

Hamlin Zoning Board of Appeals *Minutes*
Tuesday, January 21, 2014
7:30 p.m.

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by the Chairperson, Norman Baase at 7:30 p.m. with the location of the fire exits and AED explained for those present. It was asked that all cell phones and pagers be turned off.

Present: Norman Baase, Rocky Ellsworth, Ed Haight, Jerry Hoffman, and Klaus Pohl.
Also present: Ken Licht Attorney, Merritt Ackles Conservation Advisory Board Member.
Resident representative: John Sciarabba LandTech.
Residents: John and Linda DeRue, Nick Kramer, Ed Evans, and Peter Tonery.

A motion to approve the December 16, 2013 meeting minutes as submitted was made by Klaus Pohl, seconded by Jerry Hoffman.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye and Klaus Pohl aye. All in favor. Motion carried.

A motion was made by Klaus Pohl, seconded by Ed Haight to nominate and appoint Rocky Ellsworth as the Vice Chairperson of the Town of Hamlin Zoning Board of Appeals for 2014.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

Proof of Publication: There were no items scheduled for ***Public Hearings*** this month.

AGENDA
AREA VARIANCE

JOHN AND LINDA DERUE
317 REDMAN ROAD, HAMLIN

The application for John and Linda DeRue seeking relief from Town Code §520-11B(1)(a). The current zoning is R-VL with a required minimum lot size of 5 acres. They are seeking relief for a 3 acre variance for a 2 acre parcel located at 317 Redman Road, Hamlin. The county comments have been received and a new map showing the easements has been provided to the Board.

John DeRue represented himself before the Board.

Norman Baase stated that the ***Public Hearing*** had been open for a period of 60 days and two different months and nothing was presented one way or another. There was a letter from a resident not in favor of the proposal. It should be stated that it was received but it was beyond the ***Public Hearing*** closing. The Monroe County referrals and comments are back.

At this time the Board was asked if they had any comments or concerns about the proposal.

Rocky Ellsworth commented that he is frustrated by the 5 acre lot size requirement. With the changing of times he feels that the **Town Board** should revisit the 5 acre minimum lot size requirement. He has always said that the Zoning Board has never created a sub standard lot. They have always worked with pre existing lots. The proposal at hand would be creating sub standard lot. Last month there was a situation where we corrected an illegal lot and helped create more agricultural land. The proposal at hand is not a pre existing sub standard lot and we are not helping preserve agricultural land. It is a very frustrating situation to be in and I hope that sooner rather than later that the Town looks at this situation and the past situations that we haven't worked with (The church on Route 18 and Ryan Printing on Town Line Road as examples) I am very troubled creating a sub standard lot with no compelling reason besides the applicant needs/wants it.

Ed Haight also stated that he thinks along the same thought process as Rocky. In the past we have brought it up in the discussion phase. He feels that the **Town Board** needs to visit this issue so that we are not creating sub standard lots.

Rocky Ellsworth added that he does not feel that it is the job of the **Zoning Board** to create sub standard lots, to work with pre existing ones yes, but to create them no. If there is a logical reason to have smaller lots than is required in areas then I think with sewers and water more than in the past with septic and wells and all. I hope that sooner rather than later that the **Town Board** looks at this and changes it. It puts the **Zoning Board** in a tough situation to deal with it.

Klaus Pohl commented that it should be brought up at the **Zoning Workshop** for the **Town Board** to look at this. We have the same lot size issue along the lakeshore and everywhere else in Hamlin.

A motion was made by Klaus Pohl as a result of no negative comments from the county to grant John and Linda DeRue relief from Town Code§520-11B(1)(a) for seeking a 3 acre variance to build a home located at 317 Redman Road, Hamlin. This will be a Type II negative SEQR. We don't see any adverse effects or undesirable change to the neighborhood it will probably only enhance it since it is far enough away from the road, it may not even be seen. It was seconded by Jerry Hoffman.

Members polled: Norman Baase aye, Rocky Ellsworth nay, Ed Haight nay, Jerry Hoffman aye, and Klaus Pohl aye. Motion carried.

AGENDA

MULTIPLE AREA VARIANCES

ROBERT MANVILLE

162 WALKER LAKE ONTARIO ROAD, HAMLIN

The application for Robert Manville seeking relief from Town Code§520-43 for the pond setback on Lot#2 which requires a minimum setback of 40 feet from any property line to the edge of the pond. A zero foot setback is requested. He is also seeking relief from Town Code§520-31 which states that accessory structures are permitted provided they are incidental to the principal or primary structure on the said property. There is no primary structure on this lot. The accessory structures on this property include the pond, dock, and shed located on Lot#2.

John Sciarabba from LandTech represented Mr. Manville.

This is a unique property. We are here today for the subdivision of the property. It is the intent to create an 11 acre parcel which includes the pond. We tried to on the north edge of the pond to meet the setback requirements for the pond with the new lot line but as the Town staff picked out the existing condition is really what the problem is with the zero setback to the pond. We are looking for relief so Mr. Manville can create the subdivision and try to distance himself from liabilities for his main property and from any issues relating to the pond or the other driveway. There is no intent on limiting access to the persons that have rights to the pond or the road. Just merely getting his livelihood separated.

Norman Baase asked for any comments or concerns from Board members.

Ed Haight commented that basically Mr. Manville owns the pond and these neighbors have access to the pond.

Mr. Sciarabba mentioned that the neighbors have a deeded right of way to the pond and the driveway. It was tried to come up with an option of approving the road so that the Town could take it over but there were many roadblocks. There is a pending lawsuit with an accident that took place on the gravel driveway that was not related to Mr. Manville's presence there. It is just an ugly situation.

A motion was made by Ed Haight to schedule a Public Hearing on Tuesday, February 18, 2014 at 7:30 p.m. for Robert Manville for variance from Town Code§520-43 to allow a pond setback of zero feet along the west, south, and east property lines of Lot #2 the code requires a 40 foot setback. Also a variance from Town Code§520-31 to allow accessory structure including a pond, dock, and shed on Lot #2 where no principal structure exists. This property named Lot #1 is located at 162 Walker Lake Ontario Road, Hamlin. This motion was seconded by Klaus Pohl.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

DISCUSSION

Ken Licht had no legal issues.

Conservation had no comments.

Norman Baase remarked that there is such a pressure to keep our agricultural land. We have wasted so much of our beautiful agricultural land because of misuse of land. In my opinion 5 acre lots are one of the biggest abusers. It doesn't not slow development, it has not created any decent wood structures, but it chewed up many acres of our prime farmland and now we are finding out now that the land is gone. There is no more land in Hamlin to farm. Everything that is here is farmed. We have to look at things and they have to change. The 5 acre lot has been in place for almost 30 years. It was designed to slow up development because it would cost too much. That plan did not work. Then we went to the "bowling alley" for years, which is still in our code. I agree with Rocky that this needs to be looked at. Hopefully we can change the code.

Rocky commented that as a farmer the 5 acre lots in farm bureaus I am totally against them. I cut people's back yards for so called hay for the remnants of the 5 acre lots that they don't use. I hope the Town will look to do something. I agree with Norm that the 5 acre lots don't do anything to preserve agriculture.

There was no Town Board presence at the meeting.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Klaus Pohl and Rocky Ellsworth to adjourn tonight's meeting barring no further business.

Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Jerry Hoffman aye, and Klaus Pohl aye. All in favor. Motion carried.

Minutes respectfully submitted by:

Cheryl J. Pacelli
Clerk to the Support Boards

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Tuesday, February 18, 2014 at 7:30 p.m. The deadline for all applications and fees is Wednesday, February 5, 2014 at 12 noon.