

Hamlin Zoning Board of Appeals *Minutes*  
Monday, May 15, 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 and AED explained for those present.

Present: Norman Baase, Terry Dingee, Rocky Ellsworth, Ed Haight, Jerry Hoffman and Donna Stassen.

Excused: Klaus Pohl

Also present: Support Boards Attorney Charlie Welch, Conservation Board member Craig Goodrich, Town Board Liaison Mike Marchetti, Richard Sercu, Eric Cerisi, Alyssa Beyler, Nikki Sercu, Rich Maier, Tom Jensen, Bruce Powell, Mark Sommer, Duane Miller, Reid Foertsch and Frank DeLapa.

A motion was made by Terry Dingee, seconded by Rocky Ellsworth to approve the minutes of the April 17, 2006 meeting as recorded. Members polled Baase abstain, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried, minutes approved.

*Clerk showed Proof of Publication*

**PUBLIC HEARING**

**MARK SOMMER  
2356 N. HAMLIN ROAD**

Mark Sommer of 2356 N. Hamlin Road was present to seek relief from Town Code 125-50D(4)(a)(2) for a 35' east side setback variance to keep horses in his existing 24' x 36' pole barn on his property. Mr. Sommer explained that he was not able to attend the meeting last month because he was out of Town. Attorney Welch stated that his Public Hearing had been left open from last month and no decision had been made. Chairman Norman Baase asked how far the barn was from the lot line. Mr. Sommer stated 16' from the lot line. Ed Haight asked if Mr. Sommer had met with his neighbor yet. Mr. Sommer stated that he had given his neighbor his phone numbers but he never called. Mr. Sommer stated that he did remove debris from the neighbor's property and cleaned up along the lot line and is in the process of moving the manure piles away from the lot line.

At this time Chairman Norman Baase opened the Public Hearing for anyone wishing to speak for or against this proposal. There were no replies. Chairman Norman Baase closed the Public Hearing.

A motion was made by Terry Dingee, seconded by Ed Haight to grant Mark Sommer of 2356 N. Hamlin Road relief from Town Code 125-50D(4)(a)(2) for a 35' east side setback variance to keep horses in his existing 24' x 36' pole barn on his property with the conditions that he continues to keep manure, debris, etc. on his property and continues to maintain his property. This is a Type II SEQR. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

## **PUBLIC HEARING**

### **MORTON FIRE DISTRICT 1094 MONROE ORLEANS COUNTY LINE ROAD**

Glenn Quetschenbach was present to represent the Morton Fire District located at 1094 Monroe Orleans County Line Road 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. Mr. Quetschenbach stated that they were proposing a 12' x 24' addition to the Northwest corner of the building. Attorney Welch asked how old the building was. Mr. Quetschenbach stated it was built about 1960. Attorney Welch stated that according to the code for existing buildings the front is the front setback of the building so the addition only requires a 12' front setback variance.

At this time Chairman Norman Baase opened the Public Hearing for anyone wishing to speak for or against this proposal. There were no replies. Chairman Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant the Morton Fire District located at 1094 Monroe Orleans County Line Road relief from Town Code 125-26B(2)(e) for a 12' front setback variance to construct a 12' x 24' addition to the fire hall. This is a Type II SEQR and the minimum to provide relief. No negative comments were heard. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

## **PUBLIC HEARING**

### **BRUCE POWELL 6 SUMMER HAVEN**

Bruce Powell of 6 Summer Haven was present to seek 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 to construct a 2 story addition on his home. Mr. Powell explained that he would be removing the small existing portion and replacing it with a 2 story addition. Ed Haight asked if the whole addition would be 2 stories. Mr. Powell stated yes and the existing house would become the garage. He would also be adding drainage lines to the property.

At this time Chairman Norman Baase opened the Public Hearing for anyone wishing to speak for or against this proposal. There were no replies. Chairman Norman Baase closed the Public Hearing.

A motion was made by Jerry Hoffman, seconded by Ed Haight to grant Bruce Powell of 6 Summer Haven 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 to construct a 2 story addition to his home. This is a Type II SEQR, the minimum to provide relief, will not change the character of the neighborhood and no negative comments were heard. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

## **PUBLIC HEARING**

### **WALTER FOERTSCH 6528 SHORE ACRES**

Dave Matt from Schultz Associates was present to represent Walter 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 Coastal Erosion Hazard area and Town Code 125-32C(5) for impervious surface variance. Mr. Matt explained that Mr. Foertsch is proposing an addition to the lakeside of his home that would be 39' in height and resemble a lighthouse with storage and an observation deck. Currently the house sits on two separate parcels so they need to be combined. The location of the shed for the hot tub has been moved back to the front foundation line so they don't need a variance for building in front of the front foundation any more. Terry Dingee stated that a neighbor had some concerns about the view of the lake being obstructed. Mr. Foertsch stated that the lighthouse would have windows and currently there is a row of trees along the property line. A diagram of the structure was shown.

At this time Chairman Norman Baase opened the Public Hearing for anyone wishing to speak for or against this proposal.

Tom Jensen of 1 Road Side Drive asked about the height of the structure and the need for a height variance. Attorney Welch stated that according to the code Site Plan approval must be granted prior to receiving a height variance. After the Planning Board grants Site Plan approval Mr. Foertsch will come back for a height variance for the structure.

At this time Chairman Norman Baase closed the Public Hearing.

It was determined that a variance for impervious surface was not needed. Chairman Norman Baase asked if the Conservation Board had any concerns. Mr. Goodrich stated that a list of concerns was given to Rocky Ellsworth at last month's meeting. Mr. Ellsworth asked if there were any plans for the additional run off. Mr. Matt

stated that there were no current drainage issues and they are not changing the structure that much from the existing. Attorney Welch asked if the run off from the shed goes towards the lake. Mr. Foertsch stated that it soaks into the ground or runs towards the lake. Attorney Welch asked about protection along the front of the property. Mr. Foertsch stated that there are several large fieldstones along the front of the property. Attorney Welch asked if there were any storm water issues currently. Mr. Foertsch stated he has had some cases where the water has come over the stones but it is still protected.

A motion was made by Rocky Ellsworth, seconded by Terry Dingee to grant Mr. Foertsch of 6528 Shore Acres relief from Town Code 125-31C(1)(a) for a 1.772 acre area variance, relief from Town Code 125-31C(1)(b) for a 70' lot width variance, relief from Town Code 125-31C(2)(c) for a 4' front setback variance and relief from Town Code 125-42B for a 3.5' west side setback variance for an accessory structure. This is a Type II SEQR, the minimum to provide relief and will not change the character of the neighborhood. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

A motion was made by Rocky Ellsworth, seconded by Terry Dingee to grant Mr. Foertsch of 6528 Shore Acres relief from Town Code 42-10B for building in the Coastal Erosion Hazard area. This is a pre-existing lot for re-construction. No reasonable other site is available. All reasonable means and measures, to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activities design at the owners' expense. The development will be safe from flood and erosion damage. This is the minimum to provide relief. No formal complaints have been filed from neighbors. This is a Type II SEQR. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

## **PUBLIC HEARING**

**RICHARD SERCU  
1600 LAKE ROAD**

Richard Sercu of 1600 Lake Road was present to seek relief from Town Code 125-20B(2)(b) for a 10' north side setback variance to construct a 36' x 48' detached garage on his property. Mr. Sercu explained that the garage would be a pole barn structure that would match his house with a carport. He is putting in a French drain along the north and south side to bring drainage towards the back of the lot. The existing shed that was there has been removed already. Chairman Norman Baase asked the height of the garage. Mr. Sercu stated 22'. It would have a loft for extra storage and storage in the back of the garage.

At this time Chairman Norman Baase opened the Public Hearing for anyone wishing to speak for or against this proposal. There were no replies. Chairman Norman Baase closed the Public Hearing.

A motion was made by Ed Haight, seconded by Jerry Hoffman to grant relief to Mr. Sercu of 1600 Lake Road for relief from Town Code 125-20B(2)(b) for a 10' north side setback variance to construct a 36' x 48' detached garage on his property with the condition that the drainage to the north be maintained. This is a Type II SEQR, the minimum to provide relief, will not change the character of the neighborhood. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

### **R & L SUBDIVISION 1419 LAKE ROAD**

Rich Maier was present to represent the owners of the R & L Subdivision located at 1419 Lake Road seeking relief from Town Code 125-26B(1)(a) for a 6.37' lot width variance, Town Code 125-26B(1)(b) for a 50.50' lot depth variance, Town Code 125-26B(2)(b) for a 5.40' south side setback variance and Town Code 125-26B(2)(c) for a 23.40' rear setback variance for Lot 1 and relief from Town Code 125-26B(1)(a) for a 49.11' lot depth variance, Town Code 125-26B(2)(b) for a 4.00' side setback variance and Town Code 125-26B(2)(c) for a 0.70' rear setback variance for Lot 2. Mr. Maier explained that the parcel is currently zoned C-GB. The owners have a buyer interested in the rear building but don't want the front building so they would like to divide the lots and sell the one lot. A discussion took place on the variances needed. Attorney Welch stated that Lot 2 is a flag lot. The standard is a 15' egress for emergency vehicles on the property. Attorney Welch asked if the right-of-way was for the building to the south. Mr. Maier stated no he thought it was for the building in back. Attorney Welch stated that the easement may need to be modified. Ed Haight asked about creating a land locked parcel and the frontage needed. Attorney Welch stated that the 15' easement provides access to the rear lot. It was determined that an impervious surface variance would be needed for Lot 1 and a lot width variance would be needed for Lot 2.

A motion was made by Terry Dingee, seconded by Ed Haight to schedule a Public Hearing for June 19, 2006 at 7:30pm for the R & L Subdivision located at 1419 Lake Road seeking relief from Town Code 125-26B(1)(a) for a 6.37' lot width variance, Town Code 125-26B(1)(b) for a 50.50' lot depth variance, Town Code 125-26B(2)(b) for a 5.40' south side setback variance, Town Code 125-26B(4) for impervious surface and Town Code 125-26B(2)(c) for a 23.40' rear setback variance for Lot 1 and relief from Town Code 125-26B(1)(a) for a 49.11' lot depth variance, Town Code 125-26B(2)(b) for a 4.00' side setback variance, Town Code 125-26B(1)(a) for a 4' lot width variance and Town Code 125-26B(2)(c) for a 1.0' rear setback variance for Lot 2. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

**JOHN CLEVELAND SITE PLAN  
704 MON. ORL. CO. LN. RD.**

Adam Freeman from Land Tech was present to represent John Cleveland of 704 Monroe Orleans County Line Road seeking relief from Town Code 125-18B(1)(a) for a 4.123 lot size variance, Town Code 125-18B(1)(b) for a 40' lot width variance and Town Code 125-18B(5) for an 8.2% impervious surface variance for his Site Plan. Mr. Freeman explained that Mr. Cleveland was proposing to build a single-family home on the existing lot. Chairman Norman Baase asked the size of the home he was proposing. Mr. Freeman stated 1200 sq. ft. Chairman Norman Baase asked if it would have an attached garage. Mr. Freeman stated yes it would. Mr. Freeman explained that the owner was a truck driver and is asking for two driveways so that he would have room to get his truck in and out. Donna Stassen asked what is on both sides of the property. Mr. Freeman stated it was farmland. Terry Dingee asked about the double entrance. Mr. Freeman stated that the state has denied the double entrance and is having them use the entrance to the south however his client still wants to ask for the impervious surface variance in hopes that in the future the state will allow him to have the second entrance and he will already have the variance. Rocky Ellsworth asked if there was enough room on the lot for the leach and septic system. Mr. Freeman stated that Monroe County Health Dept. did approve it after they relocated the location of the well. They have not drilled yet.

A motion was made by Donna Stassen, seconded by Ed Haight to schedule a Public Hearing for June 19, 2006 at 7:30pm for Mr. Cleveland of 704 Monroe Orleans County Line Road seeking relief from Town Code 125-18B(1)(a) for a 4.123 lot size variance, Town Code 125-18B(1)(b) for a 40' lot width variance and Town Code 125-18B(5) for a 8.2% impervious surface variance for Site Plan. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

**TIMES SQUARE SUBDIVISION  
1722 LAKE ROAD**

Rich Maier was present to represent the owners of the Times Square Subdivision located at 1722 Lake Road seeking relief from Town Code 125-26B(4) for a 10% impervious surface variance for Lot 1 and relief from Town Code 125-54A(2) for a 20' buffer variance for Lot 2. Mr. Maier explained that the owner has a buyer for the store so he would like to divide the lot into two separate lots. The shared easement was discussed. The Board was concerned with what Lot 2 would be used for and if the road access was acceptable.

A motion was made by Donna Stassen, seconded by Ed Haight to schedule a Public Hearing for June 19, 2006 at 7:30pm for the Times Square Subdivision located at 1722 Lake Road seeking relief from Town Code 125-26B(4) for a 15% impervious surface variance for Lot 1 and Town Code 125-54A(2) for a 20' buffer variance for Lot 2.

Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman aye, Stassen aye. Motion carried.

### **DISCUSSION**

Chairman Norman Baase asked if Craig Goodrich had anything from the Conservation Board. Mr. Goodrich stated that he attended an Environmental meeting today. The meeting discussed how the State would be taking a closer look at run off and impervious surface and how some of the requirements may be changing in the future.

Town Board Liaison Mike Marchetti reminded everyone of the Zoning meeting Wednesday night at 7:00pm.

### **ADJOURNMENT**

A motion was made by Ed Haight, seconded by Jerry Hoffman to adjourn tonight's meeting barring no further business. Members polled Baase aye, Dingee aye, Ellsworth aye, Haight aye, Hoffman 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, June 19, 2006 at 7:30pm. Deadline for all fees is June 5, 2006 at 2:00pm.

