

Zoning Board of Appeals Meeting *Minutes*  
Monday, April 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.

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

Also present: Building Inspector Dick Bauman, Support Board Attorney Charlie Welch, Conservation Board liaison Tammy Palumbo, and several interested citizens.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the March 15<sup>th</sup>, 2004 meeting. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, minutes approved.

**PUBLIC HEARING**

**Mr. and Mrs. Kevin Chick  
34 Lake Road East Fork**

Mr. Jim Guion owner of Guion Construction, was present to represent Mr. and Mrs. Chick who wish to construct a garage, addition and a deck onto their residence. He explained that he had contacted James Glogowski the surveyor for the property and had obtained copies of the instrument survey that were legible. He passed out copies of the instrument survey for all to view. Mr. Guion stated that the numbers are much clearer now. He stated that he is looking to build 12' south off the property line, in the northeast corner 25' off the creek bank, and 13' off the south property line. 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 declared the Public Hearing closed. Mr. Guion stated that the DEC had been notified, but had not given their approval as of yet. Attorney Welch stated that the motion could be made conditional upon receiving DEC approval. Chairman Baase asked if the Board had any further questions? There were no replies.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant 3 variances to Mr. Kevin Chick of 34 Lake Road East Fork to construct an addition, deck and garage onto their residence. The variances granted are as follows:

- 1). A 4' south side setback variance from Town Code 125-32 C 2 (a) (1) to construct a garage.
- 2). A 10' north side setback variance from Town Code 125-32 C 2 (a) (3) for an extension of a wall on the home.
- 3). An 8' front setback variance from Town Code 125-32 C 2 (a) (3) to construct a deck. There has been no negative feedback. This will not alter the characteristic of the neighborhood. This is a TYPE II SEQOR.

**CHICK-34 Lake Road East Fork**

Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variances granted with the condition that Mr. Chick receives a DEC wetland permit.

**PUBLIC HEARING**

**Vasiliy Korolchuk  
1214 Roosevelt Highway**

Vasiliy Korolchuk of 1214 Roosevelt Highway was present to request a 15' front setback variance from Town Code 125-18 B 2 (a) and from Town Code 125-18 B (2) (e) to construct a 24' x 15' addition onto the front of his residence. Mr. Korolchuk stated that this addition would blend in with the rest of the home and be one story. Board Member Terry Dingee asked if there would be a basement added to this? Mr. Korolchuk said there would be no basement added. He stated that the leachfield is located in the rear of the property. At that time 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 Jerry Hoffman, seconded by Klaus Pohl to grant Mr. Vasiliy Korolchuk of 1214 Roosevelt Highway a 15' variance from Town Code 125-18 B 2 (a) and relief from Town Code 125-18 B 2 (e) to construct a 24' x 15' addition onto the front of his residence. His house falls under the 8-14-2000 revised zoning code. This is a TYPE II SEQR. There were no negative comments from nearby residents. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variances granted.

**DISCUSSION**

**Kerry Lemcke  
5833 Wautoma Beach Road**

Mr. Kerry Lemcke was present to request a two foot side setback variance to construct a 20' x 28' addition onto his residence located at 5833 Wautoma Beach Road. Mr. Lemcke explained that the lot is a bit pie shaped. Board Member Rocky Ellsworth asked if a possible front setback would be required? Attorney Welch replied that only a side setback would be required.

A motion was made by Rocky Ellsworth, seconded by Terry Dingee to schedule a Public Hearing for Mr. Kerry Lemcke of 5833 Wautoma Beach Road for a 2' west side setback variance to construct a 20' x 28' addition onto his residence. The Public Hearing will be scheduled for Monday, May 17<sup>th</sup> 2004 at 7:30pm. With onsite inspections beginning after 10:30am on Saturday, May 15<sup>th</sup>, 2004. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

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**DISCUSSION**

**Mr. Rick Vito**  
**5733 Wautoma Beach Road**

Mr. Rick Vito along with his Attorney Ray Dorado, was present to request possibly three variances to bring his structure at 5733 Wautoma Beach Road into compliance. The three variances he is seeking are:

- 1). Relief from Town Code 125- 31 C 4 (b) to obtain a height variance for his garage.
- 2). Relief from Town Code 125-31 B 2 for use of garage by a non occupant.
- 3). Relief from Town Code 125-39 C for placement of the accessory structure in front of the principle dwelling main foundation line.

Attorney Welch stated that an Accessory structure must be located behind the principle dwelling.

Building Inspector Dick Bauman stated that he would view and measure Rick Vito's structure next week to determine if a height variance would indeed be required also.

A motion was made by Donna Stassen, seconded by Klaus Pohl to schedule a Public Hearing for Mr. Rick Vito of 5733 Wautoma Beach Road for the following three variances. Relief from Town Code 125-31 C 4 (b). Relief from Town Code 125-31 B (2) and relief from Town Code 125-39 C. The Public Hearing will be scheduled for Monday, May 17<sup>th</sup> 2004 at 7:30pm. With onsite inspections beginning after 10:30am on Saturday, May 15<sup>th</sup>, 2004. Members polled Baase aye, Dingee aye, Ellsworth aye under duress, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

**EXECUTIVE SESSION**

A motion was made by Rocky Ellsworth at 8:15pm to go into Executive Session to discuss a legal matter, seconded by Jerry Hoffman.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to come out of Executive Session at 9:00pm.

**ADJOURNMENT**

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth 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 regularly scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, May 17<sup>th</sup>, 2004 at 7:30pm. Deadline for fees is Monday, May 3<sup>rd</sup>, 2004.