

Hamlin Zoning Board of Appeals *Minutes*  
January 19<sup>th</sup>, 2004  
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.

Before roll call began Chairman Norm Baase stated that he would like to extend a warm welcome to the Zoning Board's newest member, Donna Stassen. Chairman Baase also extended a warm welcome to Dick Bauman, the new Building Inspector/Code Enforcement officer for the Town of Hamlin.

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

Also present: Support Board Attorney Charlie Welch, Building Inspector/Code Enforcement Officer Dick Bauman, Conservation Board Member Tammy Palumbo and several interested citizens.

A motion was made by Klaus Pohl, duly seconded by Ed Haight and Jerry Hoffman, to approve the minutes of the December 15th, 2003 meeting. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen abstained. Motion carried, minutes approved.

**THE CLERK READ THE PROOF OF PUBLICATION**

**PUBLIC HEARING**

**Randall/Preston**  
**Collamer Sub-6440 Shore Acres**

Chris Karelus of Schultz Associates was present to represent the Collamer Subdivision located at 6440 Shore Acres. Mr. Karelus displayed a map for all to view. He explained that the existing lot that the house would be placed on would be merged with two other lots, however the lot is still approximately 1.55 acre shy of the zoning requirement. He explained that the existing septic system would be inspected by AAA Septic system. These are the minimum variances required. The new house will fit into the characteristic of the neighborhood. He will merge three separate lots to contain the new house. The purpose of this new build is to replace the previous house that burned down last year. At that time Chairman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Conservation Board Member, Tammy Palumbo inquired as to what kind of safe guards would be in place to ensure that the septic system won't spill any leakage? Also will there be any ongoing testing of the septic? Mr. Karelus stated that AAA Septic would inspect the system to make sure the system is adequate for residential use. If the system passes then they will seek Monroe County Department of Health approval. Nancy Jennejahn of 1251 Walker Lake Ontario Road asked if the Conservation Board had been in on the inspection yet? Has the DEC

**PUBLIC HEARING-6440 SHORE ACRES**

been involved in this? Mr. Karelus stated that the DEC has not been involved since this property is not in the federal wetland area. The septic system is pre-existing. The wetland will never cross the road, it will never get beyond its limits. Attorney Welch stated that a variance would be required if a new septic system were to be installed. Board Member Jerry Hoffman asked that if a NYDEC system is installed, will a leachfield be added also? Mr. Karelus stated that NYDEC doesn't require a leachfield, if chlorinators are used. Also this lot merge will be filed with Monroe County based on obtaining Planning Board approval. Chairman Baase asked if there were any further questions or comments from the Public? There were none. He then declared the Public Hearing closed.

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to grant several variances to Mrs. Preston and Mrs. Crandall of 6440 Shore Acres. The variances granted are:

- a). A 9' rear roadside setback variance from Town Code 125-31 C 2 (a).
- b). Relief from Town Code 125-31 C 1 (b) for a 3' lot width variance.
- c). Relief from Town Code 125-31 C 1 (a) for a 1.55 acreage variance.

This will not change the characteristic of the neighborhood. This is the minimum to provide relief. This variance is to replace the house that burned down last year. This is a TYPE II SEQR. This will be subject to lot combination approval from the Planning Board. Members polled Baase aye, Ellsworth aye, Dingee aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variances granted.

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to grant Mrs. Randall and Mrs. Preston of 6440 Shore Acres relief from Town Code 42-10B for reconstruction of a home in a coastal erosion hazard area. This is the minimum to provide relief. 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. No other reasonable site is available. This will not alter the characteristic of the neighborhood. This is a TYPE II SEQR. Members polled Baase aye, Ellsworth aye, Dingee aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to grant relief from Town Code 125-34 D (1) [15] for building a septic system 150' within the wetland buffer zone. This variance will be subject to obtaining site plan approval from the Planning Board. This is a TYPE II SEQR. Members polled Baase aye, Ellsworth aye, Dingee aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted. Mrs. Preston thanked the Board for all their work and consideration on this project.

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**PUBLIC HEARING**

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**Joseph Ariola**  
**9552 Beachwood Park**

Chris Karelus of Schultz Associates was present representing Joseph Ariola of 9552 Beachwood Park who wishes to construct a single family residential dwelling to replace the house that burned down last year. He stated that Beachwood Park is a private drive. This will not alter the characteristic of the neighborhood. The DEC had issued a permit previously to stabilize the shoreline. This is the minimum to provide relief. Board Member Rocky Ellsworth asked if the lot across the road is owned by Mr. Ariola? Mr. Karelus replied that Mr. Ariola doesn't own the land, the Bank owns the lot. Mr. Ariola does have an easement on the property. The septic system is located across the road. The new house has been moved slightly closer to the road, therefore 2 additional variances were needed. At that time Chairman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal?

Nancy Jennejhan of 1251 Walker Lake Ontario Road stated that she thought it seemed risky that Mr. Ariola doesn't own the property that his leachfield is located on. Mr. Karelus stated that Mr. Ariola does have an easement. James Krempasky of 1960 Redman Road, stated that the Zoning Board should confer with the Planning Board to ensure that the correct impervious lot surface coverage is granted.

A motion was made by Rocky Ellsworth, seconded by Ed Haight to grant the variances listed below to Mr. Joseph Ariola of 9552 Beachwood Park to construct a single family residential dwelling.

- a). Relief from Town Code 125-31 C 2 (a) for a 9' roadside setback variance.
- b). Relief from Town Code 125-31 C 5 for a 40% impervious lot surface coverage. The maximum allowable is 15%. This is the minimum to provide relief for re-construction of a new home. This will not alter the characteristic of the neighborhood. This is a TYPE II SEQR. Members polled Baase aye, Ellsworth aye, Dingee aye, Haight aye, Pohl aye and Stassen aye. Motion carried, variances granted.

**PUBLIC HEARING**

**Carl Bauer**  
**Red Fox Run Sub.**  
**99 Hamlin Parma Townline Road**

Mr. Arnold Carmichael was present representing Mr. Carl Bauer owner of Red Fox Run Subdivision located at 99 Hamlin Parma Townline Road who is seeking a variance from Town Code 125-34 D 1 (b) (15) to construct a septic system within the Federal Wetlands. Mr. Carmichael displayed a map and explained that this is a 7.7 acre lot with

**PUBLIC HEARING-Red Fox Run**

existing Federal wetlands on it. There was an elevated farmhouse on this lot at one time. He contacted the Army Core of Engineers. Mr. Carmichael explained that at one time there were (2 culverts) that were plugged and damaged. Water was locked in for many years, as a result this area became a wetland. The County DOT unplugged these culverts and installed new culverts. The drainage pattern has now changed and is relieving some of the water. Occupancy is only to occur at an elevation. Mr. Carmichael stated that he did get good perks for this site, however he has recommended a modified raised fill to be certain that there aren't any drainage issues.

This project has been before the Planning Board, and it was recommended that a variance be obtained. Board Member Rocky Ellsworth stated his concern over building very close to where an old well was located. The previous house burned about 30 years ago. Mr. Carmichael stated that the developers are quite limited as to where the new house would be located. Chairman Baase asked if anyone was present to speak for or against this proposal? There were no replies. He then declared the Public Hearing closed.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant Carl Bauer of 99 Hamlin Parma Townline Road a variance from Town Code 125-34 D (1) (b) [15] to construct a septic system within 150' of the Conservation Overlay District. This is a TYPE II SEQR. A letter from the Army Corp of Engineers was provided and will be placed in the file. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, variance granted.

**DISCUSSION**

Herbert Cannon was present to seek an acreage variance in order to sell his land located on Redman Road, north of Morton Road. He stated that it was zoned residential even though agriculturally zoned land surrounds it. He would like a variance so that he could classify the land as a building lot in order to sell it. The lot is currently 250'x 250', it has good road frontage, and water is 800' nearby. The lot is high up off the road. It is located in an R-VL District which according to today's zoning codes requires at least 5 acres of land to build on. Chairman Baase stated that back in the 1970's not all homes were built on a 5 acre lot. After some discussion among Board Members it was recommended that the Board take 30 days to research this issue and obtain the correct information for Mr. Cannon. Mr. Cannon said he would return to the Zoning Board of Appeals meeting next month.

**DISCUSSION**

Attorney Charlie Welch stated that Mr. and Mrs. DeLapa of Wautoma Beach Road have filed an appeal request based on former Building Inspector Larry Gurslin's decision regarding the Rick Vito structure of 5733 Wautoma Beach Road. Attorney Welch said the Board would discuss the procedure; presenting the case will be Dick Bauman, new Building Inspector/Code Enforcement Officer for the Town. The Zoning Board will make a decision as to whether Mr. Gurslin should have classified the structure a garage instead

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**DISCUSSION**

of a house. Mr. DeLapa has found 4 or 5 violations. He is appealing Larry's Gurslin's decision. A motion was made by Rocky Ellsworth, seconded by Terry Dingee to schedule a Public Hearing for Monday, February 16<sup>th</sup>, 2004 at 7:30pm for Mr. and Mr. Frank Delapa of 5728 Wautoma Beach Road for their appeal of the classification of the building located at 5733 Wautoma Beach Road and any other related issues.

Attorney Charlie Welch discussed the variance that was granted to Mr. Hunt of 1589 Redman Road. Assistant Building Inspector Cindy Olds stated that Mr. Hunt is in violation, therefore it should be revoked based on new information that Mr. Hunt has not abided by the conditions of his variance. Attorney Welch suggested that Cindy Olds send a letter to Mrs. Vivian Sciortino requesting a letter stating that she either **will or will not** allow the livestock on her property. Attorney Welch said that the Zoning Board would attempt to revoke the variance. However the Board should obtain a letter from Mrs. Sciortino first stating her intentions.

**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, Stassen 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, February 16<sup>th</sup>, 2004 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, February 14<sup>th</sup>, 2004. The deadline for fees is Monday, February 2nd, 2004.