

Hamlin Zoning Board of Appeals *Minutes*  
Monday, January 16, 2006  
7:30pm

The regular 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.

Also present: Support Boards Attorney Charlie Welch, Conservation Board member Craig Goodrich, Town Supervisor Denny Roach, Town Board Liaison Mike Marchetti, Fred Blandford, Marilyn Blandford, Tom Jensen, Marilyn Secord, James Secord, Frank DeLapa, Honey DeLapa, Duane Miller, Mr. and Mrs. Cotsworth, Tim Voight, Gwen Comstra, Gerald Connor, Sandy Jordan, Karen Jensen and several other interested residents.

At this time Vice Chairman Rocky Ellsworth asked for nominations for Chairman of the Board for 2006. A motion was made by Klaus Pohl, seconded by Terry Dingee to nominate Norman Baase as Chairman of the Board for 2006. Members polled Baase abstain, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

At this time Chairman Norman Baase asked for nominations for Vice Chairman of the Board for 2006. A motion was made by Ed Haight, seconded by Donna Stassen to nominate Rocky Ellsworth as Vice Chairman of the Board for 2006. Members polled Baase aye, Dingee aye, Ellsworth abstain, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the December 19, 2005 meeting as recorded. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

*The Clerk read the Proof of Publication*

**PUBLIC HEARING**

**DON TERINGO  
7882 NEWCO DRIVE**

Mr. Teringo was present to seek relief from Town Code 125-39C to construct a 26' x 52' garage on his vacant lot on Newco Drive. Mr. Teringo explained that he moved the location of the doors and made some minor changes after staking out the location of the

garage so he could make the turn into the garage. Mr. Teringo stated that the garage would be used for personal storage. Terry Dingee asked who maintained the stone driveway. Mr. Teringo stated that he did it was a private driveway.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Marilyn Secord of 7866 Newco Drive asked why such a big garage. Mr. Teringo stated that he would be using it to store his boat and two other vehicles. Mrs. Secord asked the height of the building. Mr. Teringo stated that it would be per code. Mrs. Secord asked if all of the other neighbors were notified. The Clerk stated yes, 27 notices were sent out. Mrs. Secord stated that she felt such a large garage would ruin the view on Newco Drive. Mrs. Secord asked if the garage would have electric and water. Mr. Teringo stated that it would have electricity for lights but no water.

At this time Chairman Norman Baase closed the Public Hearing.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to grant relief from Town Code 125-39C to Mr. Teringo of 7882 Newco Drive to construct a 26' x 52' garage on his vacant lot tax account number 006.07-1-41 on Newco Drive for personal storage. This is a Type II SEQR and the minimum to provide relief. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

At this time before the Public Hearing Chairman Norman Baase stated the Board needed to clarify a court decision regarding 5733 Wautoma Beach Road. Attorney Welch explained that the Judge had asked the Board for clarification on two items. First the Judge wanted the decision reviewed and asked if the structure was a dwelling and second if the structure was a legal accessory building. Some discussion took place on the definition of a dwelling unit and dwelling. The Board discussed the requirements needed for a structure to be a dwelling unit and a dwelling. The Board concluded that the structure does not have utilities or a septic system therefore it's a garage with storage.

A motion was made by Donna Stassen, seconded by Rocky Ellsworth to uphold the decision made by the Hamlin Zoning Board of Appeals on March 15, 2004 that the structure located at 5733 Wautoma Beach Road is a garage with storage because it cannot be designed or legally function as a dwelling without utilities or a septic system. The Board also determined that design means more than just looking like a house it must include function. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Donna Stassen, seconded by Ed Haight that after research by the Chairman and Support Boards Attorney it was determined that there are no restrictions in the Town Code on having two garages on one property and the Board was aware of the other garage located at 5733 Wautoma Beach Road. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

## **PUBLIC HEARING**

**KEVIN CLARK  
5733 WAUTOMA BEACH ROAD**

Kevin Clark was present to seek several area variances for 5733 Wautoma Beach Road. Mr. Clark explained that he would like to subdivide the lot into two separate lots and convert the garage with storage into a house by going to the Planning Board for Site Plan approval. The variances were discussed. Mr. Clark passed out pictures for review. Mr. Clark submitted a petition signed by 27 neighbors that were in favor of his proposal. Attorney Welch went over the criteria for granting area variances. Attorney Welch asked if there was any other means of accomplishing this. Mr. Clark stated no. Attorney Welch asked the area of the neighboring lots. Mr. Clark stated that the other lots are smaller. Attorney Welch asked if the variance was substantial. Mr. Clark stated yes it was substantial. Attorney Welch asked if the proposal would have any environmental effects. Mr. Clark stated no issues that he knew of. Attorney Welch asked if Mr. Clark was aware of the situation when he purchased the property. Mr. Clark stated that he was aware of the situation.

At this time Chairman Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal.

Gerald Connor of 5732 Wautoma Beach Road stated that he was in favor of the proposal and supported what Mr. Clark wanted to do. Add the house to the tax rolls and make the community safer by having someone living in the house.

Anthony Cotsworht of 5678 Wautoma Beach Road stated that he supported Mr. Clark and would like to see someone living in the house and maintaining the property.

Tom Jensen of 1 Roadside Drive stated that the Board always said that it was difficult to create a substandard lot. The existing house requires variances if the property is subdivided and the other lot would need a variance for a garage on a vacant lot. Attorney Welch stated that he would then be going through the process of Site Plan approval through the Planning Board. Mr. Jensen stated that it would be hard for the Building Inspector to issue a Certificate of Occupancy because he hasn't inspected any of the construction so far. Mr. Jensen stated that it was a self-created hardship and the Board can't create substandard lots. Substandard lots was discussed. Mr. Jensen stated that Mr. Vito was denied a substandard lot in the past.

Owner of 5688 Wautoma Beach Road stated that he was in favor of Mr. Clark's proposal and that it would improve the appearance.

Mr. Blandford of 5714 Wautoma Beach Road stated that he was in favor of Mr. Clark cleaning up the property.

At this time Chairman Norman Baase closed the Public Hearing.

Terry Dingee stated that several times the 2-acre requirement had been discussed. This lot is larger than the neighboring lots and the neighbors are in favor of the variances. Chairman Norman Baase agreed that he has been working on the 2-acre requirement since 1991 and the Board is in a tough position. He recommended that the Board schedule a Work Session to discuss the proposal and the information that they have been given. Ed Haight stated that he agrees with Norman Baase that the Board needs time to discuss all of the information. Terry Dingee stated that on the east side of the lot there is a ditch with standing water. Mr. Clark stated that he would add that to the Planning Board proposal to have that problem corrected.

A motion was made by Terry Dingee, seconded by Ed Haight to postpone the Public Hearing decision and schedule a work session for February 1, 2006 at 7:00pm. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

## **DISCUSSION**

Chairman Norman Baase asked if Town Board Liaison Mike Marchetti had anything. Mr. Marchetti stated that at the Organizational meeting the Town Board made a Resolution that all Board members are required to have at least 3 hours of training per year and can only have two absences per year or they need to ask for reappointment from the Town Board. Mr. Marchetti also asked if the Board could get their minutes from the web site instead of receiving a hard copy of them. The Board decided that they would like to receive a hard copy of the minutes. Mr. Marchetti stated that he would be their liaison for 2006 and if there was anything that they wanted him to attend to just invite him and he would be there.

Chairman Norman Baase asked if Craig Goodrich had anything from the Conservation Board. Craig stated nothing at this time.

## **ADJOURNMENT**

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's 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.

Minutes respectively submitted by:

Heather Norman  
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, February 20, 2006 at 7:30pm. Deadline for all fees is February 6, 2006.