

Zoning Board of Appeals *Minutes*
Monday, December 20, 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 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 Boards Attorney Charlie Welch, Building Inspector Dick Bauman, Conservation Board Liaison Craig Goodrich, Betty Joseph, David Joseph, Tom Jensen, Dave Matt, Mr. and Mrs. DeLapa, Scott Swan, Chuck Carrol, Mr. and Mrs. Seipel and several other residents.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the November 15, 2004 meeting. Members polled Baase abstain, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION

PUBLIC HEARING

**MR. AND MRS. SEIPEL
7690 NEWCO DRIVE**

Mr. Seipel of 7690 Newco Drive was present to seek a 2' height variance and a size variance to construct a 16' x 24' shed at his residence. Mr. Seipel explained that the shed is 17' in height. Chairman Baase read a letter dated December 20, 2004 from Leon Sawyko owner of the property to the east of 7690 Newco Drive stating that he had no objections to the shed.

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 Donna Stassen, seconded duly by Klaus Pohl and Ed Haight to grant a variance from Town Code 125-42A for a size variance and a variance from Town Code 125-28C(3)(b) for height for a shed at his residence. This is a Type II SEQR. This will not alter the character of the neighborhood. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variances granted.

PUBLIC HEARING

MR. AND MRS. JOSEPH 200 WALKER LAKE ONTARIO ROAD

Mr. Keith O'Toole, Attorney and Dave Matt, Schultz Associates were present to represent Mr. and Mrs. Joseph of 200 Walker Lake Ontario Road. Mr. O'Toole stated that they did not need variances because the lots were grand fathered in because they are pre existing non-conforming lots. Mr. O'Toole handed out previous deeds that showed that the two lots were combined and then separated for a subdivision. New surveys were handed out to the Board members. Rocky Ellsworth questioned the location of the septic system. A new map was provided which showed the septic in the correct location. Attorney Welch questioned if there was a water line present. Mr. O'Toole stated that there is public water. Attorney Welch indicated that he would like to be able to track when the lots were combined and if there was a Planning Board action to combine them. They are the same tax I.D. number now.

At that time Chairman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. Scott Swan of 182 Walker Lake Ontario Road stated that he was upset because in 1991 he was told that those lots were never legally sub divided and he was told that the lots are not grand fathered any more. Peter Toney of Moscow Road stated that the combination of the lots would have needed some kind of action from the Planning Board. He stated that the lots are undersized for R-VL zoning. Attorney Welch stated that he would like the opportunity to see if it came before the Planning Board.

Chairman Baase then closed the Public Hearing.

A motion was made by Ed Haight, seconded by Donna Stassen to table the Board's decision for a period no longer than 60 days to research the new information given to them at tonight's meeting. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, decision tabled.

Attorney Welch requested the first deed to the house from 1950 from Mr. O'Toole. Chairman Baase stated that it was very difficult for the Board to make a decision when so much new information was presented to them the night of the Public Hearing. Mr. O'Toole apologized.

**DETERMINATION OF PUBLIC HEARING TOPS FUELING STATION
1800 LAKE ROAD**

Adam Walters, Attorney for Tops was present to seek several variances for a fueling station at 1800 Lake Road. Mr. Walters explained that the Planning Board adopted a negative Declaration SEQRA on December 6, 2004. Mr. Walters stated that they have a revised lighting plan and have a plan to add several more trees for screening. They are seeking relief from Town Code 125-26 C2 for a second use building on the same lot. They seek a 53 square foot variance from Town Code 125-47(B)(5) for signs less than 100' from a residential area. A 41 square foot variance is needed for the freestanding sign in front of the plaza. Town Code 125-47(B)(2)(e)(8) states only one 25 square foot sign is acceptable. Tops is proposing a 66 square foot front sign. Relief from Town Code 125-47(B)(25) for a total number of signs is needed. One sign is acceptable. Tops is proposing 20 total signs on the canopy, kiosk and fueling pumps. The proposed signs will also exceed the 100 square feet permitted.

Donna Stassen asked for clarification on what other items would be for sale at the kiosk. Mr. Walters stated that no other items would be for sale at the kiosk. Two soda machines would be located outside next to the kiosk. Klaus Pohl asked if the front sign would be any higher. Mr. Walters stated that that the height would not change only the overall square footage.

A motion was made by Donna Stassen, seconded by Rocky Ellsworth to grant a variance from Town Code 125-26(C)(2) for a second principle building on the same lot. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman abstain, Pohl aye, Stassen aye. Motion carried, variance granted.

A motion was made by Donna Stassen, seconded by Rocky Ellsworth to grant a 53 square foot variance from Town Code 125-47(B)(5) for canopy signage, a 41 square foot variance from Town Code 125-47(B)(2)(e)(8) for a freestanding sign and a variance from Town Code 125-47(B)(25) for a total number of signs and total square footage. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman abstain, Pohl aye, Stassen aye. Motion carried, variances granted.

DISCUSSION

Chairman Norman Baase stated that the Board has been asked to work with the Hamlin Town Board to redo the Town Codes. They have been asked to attend meetings every third Wednesday with the Town Board. Chairman Baase asked if everyone was for helping out. They would be taking what information the Comprehensive Plan has proposed and reviewing it. The Board was in agreement to help out.

Craig Goodrich wished everyone a Merry Christmas from the Conservation Board. Chairman Baase thanked everyone and wished them a Merry Christmas.

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.

Respectively submitted by:

Heather Norman
Acting Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, January 17, 2005 at 7:30pm at the Hamlin Town Hall. Deadline for fees is Monday, January 3, 2005.