

Hamlin Zoning Board of Appeals *Minutes*
December 15th, 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.

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

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

A motion was made by Terry Dingee, seconded by Klaus Pohl, to approve the minutes of the November 17th, 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. and Mrs. John Testa
5700 Wautoma Beach Road**

Mr. Robert Fitzgerald of Avery Engineering was present to represent Mr. and Mrs. John Testa of 5700 Wautoma Beach Road to request several variances in order to re-construct a single family residential dwelling. Mr. Fitzgerald explained that the Testa's are proposing to remove the existing driveway, existing foundation and the existing garage. The whole existing house will be demolished. The Testa's will be using public water. Board Member Terry Dingee inquired about a basement. Mr. Testa replied that there would be no basement, just a crawl space. Tammy Palumbo of the Conservation Board asked what type of septic system would be used? She stated that the Conservation Board had a concern regarding using the NYDEC system which allows raw sewage to be sent into the Lake. Mr. Fitzgerald replied that the septic system itself would be the NYDEC system. However, the Testa's will be using leachfields also. There will be not be piping going into the Lake at all. At that time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Frank DeLapa of 5728 Wautoma Beach Road read a statement from Town Code 125-31 addressing septic systems and lot sizes in the neighborhood. He stated his concerns regarding a drainage problem that has been ongoing in the Wautoma Beach neighborhood. There were no further questions from residents or Board Members. Chairman Baase then declared the Public Hearing closed.

**PUBLIC HEARING-TESTA
5700 WAUTOMA BEACH RD.**

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to grant Mr. and Mrs. John Testa several variances to construct a single family residential dwelling at 5700 Wautoma Beach Road. The following variances have been granted:

1). Relief from Town Code 125-31 C (a) for construction of a new home on less than 2 acres; a 1.7 acreage variance will be required. 2) A 50' variance from Town Code 125-31 C 1 (b) for lot width. 3). An 18' variance from Town Code 125-31 C 2 (a) for a rear roadside setback variance. 4). A 3% variance from Town Code 125-31 C 5 for impervious lot surface. This is a TYPE II SEQR. This will not alter the characteristic of the neighborhood. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, variances granted.

A motion was made by Klaus Pohl, seconded by Terry Dingee to grant Mr. and Mrs. John Testa of 5700 Wautoma Beach Road relief from Town Code 42-10 B for building a new home in a coastal erosion hazard area. This is a pre-existing not conforming lot. minutes This is a TYPE II SEQR. This will not alter the characteristic of the neighborhood. All reasonable means and measures, to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activities design at the property owner's expense. This is safe from flood and erosion damage. This is the minimum to provide relief. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, variance granted.

PUBLIC HEARING

**Mr. and Mrs. Light
31 Traciann Drive**

Mr. Tom Mattle-builder, was present to request a side setback variance from Town Code 125-20 B 2 [b] for 31 Traciann Drive. Chairman Norman Baase asked how this lot shortage came about. Mr. Mattle explained that he didn't realize that the lots were less than the required size. At some point in time the Code was changed requiring a change in the minimum lot size requirements and he was not aware of it when he built the houses. At that time Chairman Norman Baase opened the Public Hearing and asked if there was anyone else present to speak for or against this proposal? Resident James Krempski of 1960 Redman Road read from the Town Code regarding changes to lot sizes. He said that the hardship that the residents are going to endure now, and the restrictions that will be placed on the current residents is unfair. He asked if the Zoning Board could find a solution to this dilemma? Mr. Light of 31 Traciann Drive stated that he is not concerned over the fact that his lot is only 90' in width. Attorney Welch explained that this subdivision was approved many years ago. Over the years the Code changed in regards to required lot sizes. Mr. Mattle was not aware that the lot sizes had changed. Mr. Krempski suggested that Mr. Mattle always supply an instrument survey to the Building

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Department prior to asking for a building permit. Tom Jenson of Roadside Drive stated that if you were to ask only Tom Mattle the builder to supply an instrument survey you could open the Town up for lawsuits, it is discriminatory. Peter Tonery of Moscow Road asked about lot sizes that were grandfathered into the Code. Attorney Welch stated that after 2 years developers have to comply with the new Code. There were no further resident questions. Chairman Baase then declared the Public Hearing closed.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant several variances for Mr. and Mrs. Light of 31 Traciann Drive.

They are: 1). Relief from Town Code 125-20 B 2 (b) for a 2' side setback variance. 2). Relief from Town Code 125-20B 1 (2) for a 10' lot width variance. 3). Relief from Town Code 125-20 B 1 (a) for a lot size which requires a 1200 sq foot area variance. This is an existing home. This is the minimum relief allowed. This is a TYPE II SEQR. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, variances granted.

PUBLIC HEARING

**Mr. and Mrs. Nealon
35 Traciann Drive**

Mr. Tom Mattle-builder was present to request several variances for Mr. and Mrs. Nealon of 35 Traciann Drive. This is an existing home that was built too close to the lot lines. At that time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Mr. James Krempsi of 1960 Redman Road stated that his only concern was the fact that he wanted Attorney Charlie Welch to speak with the new Building Inspector regarding checking out required lot sizes for new homes. Chairman Baase then declared the Public Hearing closed.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to grant (2) 3' side setback variances from Town Code 125-20 B 2 [b] to Mr. and Mrs. Nealon of 35 Traciann Drive. Also relief from Town Code 125-20 B 1 (2) for a 10' lot width variance. Relief from Town Code 125-20 B 1 (a) [1] which requires 1200 square footage for lot size. This is an existing home that was built too close to the lot lines. This is the minimum to provide relief. This is a TYPE II SEQR. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, variances granted.

**DISCUSSION-RANDALL-PRESTON
6440 SHORE ACRES**

Chris Karelis of Schultz Associates was present to represent the Randall/Preston Subdivision located at 6440 Shore Acres. Mr. Karelis explained that several variances were needed in order to re-construct their summer family residence that burned down recently. Mr. Karelis stated that the house was going to be moved further away from the Lake. The house would be 34' wide. The rear roadside setback will be 26'. He explained that side setbacks, lot widths, lot size variances would be needed.

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to schedule a Public Hearing for January 19th, 2004 at 7:30pm for the JeannieRandall/CatherinePreston residence located at 6440 Shore Acres. Several variances will be required: They are:

- 1). A 9' roadside setback variance from Town Code 125-31 C 2 (a).
 - 2). Relief fromTown Code 42-10B for building a home in a coastal erosion hazard area.
 - 3). Relief from Town Code 125-31 C 1 (b) for a 3' lot width variance.
 - 4). Relief from Town Code 125-55 B 1 for re-construction of a single family dwelling.
 - 5). Relief 125-31 C1 (a) for a 1.55 acreage variance.
 - 6). A variance from Town Code 125-34 D (1) [15] for building a septic system 150' within the wetland buffer zone will also be required. The distance from the south edge of the septic system will be approximately 65' from the north of the wetland area.
- Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, Public Hearing Scheduled for January 19th, 2004 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, January 17th, 2004.

DISCUSSION

**JOSEPH ARIOLA
9552 BEACHWOOD PARK RD.**

Chris Karelis of Schultz Associates was present to request three additional variances for Joseph Ariola of 9552 Beachwood Drive who wishes to construct a single family residential dwelling. Mr. Ariola has pushed the home further back than was originally brought before the Planning Board. There will be no garage proposed for the house.

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to schedule a Public Hearing Monday January 19th, 2004 at 7:30pm for Joseph Ariola of 9552 Beachwood Park Road to re-construct a single family residential dwelling that burned down last year. The variances he seeks are:

- Relief from Town Code 125-31 C 2 (a) for a 9' rear roadside setback variance.
Relief from Town Code 125-31 C (5) for a 40% impervious lot surface coverage. The maximum impervious surface coverage allowed is 15%.
- Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried, Public Hearing Scheduled for Monday, January 19th, 2004 a7:30pm. With onsite inspections beginning after 10:30am on Saturday, January 17th, 2004.

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DISCUSSION

Frank DeLapa of 5728 Wautoma Beach Road inquired as to the current status of Rick Vito's structure at 5733 Wautoma Beach Road. Attorney Welch replied that the Department of State had visited the structure and declared the structure to be a house. However, the Town of Hamlin does not have that in writing as of yet. Conservation Board Member Tammy Palumbo asked what the next step is in regards to seeking to demolish one of the structures on this lot? Attorney Welch explained that there would be a procedure followed. Mr. Vito will be sent a letter seeking compliance and given a certain number of days to respond.

Mr. James Krempsky of 1960 Redman Road inquired about the SUP that was given to 1589 Redman Road. Clerk Cindy Olds was asked to contact Vivian Shortino, owner of the property and ask her to send a letter to the Zoning Board giving permission for her tenants to keep horses and poultry on her property at 1589 Redman Road.

RE-APPOINTMENT OF CHAIRMAN NORMAN BAASE

A motion was made by Rocky Ellsworth, seconded by Ed Haight to re-appoint Chairman Norman Baase for appointment to the Zoning Board for 2004. Members polled, Baase abstained, Ellsworth aye, Dingee aye, Hoffman aye, Haight aye, Pohl aye. Motion carried, re-appointment issued.

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, January 19th, 2004. The deadline for fees is Monday, January 5th, 2004.