

Zoning Board of Appeals Meeting *Minutes*  
Monday, May 17<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 liasion Craig Goodrich, Town Attorney Kenneth Licht, Supervisor Austin Warner, Town Councilperson George Todd, Planning Board Vice Chairman James Breslawski.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the April 19<sup>th</sup>, 2004 meeting. Members polled, Norman Baase, Terry Dingee, Rocky Ellsworth, Ed Haight, Jerry Hoffman, Klaus Pohl and Donna Stassen. Motion carried, minutes approved.

## **PUBLIC HEARING**

### **THE CLERK READ THE PROOF OF PUBLICATION**

#### **ADDITION**

**Mr. Kerry Lemcke**  
**5833 Wautoma Beach Road**

Mr. Kerry Lemcke was present to seek a 2' side setback variance to construct a 20' x 28' addition onto his residence. Mr. Lemcke explained that he planned to erect the addition onto the north end of his home, coming out 20 feet. The front porch will be L shaped on the northwest corner of the house and that is where the variance comes into play. Board Member Klaus Pohl asked if the addition would be 4' 7" on the northwest corner? Mr. Lemcke replied, "Yes, the garage will not be totally in line with the house however, I believe it to be 4' 7". Terry Dingee stated that Mr. Lemcke did a nice job laying it out on Saturday for the Zoning Board Members to view. Board Member Rocky Ellsworth asked if the property to the west is a vacant lot? Mr. Lemcke replied "No that is part of the next dwelling."

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. Chairman Baase asked if anyone from the Conservation Board had seen the site? Craig Goodrich replied that he had viewed the site and saw it to not affect the septic system or the neighborhood. Craig stated that he had signed off on the LWRP permit.

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**KERRY LEMCKY-5833 WAUTOMA BEACH**

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant a 2' west side setback variance from Town Code 125-31 C 2 (b) to Kerry Kemcke to construct a 20' x 28' addition onto his residence located at 5833 Wautoma Beach Road. This is a TYPE II SEQR. This will not alter the characteristic of the neighborhood. There has been no negative feedback. This is the minimum to provide relief. The Conservation Board has signed off on the project. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, variance granted.

**2 STORY GARAGE WITH  
STORAGE STRUCTURE**

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

Attorney Anthony Adams was present to represent Mr. Rick Vito who requests two variances to bring his structure into compliance with Town Code. On his behalf Mr. Adams stated that he would like to postpone the Public Hearing until next month since Mr. Vito is ill for tonight's meeting. Mr. Adams is Mr. Vito's new attorney and he stated that he is not prepared for litigation tonight. Chairman Baase stated that the Public Hearing could be continued onto the June 21<sup>st</sup>, 2004 meeting when Mr. Vito could be in attendance. Board Member Terry Dingee asked for a show of hands to see how many people were in attendance tonight to hear Mr. Vito's Public Hearing. At least 8 people raised their hands. Tom Jensen of Roadside Drive stated that if the Public Hearing is opened tonight it would give Mr. Vito a chance to find out what happened at this meeting tonight. Mr. Jensen stated that everyone has a chance to be heard.

At that time Chairman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal? Mr. Peter Toney of 937 Moscow Road said that he would like it to go on record that the Public Hearing should be kept open until next month's Zoning Board of Appeals meeting.

A motion was made by Donna Stassen, seconded by Klaus Pohl, to reschedule and continue the Public Hearing on June 21<sup>st</sup>, 2004 at 7:30pm. The Public Hearing will remain open, next month's Public Hearing will be a continuation of tonight's Public Hearing.

Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, Public Hearing will be left open and continued on June 21<sup>st</sup>, 2004 at 7:30pm

**SINGLE FAMILY  
RESIDENTIAL DWELLING**

**Mr. and Mrs. Stevens  
6512 Shore Acres**

Mr. Ralph DiTucci was present to represent Mr. and Mrs. Stevens who seek several variances in order to construct a new single family residential dwelling to be located at 6512 Shore Acres. Mr. DiTucci displayed his new Preliminary Site Plan and explained

**STEVENS-6512 SHORE ACRES**

the need for relief on 3 points of the zoning code. He explained that the building has existed on the site for 50 years. The Stevens would like to make this a year round residence. One variance will be for lot width, the second variance will be for lot coverage, the third variance would be for impervious surface, 15% is permitted, 24.9% is requested. More possible variances could be required. The Board took some time to discuss the proposed plans. Board Member Rocky Ellsworth asked if a new breakwall would be reconstructed to replace the existing breakwall? Mrs. Stevens replied that a new breakwall would be constructed to replace the existing breakwall that is deteriorating. Chairman Baase asked what their timetable is? Mr. DeTucci explained that they would like to begin construction before summer's end. This will be a slab on grade construction. The new house will be constructed 2' above the required 251' elevation. Mrs. Stevens said that there would be no basement.

A motion was made by Rocky Ellsworth, seconded by Terry Dingee to schedule a Public Hearing for Mr. and Mrs. Robert Stevens of 6512 Shore Acres for Monday, June 21<sup>st</sup>, 2004 at 7:30pm to construct a new single family residential dwelling. The variances requested are:

- 1). Relief from Town Code 125-31C 1 (a) for a 1.819 acre area variance.
- 2). Relief from Town Code 125-31 C 1 (b) for a 90' lot width variance
- 3). Relief from Town Code 125-31 C 5 for maximum lot coverage impervious of 15%, of which 24.9% is needed.
- 4). Relief from Town Code 42-10 B for building in a coastal erosion hazard area.
- 5). Relief from Town Code 125-34 D (1) [15] for building a septic system within the wetland buffer zone.

**It was noted by Chairman Baase that the exact Town Codes will be established prior to posting of the legal notice.**

The Public Hearing is scheduled for Monday, June 21<sup>st</sup>, 2004 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, June 19<sup>th</sup>, 2004. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, Public Hearing scheduled.

**ATTACHED GARAGE**

**Mr. and Mrs. Ritchie  
7 Acclaim Drive**

Mr. Jim Guion of Guion Construction was present to represent Mr. and Mrs. Ritchie of 7 Acclaim Drive who are requesting a 5' side setback variance to construct an attached garage onto their residence. Mr. Guion explained that the Ritchie's would like to construct a 22' garage on the left side of their house which will require a 5' setback variance. The front of the garage will stay in line with the existing foundation of the house. Board Member Rocky Ellsworth asked if there were any issues with a storm water

**MR. AND MRS. RITCHIE-7ACCLAIM DR.**

Easement? Attorney Welch replied that there would be no problem with a storm water easement.

A motion was made by Terry Dingee, seconded by Ed Haight to schedule a Public Hearing for Mr. and Mrs. Ritchie of 7 Acclaim Drive to construct a garage onto their residence. They seek a 5' south side setback variance to construct an attached garage. The Public Hearing is scheduled for Monday, June 21<sup>st</sup>, 2004 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, June 19<sup>th</sup>, 2004. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, Public Hearing scheduled.

**K AND K CAR WASH**

**Mr. Kevin Noon  
1449 Lake Road**

Mr. Kevin Noon owner of K and K mini mart was present to request two variances to construct a car wash behind the K and K food mart on Lake Road. Mr. Noon explained that K and K food mart stands for Kathy and Kevin. He stated that him and his wife opened the K and K stores in 1977. He stated that he would like to make the Hamlin and Kendall K and K stores a nicer location. Mr. Noon said that he would like to open a car wash to make his operation complete. A place to get coffee, gas and a car wash, is really a nice addition to the community. Mr. Noon explained that he already appeared before the Planning Board, and they suggested he come to the Zoning Board to apply for the necessary variances. He plans to have the car wash blend in with the existing building at 1449 Lake Road. Over 64.5% of the location will be blacktop so he is under the limit of 75% impervious surface allowed. There will be a lot more curbing put in to add to the attractiveness of the site. Chairman Baase stated that he sees 2 variances that will be needed, a 30' front setback variance and a variance for having two principle buildings on one lot.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to schedule a Public Hearing for Mr. Kevin Noon of 1449 Lake Road to construct a car wash behind the site legally known as KTS Associates LLC located at 1449 Lake Road. The Public Hearing has been scheduled for Monday, June 21<sup>st</sup>, 2004 at 7:30pm. With on site inspections beginning after 10:30am on Saturday, June 19<sup>th</sup>, 2004. He would like to construct a car wash that would require two variances.

He seeks relief from Town Code 125-26 B 2 (a) for a 30' front setback. Also, he seeks relief from Town Code 125-26 C 2 for having a second principle dwelling on the same site. Members polled, Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried, Public Hearing scheduled.

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Chairman Baase stated that with the one month delay regarding the Rick Vito case, we should keep everything in the proper perspective until the Public Hearing is continued next month.

**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 and 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, June 21<sup>st</sup>, 2004 at 7:30pm. Deadline for fees is Monday, June 7<sup>th</sup>, 2004.