

Hamlin Zoning Board of Appeals Minutes  
Monday, April 17, 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 Vice Chairman Rocky Ellsworth at 7:30pm with the location of the fire exits and AED explained for those present.

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

Excused: Norman Baase.

Also Present: Support Boards Attorney Charlie Welch, Conservation Board members Craig Goodrich and Tom Breslawski, Building Inspector Dick Bauman, Town Board Liaison Mike Marchetti, Tom Jensen, Glenn Quetschenbach, Bruce and Joanie Powell, Rick and Kara Hayward, Rich Maier, Bob Kruger, Richard Sercu II and several other interested residents.

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

**PUBLIC HEARING**

**Mark Sommer  
2356 N. Hamlin Road**

Mr. Mark Sommer was not present, nor was anyone present to represent Mr. Sommer. The public hearing has been rescheduled for the next meeting May 15, 2006. Mr. Sommer is seeking relief from Town Code 125-50 for a 35' variance to keep horses in his existing 24' x 36' pole barn on his property.

**Mr. and Mrs. Hayward  
7352 Sandy Shore Drive**

Mr. and Mrs. Hayward of 7352 Sandy Shore Drive seek 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. Vice Chairman Rocky Ellsworth asked what type of materials they would be using and how high the addition would be. Mr. Hayward explained they would be using the same materials as their house is made out of and it would be the same height as the existing structure. Mr. Craig Goodrich recommends that they have gutters on the entire addition and that they are positioned towards the road.

At this time Vice Chairman Rocky Ellsworth opened the hearing to the public for comment. No one was present to speak for or against the proposal. Vice Chairman Rocky Ellsworth closed the Public Hearing.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant 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 home on the condition that the gutters drain towards the road causing the grounds to be dryer than they are now. This is a Type II SEQR. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye and Stassen aye. Motion carried.

**Brush Creek Subdivision  
710 Walker Lake Ontario Road**

Rich Maier was present to seek relief from Town Code 125-18B(1)(a) for a 1.14 acre 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 20' variance to keep farm animals in the existing barn located on the remaining lands of the Kruger Estates. Mr. Maier states that it is a below standard size lot and it is not out of the characteristics of that area. The zoning is five acres and he is anticipating a 3.86 to the right a way. He is bound by the way the farm is laid out. Klaus Pohl asked who would seek relief for the variance of keeping the animals in the barn, the owner of the existing property or the new owner. Charles Welch explained that it would be the same at this point. It would be two different variances; one for the remaining lands and one for lot one. The barn has to be 150 feet or more from the residence, the area pertains to the barn and not the residence. The barn is in violation not the house.

At this time Vice Chairman Rocky Ellsworth opened the hearing to the public for comment. No one was present to speak for or against the proposal. Vice Chairman Rocky Ellsworth then closed the Public Hearing.

Attorney Welch asked Mr. Maier to explain further the limitations due to the farmland. Mr. Maier explained that if you look to the north of the house there is a water meter pit dedicated to the farm in the back. They would need to have access to it if it needed repairs. To the east they are right up to the fencing for the cattle leaving enough room for repairs if need be. To the south they took it right to the property line. There are also buildings for storage to the east where they would have to have access to. They are also restricted due to the cemetery. They maxed out as much as they could.

A motion was made by Klaus Pohl, seconded by Terry Dingee to grant relief from Town Code 125-18B(1)(a) for a 1.14 acre lot variance for the Bush Creek Subdivision located at 710 Walker Lake Ontario Road. Minimum relief needs to be granted due to existing structure and lot lines. This is a Type II SEQR. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

A motion was made by Klaus Pohl, seconded by Terry Dingee to grant Richard and Robert Kruger of 710 Walker Lake Ontario Road relief from Town Code 125-50C(1)(b) for a 20' variance to keep farm animals in the existing barn located on the remaining lands of the Kruger Estate. This is a Type II SEQR and is minimum relief due to pre existing buildings. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

### **Morton Fire District**

The Morton Fire District seeks relief from Town Code 125-26B(2)(a) for a 45' front setback variance to construct a 12' x 24' addition to the Fire Hall. Mr. Ellsworth asked what the addition would be used for. Mr. Glenn Quetschenbach explained it would be for a radio communications room and office for the chief and district.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Monday, May 15, 2006 at 7:30pm for the Morton Fire District seeking relief from Town Code 125-26B(2)(a) for a 45' front setback variance to construct a 12' x 24' addition to the Fire Hall. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

Vice Chairman Rocky Ellsworth explained that the \$75.00 fee will be waived but the Town Board needs to approve it. Copies need to be dropped off to the Clerk by the deadline.

### **Bruce Powell 6 Summer Haven**

Bruce Powell of 6 Summer Haven seeks relief from Town Code 125-31C9(1)(a) for a 1.082 lot size variance and relief from Town Code 125-31C(1)(b) for a 50' lot width variance. Mr. Powell states that the closest corner to the property is 11', which is the north corner. He states he is not in an erosion zone nor is he near his septic system or anyone else's. He is using most of the existing footprint that is there, moving back from the power lines. Vice Chairman Rocky Ellsworth explained that the east end will be taken down being replaced by this new two story structure and the west end will stay.

A motion was made by Donna Stassen, seconded by Terry Dingee to schedule a Public Hearing on Monday, May 15, 2006 at 7:30pm for Bruce Powell of 6 Summer Haven who is seeking relief from Town Code 125-31C(9)(1)(a) for a 1.082 lot size variance and relief from Town Code 125-31C(1)(b) for a 50' lot width variance. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

Vice Chairman Rocky Ellsworth explained that the \$75.00 and 12 copies are due by 2:00pm May 1, 2006.

**Walter Reid Foertsch  
6528 Shore Acres**

Walter Reid Foertsch of 6528 Shore Acres seeks relief from Town Code 125-31C(1)(a) for a 1.772 acre area variance, Town Code 125-31C(1)(b) for a 70' lot width variance, Town Code 125-31C(2)(c) for a 4' front setback variance, Town Code 125-42B for a 3.5 side setback variance for the accessory structure and Town Code 42-10B for building in the Costal Erosion Hazard area. Dave Matt was present to represent Mr. Foertsch. Mr. Matt explained that these properties are lots 6 and 7 of the Palmer Subdivision, currently two parcels. He wants to build a 12' x 12' addition that is going to take up a portion of his existing porch. He is also going to raise his roof 3' to make the second floor a livable second floor. The third floor will be an observation deck surrounded by glass. He also would like to build a deck at the bottom of the tower. The proposed shed is going to be an enclosure for a hot tub with storm windows. On the property line there is a large hedgerow that will be a buffer for the hot tub enclosure from the neighbor on the east side. The existing shed in the west corner will be removed. Conservation board member Craig Goodrich stated some concerns about the impervious surface area, set back to lake, possible height variance, need to combine the lots, gutters needed on the addition to the house, age and size of the septic system needs to be reviewed, 45 degrees is ok on the addition but not on the shed. Attorney Welch explained the proposed shed has to be behind the front foundation line and being that the lake front foundation line is lakeside you need a variance for that as well. He asked Mr. Matt to have something written stating that the impervious service is within the limit. Mr. Haight explained the shed would be in the neighbor's view of the lake. It was suggested that the shed be pushed northeast and away from the leach field or possibly attached to the new deck on the addition and that Mr. Matt discuss this with Mr. Foertsch.

A motion was made by Jerry Hoffman, seconded by Donna Stassen to schedule a Public Hearing on Monday, May 15, 2006 at 7:30pm for Walter Reid Foertsch of 6528 Shore Acres seeking relief from Town Code 125-31C(1)(a) for a 1.772 acre area variance, Town Code 125-31C(1)(b) for a 70' lot width variance, Town Code 125-31C(2)(c) for a 4' front setback variance, Town Code 125-42B for a 3.5' side setback variance for the accessory structure, Town Code 42-10B for building in the Costal Erosion Hazard area and Town Code 125-31B(2) for building on the lake side yard of the property which also refers to 125-31C(5) for impervious surface. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

Vice Chairman Rocky Ellsworth explained that the \$75.00 and 12 copies are due by 2:00pm May 1, 2006.

**Richard Sercu  
1600 Lake Road**

Richard Sercu of 1600 Lake Road seeks relief from Town Code 125-20B(2)(b) for a 10' north side set back variance and relief from Town Code 125-20B(5) for a 3% impervious surface variance to construct a 36' x 48' garage. Mr. Sercu handed out a picture he designed which shows what the new structure will look like. Mr. Sercu explains he will be removing the shed so the driveway will go straight back to the garage. The garage will have a carport. It will be made out of a pole barn construction with a tin roof and siding. It will have overhangs trying to match his current home. He is going to have a second story on the front half for storage. Mr. Sercu states that it is a little larger than the building to the south. He is going to put a drain across the front of the garage so it will drain to the east as it does now. The height will be in line with the existing structures.

A motion was made by Terry Dingee, seconded by Ed Haight and Jerry Hoffman to schedule a Public Hearing for Richard Sercu of 1600 Lake Road Monday, May 15, 2006 at 7:30pm who is seeking relief from Town Code 125-20B(2)(b) for a 10' north side set back a variance and relief from Town Code 125-20B(5) for a 3% impervious surface variance to construct a 36' x 48' garage. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

Vice Chairman Rocky Ellsworth explained that the \$75.00 and 12 copies are due by 2:00pm May 1, 2006.

Vice Chairman Rocky Ellsworth asked if there was anyone present to represent Mark Sommer of 2356 North Hamlin Road or if anyone was present to comment on the request for variance. Mr. Ellsworth then asked the Board if they wanted to leave the public hearing open or closed.

A motion was made by Ed Haight, seconded by Jerry Hoffman to keep the Public Hearing for Mark Sommer of 2356 North Hamlin Road open and any decisions will be made Monday, May 15, 2006. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried.

## **DISCUSSION**

Vice Chairman Rocky Ellsworth opened up the meeting for discussion. Mr. Dick Bauman explained the problem on Hamlin Parma Town Line Road in regards to the winery putting wine barrels situated on the corner of the property for advertisement. He wasn't sure how he should treat it. Mr. Bauman has been having complaints. Attorney Welch explained that it is part of the Planning Board process.

Conservation Board member Craig Goodrich advised the board and audience that they would be giving 2000 trees away at Tops on April 22, 2006.

Mike Marchetti explained that there would be a Town Board workshop on Wednesday, April 19, 2006 to discuss the Master Plan and the MET towers. Mr. Marchetti also stated that Wednesday, May 4, 2006 at 7:00pm there would be a Wind Power presentation at St. Johns Church.

From the audience Peter Tonery mention the concern for the changes on the lakefront and was wondering if there could be one board to take a global look at the sewers along the lake shore. There will be an impact on the land due to the increasing amount of new structures. The board explained that it is a topic on every board and at workshop meetings. The members are looking at the last 10 properties and looking at the results.

Klaus Pohl advised the board that he will not be at the next meeting.

Vice Chairman Rocky Ellsworth explained that Terry Dingee brought in pictures showing signs posted by properties that advise the neighbors of the upcoming Public Hearing and ask the board to think about doing this in the future.

### **ADJOURNMENT**

A motion was made by Ed Haight, seconded by Klaus Pohl to adjourn tonight's meeting barring no further business. Members polled Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye, Stassen aye. Motion carried, meeting adjourned.

Minutes taken by:  
Amy Zimny

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, May 15, 2006 at 7:30pm. Deadline for all fees is May 1, 2006.