

Hamlin Zoning Board of Appeals *Minutes*
Monday, July 16, 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 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 and Klaus Pohl.

Excused: Jerry Hoffman

Also present: Support Boards Attorney Ken Licht, Town Board Liaison Craig Goodrich, Building Inspector Chad Fabry, Engineer Darryl Mosher, Conservation Board members Nick Kramer and Ed Evans and George Lawrence, Michael German and Betsy Henner.

A motion was made by Klaus Pohl, dually seconded by Ed Haight and Rocky Ellsworth to approve the minutes of the June 18, 2012 meeting as recorded. Members polled Baase ayes, Ellsworth aye, Haight aye, Pohl aye. Motion carried.

The Clerk showed Proof of Publication

**PUBLIC HEARING
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 on a slab for storage of crafts and supplies. He may heat the barn. They are requesting a variance because building the barn per code would over shadow the house and block the sun. He stated that he would remove one of the existing sheds.

Chairperson Norman Baase questioned the two other buildings that are not on the property. Mr. Lawrence stated that yes there are 2 existing sheds. He will remove one of the sheds.

Rocky Ellsworth questioned the location of the telephone cable line. Chairperson Norman Baase stated that the location needs to be staked out. Rocky stated that the line runs between the two boxes and he wouldn't be able to build over the cable. It was explained that the location of the line would determine where the barn could be built.

Building Inspector Chad Fabry stated that the building is in line with the telephone cable so the building would need to be moved.

Klaus Pohl stated that on the revised map Mr. Lawrence indicated that the 2 existing sheds not on his property would be removed. Mr. Lawrence explained that the sheds are not on his property. He would remove one of the sheds but would like to keep one for his lawn mower. He would like to relocate that shed.

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 Klaus Pohl to grant relief from Town Code 520-27C for a 10' side setback variance and 520-27 C for a 10' rear setback variance to Mr. and Mrs. Lawrence to construct a 24' x 32' barn for storage only located at 114 Hidden Creek lane with the condition that no part of the proposed structure be constructed within any utility easement which runs along the rear property line. Any utility easement within 15' of the rear of the property line shall be staked out prior to the issuance of a building permit. The building permit shall not be issued until any portion of the easement in which the proposed building is located is released from the easement. This is the minimum variance. There were no negative comments. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Pohl aye. Motion carried.

PUBLIC HEARING
MARK RADAR
1468 LAKE ROAD WEST FORK

Darryl Mosher from Schultz Associates was present representing Mark Rader seeking relief from Town Codes 520-19B(1)(b) for a 113.55' lot depth variance along the southerly line of Lot 1 of the Radar Subdivision, 520-31A to have two sheds on the lot and 520-31A for a 3.8' variance to have an existing 19.8' shed located at 1468 Lake Road West Fork. Mr. Mosher explained that they were referred to the Zoning Board by the Planning Board for variances for the Rader Subdivision.

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 Klaus Pohl, seconded by Ed Haight to schedule grant relief to Mark Rader from Town Codes 520-19B(1)(b) for a 113.55' lot depth variance along the southerly line of Lot 1 of the Radar Subdivision, 520-31A to have two sheds on the lot and 520-31A for a 3.8' variance to have an existing 19.8' shed located at 1468 Lake Road West Fork. There were no negative comments. This is a Type II SEQR determination. Members polled Baase aye, Ellsworth aye, Haight aye, Pohl aye. Motion carried.

**PUBLIC HEARING
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.

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 Klaus Pohl to grant relief to Mr. and Mrs. German 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 due to drainage ditch. This will not change the character of the neighborhood. 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, Pohl aye. Motion carried.

**ELIZABETH HENNER
7658 NEWCO DRIVE**

Elizabeth Henner was present seeking a renewal for variances approved on June 20, 2011 to construct a single family house located at 7658 Newco Drive. Ms. Henner explained that she needs more time to resolve some personal differences.

Attorney Ken Licht stated that the application was filed in time to extend the variances.

Chairperson Norman Baase stated that currently there is a violation on the property. Ms. Henner stated that she is addressing that issue with the lawyers.

Attorney Licht stated that the Board could consider a conditional approval for 30 days until the violation can be cleared up or they could table the decision until next month. He stated that the Building Department could still pursue the existing violation through their department.

Chairperson Norman Baase asked if the violation could be resolved in 30 days. Mr. Henner stated that was not happening. He can't build in the southern tier because he has no money. He isn't leaving until the snow flies.

Attorney Licht stated that the Board would have to take action on this application within 60 days.

Rocky Ellsworth stated that the violation is from April and needs to be corrected.

A motion was made by Rocky Ellsworth, seconded by Klaus Pohl to grant an extension for variances previously granted on June 20, 2012 to Ms. Henner to construct a single family house located at 7658 Newco Drive for the following:

Town Code 125-31C(1)(a) for a 1.62 acre variance

Town Code 125-31C(1)(b) for a 74.33' width variance

Town Code 125-31C(2) for a 15% impervious surface variance

With the condition that all violations on the property are cleared up prior to the issuance of a building permit. Variances will expire on June 20, 2013. The Building Department can pursue any and all violations on the property. Members polled Baase aye, Ellsworth aye, Haight aye, Pohl aye.

Motion carried.

**TIMOTHY STIEFEL AND ANN MARIE BARNARD
1735 APPLE HOLLOW**

Darryl Mosher was present representing Timothy Stiefel and Ann Marie Barnard seeking relief from Town Codes 520-14B(2)(a)(2) for a 10' side setback variance and 520-14B(5) for a 3.6% impervious surface variance to construct a 14' x 42' garage addition for storage located at 1735 Apple Hollow. Mr. Mosher explained that the owner has a power washing business and wants to keep his trucks and equipment in the garage addition.

Building Inspector Chad Fabry questioned if the variance included the overhangs or if it was to the foundation. Mr. Mosher stated that the overhangs don't count. Mr. Fabry stated that they do count for the fire code.

Attorney Licht questioned the distance from the building on the lot to the west. Mr. Mosher wasn't sure of the distance.

A letter from Ann Marie was needed because of the name change since the deed was filed.

A motion was made by Klaus Pohl, seconded by Ed Haight to schedule a Public Hearing for Timothy Stiefel and Ann Marie Barnard seeking relief from Town Codes 520-14B(2)(a)(2) for a 10' side setback variance and 520-14B(5) for a 3.6% impervious surface variance to construct a 14' x 42' garage addition for storage located at 1735 Apple Hollow for August 20, 2012 at 7:30pm. Members polled Baase aye, Ellsworth aye, Haight aye, Pohl aye. Motion carried.

The Board reminded Mr. Mosher to have the property staked out and fees into the Clerk by the deadline.

DISCUSSION

Conservation Board member Nick Kramer reminded everyone about the Emerald Ash Borer training session August 20 at 6:00pm prior to the meeting.

Town Board Liaison Craig Goodrich introduced Chad Fabry the new Building Inspector. The town will enter into an agreement to share the inspector with the Town of Clarkson. He reminded everyone about the informational meeting at St. John's for the Lakeshore sewer line meeting at 7:00pm.

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, August 20, 2012 at 7:30pm. Deadline for all fees is August 6, 2012 at 12:00 noon.