

Hamlin Zoning Board of Appeals *Minutes*
Monday, November 15, 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 Chairperson Norman Baase 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: Town Board Liaison Craig Goodrich, Support Boards Attorney Ken Licht, Building Inspector Lee Nettin, Planning Board member Tom Jensen, Conservation Board members Nick Kramer and Ed Evans, Engineer Dave Matt and residents Marilyn Secord, Scott Murch, Marcelina Campa, Dan Courtney, David Danzig, David Dudley and Jeff Ackles.

A motion was made by Jerry Hoffman, seconded by Klaus Pohl to approve the minutes of the October 18, 2010 meeting as recorded. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Clerk showed the Proof of Publication

PUBLIC HEARING

**MR. AND MRS. WEBER
7874 NEWCO DRIVE**

Dave Matt from Schultz Associates was present representing Mr. and Mrs. Weber seeking relief from Town Codes 125-31C(1)(a) for a 1.553 lot area variance and 125-31C(1)(b) for a 90.13 lot width variance for an addition and subdivision and 125-39C for a 6' side setback variance for a detached barn located at 7874 Newco Drive. Mr. Matt explained that this is an existing lake front lot with an existing structure. Lot width and area variances are needed. They are combining 2 separate lots into one lot to come closer to compliance with the code. They would like to construct a 20' x 32' storage barn 6' from the property line. The current water line runs along the property line so that will determine where the barn can be built. Ed Haight questioned if the existing shed was being removed. Mr. Matt stated that the shed was remaining but the existing garage was being removed due to the addition to the structure.

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

Marilyn Secor of 7866 Newco Drive stated that she owns the property to the east and no one has shown her anything or asked her if it was alright to build. It was explained that the notice she received was notification and she could come to the Town Hall to review the plans. The plans were shown to her to review.

At this time Chairperson Norman Baase closed the Public Hearing.

Ed Haight questioned if the barn would have utilities. Mr. Matt stated that the barn was for storage only.

A motion was made by Jerry Hoffman, seconded by Ed Haight to grant relief to Mr. and Mrs. Weber from Town Codes 125-31C(1)(a) for a 1.553 lot area variance and 125-31C(1)(b) for a 90.13 lot width variance for an addition and subdivision and 125-39C for a 6' side setback variance for a detached barn located at 7874 Newco Drive. This is a Type II SEQR determination. County DRC comments have been received. There were no negative comments from the neighbors. This will not change the character of the neighborhood. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING

SHERRY VACCARELLI-DANZIG 1366 WALKER LAKE ONTARIO RD.

Dave Matt from Schultz Associates was present representing Sherry Vaccarelli-Danzig seeking relief from Town Code 125-18B(1)(b) for a 149.69' lot width variance for the re-zoning of 1366 Walker Lake Ontario Road from Industrial to R-VL. Mr. Matt explained that the Town Board re-zoned the property located at 1366 Walker Lake Ontario Road to R-VL. There is an existing house on the lot. The lot needs a width variance per the R-VL code. Attorney Ken Licht stated that the Local Law for the re-zoning has not been filed yet so any motion should be contingent on the Local Law being filed.

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 Ed Haight, seconded by Rocky Ellsworth to grant relief to Sherry Vaccarelli-Danzig from Town Code 125-18B(1)(b) for a 149.69' lot width variance for the re-zoning of 1366 Walker Lake Ontario Road from Industrial to R-VL conditional on the filing of the Local Law. This is a Type II SEQR determination. County DRC comments have been received. This is an existing lot. There were no negative comments from neighbors. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

PUBLIC HEARING**DAVID DUDLEY
5922 WAUTOMA BEACH ROAD**

David Dudley was present seeking relief from Town Codes 125-31C(4) for a 28.46% Impervious Surface variance and 125-31C(2)(b)(1) for a 6' side setback variance to construct a 19'10" x 18' side porch located at 5922 Wautoma Beach Road. Chairperson Norman Baase asked Mr. Dudley if he had a map of the property. Mr. Dudley stated that he provided Lee with everything that was needed. He stated that he thought that Lee had a map. Attorney Licht stated that in order to grant a variance the applicant needs to provide a map showing property lines and existing structure on the property to the Board. The location of neighboring buildings to the property lines is important to determine the variances requested. Mr. Dudley stated that he has provided maps previously in April when he came for a variance. He stated that Lee has looked at the map. He stated that he would go home and get the maps and come back. Chairperson Norman Baase explained that he could come back next month for a decision. Building Inspector Lee Nettin stated that the neighbor is adding on towards the property line also so the location of his house is important to the Board. Mr. Dudley stated that he would construct the new porch totally inside the property line boundaries and he won't impact the emergency vehicle access. Chairperson Norman Baase explained that it is difficult to pass something without being able to see a map. Mr. Dudley stated that this variance was already approved he just decided to go with a larger roof. That is the only change and there was a map submitted back then. Attorney Licht stated that there is nothing before this Board tonight that shows the location of structures. A vote tonight would not be appropriate. He stated that Mr. Dudley could submit a map for the December meeting. Chairperson Norman Baase stated that unfortunately legally the Board cannot make a decision tonight. They can table their decision for 30 days so a map can be submitted.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to table this decision for David Dudley until the December 20, 2010 meeting so a map can be submitted to the Board. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**THAD AND JEANNE MAXWELL
7570 SANDY HARBOR DRIVE**

Jeff Ackles was present representing Thad and Jeanne Maxwell seeking relief from Town Codes 125-31C(3)(b) for a 10' height variance for a garage addition and 125-39B to add living space to the detached garage located at 7570 Sandy Harbor Drive. Mr. Ackles explained that they were here last month but County comments hadn't been received back. The comments have been received and it was determined that this proposal was a local matter.

A motion was made by Klaus Pohl, seconded by Rocky Ellsworth to grant relief to Mr. and Mrs. Maxwell from Town Codes 125-31C(3)(b) for a 10' height variance for a garage addition and 125-39B to add living space to the detached garage for storage only located at 7570 Sandy Harbor Drive. This is a Type II SEQR determination. County DRC comments have been received. This is the minimum to provide relief. There were no negative comments from the neighbors. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**MARIA CAMPA
5702 WAUTOMA BEACH**

Maria Campa was present seeking relief from Town Code 125-42B for a 4' side setback variance and 125-42B for a 2.8' variance because the existing 8' x 10' shed is not 10' from the residential building located at 5702 Wautoma Beach Road. Ms. Campa explained that they put the new shed in the same location as the old shed. That is the only location for the shed due to the septic being in the rear of the house and it is a small lot.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing for Maria Campa for December 20, 2010 at 7:30pm for variances for an existing shed located at 5702 Wautoma Beach Road. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Ms. Campa to have her fee into the Clerk by the deadline. Attorney Licht requested a map with the location of the neighboring structure added. Ms. Campa agreed.

**SCOTT MURCH
36 BARRINGER DRIVE**

John Murch was present representing Scott Murch seeking relief from Town Code 125-21B(2)(f)(2) for a 3.5' side setback variance to construct a 7' x 22' attached garage addition located at 36 Barringer Drive. Building Inspector Lee Nettin stated that the garage will actually be closer to the road than the existing structure so a second variance is needed. It was discussed and relief from Town Code 125-21B(2)(g) for a 2.57' front setback variance is needed also.

A motion was made by Jerry Hoffman, seconded by Rocky Ellsworth to schedule a Public Hearing for Scott Murch for December 20, 2010 at 7:30pm for variances for a garage addition located at 36 Barringer Drive. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

The Board reminded Mr. Murch to have his fee into the Clerk by the deadline and to have the location of the garage addition staked out for the site inspection. Mr. Murch agreed.

DISCUSSION

Town Board Liaison Craig Goodrich stated that Dog Control Officer Jim Atkins is sick. Chairman Norman Baase gave a good Zoning Board report to the Town Board. The new Dog License code Public Hearing is scheduled for next month. He wished everyone a Happy Thanksgiving.

Chairperson Norman Baase stated that former Supervisor Larry Merritt passed away this morning.

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, December 20, 2010 at 7:30pm. Deadline for all fees is December 6, 2010 at 12:00 noon.