

Zoning Board of Appeals *Minutes*
Monday, November 15, 2004
7:30pm

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

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

Excused: Norman Base-work

Also present: Support Board Attorney Charlie Welch, Building Inspector Dick Bauman, Conservation Liaison Craig Goodrich, Town Supervisor Austin Warner III, Town Councilperson George Todd, Nancy Jennejahn, Art Russ, Tom Jensen, Laura Reininger, Scott Smith, Judy Sypnier, James E. Krempasky, Dave Matt, Frank DeLapa and several other residents.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the Zoning Board of Appeals meeting that was held on Monday, October 18, 2004. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION

PUBLIC HEARING

**MR. AND MRS. SYPNIER
24 BARRINGER DRIVE**

Mrs. Sypnier of 24 Barringer Drive was present to request a 2' northeast side setback variance to construct a 21' x 28' attached garage on her property. Mrs. Sypnier explained that they would be tearing down the existing 1 car garage and constructing a new 2-car garage. It would be 1 story and would not change the front of their house. Board Member Klaus Pohl questioned the need for a 6' variance before and Dick Bauman explained that in that housing track they only need at 7.5 side set back therefore it was corrected to a 2' variance. Monroe County had no issues.

At that time Vice Chairman Ellsworth opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? No one spoke. Vice Chairman Ellsworth closed the Public Hearing.

A motion was made by Terry Dingee, seconded by Ed Haight to grant Mr. and Mrs. Sypnier of 24 Barringer a 2' side setback variance from Town Code 125-21 B (2)(f)[2] to construct a 21' x 28' attached garage. This is a TYPE II SEQR. This will not alter the characteristic of the neighborhood. Members polled, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried variance granted.

PUBLIC HEARING

TOPS MARKET 1800 LAKE ROAD

Mr. Art Russ from Philips Lythe, LLP representing Tops Market was present to request several variances to construct a fueling station at 1800 Lake Road. Mr. Russ explained that Tops is in the process getting SEQR review and site plan approval from the Planning Board. They are seeking relief from Town Code 125-26C(2) to have a second principle building on the same lot and sign variances for Town Codes 125-47B(5), maximum area bordering residential district, 125-47B(21)(e)[8], maximum area freestanding sign and Town Code 125-47B(22), number of signs. They would like to have canopy signs and fuel pricing signs on the dispensers and the pillion out front. Vice Chairman Ellsworth requested a detailed presentation for the public. Mr. Russ explained that they would have a manned building open from 6:00am until midnight to collect money and sell candy and cigarettes. They are proposing 3 dispensers that would allow up to 6 cars to fuel at the same time. Mr. Russ commented that indirect lighting would be used for the signs. Board member Stassen questioned if there would be more pine trees added? Mr. Russ responded that some of the pine trees would be relocated. Board Member Pohl questioned that one letter indicated the northwest corner of the parking lot as the location and another letter stated the northeast corner. Which is the correct location. Mr. Russ responded that the location is the northwest corner of the parking lot.

After some discussion Vice Chairman Ellsworth opened the Public Hearing on the second use variance and asked if there was anyone present to speak for or against this proposal? Mrs. Nancy Jennejohn of 1251 Walker Lake Ontario Road asked where was the location of the fuel tanks going to be? She also had some drainage and environmental concerns. She also stated that she wouldn't want Tops to run out the current businesses in Hamlin. Mr. Russ responded that the drainage plan will be changed and if there was ever a spill it would be contained to that area. As far as the other local stations he commented that Tops does offer cheaper prices and that could result in competitive prices. Mr. Scott Smith of 1752 Lake Road asked where the building was going to be located? Mr. Russ indicated that it would be in the parking lot in front of Subway near the road. Mr. Smith also stated that he has many lighting concerns since he lives next door to Tops. Mr. Russ stated that they would be using indirect lighting and it would be directed down. Laura Reininger of 2898 Roosevelt Highway has many traffic, lighting and trash concerns and is opposed to the plan. Mrs. Picard of 1753 Lake Road stated that she had traffic, lighting and noise concerns from snowplows all night. She also stated that there are already too many gas stations and Dollar Stores in Hamlin. Kelly Smith of 1752 Lake Road stated that she is concerned for the safety of her family because she would have gas stations on both sides of her home and she asked the Board Members to please think about the safety of the neighbors before they make their decision. Julie Dony of 1749 Lake Road spoke about her traffic concerns. Mr. Russ responded that the traffic would already be in the plaza and there would be less than a 5% increase. Kevin Truelson of 89 Roths Cove stated that he was an owner of one of the other gas stations and he asked how close to the road would the building be? Mr. Russ stated that the building would be in the existing parking lot. James Krempasky of 1960 Redman Road commented that the size of the pillion sign out front is too large and affects the character of the neighborhood. He stated

that if the sign has to be there maybe it could be smaller. Jeff Putney of 2 Barringer Drive commented that there doesn't seem to be enough space to make it accessible for trailer and boat traffic.

Vice Chairman Ellsworth closed the Public Hearing.

A motion was made by Donna Stassen, seconded by Klaus Pohl to table their decision on the multiple variances until after the Planning Board makes their SEQR determination. Members polled, Dingee aye, Ellsworth aye, Haight aye, Hoffman abstain, Pohl aye, Stassen aye. Motion carried, decision tabled.

VARIANCE

MR. AND MRS. JOSEPH 200 WALKER LAKE ONTARIO RD.

David Matt from Schultz Associates was present to represent Mr. and Mrs. Joseph of 200 Walker Lake Ontario Road to request a variance to subdivide an existing lot. They also seek a variance for lot size and width variance. Mr. Matt explained that they would like to sub divide the property into 2 separate lots. One lot would be 100 x 270 and the other would be 100 x 150. He mentioned that the lot is a pre existing non-conforming lot now. All the other lots in the neighborhood are of the same size. Vice Chairman Ellsworth stated that in the past they have never granted a variance to be less conforming but if they still wanted to proceed they had the right to a Public Hearing. Mr. Matt stated that his clients would like a Public Hearing. Dick Bauman questioned where the leach field was for the existing house. Mr. Bauman stated that the deed reads that the leach field is on the other side of the private road, which would be the proposed second lot. Mr. Matt stated that he wasn't aware of that and he would check into it.

A motion was made by Donna Stassen, seconded by Terry Dingee to schedule a Public Hearing for Mr. and Mrs. Joseph of 200 Walker Lake Ontario Road to sub divide their lot. The Public Hearing will be scheduled for December 20 at 7:30pm. With onsite inspections beginning after 10:30am on Saturday, December 18, 2004. They seek relief from Town Code 125-18(a)(b) for lot 1 and Town Codes 125-18(a)(b) and 125-18(5) for lot 2. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

PERMIT

RICK BOWER

Mr. Rick Bower was present to request a permit to sell Topsoil from his subdivision site. Mr. Bower stated that he has about 15,000 yards of topsoil left that he needs to get rid of from his sub division site. Vice Chairman Ellsworth stated that according to Town Code 125-54 C (4) he could obtain a permit for 6 months for \$50.00 from the Board. Vice Chairman Ellsworth also commented that there were no other restrictions listed.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant Rick Bower a permit to sell topsoil for 6 months issued on April 1, 2005 for \$50.00 under Town Code 125-54

C (4). Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, permit granted.

DISCUSSION

Board Member Donna Stassen asked about Mr. Seipel of Newco Drive? Mr. Bauman told her he would be on the December 20, 2004 agenda.

Vice Chairman Ellsworth asked Attorney Charlie Welch if he had anything? Attorney Welch responded nothing.

Vice Chairman Ellsworth asked if Dick Bauman had anything to add from the Building Department? Dick responded he had nothing.

Vice Chairman Ellsworth asked if Conservation Board Member Craig Goodrich had anything? Mr. Goodrich responded that the Conservation Board would like to wish everyone a Happy Thanksgiving.

Vice Chairman Ellsworth asked if Councilperson George Todd had anything from the Town Board? Mr. Todd said the Town Board would also like to wish everyone a Happy Thanksgiving.

ADJOURNMENT

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

Respectively 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, December 20, 2004 at 7:30pm. Deadline for fees is Monday, December 6, 2004.