

Zoning Board of Appeals *Minutes*
Monday, October 18th, 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.

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

Excused:

Also present: Support Board Attorney Charlie Welch, Building Inspector Dick Bauman, Conservation Board liaison, Craig Goodrich.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the minutes of the September 20th, 2004 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

**Mr. and Mrs. Charles Hungerford
1300 Church Road**

Mr. Charles Hungerford of 1300 Church Road was present to seek a variance to construct a 24' x 24' garage in front of the front foundation of his residence. Mr. Hungerford explained that he wanted to construct a 2 car Morton garage on his property.

At that time Chairman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? There were no replies. He then closed the Public Hearing.

A motion was made by Klaus Pohl seconded by Jerry Hoffman to grant a variance from Town Code 125-39 C to Mr. and Mrs. Hungerford to construct a 24' x 24' garage in front of the front foundation of their residence. This is a TYPE II SEQR. There were no negative comments from neighbors. This is the minimum to provide relief. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, variance granted.

PUBLIC HEARING

**Mr. Doug Crandell/Alison Friedo
1617 Lake Road**

Mr. Doug Crandell was present to seek two variances to construct a 24' x 30' detached garage at 1617 Lake Road. Mr. Crandell explained that he wanted to construct a stick frame garage on the North West side of his property. He also stated that the existing garage would be removed when the new one was completed.

At that time Chairman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Resident Peter Tonery asked for the property address. Chairman Baase told him the address was 1617 Lake Road. He then closed the Public Hearing.

A motion was made by Ed Haight seconded by Klaus Pohl to grant two variances to Mr. Doug Crandell and Ms. Alison Friedo of 1617 Lake Road. The variances granted will be relief from Town Code 125-26 B (3) (c) for a 7' height variance. Also relief from Town Code 125-26 B 2 (b) for a 5' north side setback variance to construct a 24' x 30' garage at 1617 Lake Road. This is a TYPE II SEQR. There were no negative comments from neighbors. This is the minimum to provide relief. This will not alter the character of the neighborhood. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, variances granted.

DISCUSSION:

**Mr. Don Seipel
7690 Newco Drive**

Mr. Don Seipel of 7690 Newco Drive was present to seek a size variance for the construction of a 16' x 24' shed on his rear property. Mr. Seipel explained that the shed is already constructed. The shed is 15' in height. There was some confusion regarding this shed. Rocky Ellsworth questioned the height of the shed. It was determined that Dick Bauman would check the height of the shed from the ground

A motion was made by Donna Stassen seconded by Jerry Hoffman to schedule a Public Hearing for Mr. and Mrs. Seipel of 7690 Newco Drive for the construction of a 16' x 24' shed on their rear (road side) property to seek relief from Town Code 125-42A. The Public Hearing has been scheduled for Monday, November 15th, 2004 at 7:30pm. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, Public Hearing scheduled.

**Mr. Adam Walters, Attorney
TOPS Supermarket**

Mr. Adam Walters, attorney for Phillip Lytle was present to represent Tops Supermarket located at 1800 Lake Road. Mr. Walters explained that he is seeks three sign variances to construct a fueling station in the northwest corner of the Tops Plaza. The signs will be located on the fuel dispensers and on all four sides of the canopy. They will also be adding fuel-pricing signs to the already existing TOPS sign in front.

After discussion it was also determined that they would need a variance for 2 uses on the same property.

Rocky Ellsworth asked about the lighting. They will be using recessed lighting. Rocky Ellsworth also asked about the hours. The gas station will be open 6:00am-Midnight.

A motion was made by Donna Stassen seconded by Rocky Ellsworth to schedule a Public Hearing for the Tops fueling station to be located at 1800 Lake Road. They seek relief from Town Codes 125- 47B(5), 125-47B(21)(e)[8], 125-47B(22) and 125-26C(2). The Public Hearing has been scheduled for Monday, November 15th, 2004 at 7:30pm. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman abstained, Pohl aye and Stassen aye. Motion carried, Public Hearing scheduled.

Charlie Welch gave an update on the Vito property.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Jerry Hoffman 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,

Heather Norman
Acting Clerk to the
Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, November 15th, 2004 at 7:30pm. Deadline for fees is Monday, November 1st, 2004.