

Hamlin Zoning Board of Appeals *Minutes*
Monday, March 20, 2006
7:30pm

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by Chairman Norman Baase with the location of the fire exits and AED explained for those present.

Present: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman and Klaus Pohl.

Excused: Terry Dingee and Donna Stassen.

Also present: Support Boards Attorney Charlie Welch, Town Supervisor Denny Roach, Town Board Liaison Mike Marchetti, Conservation Board member Craig Goodrich, Tom Jensen, Eric and Kara Hayward, Mark Sommer, Rich Maier, Bob Kruger, Jim Breslawski and several other interested residents.

A motion was made by Klaus Pohl, seconded by Jerry Hoffman to approve the minutes of the February 20, 2006 meeting as recorded. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

MARK SOMMER
2356 N. HAMLIN ROAD

Mark Sommer of 2356 N. Hamlin Road was present to seek relief from Town Code 125-50 for a 35' variance to keep horses in his existing 24' x 36' pole barn. Mr. Sommer explained that when he recently came in for the building permit he told the Building Department that the barn would be used for horses and a fence for the pasture was discussed. Then he received violation notices stating that the barn was too close to the property line to keep horses in and that piles of manure and other debris were on the neighbors property. Mr. Sommer stated that the barn was built 16' from the property line not the required 50' because no one said anything about it. Mr. Sommer stated that when the weather breaks he will move the manure piles and clean up the rocks and debris that is on the neighbor's property. Mr. Sommer stated that he currently has two ponies that are kept in the barn and he would like the variance to continue to keep them there.

Chairman Norman Baase stated that the neighbor's property does need to be cleaned up and the piles of manure need to be moved. Mr. Sommer stated that he would do that.

Attorney Welch asked if there was a house located on the neighbor's property. Mr. Sommer stated no that it was open farmland.

Mr. Sommer stated that the property line was not defined so this past summer he put up stakes along the property line and there may be some concerns with where the property line actually is.

The neighbor Jim Breslawski stated that there were also some concerns with a drainage easement the runs through Mr. Sommer's property and the maintenance of it and the piles of manure and debris on his property is another concern.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Monday, April 17, 2006 at 7:30pm for Mr. Sommer of 2356 N. Hamlin Road seeking relief from Town Code 125-50 for a 35' variance to keep animals in his existing barn. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Chairman Norman Baase reminded Mr. Sommer to have his 12 copies and Public Hearing fee into the Clerk by April 3, 2006.

**MR. AND MRS. HAYWARD
7352 SANDY SHORE DRIVE**

Mr. and Mrs. Hayward of 7352 Sandy Shore Drive were present to seek relief from Town Code 125-31C(5) for impervious surface to construct a 7' x 25' addition on the east side of their house. The property is currently at 25% impervious surface. With the addition it would increase to 28%. Therefore they would need a 13% variance.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to schedule a Public Hearing for Monday, April 17, 2006 at 7:30pm for Mr. and Mrs. Hayward of 7352 Sandy Shore Drive seeking relief from Town Code 125-31C(5) for a 13% impervious surface variance to construct a 7' x 25' addition to the east side of their house. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Chairman Norman Baase reminded Mr. Hayward to have his 12 copies and Public Hearing fee into the Clerk by April 3, 2006.

**BRUSH CREEK SUBDIVISION
710 WALKER LAKE ONTARIO ROAD**

Rich Maier was present to seek relief from Town Code 125-18B(1)(a) for a lot size variance of 1.14 acres for the Brush Creek Subdivision and relief from Town Code 125-50C(1)(b) for a 10' variance to keep farm animals in the existing barns on the remaining lands of the Kruger Estates. Mr. Maier stated that Mr. Kruger is trying to subdivide the

house from the farmland so they can sell the house and continue to operate the farm. Possible other ways to divide the property were discussed. The location of the barns was discussed and it was determined that no other variances would be needed at this time.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for Monday, April 17, 2006 at 7:30pm for Rich Maier seeking relief from Town Code 125-18B(1)(a) for a 1.14 lot size variance for the Brush Creek Subdivision located at 710 Walker Lake Ontario Road and relief from Town Code 125-50C(1)(b) for a 10' variance to keep farm animals in the existing barn on the remaining lands of the Kruger Estates. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Chairman Norman Baase reminded Mr. Maier to have his 12 copies and Public Hearing fee into the Clerk by April 3, 2006.

DISCUSSION

Chairman Norman Baase stated that he received a letter from Town Supervisor Denny Roach regarding clarification on the motion that was made last month on the Kevin Clark property located at 5733 Wautoma Beach Road. The letter states that there was a Resolution from the Town Board requesting clarification on the wording of the motion. Attorney Welch stated that he talked the Town Attorney Ken Licht today regarding this matter and the concern is if the applicant goes through the site plan approvals but doesn't convert the existing garage into a residence and doesn't get a Certificate of Occupancy within one year what happens to the existing garage. Attorney Welch asked if it was the Board's intent to have the existing garage be torn down if he didn't get a Certificate of Occupancy. Some discussion took place. The Board asked if the Subdivision would be revoked if the conditions of the motion were not met. Attorney Welch stated that he would have to research that. Attorney Welch also stated that in regards to the third condition stating that the septic system would need to be inspected by the Monroe County Health Department he found out that the Health Department does not inspect existing septic systems. So Attorney Welch got a list of Certified Contractors from the County and he will pick one and have the inspection done at the owner's expense. He will let Mr. Clark know. Some discussion took place about the Board changing the motion.

A motion was made by Ed Haight, seconded by Rocky Ellsworth to amend the current motion for 5733 Wautoma Beach Road by adding that if a Certificate of Occupancy is not issued for the existing garage within one year the existing structure needs to be removed. Members polled Baase no, Ellsworth aye, Haight aye, Hoffman no, Pohl no. Motion denied.

Chairman Norman Baase stated that there was a training workshop scheduled for May 19, 2006. Need to register by May 12, 2006 if anyone was interested.

Chairman Norman Baase wanted to let the Conservation Board know that grape vines are destroying all of the trees in our woods. The vines spread quickly and are hard to

destroy. They wrap around the tree and choke it. Many trees in the Park are being destroyed also. Conservation Board member Craig Goodrich stated that he would discuss it with the Board.

Town Board Liaison Mike Marchetti stated that there would be a Wind Power Presentation at the next Planning Board and Town Board meetings in April.

Craig Goodrich stated that he just read an article about Adverse Possession. It involved a case in court where neighbors took over part of their neighbor's property over 10 years and won in court and took control of the property.

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, Ellsworth aye, Haight aye, Hoffman aye, Pohl 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, April 17, 2006 at 7:30pm. Deadline for all fees is April 3, 2006 at 2:00pm.