

Zoning Board of Appeals minutes

Monday, August 16, 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 Hight, Jerry Hoffman
Klaus Pohl and Donna Stassen.

Also present: Support Board Attorney Charlie Welch, Building Inspector Dick Bauman
Conservation Board liaisons, Craig Goodrich, Merritt Ackes, Town councilman George Todd,
James Krempasky-Assessment Board of Review.

A motion was made by Klaus Pohl seconded by Ed Haight to approve The minutes of the July 19th 2004 meeting. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman abstained, Pohl aye, Stassen aye. Motion carried, minutes approved.

A motion was made by Terry Dingee, Seconded by Klaus Pohl to approve the minutes of the Zoning Board of Appeals workshop that was held on Wednesday, July 28 , 2004. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye Pohl aye, Stassen aye. Motion carried, workshop minutes approved.

THE CLERK READ THE PROOF OF PUBLICATION
PUBLIC HEARING

Laurie/ Jeffrey Spring
7276 Sandy Shore Drive

Raymond Fletcher who is representing Mr. and Mrs. Spring of 7276 Sandy Shore Drive was present. Mr. Fletcher explained that the Spring's are now only seeking one variance to construct a 30' x 40' x 10' pole barn on their rear property. Mr. Fletcher explained that there was no need for the 50' roadside setback variance. Chairman Baase read the letter written by Ms. Spring stating that a road setback variance would not be required since she will be moving the pole barn further back on her 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. Chairman Baase closed the Public Hearing at that time.

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to grant Jeffrey and Laurie Spring of 7276 Sandy Shore Drive a 3' height variance from Town Code 125-33 C (3) (a) to construct a 30' x 40' x 10: Morton pole barn on their rear property.

This will not alter the characteristic of the neighborhood. There were no negative comments from the neighbors. This is a TYPE II SEQR This is the minimum to provide relief. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried variance granted.

PUBLIC HEARING

FRANCIS Miller
7500 SANDY Harbor Dr.

Mr. Francis Miller of 7500 Sandy Harbor Drive was present to seek a height variance to construct an 18' x 24' garage on his rear property. Mr. Miller stated that he is willing to move the barn one foot further to the east. He said that Niagara Mohawk has been to the site and has approved the construction of the garage as far as their electrical lines are concerned. In addition, now that Mr. Miller will be moving the garage over one foot to the east, it will be downsized to 16: x 22' in size. 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. Chairman Baase then closed the Public hearing.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant a 3' height variance from Town Code 125-71 C 4 (c) to Mr. Francis Miller of 7500 Sandy Harbor Drive to construct an 18' x 24' garage on his rear property. This will not alter the characteristic of the neighborhood. There were no negative comments from the neighbors. This is a TYPE II SEQR. This is the minimum to provide relief Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted.

MR DAVE CARIELLO
245 WESTPHAL DRIVE

Mr. Dave Cariello was present to seek two variances to construct a 36' x 24' garage on the south side of his property. Mr. Cariello explained that he would be constructing the garage on the south side of his driveway. He also explained that he will be cutting down two spider maple trees, however, he has intentions of planting more trees on the property. He is also installing a 6' vinyl fence on the south side of his property. Attorney Charlie Welch stated that as long as the fence is not blocking the right of way to the road a variance would not be needed. The Cariello's seek relief from Town Code 125-31 C 4 b for a 7' height variance, and also relief from Town Code 125-31 C 2 (b) (1) for a 5' side setback variance.

A motion was made by Donna Stassen, seconded by Terry Dingee to schedule a Public Hearing for Monday, September of 20th at 7:30pm for Mr. Dave Cariello of 245 Westphal Drive who is seeking two variances to construct a 24' x 36' garage at his

Mr. DAVE CARIELLO-245 WESTFAL DRIVE

residence. Members polled Baase aye, Dingee are, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, Public Hearing scheduled.

RICK VITO

5733 WAUTOMA BEACH ROAD

Mr. Rick Vito of 5733 Wautoma Beach Road was not present at tonight's meeting. Chairman Baase asked one of the Board Members to read the application of Richard Vito. Klaus Pohl read the application: "Although the requested variance is substantial and the alleged difficulty is self-created, there is no detriment to the health, safety or welfare of the neighborhood by reason or fact that the building in question is 24 feet in height. The building, in fact, is consistent with the character of the neighborhood. There is no detriment of health and safety to the neighborhood. The requested height variance, while significant in terms of percentage, is not significant in comparison with surrounding buildings and development. There is no practical alternative for the applicant to achieve compliance with the height limitation. In conclusion, a 9' height variance from Town Code 125-31 C 4 (b) has been granted."

A motion was made by Klaus Pohl seconded by Donna Stassen to grant the 9' height variance to Mr. Rick Vito of 5733 Wautoma Beach Road to bring his two story garage into compliance. Members polled Baase aye, Dingle aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, variance granted

SECTION 125-31 (B) (2) variance request of Rick Vito-5733 Wautoma Bch.

This variance request was withdrawn by the applicant pursuant to a letter dated August 23rd, 2004 from applicants attorney. Accordingly, no ruling will be made on this variance request. The applicant, however, should be specifically informed that in the absence of the variance from Section 125-31 (B) (2) no more than one (1) parking space may be used by a non-resident of premises, and that such space may be used only for the parking of an automobile travel trailer and/or boat. The board further notes that substantial evidence was presented at the public hearing that the structure has been used by the applicant for commercial use. Such use is not permitted in the Shoreline Residential District and continuation of such use would constitute a violation of the zoning law.

Chairman Norman Baase Stated that it would be the Building Department's responsibility to enforce this issue.

DISCUSSION

Conservation Board Member Craig Goodrich stated that there is an international law being written between the U.S. and Canada that is being proposed to protect the Great Lakes water from being used elsewhere throughout the world.

Town Councilman George Todd stated that at the recent Town Board meeting it was mutually decided that each individual Board would appoint their own Chairman.

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,
Cindy Olds
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, September 20th, 2004 at 7:30pm. Deadline for fees is Tuesday, September 7th, 2004.