

Hamlin Zoning Board of Appeals *Minutes*
November 17th, 2003
7:30pm

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

Roll call: Norman Baase, Terry Dingee, Rocky Ellsworth, Ed Haight, Jerry Hoffman, Klaus Pohl.

Excused: Randy Spurr

Also present: Support Board Attorney Charlie Welch, Town Board Member Ed Evans, Conservation Board Member Tammy Palumbo, Town Board liaison George Todd and several interested citizens.

A motion was made by Klaus, seconded by Ed Haight, to approve the minutes of the October 20th, 2003 meeting. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION

PUBLIC HEARING

Mr. Hunt
1589 Redman Road

Mr. Hunt of 1589 Redman Road was present to seek a variance in order to keep two horses and several poultry at his residence that he leases and consists of only 4.5 acres of land. Mrs. Vivian Sciortino the owner of the property was present and stated that when she bought the property many years ago it was 5.0 acres. Attorney Welch explained that many years ago the centerline was the correct way to measure property lines. Now in 2003 the property lines are measured from the right of way. The rules changed in 1992. From a legal prospective it is not measured from the centerline today. Mr. Hunt explained that he leases the property from Mrs. Sciortino. Board Member Terry Dingee stated his concern in regards to a swale in the rear of the property. Neighbor James Krempaski of Redman Road questioned the number of horses he would have? Mr. Hunt stated that he only wanted one horse, possibly two. Mr. Krempaski further stated his concern over the horse manure and urine contaminating the area wells. Board Member Klaus Pohl asked how much more land would be used for the horse to exercise in. Mr. Hunt replied that he was planning on fencing in more of his land in the Spring of 2004. At that time Chairman Baase opened the Public Hearing and asked if there was anyone else to speak for or against this proposal? There were no further replies. He then declared the Public Hearing closed.

PUBLIC HEARING-1589 REDMAN ROAD

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to grant Vivian Sciortino owner of the property at 1589 Redman Road a conditional variance from Town Code 125-50 C 1 (a)[1] to keep one horse and 15 poultry at 1589 Redman Road that consists of only 4.5 acres of land. The conditional variance requires that at least 2 acres of land be fenced in for one horse only before June 1st, 2004.

The Town should also receive a written letter from Mrs. Sciortino stating that she has given permission for Mr. Hunt to use her property for the keeping of livestock. This is a TYPE II SEQR. This is the minimum to provide relief.

Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman no, Pohl aye. Motion carried, variance granted, with conditions.

DISCUSSION

Rick Vito
5733 Wautoma Beach Road

Rick Vito was present to request a variance for useage of his existing structure located at 5733 Wautoma Beach Road. Mr. Vito explained that the two story structure would be used only for storage of equipment. Chairman Baase stated that the Town is waiting a response from the Department of State to make a decision as to what the classification of the structure should be. Therefore, he suggested that Mr. Vito's request for a variance be tabled until the next Zoning Board of Appeals on Monday, December 15th, 2003 after the Department of State has had an opportunity to view the property and declare it a house or a structure that can be used for storage. Mr. Vito thanked the Board for their time and said he would return to the Zoning Board next month.

DISCUSSION

Mr. and Mrs. DeLapa
Wautoma Beach Road

Mr. DeLapa was present to request that the Town of Hamlin change the current zoning laws. He stated that he would like to appeal the approval that was given to Rick Vito (from former Building Inspector Larry Gursslin,) to build a storage garage on his property. Mr. Hehn, Attorney for Mr. DeLapa stated that he has looked at the history of this case. He stated he is concerned about the three building permits that were issued to Rick Vito. Hamlin Support Board Attorney, Charlie Welch explained the history of this case. He said that Mr. Vito would be using this structure only as a place for storage. He stated that Mr. Vito had struck a plea deal with the Town and that he would be using the structure for storage only. Mr. Vito has stated he has no intention of living in the structure. Attorney Welch said that since the Department of State is now involved in the case, the Town would agree with whatever the Department of State determines. After some further discussion it was decided upon that this item will be continued at the next Zoning Board of Appeals meeting on Monday, December 15th, 2003.

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DISCUSSION

**Mr. and Mrs. Nealon
35 Traciann Drive, Lot 111**

Builder Tom Mattle was present to represent Mr. and Mrs. Nealon of 35 Traciann Drive who are seeking a 2.5' side setback variance from Town Code 125-30 B 2 [b] for their existing home which was built too close to the lot line. Mr. Mattle explained that this was a wooded lot, when the trees were cut down he lost some space and he didn't realize that he was in violation until he received a letter from the his attorney. The Board Members took some time to view the site plan. After much discussion it was determined that several variances would be required. They are: Two 3' side setback variances from Town Code 125-20 B 2 [b]. Also a variance from Town Code 125-20 B 1 (a) [1] for lot size, and relief from Town Code 125-20 B 1 (2) for a 10' lot width variance for an existing house which was built too close to the lot lines.

A motion was made by Ed Haight, seconded by Terry Dingee to schedule a Public Hearing for several variances for Mr. and Mrs. Nealon of 35 Traciann Drive. The Public Hearing will be held on Monday, December 15th, 2003 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, December 13th, 2003. . Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, Public Hearing scheduled.

DISCUSSION

**Mr. and Mrs. Light
31 Traciann Drive, Lot 112**

Builder Tom Mattle was present to represent Mr. and Mrs. Light of 31 Traciann Drive who are seeking a 2' side setback variance for their existing home which was built too close to the lot line. Mr. Mattle explained that he didn't realize that he was in violation when building these houses.

A motion was made by Ed Haight, seconded by Terry Dingee to schedule a Public Hearing for a side setback variance for Mr. and Mrs. Light of 31 Traciann Drive from Town Code 125-20 B 2[b] for a 2' side setback variance, also relief from Town Code 125-20 B 1 [2] for a 10' lot width variance. And a variance from Town Code 125-20 B 1 (a) for lot size for an existing house which was built too close to the lot lines. The Public Hearing will be held on Monday, December 15th, 2003 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, December 13th, 2003. . Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, Public Hearing scheduled.

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DISCUSSION

**Mr. & Mrs. John Testa
5700 Wautoma Beach Rd.**

Mr. Fitzgerald of Avery Engineering was present to represent Mr. and Mrs. Testa who are seeking several variances to construct a single family residential dwelling at 5700 Wautoma Beach Road. Mr. Fitzgerald explained that the Testa's are proposing to build a single family, three bedroom home, and demolish the existing house and garage. He stated he would like to seek the necessary variances out at tonight's meeting. He stated that the Testa's are proposing a pre-treatment drainage system. Attorney Welch stated that one of the variances that would be required would be for building a home in the coastal erosion hazard area. Also an acreage and roadside setback variance would be required. In addition an impervious surface, lot coverage variance would be required. The maximum height of the house would be 35', so a height variance would not be required.

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to schedule a Public Hearing for Mr. and Mrs. Testa of 5700 Wautoma Beach Road to construct a single family residential dwelling. Several variances will be required. They are:

- a). A 1.7 acre variance from Town Code 125-31 C 1 (a) for construction of a new home on less than 2 acres.
- b). A 50' variance from Town Code 125-31 C 1 (b) for lot width.
- c). An 18' variance from Town Code 125-31 C 2 (a) for a rear roadside setback variance.
- d). A 3% variance from Town Code 125-31 C 2 (b) [1] for impervious lot surface.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Mr. and Mrs. Testa of 5700 Wautoma Beach Road. They seek relief from Town Code 42-10B for the building of new home in the coastal erosion area. The Public Hearing will be held on Monday, December 15th, 2003 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, December 13th, 2003. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, Public Hearing scheduled.

DISCUSSION

Building Inspector Cindy Olds, stated that the manager of Victor Lane apartments came in to the building department last week to seek a sign permit to install 8 signs that will be placed throughout the apartment complex designating the apartment building and numbers. After looking through the Zoning Code Book it was determined that several variances would be needed. The manager said he would think this proposal over and come back at a later date.

Rocky Ellsworth stated that he attended the Planning Board training session in Mount Morris and found it to be very informative.

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ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn the meeting barring no further business. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, meeting adjourned.

Respectfully submitted,

Cindy Olds
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, December 15th, 2003 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, December 13th, 2003. The deadline for fees is Monday, December 1st, 2003.