

PUBLIC HEARING  
LOCAL LAW # 1-5 of 2012  
April 9, 2012

The Hamlin Town Board held a public hearing on April 9, 2012 in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York to consider a local law revising the side setback requirements for private garages and carports in the SR (Shoreline Residential) Zoning District. The hearing was opened at 6:00 pm by Supervisor Breslawski.

Present: Councilperson Jason Baxter, Councilperson Goodrich, Councilperson David Rose, Supervisor Thomas Breslawski.

Also present: Code Enforcement Officer Lee Nettin; Attorney Kenneth Licht and Norman Baase Zoning Board Chairperson.

Excused: Councilperson Martin Maier.

**LOCAL LAW REVISING THE SIDE SETBACK REQUIREMENT FOR PRIVATE GARAGES AND CARPORTS IN SR (Shoreline Residential) Zoning District**

Supervisor Breslawski briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Zoning Code, as follows:

Section 1: Subparagraph (B) (2) (a) of Section 520-21 of the Town of Hamlin Zoning Law of 1991, entitled "SR District (Shoreline Residential)" is hereby deleted and replaced by the following:

(a) Detached private garages and carports, subject to the restrictions in §520-27, except that the side setback requirement set forth in §520-27(C) shall not be applicable. The side setback for detached private garages and carports shall be determined pursuant to subparagraph 520-21(C) (2) (b).

No one wished to speak for or against this local law.

**PUBLIC HEARING CLOSED**

Resolution # 140 - Motion was made by Councilperson Goodrich, seconded by Councilperson Baxter, to close the Public Hearing at 6:03 pm as all business was concluded.

Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

**LOCAL LAW TO ADD "ROADSIDE STANDS" AS A PERMITTED ACCESSORY USE IN THE R-M (RESIDENTIAL/MEDIUM DENSITY) ZONING DISTRICT.**

Supervisor Breslawski briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Zoning Code, as follows:

Section 1: Section 520-14 of the Town of Hamlin Zoning Law of 1991, entitled "R-M District (Residential/Medium Density)" is hereby amended to add a subparagraph designated (m) to subparagraph A (4) entitled "Accessory Structures/Uses":

520-14(A) (4) (m) Temporary or permanent roadside stands, subject to the restrictions in § 520-32.

No one wished to speak.

**PUBLIC HEARING CLOSED**

**Resolution #141** – Motion was made by Councilperson Rose, seconded by Councilperson Goodrich to close the Public Hearing at 6:05 pm as all business was concluded.

Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

**LOCAL LAW ON REVISING REGULATIONS FOR PERGOLAS AND SHEDS**

Supervisor Breslawski briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Zoning Code, as follows:

Section 1. Section 520-30 of the Town of Hamlin Zoning Law of 1991 entitled “Porches”, is modified to have the title “Porches, Decks and Pergolas” and to provide as follows:

520-30. Porches, Decks and Pergolas.

Non-enclosed porch structures, decks and pergolas, covered or open air, not exceeding a distance of 10 feet forward of the front foundation of the residence, are allowable, even when such structure encroaches within the required setback area. A building permit, granted at the discretion of the Building Department, shall be required prior to the construction, movement or replacement of any porch, deck or pergola permitted in this section. At its discretion, the Building Department may defer decision to the Zoning Board of Appeals, which may provide direction on these matters without necessarily holding a public hearing.

Section 2. Section 520-31 of the Town of Hamlin Zoning Law of 1991, entitled “Sheds and Similar Structures” is hereby revised to exclude all references to pergolas and to provide that the maximum height of structures permitted pursuant to the section is eight feet. The revised section provides as follows:

520-31. Sheds and Similar Structures.

Sheds, cabanas and similar or other accessory structures are permitted, provided that such structures are incidental to the principal or primary residential use on the property and subject to the following restrictions: A building permit shall be required prior to the construction, movement or replacement of any shed, cabana or other accessory structure permitted in this section.

A. Any shed, cabana or similar accessory structure shall not exceed 256 square feet in area, no one side shall exceed 16 feet in length, and all walls shall have a maximum height of eight feet. One of each type of structure

shall be permitted per lot except for R-L District (two) and R-VL District (three) as determined by the Building Inspector.

- B. A shed, cabana or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot and 10 feet from any building used for residential purposes. A side and rear setback of no less than 5 feet may be maintained as long as there is the 10 foot separation from any structures on neighboring properties.
- C. If erected on a corner lot, a shed, cabana or similar accessory structure must be located behind the rear and street side main foundation lines of the principal dwelling or building on the lot. On through lots, structures shall not be located nearer than 30 feet to either street line. A shed, cabana or similar accessory structure may not be erected on a vacant lot, unless such lot is owned by an adjacent property owner and such shed, cabana or similar accessory structure is for his/her exclusive use.
- D. A shed, cabana or similar accessory structure may not be used to park or store automobiles, trucks, vans or other similar motor vehicles, nor may such structures be used to provide living space of any kind.
- E. Playhouses less than 64 square feet and with a wall height less than 6 feet and intended for use by children shall not require a building permit, nor will swing sets, play sets and similar recreational structures intended for private residential use of children, provided they are constructed on residential parcels and conform to setback requirements.
- F. Any arbor-like structure with dimensions which do not exceed 4 feet in width by 4 feet in length, or a total of 16 square feet, shall not require a building permit.

No one wished to speak.

### **PUBLIC HEARING CLOSED**

**Resolution # 142** - Motion was made by Councilperson Goodrich, seconded by Councilperson Rose to close the Public Hearing at 6:06 pm as all business was concluded.

Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

### **LOCAL LAW TO REDEFINE THE TERM "HEIGHT OF STRUCTURE."**

Supervisor Breslawski briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Zoning Code, as follows:

Section 1: Section 520-9 of the Town of Hamlin Zoning Law of 1991, entitled "Word Usage and Definitions" is hereby modified to change the definition of the term "Height of Structure" as follows:

Height of Structure: The vertical distance from the average grade, as measured three feet from the foundation, to the average height of the highest roof surface.

No one wished to speak.

**PUBLIC HEARING CLOSED**

**Resolution # 143** - Motion was made by Councilperson Goodrich, seconded by Councilperson Baxter to close the Public Hearing at 6:08 pm as all business was concluded.

Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

**LOCAL LAW TO REDEFINE THE TERM “SUBDIVISION” AND TO EXCLUDE LOT COMBINATIONS FROM PROCEDURAL REQUIREMENTS FOR APPROVAL OF SUBDIVISION**

Supervisor Breslawski briefly explained the Public Hearing was to discuss a proposed local law to make amendments to sections of our Zoning Code, as follows:

Section 1: Section 520-9 of the Town of Hamlin Zoning Law of 1991 is hereby amended to substitute the following for the definition of the term “subdivision”.

Subdivision. The division of a parcel of land into two or more lots, blocks or sites, with or without streets or highways, described by the metes and bounds and a reference map or survey of the property or by any other methods of description for the purpose of sale, lease, license or any other reason. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. To qualify as a conforming subdivision, the subdivision must be approved by the Town Planning Board and other appropriate government agencies and recorded with the Monroe County Clerk’s Office. Notwithstanding the foregoing, the creation of a lot that is created simply by combining two or more contiguous lots, and any plat consisting solely of alteration of lot lines in which there is no increase in the non-conformity of the area requirements or setback requirements of any resulting lot, does not constitute a “subdivision”, but shall be subject to review and approval by the Planning Board.

Section 2: Subparagraph J of Section 520-66 of the Town of Hamlin Zoning Law of 1991 (“Plats”) is hereby replaced in its entirety by the following:  
520-66 “Plats”.

J. WAIVER OF REQUIREMENTS.

1. Alteration of Lot Lines. The Planning Board shall review all plats which consist solely of alteration of lot lines between two or more contiguous lots. Upon a determination that there is no increase in the non-conformity of any dimensional area or setback requirements to any resulting lot, the Planning Board shall approve the plat and the procedures for approval of subdivision plats do not

apply. In the event there is any increase in the non-conformity of any dimensional area or setback requirement to any resulting lot, the procedures for approval of subdivision plats apply subject to the discretion of the Planning Board to waive any of the procedures for approval of subdivision plats, including any requirement for a public hearing. The Planning Board shall not, however, approve any such plat in which there is an increase in the non-conformity of any dimensional area or setback requirement of any lot unless the Zoning Board of Appeals has issued a variance.

2. Lot Combinations. An application for a plat that simply combines two or more contiguous lots must be reviewed by the Planning Board and such plat shall be approved upon the Planning Board's determination that the plat meets requirements for filing as determined by that Board. Such plats are not considered as subdivisions.

No one wished to speak.

**PUBLIC HEARING CLOSED**

**Resolution # 144** - Motion was made by Councilperson Goodrich, seconded by Councilperson Rose to close the Public Hearing at 6:10 pm as all business was concluded.

Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

Motion was made to adjourn.

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk