of the residents. In an emergency situation people wouldn't be able to get out. Chairperson Linda Morey stated that she is also concerned with a long, straight road with no second access. Tom Jensen questioned if it was possible to acquire the land to the north for a second access. Mr. Bower stated no, not at this time. He has tried.

Town Engineer J.P. Schepp stated that before they can move forward they need to go to the Town Board and request rezoning for the lot. Peter Tonery stated that it is a Town Board decision as to whether or not they want the parcel to be rezoned. The Planning Board can forward their comments to the Town Board. A Public Hearing for the rezoning is required for comments also.

Mr. Clarke thanked the Board and stated that they would go to the Town Board for rezoning and make the changes to the plans that were discussed tonight and then come back to the Planning Board for approvals.

DISCUSSION

Town Board Liaison Dave Rose stated that a contract was in the progress for the demolition of 1715 Lake Road. The other building to the north will have to be sided after the demolition and the owner is aware of that. Everything should be completed by November.

Jeanine Klopp from the Conservation Board requested the DRC comments from the County for 7920 Newco Drive.

ADJOURNMENT

A motion was made by Mark Reeves, seconded by Dave Martin to adjourn tonight's meeting barring no further business. Members polled Breslawski aye, Hazen aye, Jensen aye, Martin aye, Morey aye, Reeves aye, Peter Toney aye. Motion carried, meeting adjourned.

Minutes respectively submitted by:

Heather Norman
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Planning Board will be held on Tuesday, September 7, 2010 at 7:30pm. Deadline for all fees is August 23, 2010 at 12:00pm.