

Hamlin Zoning Board of Appeals *Minutes*
Monday, September 18, 2006
7:30pm

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held in the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by Chairman Norman Baase at 7:30pm with the location of the fire exits and AED explained for those present.

Present: Norman Baase, Terry Dingee, Rocky Ellsworth, Jerry Hoffman, Klaus Pohl and Donna Stassen.

Excused: Ed Haight

Also present: Support Boards Attorney Charlie Welch, Town Board Liaison Mike Marchetti, Building Inspector B.J. Maier, Conservation Board member Craig Goodrich, Tom Jensen, Garrett and Pat Fowler, Steve Liotta, Sandy and Don Nichols, Christin and Dave Ulrich, Greg and Patty McMullen, David Strabel, Marisa Koehler, Tim Mungenast and several other interested residents.

A motion was made by Klaus Pohl, seconded by Donna Stassen to approve the minutes of the August 21, 2006 meeting as recorded. Members polled Baase aye, Dingee aye, Ellsworth aye, Hoffman abstain, Pohl aye, Stassen aye. Motion carried, minutes approved.

Clerk showed Proof of Publication

PUBLIC HEARING

**LIFETIME ASSISTANCE
1 TRACIANN DRIVE**

Chairman Norman Baase stated that the first Public Hearing was tabled and there was an informational meeting on August 6, 2006 to answer questions and only one person from Traciann attended. During the walk through on Saturday morning several residents attended and Lifetime representatives were also present. Robert LaDieu from LaDieu Associates was present to represent Lifetime Assistance seeking relief from Town Codes 125-20B(2)(a) for a 40' front setback variance and 125-20B(2)(d) for a 15' side yard setback to build an Individual Residential Alternative Residence located at 1 Traciann Drive.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

David Ulrich of 36 Traciann Drive stated that they had all signed a petition opposing the variances that were being requested for this house. He stated that the house is 3 times the size of the other houses in the track and it would definitely change the appearance of the neighborhood. He also stated that several of the residents have concerns with the sewer system. They have had problems with it backing up into their basements and are concerned about the effects of adding another house. He stated that they are not concerned that the house is owned by Lifetime Assistance they are just concerned with the house type and the size of the lot.

David Grugnale of 4 Traciann Drive stated that the sewer has backed up into his basement several times and the Town has repaired it and added valves but is concerned with the location of the proposed house being on top of the sewer lines making it difficult to repair if it happens again. He also was concerned about who he would contact now if it happened again. Building Inspector B.J. Maier stated that the Sewer Department is still part of the Town and he could contact the Highway Department if he had any problems and someone would be dispatched.

Greg McMullen of 28 Traciann Drive stated that he was concerned with the size of the house fitting on a small lot and asked what the lot was originally intended for. Dave Strabel the Architect explained that originally the front of the lot was Lake Road but later the Assessor changed the address making the front of the lot on Traciann Drive there fore variances were required. Rocky Ellsworth stated that the lot is not small it is almost an acre lot.

Chairman Norman Baase stated that just one resident from Traciann Drive attended the meeting put on by Lifetime Assistance that could have answered a lot of these questions. Lifetime had several representatives at the presentation along with several maps and drawings of the house. Nothing about the sewer had been previously mentioned at any of the other meetings or during the walk through on Saturday. The Chairman indicated that the Building Inspector and the Highway Superintendent are working on the sewer concerns.

Terry Dingee explained that most people like a back yard for the children but these Lifetime residents aren't going to have any children so the need for a back yard isn't the same.

Attorney Welch stated that Mr. Grugnale received variances for a shed on his property. He explained that the purpose of the Zoning Board is to grant relief from the codes to benefit the resident and community without causing harm. He explained that everyone being against this proposal in not a valid reason to deny these variances. The sewer lines run behind the house not under it and the impervious surface is not a concern with this proposal.

The size of the house was asked. Mr. Strabel stated it would be 3600 sq. ft. including house and garage. The house is 2400 sq. ft.

Chairman Norman Baase entered an email from Tim and Tami Munganast of 8 Traciann into the minutes.

Dave Strabel answered the questions from the email. There would be 1-3 staff members per shift. The lighting would be residential no floodlights would be used. There would be 7 parking spaces. There would not be any dumpsters. Garbage cans would be kept in the garage and the garbage would be picked up weekly. The values of homes in other neighborhoods with Lifetime Assistance houses have not been affected.

Klaus Pohl asked if the address were Lake Road would they still require variances. Attorney Welch stated that it is still a corner lot. It was determined that Lifetime Assistance is not the current owner of the property.

Town Board Liaison Mike Marchetti asked Attorney Welch to explain what could be built on the property. Attorney Welch stated that it is zoned R-M so anyone could build a house there with the proper variances.

Donna Stassen asked the size of the other houses in the neighborhood. It was stated they are 1900-2300 sq. ft. 2 story houses. She asked why Lifetime picked this location. They stated it was convenient for the residents.

The petition was given to the Chairman. The Board reviewed the area variance criteria. Can the benefit be achieved another way? The Board stated no. Would this proposal change the character of the neighborhood? The Board stated no. Is the request substantial? The Board stated that the request is substantial but not for the lot. Would the proposal have adverse physical or environmental effects? The Board stated no it wouldn't and it may help with the drainage and sewer being fixed. Was the difficulty self created? The Board stated no the lot is pre-existing.

Chairman Norman Baase asked if they would leave as many trees as possible. Mr. Strabel stated yes many of the trees would remain. They would have to take down some along the north property line to fix the drainage and the neighbor to the north requested a privacy fence along the property line.

At this time Chairman Norman Baase closed the Public Hearing.

Attorney Welch asked if there was any additional information that would help the Board make a decision.

Donna Stassen stated that she would like information on the effects of the property values in the neighborhoods. Lifetime Assistance stated that they do have studies that the property values have not been affected in a negative way.

Bob LaDieu requested that the figures be from a licensed appraiser not a reality agent.

A motion was made by Donna Stassen, seconded by Jerry Hoffman to table their decision for 1 Traciann Drive until they receive studies from qualified appraisers from the neighbors and Lifetime Assistance by the deadline for the next meeting. Members polled Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

BROMLEY SUBDIVISION 9544 BEACHWOOD PARK ROAD

Dave Matt from Schultz Associates was present to seek relief from Town Codes 42-10B for building in the Coastal Erosion Hazard area for Lot 1, 125-31C(1)(a) for a 1.560 acre lot area variance for Lot 1, 125-31C(2)(a) for a 27' rear setback variance for Lot 1 and 125-31C(1)(a) for a 1.427 acre lot area variance for Lot 2 of the Bromley Subdivision located at 9544 Beachwood Park Road. Mr. Matt stated that they are proposing one house on the lake lot and one house across the street. Erosion control and riprap along both sides of the lot are being proposed.

Donna Stassen stated that this is a better proposal than the first one.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Sandra Nichols of Cook Road stated that they own a cottage on Beachwood and the Association is concerned with the condition of the road and it being returned to its original condition after the large trucks are done. Dave Matt stated that the two new homes would be part of the association also and it could be a Planning Board requirement to repair the road to its original condition. Building Inspector B.J. Maier stated that it is part of the building permit that the driveway needs to be paved and it could be part of the Planning Board requirement to repair the road. The road would have to meet the Fire Department code and must be maintained for emergency vehicle access.

Mr. Nichols asked if they were building a house in the location that the house burned down. Dave Matt stated that the location is similar. A copy of the map was shown.

Terry Dingee stated that he lives on a private road also and the heavy trucks and equipment are tough on the road.

Chairman Norman Baase read the review from the Conservation Board. They suggest a house on the south side of the street only. The north lot is undersized and the sand causes excessive erosion. The north lot is too low and riprap would be required. The location of the existing septic was requested. All drainage from downspouts was to be towards the

lake. They noted impervious surface concerns. They were concerned with the amount of trees being removed on the north lot.

Dave Matt stated that the gutters draining towards the lake could be added to the plan and they would only remove the trees necessary to build the house. Craig Goodrich questioned removing the trees along the cliff that block the view of the lake because that would effect the erosion. He stated that the DEC would need to be involved and they would approve the permit for the riprap.

At this time Chairman Norman Baase closed the Public Hearing.

Chairman Norman Baase asked if the Conservation Board's concerns could be addressed. Dave Matt stated they could be. Building Inspector B.J. Maier suggested that Dave Matt meet with the Conservation Board to go over their concerns.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to grant relief from Town Code 125-31C(1)(a) for a 1.427-acre variance for Lot 2 of the Bromley Subdivision located at 9544 Beachwood Park Road for a single-family home. This is a pre-existing lot, it will not change the character of the neighborhood, there is no other means to achieve the benefit, will not have adverse effects on the neighborhood and it is not self-created. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Rocky Ellsworth, seconded by Donna Stassen to grant relief from Town Code 125-31C(1)(a) for a 1.560 acre lot variance for Lot 1 and relief from Town Code 125-31C(2)(a) for a 27' rear setback variance for Lot 1 of the Bromley Subdivision located at 9544 Beachwood Park Road for a single family home. The lot is pre-existing. May have possible effects on the environment so request that the Planning Board consider the Conservation Board's comments. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to grant relief from Town Code 42-10B for Building in the Coastal Erosion Hazard Area for Lot 1 of the Bromley Subdivision located at 9544 Beachwood Park Road. This is a pre-existing lot. No reasonable other site is available. All reasonable means and measures, to mitigate adverse effects impacts on natural systems and their functions and values have been incorporated into the design at the owner's expense. Will not cause adverse effects. The development will be safe from flood and erosion damage. This is the minimum to provide relief. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

**STEVE LIOTTA
1034 LAKE ROAD WEST FORK**

Steve Liotta of 1034 Lake Road West Fork was present to seek a variance to construct a pond on his property located in the R-L district. He stated that he needed the pond for fill for his new house. Rocky Ellsworth was concerned with the pond location and the safety of the pond. Steve Liotta stated that the location of the pond would help with the existing drainage issues in the location. Building Inspector B.J. Maier stated that there are current drainage issues and the pond would help out with that.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to schedule a Public Hearing for October 16, 2006 at 7:30pm for Steve Liotta of 1034 Lake Road West Fork seeking relief from Town Code 125-52 to construct a pond.

DISCUSSION

Town Board Liaison Mike Marchetti reminded everyone of the Master Plan and Zoning meetings tomorrow night. He also stated that he thought it was a good idea to have Dave Matt meet with the Conservation Board about the Bromley Subdivision also.

ADJOURNMENT

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to adjourn tonight's meeting barring no further business. Members polled Baase aye, Dingee aye, Ellsworth aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, meeting adjourned.

Minutes respectively submitted by:

Heather Norman
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, October 16, 2006 at 7:30pm. Deadline for all fees is Monday, October 2, 2006 at 2:00pm.