

Hamlin Zoning Board of Appeals *Minutes*  
Monday, November 20, 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 Board Liaison Mike Marchetti, Building Inspector B.J. Maier, Conservation Board member Craig Goodrich, Tom Jensen, Gerald Connor, Sandy Jordan, Honey DeLapa and several other interested residents.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the October 16, 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**

**JOHN DEFRANK  
6290 SHORE ACRES**

John DeFrank of 6290 Shore Acres was present to seek relief from Town Codes 125-39C for a 14' rear setback variance, 125-39C for a 5' west side setback variance and 125-31C(4)(b) for a 10' height variance to construct a 40' x 26' x 25' detached garage for storage. Mr. DeFrank stated that the garage would be wood and that the existing garage would be removed when the new structure was complete.

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.

Chairman Norman Baase asked if the Conservation Board had any concerns. Craig Goodrich stated there were no issues with the new garage.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant relief from Town Codes 125-39C for a 14' rear setback variance, 125-39C for a 5' west side setback variance and 125-31C(4)(b) for a 10' height variance to John DeFrank to construct a 40' x 26' x 25' detached garage for storage located at 6290 Shore Acres. The existing garage is to be removed when the new structure is complete. This is the minimum to provide relief. It will add to the neighborhood. 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**

### **KEVIN CLARK 5733 WAUTOMA BEACH**

Kevin Clark was present to seek relief from Town Code 125-31C(1)(a) for a 0.734-acre area variance. Mr. Clark explained that he is proposing to convert the existing garage with storage into a 2-story house. He will remove the existing house from the lot and use the existing septic system for the new house. He asked that the existing house could remain until the new structure is complete. Attorney Welch stated that no Certificate of Occupancy would be issued for the new structure until the existing house was removed.

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

Cindy Lutwiller of 5756 Wautoma Beach asked for an explanation of the code. Attorney Welch explained that the lot was smaller than the required 2-acre lot for Shoreline-Residential zoning so a variance was needed. Ms. Lutwiller asked what has changed with the lot that wasn't correct when the previous owner was denied the variances. Attorney Welch explained that Mr. Clark first received variances to divide the lot into two but the subdivision was never approved. The previous owner tried to divide the lots but was denied. Then he built the structure that is currently there. Ms. Lutwiller asked why it is all right for the garage to be a house now. Attorney Welch explained that the original permit was for a garage but the original owner built a house without permission. There can only be one house per lot. Mr. Clark will remove the existing house before the new house is complete. That is the difference. There will only be one house on the lot.

Terry Dingee explained that the code requires 2-acre lots on that road but the other lots on the road are not 2-acre lots either. This lot is similar to the other lots in the neighborhood in size.

Peter Tonery of Moscow Road stated that he was confused about the variance requested. The Zoning Board granted variances in February for a Subdivision. Attorney Welch stated that the subdivision was never approved. Mr. Tonery asked if the previous variances should be revoked then. Attorney Welch explained that the previous motion

stated if there were any changes with the project then new variances would be required. Attorney Welch agreed that the previous variances should be revoked.

Rocky Ellsworth questioned if the Board has the power to revoke variances. He stated if the conditions of the motion weren't met then the variances are void. The previous variances would expire. Attorney Welch stated that he was trying to make it cleaner by revoking the previous variances.

A discussion took place on the previous variances and the language of converting the garage in to a house.

Mr. Clark requested that the previous variances granted in February for 5733 Wautoma Beach Road be revoked.

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to grant relief from Town Code 125-31C(1)(a) for a 0.734-acre area variance for Kevin Clark for 5733 Wautoma Beach Road. 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.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to revoke the existing variances granted in February 2006 for 5733 Wautoma Beach Road. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

## **DISCUSSION**

Chairman Norman Baase told the Board that resignation letters had been received from Donna Stassen and Terry Dingee. He thanked them for their time on the Board and stated that they would be missed.

Building Inspector B.J. Maier had nothing for the Board.

Town Board Liaison Mike Marchetti reminded everyone that the meetings tomorrow night were canceled. There is a Special Town Board meeting with the Support Boards on November 28. The Mt. Morris workshop was good and a lot of people from Hamlin attended.

Craig Goodrich wished everyone a Happy Thanksgiving.

**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, December 18, 2006 at 7:30pm. Deadline for all fees is Monday, December 4, 2006 at 2:00pm.