

Hamlin Zoning Board of Appeals *Minutes*  
Monday, May 21, 2012  
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: Rocky Ellsworth, Ed Haight and Klaus Pohl.

Excused: Norman Baase and Jerry Hoffman

Also present: Support Boards Attorney Ken Licht, Town Board Liaison Craig Goodrich, Building Inspector Lee Nettin, Conservation Board members Nick Kramer and Ed Evans and Bill Daubney, Kristopher Vurraro and Darryl Mosher.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the minutes of the April 16, 2012 meeting as recorded. Members polled Ellsworth aye, Haight aye, Pohl aye. Motion carried.

**GEORGE AND BIANCA LAWRENCE  
114 HIDDEN CREEK LANE**

No one was present for this application. The Board had several questions.

A motion was made by Ed Haight, seconded by Klaus Pohl to table this application until next month for some clarification. Members polled Ellsworth aye, Haight aye, Pohl aye. Motion carried.

**LIVING HOPE ASSEMBLY OF GOD  
2168 ROOSEVELT HIGHWAY**

Attorney Kristopher Vurraro was present representing Living Hope Assembly of God seeking relief from Town Code 520-12B(2)(a) for a 19.8' front setback for the Living Hope Subdivision located at 2168 Roosevelt Highway. Attorney Vurraro stated that they made application to the Planning Board for the subdivision. He believes that no variances are required for this subdivision. He gave a summary of the reasons. With that said, moving forward, he believes that all of the criteria for the variances have been met. They are just changing the lot lines. No buildings are being proposed or moved. They are all pre-existing non-conforming structures. He stated that his client has worked hard to minimize the variances. This proposal would allow the Church to expand its services to the community.

Klaus Pohl questioned if the metal barn on Lot 1 would be used by the Church. Attorney Vurraro stated yes it would. Klaus Pohl questioned the existing driveway. Attorney Vurraro explained that the Church plans to expand the existing building in the future and with those plans they would use that driveway and eliminate the current driveway. The metal building would be a maintenance building for the Church.

Attorney Ken Light stated that there is not much of an issue regarding the setbacks. He questioned creating a non-conforming lot when there are other options that can be explored. He explained that the Board seldom creates a lot that doesn't meet the criteria. He questioned if they could reconfigure the one lot line so that a variance for the pond wouldn't be required.

Vice Chairperson Rocky Ellsworth stated that the Board has never created a non-conforming lot in the past. They have worked with several existing non-conforming lots. He would be reluctant to grant a variance to create a substandard lot when other options were available.

Attorney Vurraro stated that this is not based on precedence. The Board can grant one application and deny another and be safe. He can provide case law for this. With this proposal they would be bringing another non-conforming lot into compliance. They can look at other options in more detail.

Attorney Licht stated that they may have some play in the Nicot property lot line. They could explore the flexibility of the design.

Engineer Darryl Mosher explained that the lines were done for the future Church expansion. They are planning to expand the existing Church building in the future and this would allow for enough room for the expansion, driveway access and parking.

Vice Chairperson Rocky Ellsworth questioned if the pool at 811 Wiler Road would be removed. Attorney Vurraro stated yes it would be. Vice Chairperson Rocky Ellsworth questioned the septic and leach field location. Darryl Mosher stated it was located to the south east and not affected by the subdivision.

Klaus Pohl questioned the existing driveway from Wiler Road to the existing barn on Lot 2. Attorney Vurraro stated that the driveway would be eliminated.

Some other options were calculated.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for June 18, 2012 at 7:30pm for Living Hope Assembly of God seeking relief from Town Code 520-12B(2)(a) for a 19.8' front setback for the Living Hope Subdivision located at 2168 Roosevelt Highway. Members polled Ellsworth aye, Haight aye, Pohl aye. Motion carried.

Vice Chairperson reminded Attorney Vurraro to have the fees into the Clerk by the deadline. He stated that Board would be out for a site inspection the Saturday prior to the Public Hearing.

**LIVING HOPE ASSEMBLY OF GOD  
811 WILER ROAD**

A motion was made by Ed Haight, seconded by Klaus Pohl to schedule a Public Hearing for June 18, 2012 at 7:30pm for Living Hope Assembly of God seeking relief from Town Codes 520-12B(1)(a) for a .57 acre lot size variance, 520-12B(2)(a) for a 36.2' front setback variance for the house and 520-27C for a barn in front of the front foundation located at 811 Wiler Road for the Living Hope Subdivision. Members polled Ellsworth aye, Haight aye, Pohl aye. Motion carried.

Vice Chairperson reminded Attorney Vurraro to have the fees into the Clerk by the deadline. He stated that Board would be out for a site inspection the Saturday prior to the Public Hearing.

**LIVING HOPE ASSEMBLY OF GOD  
781 WILER ROAD**

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for June 18, 2012 at 7:30pm for Living Hope Assembly of God seeking relief from Town Codes 520-12B(2)(a) for a 22.2' front setback variance and 520-43 for a 10' setback variance for the pond located at 781 Wiler Road for the Living Hope Subdivision. Members polled Ellsworth aye, Haight aye, Pohl aye. Motion carried.

Vice Chairperson reminded Attorney Vurraro to have the fees into the Clerk by the deadline. He stated that Board would be out for a site inspection the Saturday prior to the Public Hearing.

**DISCUSSION**

Vice Chairperson Rocky Ellsworth thanked Attorney Ken Licht for the training session. It was very helpful.

**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, June 18, 2012 at 7:30pm. Deadline for all fees is June 4, 2012 at 12:00 noon.