

**HAMLIN ZONING BOARD OF APPEALS MINUTES
November 15, 2021
7:30 P.M.**

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by the Chairperson, Norman Baase at 7:30 p.m. with the location of the fire exits and AED explained for those present. It was asked that all cell phones and pagers be turned off for the duration of the meeting.

Roll call: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye.

Present: Mike Turcotte, Jeanette Vogler, Chris Wegman, Brenda Paine, Brian Kolger, Gary Goodwin, Cindy Lutwiller, Town Board Liaison Jennifer Voelkl.

Approval of the October 18, 2021 meeting minutes. Additions, deletion, or corrections to tonight’s meeting. A motion was made by Rocky Ellsworth, seconded by Carl Rath to approve the meeting minutes of October 18, 2021 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler abstain. Motion carried.

The clerk showed the legal notice to those present.

PUBLIC HEARING
AREA VARIANCE

**CHRISTOPHER WEGMAN
29 DRAKE ROAD**

Application of Christopher Wegman, owner, Christopher Wegman, seeking relief from Town Code§520-29B No fence shall be erected in any rear yard higher than six feet above the highest point of ground directly below the fence. The proposed fence in the rear yard is an eight- foot- high wood privacy fence. Tax account# 020.02-2-38. This is in the R-M Zoning District.

Chris Wegman represented himself before the board. He is seeking a variance for an eight-foot- high stockade privacy fence on the rear line. He has a dog and feels this would be beneficial for his dog.

Chairperson Norman Baase opened up the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

Mike Turcotte of 41 Hidden Creek Lane spoke with his concerns for his neighborhood about a neighbor (other than the applicant) who is complaining about the applicant. Mike has no issues with the applicant or the proposal for a fence. Gary Goodwin of 30 Hidden Creek Lane stated that the applicant has no respect for his neighbors and that this is a bunch of stupidity and it is another stupid idea.

Chairperson Norman Baase closed the Public Hearing due to confrontational vocal behavior between the applicant and Gary Goodwin.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following five (5) factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance. Board members commented no.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance. Board members commented no.
3. Whether the requested area variance is substantial. The Board members commented no.
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Board members commented no.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. Board members commented no.

A motion was made by Ed Haight, seconded by, Rocky Ellsworth, to grant a 2-foot height variance for the application of Christopher Wegman, owner, Christopher Wegman, seeking relief from Town Code§520-29B No fence shall be erected in any rear yard higher than six feet above the highest point of ground directly below the fence. The proposed fence in the rear yard would be an eight- foot- high wood privacy fence. Tax account# 020.02-2-38. This is in the R-M Zoning District. This is a Type II SEQR. There were residents present that were in favor for and against the variance. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

PUBLIC HEARING
AREA VARIANCES

DEAN HESS
300 KETCHUM ROAD

Application of Dean Hess, owner, Dean Hess, seeking relief from Town Code§527-C A detached private garage, or carport or non-agricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15 feet to any rear or side property lines, not closer than 10 feet to any other building on the lot. He is proposing the barn to be in front of the front main foundation line of the existing dwelling. Tax account# 014.020-01-017.121. This is in the R-VL Zoning District and in the AG district.

Dean Hess represented himself before the board. He proposes to add a 32' x 50' pole barn (with a 12-foot roof line on the east side) to his property, 80 feet from the road and in front of the main front foundation line of the dwelling on the property. The existing dwelling is 130 feet from the road. He is proposing this location for ease of use and mobility of equipment. The leach field is to the east and he wanted it far enough away from that. It will be a 32-foot x 48-0foot pole barn with include a 12-foot lean to roof. The proposed structure will be 45-feet from the east lot line.

There were no more questions from the board.

Chairperson Norman Baase opened up the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

There was no-one present wishing to speak.

Chairperson Norman Baase closed the Public Hearing.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following five (5) factors:

1. Whether an undesirable change will be produced in the charter of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance. Board members commented no.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance. Board members commented no.
3. Whether the requested area variance is substantial. The Board members commented no.

4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Board members commented no.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. Board members commented no.

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to grant the front setback variance for the application of Dean Hess, owner, Dean Hess, seeking relief from Town Code §527-C A detached private garage, or carport or non-agricultural storage barn must be erected equal to or behind the front main foundation line of the principal dwelling or building on the lot and shall not be located nearer than 15 feet to any rear or side property lines, not closer than 10 feet to any other building on the lot. He is proposing the barn to be in front of the front main foundation line of the existing dwelling. Tax account# 014.020-01-017.121. This is in the R-VL Zoning District and in the AG district. This is a Type II SEQR. There were no negative comments and this is the minimum variance allowed.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

AGENDA

COASTAL EROSION HAZARD AREA PERMIT - COASTAL EROSION HAZARD BOARD OF REVIEW

**RICHARD & LISA GUDGEL
19 SUMMER HAVEN DRIVE**

Application of Richard & Lisa Gudgel, owners, Richard & Lisa Gudgel, seeking relief from Town Code 259-20 to add a 3-season room to the front (lakeside) yard in the Coastal Erosion Hazard Area. This is in the CEHA. Tax account# 008.14-1-1.

1. The following documents have been submitted for review:

- Letter of Intent
- Coastal erosion Hazard Area Permit Application
- DEC Determination
- Building Permit Application with Plans
- Instrument Survey
- Photos of Project Area and Aerial Color Photo of Location
- LWRP - Consistent

Brian Kolger of Fitch Construction represented the applicants before the board. The proposal is to remove the existing deck and build a new deck using the same footprint. The 3-season room will be placed on the new deck.

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to approve the application of Richard & Lisa Gudgel, owners, Richard & Lisa Gudgel, seeking relief from Town Code 259-20 to add a 3-season room to the front (lakeside) yard in the Coastal Erosion Hazard Area. This is in the CEHA and is a TYPE II SEQR. Tax account# 008.14-1-1. The following documents have been submitted for review:

- Letter of Intent
- Coastal erosion Hazard Area Permit Application
- DEC Determination
- Building Permit Application with Plans
- Instrument Survey
- Photos of Project Area and Aerial Color Photo of Location
- LWRP - Consistent

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

DISCUSSION

A motion was made by Rocky Ellsworth, seconded by Carl Rath to nominate Norman Baase for the position of Chairperson of the Zoning Board of Appeals for the year 2022.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

Town Board Liaison Jennifer Voelkl reported on the following:

The 2022 Budget passed.

The Town Opted Out for Cannabis Dispensaries and Inside Consumption.

NYS Power Authority is making upgrades to Scout Park. The following items will be ADA Compliant. Fishing Platform, Bathrooms, New landscaping, Changing the existing trail into an ADA loop, pave the parking lot.

The LWRP re-write is progressing towards submittal.

The Highway Department has re-opened the Brush area again for residents only. No contractors will be allowed to use the site.

The ZB Workshops have been cancelled for the remainder of 2021. They will resume in 2022.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to adjourn this meeting barring no further business.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

Minutes respectfully submitted by,

Cheryl J. Pacelli
Clerk to the Zoning Board of Appeals

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, December 20, 2021 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is December 7, 2021 at 12 noon.