

Hamlin Zoning Board of Appeals *Minutes*
Monday, October 16, 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, Ed Haight, Jerry Hoffman, Klaus Pohl and Donna Stassen.

Also present: Support Boards Attorney Charlie Welch, Town Supervisor Denny Roach, Town Board Liaison Mike Marchetti, Building Inspector B.J. Maier, Highway Superintendent Tom Ingraham, Conservation Board member Craig Goodrich, Tom Jensen, Anne Daggs, Timothy Deilans, Ernest Hayward, David Strabel, Elizabeth Bausili, Steve Liotta, Scott A. Wright, Frank DeLapa and several other interested residents.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the September 18, 2006 meeting as recorded. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight abstain, Hoffman aye, 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 decision for the variances for Lifetime Assistance located at 1 Traciann Drive was tabled in order to obtain information regarding neighboring house values. Lifetime Assistance is 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. Chairman Norman Baase stated they received a report from Lifetime Assistance on house values but did not receive anything from the neighbors'. Chairman Norman Baase received a letter from the Hamlin Sewer Department regarding the sewer lines stating that the lines could handle another 150 homes without any impact to the existing lines.

A motion was made by Donna Stassen, seconded by Ed Haight to grant relief from Town Code 125-20B(2)(d) for a 15' side setback variance and relief from Town Code 125-20B(2)(a) for a 40' front setback variance to Lifetime Assistance to construct an

Individual Residential Alternative Residence located at 1 Traciann Drive. The following factors were considered:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to neighborhood or a detriment to nearby properties? The house would be a large ranch style house, compatible with the neighborhood. At the Public Hearing the neighbors voiced concerns that the placement of a group home would affect their property values and that merely having the house so much closer to the road would affect their property values. The applicant provided a certified appraisal by John M. Travis, MAI of Midland Appraisal Associates, Inc., which concluded that the placement of a group home at that location would have no effect on the values of neighboring properties. The applicant also provided an article entitled "There goes the Neighborhood..." by the Community Residences Information Service Program which summarized several studies of the effect on property values by residential group homes, all of which concluded that group homes have no effect on property values. As to the affect of this one property being much closer to Traciann Drive, this argument might carry more weight if the house was being built in the middle of the subdivision between two houses that do meet the set back, however, this property is at the entrance to the subdivision and will not look out of place. Also note that this decision was tabled to allow both the applicant and the residents of Traciann Drive to provide appraisals regarding the effect on property values of this project and the residents did not provide any. Therefore, we conclude that granting of these variances for the placement of a group home will not produce an undesirable change in the character or detriment to the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance? Not on this site because there is no vacant additional land adjoining the property to allow the lot to comply with the existing zoning code. Possibly an alternative site could have been proposed but the applicant expressed that this site's proximity to the business center of Hamlin would be a benefit.
3. Whether the requested variance is substantial? Yes, the side setback variance of 50% and the front setback variance of 57% could be considered substantial, however, strict compliance with the corner lot zoning requirements would make this lot virtually unbuildable.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No, in fact the applicant has agreed to improve the drainage around this site.
5. Whether the alleged difficulty was self-created? No, because even though the applicant chose this site knowing it would need variances, any building on this lot would require similar variances. The need for a variance was created when this lot was created as part of the subdivision.

Determination of the ZBA based on the above factors: The ZBA taking into consideration the above five factors finds that the benefit to the applicant does outweigh the detriment to the neighborhood or community and the ZBA grants these variances and further finds these are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the

community. This is a Negative Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

STEVE LIOTTA 1034 LAKE ROAD WEST FORK

Steve Liotta was present to seek relief from Town Code 125-52 to construct a pond on his property located at 1034 Lake Road West Fork in the R-L district. Mr. Liotta explained that the pond would be located north of his house and the fill would be used around his new house that was just built. Attorney Welch explained that although he has the required acreage for a pond he is in the R-L district not the R-VL district required for ponds. Klaus Pohl questioned the run off. Mr. Liotta stated that it would be directed to the swale along the neighbor's property line. Terry Dingee stressed the need for an over flow plan and suggested contacting Monroe County for specs for the slope of the pond. Mr. Liotta stated that he already has contacted them for the specs.

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

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Terry Dingee, seconded by Klaus Pohl to grant relief from Town Code 125-52 to construct a pond located at 1034 Lake Road West Fork in the R-L district. This is a Type II SEQR determination. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

PUBLIC HEARING

JOHN DEFRANK 6290 SHORE ACRES

John DeFrank was present to seek relief from Town Codes 125-31C(2)(a) for a 34' rear setback variance and 125-31C(2)(b)(1) for a 5' west side setback variance to construct a 40' x 26' detached garage. Mr. DeFrank explained that he wanted to construct a 2-story garage on his property and tear down the existing garage. Chairman Norman Baase asked if the easements had been straightened out. Mr. DeFrank stated yes they had. Distance from the State property line was discussed. Attorney Welch stated that there is nothing specific in the code. Chairman Norman Baase asked the height of the garage. Mr. DeFrank stated 25'. Attorney Welch stated that at the previous meeting it wasn't

stated that the garage would be 25' high. A height variance would be required because the maximum height is 15'. Mr. DeFrank stated that he understood. He wasn't planning on building until the spring.

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

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Rocky Ellsworth, dually seconded by Terry Dingee and Jerry Hoffman to table the decision for the side and rear setback variances until November 20, 2006 when a Public Hearing can be scheduled for a height variance also for John DeFrank to construct a 40' x 26' x 25' 2-story detached garage located at 6290 Shore Acres. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

**ELIZABETH BAUSILI
5906 WAUTOMA BEACH ROAD**

Elizabeth Bausili was present to seek a variance to construct a 6' stockade fence on her property located at 5906 Wautoma Beach Road. It was explained that the fence would be on her rear property along the road from her garage to the neighbor's garage. One concern was with snow removal. Highway Superintendent Tom Ingraham stated that 18' from the edge of the road was enough back for snow removal. Another concern was with no access for emergency vehicles. Ms. Bausili stated that there was access to the right of her garage on her neighbor's property. The Board determined that since the fence was in her rear yard no variance was required.

**KEVIN CLARK
5733 WAUTOMA BEACH ROAD**

Kevin Clark was not present. He is seeking relief from Town Code 125-31C(1)(a) for a 0.734-acre variance to convert an existing garage into a single-family house located at 5733 Wautoma Beach Road. Attorney Welch stated that plans have changed so new variances are required.

A motion was made by Donna Stassen, seconded by Ed Haight to schedule a Public Hearing for November 20, 2006 at 7:30pm for Kevin Clark seeking variances for 5733 Wautoma Beach Road provided all maps and fees are in by the deadline. Members polled

Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye.
Motion carried.

DISCUSSION

Town Board Liaison Mike Marchetti reminded everyone of the Master Plan and Zoning meetings tomorrow night.

Terry Dingee stated that recently Spencerport intrigated their BOCES program into the Public School system and there were no problems and he feels that there won't be any problems with the Lifetime Assistance project on Traciann Drive either.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight 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, November 20, 2006 at 7:30pm. Deadline for all fees is Monday, November 6, 2006 at 2:00pm.