

Hamlin Zoning Board of Appeals *Minutes*
Monday, June 18, 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: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman and Klaus Pohl.

Also present: Support Boards Attorney Ken Licht, Town Board Liaison Craig Goodrich, Engineer Darryl Mosher, Conservation Board member Nick Kramer and George Lawrence, Michael German, Bill Dawly, Steve and Chris Nicot, Attorney Kris Vurraro and Stephen Roberts.

A motion was made by Klaus Pohl, seconded by Ed Haight to approve the minutes of the May 21, 2012 meeting as recorded. Members polled Baase abstain, Ellsworth aye, Haight aye, Hoffman abstain, Pohl aye. Motion carried.

The Clerk showed Proof of Publication

PUBLIC HEARING

LIVING HOPE ASSEMBLY OF GOD

2168 ROOSEVELT HIGHWAY

Attorney Kris 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 existing building located at 2168 Roosevelt Highway for the Living Hope Subdivision. Attorney Vurraro explained that they were before the Board seeking various variances on 3 separate parcels for the Living Hope Subdivision. He stated that at the previous meeting there was some concern over the lot size variance for one of the lots so they redesigned the lot lines and now no parcel is less than the 2 acre requirement per the code. With this new plan they are just seeking setback variances for existing structures on respective lots. No new construction is being proposed. They are not disturbing or moving any existing structures. These variances will not have any impact to the public or on the neighborhood.

At this time Chairperson Norman Baase opened the Public Hearing for 2168 Roosevelt Highway 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.

At this time Chairperson Norman Baase opened the Public Hearing for 811 Wiler Road 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.

At this time chairperson Norman Baase opened the Public Hearing for 781 Wiler Road 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 Klaus Pohl to relief to Living Hope Assembly of God from Town Code 520-12B(2)(a) for a 19.8' front setback for the existing building located at 2168 Roosevelt Highway for the Living Hope Subdivision. DRC comments have been received. This is the minimum to provide relief. There were no negative comments. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

A motion was made by Rocky Ellsworth, seconded by Jerry Hoffman to grant relief to Living Hope Assembly of God from Town Codes 520-12B(2)(a) for a 36.2' front setback variance for the house and 520-27C for an existing barn in front of the front foundation located at 811 Wiler Road for the Living Hope Subdivision. DRC comments have been received. These are pre-existing non-conforming structures. Nothing has changed. This will not cause any adverse effects to the neighborhood. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

A motion was made by Klaus Pohl, dually seconded by Rocky Ellsworth and Ed Haight to grant relief to Living Hope Assembly of God from Town Codes 520-12B(2)(a) for a 22.2' front setback variance for the house and 520-43 for a 10' setback variance for the pond located at 781 Wiler Road for the Living Hope Subdivision. DRC comments were received. This is the minimum to provide relief. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

GEORGE AND BIANCA LAWRENCE 114 HIDDEN CREEK LANE

George Lawrence was present seeking relief from Town Code 520-27C for a 10' side setback variance and 520-27C for a 10' rear setback variance to construct a 24' x 32' barn located at 114 Hidden Creek Lane. Mr. Lawrence explained that they would like to build a metal barn 5' from the west lot line and 5' from the south lot line so they are requesting a variance. If the barn is built 15' from the property line it will over power the house and block the sun light because it will be closer to the house. The barn will be used for the storage of decorations.

Chairperson Norman Baase questioned the location of the sewer and utility lines on the property. Mr. Lawrence stated they run along the old hojack line and won't interfere with the barn placement. Chairperson Norman Baase asked if the barn could be moved. He explained that the Building Inspector reviewed the site and found several other locations for the barn that met the code. Mr. Lawrence stated that they didn't want it any closer to the house because it would block the sunlight to the house.

Rocky Ellsworth questioned the height of the barn. Mr. Lawrence stated 12' to the peak.

Chairperson Norman Baase questioned if the barn would be pole barn construction. Mr. Lawrence stated yes. He has hired a company to build it and showed a picture of the barn.

Rocky Ellsworth asked if he had talked with the neighbors. Mr. Lawrence explained that the house is vacant next door.

Attorney Ken Licht explained that one of the criteria the Board has to follow for granting a variance is that there is no other feasible option for the location. There has to be a hardship. Not wanting the structure closer to the house does not demonstrate that. The barn could be located in another location and meet the code. Mr. Lawrence stated that he would remove one of the other sheds that isn't even on his own property if he could build the barn in this location. He uses two other sheds now for storage.

Rocky Ellsworth suggested putting the barn in the south east corner of the lot. Mr. Lawrence stated that there is an addition on the rear of his house not shown on the map. The Board stated that they would need an accurate and current map of the property then.

Attorney Ken Licht questioned the gas main easement location. Mr. Lawrence stated that was in the front of the property. Attorney Licht stated that they would need an accurate map of the property drawn to scale with the distance to the rear lot line shown.

The Board made several other location suggestions for the barn. Turning the barn was suggested to gain a further setback from the house and still meet the setback requirements per the code.

The Board suggested that the need for the side setback variance could be eliminated by moving and flipping the barn.

Attorney Licht stated that an accurate map for the Public Hearing with "to be removed" marked on the map for the two sheds not on the lot and the rear setback for the house added to the map. Moving the barn to eliminate the side setback and requesting a rear setback was suggested.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to schedule a Public Hearing for Mr. and Mrs. Lawrence seeking variances to be determined to construct a 24' x 32' barn located at 114 Hidden Creek Lane on July 16, 2012 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Mr. Lawrence was reminded to have the fee into the Clerk by the deadline and to stake out his property.

**MARK RADAR
1468 LAKE ROAD WEST FORK**

No one was present for this application.

A motion was made by Jerry Hoffman, seconded by Ed Haight to schedule a Public Hearing for Mark Radar seeking relief from Town Code 520-19B(1)(b) for an 86.45' lot depth variance along the southerly property line of Lot 1 of the Radar Subdivision located at 1468 Lake Road West Fork for July 16, 2012 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

**MICHAEL AND JACLYN GERMAN
692 MARTIN ROAD**

Mike German was present seeking relief from Town Code 520-27C to construct a 40' x 72' pole barn 10' in front of the front foundation line of the principal dwelling located at 692 Martin Road. Mr. German explained that there is an existing drainage ditch on the property that he is trying to avoid so that is why the barn needs to be placed closer to the road than his house. The barn would be 148' from the right-of-way. He would not be moving any trees in the location.

Attorney Licht questioned the side setback. Mr. German stated about 30' from the property line.

Jerry Hoffman questioned the distance from the house. Mr. German stated about 100'.

Klaus Pohl questioned the height of the barn. Mr. German stated it has a 16' wall height.

A motion was made by Ed Haight, seconded by Jerry Hoffman to schedule a Public Hearing for Mr. and Mrs. German seeking relief from Town Code 520-27C to construct a 40' x 72' pole barn 10' in front of the front foundation line of the principal dwelling located at 692 Martin Road for July 16, 2012 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Hoffman aye, Pohl aye. Motion carried.

Mr. German was reminded to have the fee into the Clerk by the deadline and to stake out his property.

DISCUSSION

Possible Emerald Ash Borer training session July 16 at 6:00pm prior to the meeting was discussed. More information when it is official.

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, July 16, 2012 at 7:30pm. Deadline for all fees is July 2, 2012 at 12:00 noon.