

Hamlin Zoning Board of Appeals *Minutes*
Monday, August 16, 2010
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 Chairperson Rocky Ellsworth at 7:30pm 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.

Also present: Support Boards Attorney Ken Licht, Town Board Liaison Craig Goodrich, Building Inspector Lee Nettnin, Planning Board member Tom Jensen, Conservation Board members Nick Kramer and Jason Baxter, Engineer Dave Matt and residents David and Silvia Rodak and Loren Ostrander.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the July 19, 2010 meeting as recorded. Members polled Baase abstain, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Clerk showed the Proof of Publication

PUBLIC HEARING

**LOREN OSTRANDER
677 HAMLIN CENTER ROAD**

Loren Ostrander was present seeking relief from Town Codes 125-19B(c) for a 4' height variance and 125-39C to construct a 2 story 24' x 36' x 29' barn in front of the front foundation of the house located at 677 Hamlin Center Road. Mr. Ostrander explained that this was the only location for his barn due to trees in the back yard and it being in the flood zone. It would be wooden pole barn construction for storage.

At this time Chairperson Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

At this time Chairperson Norman Baase closed the Public Hearing.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to grant relief from Town Codes Town Codes 125-19B(c) for a 4' height variance and 125-39C to Loren Ostrander to construct a 2 story 24' x 36' x 29' barn in front of the front foundation of the house located at 677 Hamlin Center Road. This is the only feasible location for the barn due to the natural environment and flood zone. This will not alter the character of the neighborhood. This will not

have any adverse effects. This is a Type II SEQR. DRC referral was made to the County and no comments have been received. The 30 days has expired for comments. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING

DAVID AND SILVIA RODAK 615 CHURCH ROAD

David and Silvia Rodak were present seeking relief from Town Code 125-18C(3) to have two dwellings on one lot located at 615 Church Road. Mr. Rodak explained that the second house on their lot is used for his mother in law. After she no longer lives there it will return to storage only. They do not want to use it as rental property. Klaus Pohl questioned if the second residence was still used for the Fire Arms business. Mr. Rodak stated no he conducts the business from the house in the front now. He explained that the license is in jeopardy due to this situation. He would like to continue to have the business in his house.

At this time Chairperson Norman Baase opened the Public Hearing and asked if there was anyone present to speak for or against this proposal. There were no replies.

At this time Chairperson Norman Baase closed the Public Hearing.

Some discussion on time limits took place. Attorney Ken Licht explained that this is not an In Law apartment per the Town Code so it cannot be referred to as an In law. Mr. Rodak stated that once his mother-in-law no longer lives there they will not continue to use the second dwelling as a residence.

A motion was made by Ed Haight, seconded by Klaus Pohl to grant relief from Town Code 125-18C(3) to David and Silvia Rodak to have 2 dwellings on one lot located at 615 Church Road for 5 years. This variance expires 8-17-2015. If something should happen prior to this date and the mother in law no longer lives in the second residence the kitchen is to be removed, inspected and used for storage space only. There were no negative comments from the neighbors. This will not alter the character of the neighborhood. This is a Type II SEQR. DRC referral was made to the County and no comments have been received. The 30 days has expired for comments. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Mr. Rodak to see the Building Inspector about a Certificate of Occupancy for the second residence.

**MR. AND MRS. GREEN
7920 NEWCO DRIVE**

Dave Matt from Schultz Associates was present representing Mr. and Mrs. Green seeking relief from Town Codes 125-31C(1)(a) for a 1.52 acre area variance, 125-31C(1)(b) for a 49.70' lot width variance, 125-31C(5) for a 3% impervious surface variance, 125-34D(1)(15) for building a septic system within 150' of Lake Ontario and 125-41.1 for a 2' variance to construct a 12' front deck on a proposed single family house located at 7920 Newco Drive. Mr. Matt explained that this is a pre existing non conforming lot on the lake. It needs several variances for the lot plus the proposed house has a balcony that requires a 2' variance per code. They have received Conceptual Site Plan approval from the Planning Board and were referred here for variances.

Rocky Ellsworth questioned the break wall repair. Mr. Matt explained that the property to the east has added rocks and another layer to their gabion wall. The property to the west removed his break wall. The property is not in the Structural Hazard Area therefore it is not required to maintain a break wall but was suggested to the owner.

Jerry Hoffman questioned the distance of the proposed septic from Lake Ontario. Mr. Matt stated about 136' from Lake Ontario.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to schedule a Public Hearing for Mr. and Mrs. Green seeking relief from Town Codes 125-31C(1)(a) for a 1.52 acre area variance, 125-31C(1)(b) for a 49.70' lot width variance, 125-31C(5) for a 3% impervious surface variance, 125-34D(1)(15) for building a septic system within 150' of Lake Ontario and 125-41.1 for a 2' variance to construct a 12' front deck on a proposed single family house located at 7920 Newco Drive for September 20, 2010 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

DISCUSSION

Chairperson Norman Baase stated that he has done some research and several States are looking into adding additional space to existing houses for In laws instead of putting them in nursing homes. It is more affordable. He is in favor of this idea.

Conservation Board member Nick Kramer stated that Hamlin Beach State Park is having several lectures. August 26 they will have a speaker on Evasive species and Sept. 9 a POW speaker. They are 7-9pm and Free to everyone.

Town Board Liaison Craig Goodrich stated that it is Budget time again. The Dog Warden had 21 calls last month. It is the Ambulances 60th Anniversary. They got new digital scanners and thanked the Town for their donation.

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.

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, September 20, 2010 at 7:30pm. Deadline for all fees is Friday, September 3 , 2010 at 12:00.